



## Abstract

Since the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011 the recognition amongst companies is continuously increasing on how business operations can be related to human rights violations in a variety of ways. One of the key accomplishments of the UNGPs is the introduction of the human rights due diligence (HRDD) mechanism to prevent human rights violations. HRDD has become one of the main tools for companies to identify, prevent, mitigate and account for how they address their adverse human rights impacts

([https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)), and thus, HRDD is the way companies can “know and show that they respect rights”

([https://edisciplinas.usp.br/pluginfile.php/4424946/mod\\_resource/content/1/Ruggie%20-%20Just%20Business.pdf](https://edisciplinas.usp.br/pluginfile.php/4424946/mod_resource/content/1/Ruggie%20-%20Just%20Business.pdf)). However, the UNGPs contain little detail as how companies should develop gender-responsive human rights due diligence (GR-HRDD) processes and there is also no systematic treatment of gender-responsive HRDD obligations within international human rights laws and policies, and thus, the GR-HRDD is still in its infancy. The thesis is addressing this gap and aims to examine how a gender-responsive HRDD can be implemented (conducted) in the garment industry.

The focus of the thesis is hence on the garment industry as this sector is among the largest employers of women workers globally.

The thesis is structured as follows:

- 1) This first part illustrates the existing legislations on HRDD at national level and showcases the gender blindness within these legislations.
- 2) The second part provides an overview on HRDD legislation at European and international level.
- 3) The final part examines the necessity of a gender-responsive HRDD by developing standards for gender-responsive human rights due diligence in the garment industry.

## Summary

Within the realm of global supply chains, the issue of human rights due diligence has garnered significant attention over the past decades. Various stakeholders have emphasized the importance of holding corporations accountable for their social and environmental impacts. However, a critical aspect that has been largely overlooked is the gender blindness inherent within existing human rights due diligence legislation. The prevailing laws often fail to explicitly consider the unique vulnerabilities and challenges faced by women workers in global supply chains. This oversight is particularly concerning considering that women constitute a significant portion of the global workforce, especially in industries like the garment industry. Ignoring gender dynamics can perpetuate and exacerbate existing inequalities, leaving women workers at a higher risk of exploitation, discrimination and rights violations.

The aim of this thesis is to shed light on this dimension by examining the gender blindness of human rights due diligence in global supply chains, with a specific focus on the garment industry. By analysing existing laws and regulations at the national, European and international levels, as well as exploring potential solutions. The thesis seeks to contribute to the discourse surrounding gender-responsive human rights due diligence. Understanding the gendered dynamics within global supply chains is essential for achieving sustainable and inclusive economic development. Ultimately, this thesis aims to provide insights and recommendations that foster gender-responsive human rights due diligence practices, leading to a more just and equitable global supply chain system.

This thesis aims to answer the following key research questions:

To what extent do current human rights due diligence legislations at the national level address gender-specific risks and impacts in global supply chains? By analysing national-level legislations such as the German Supply Chain Act, the French Duty of Vigilance Law and the Norwegian Transparency Act, it seeks to assess the extent to which these laws explicitly consider and address gender-specific risks and impacts in global supply chains. It aims to identify the gaps and limitations in the current legal frameworks and explore the potential for integrating gender-responsive approaches into human rights due diligence.

The thesis will examine the European and international landscape of human rights due

diligence legislation, focusing on the draft proposal for a Directive on corporate sustainability due diligence at the European level and the draft of the binding treaty on business and human rights at the international level. By analysing these initiatives, it aims to assess the level of integration of gender considerations in these frameworks and identify potential areas for improvement to ensure that gender-specific risks and impacts are adequately addressed.

And what are the challenges and potential pathways for developing gender-responsive human rights due diligence standards in the global garment industry? The global garment industry is a sector heavily impacted by gender-specific risks and impacts, with a significant female workforce facing various challenges, including low wages, unsafe working conditions and limited access to social protection. Zooming in on the global garment industry, the thesis will highlight the necessity of gender-responsive human rights due diligence and delve into the specific challenges faced by women workers. It will also examine existing initiatives and standards that aim to address gender issues in this industry. Moreover, it will identify potential pathways and recommendations for developing gender-responsive human rights due diligence standards that can effectively protect and empower women workers in the garment sector.

By addressing these research questions, the thesis intends to contribute to the understanding of the gender blindness of human rights due diligence in global supply chains. It seeks to provide insights into the current landscape of legislation and propose recommendations for bridging the gap between human rights due diligence and gender equality.

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## **Chapter 1 Introduction**

### **1.1. Setting the Scene**

In the realm of global supply chains, the issue of human rights due diligence has gained significant attention in the last decade, with various stakeholders emphasizing the need for corporations to be held accountable for their social and environmental impacts. However, an aspect that remains understudied is the gender blindness inherent within existing human rights due diligence legislation. Existing human rights due diligence legislation often fails to explicitly consider the unique vulnerabilities and challenges faced by women workers in global supply chains. This gender blindness is a critical oversight, as women constitute a significant portion of the global workforce, particularly in industries such as the garment industry. Ignoring gender dynamics can perpetuate and exacerbate existing inequalities, leaving women workers at a higher risk of exploitation, discrimination and rights violations. This thesis seeks to shed light on this crucial dimension, focusing on the gender blindness of human rights due diligence in global supply chains, particularly in the garment industry. By examining the existing laws and regulations at national, European and international levels as well as exploring potential solutions, the thesis aims to contribute to the discourse surrounding gender-responsive human rights due diligence. Understanding the gendered dynamics within global supply chains is crucial for achieving sustainable and inclusive economic development. By bridging the gap between human rights due diligence and gender equality, we can create more effective and comprehensive frameworks that promote the protection and empowerment of women workers. This thesis aims to provide insights and recommendations with the ultimate goal of fostering gender-responsive human rights due diligence practices that contribute to a more just and equitable global supply chain system.

In the following chapters, the thesis will delve into the existing human rights due diligence legislation at the national, European and international levels, analyzing its effectiveness and limitations in addressing gender-specific risks and impacts. It will specifically focus on the German Supply Chain Act, the French Duty of Vigilance Law and the Norwegian Transparency Act as examples of national legislation. Additionally, we will explore the draft proposals for a Directive on corporate sustainability due diligence at the European level and the binding treaty on business and human rights at the international level. Finally, we will zoom in on the global garment industry to examine the necessity of gender-responsive human

rights due diligence, highlighting the challenges faced by women workers and the potential for developing gender-responsive standards in this sector. Through this examination the thesis aspire to contribute to the ongoing efforts to promote gender equality and human rights in global supply chains.

## 1.2. Research Questions

This thesis seeks to answer the following key research questions:

1. To what extent do current human rights due diligence legislations at the national level address gender-specific risks and impacts in global supply chains?

By analysing the national-level legislations, such as the German Supply Chain Act, the French Duty of Vigilance Law and the Norwegian Transparency Act, the thesis aims to assess the extent to which these laws explicitly consider and address gender-specific risks and impacts in global supply chains. It seeks to identify the gaps and limitations in the current legal frameworks and explore the potential for integrating gender-responsive approaches into human rights due diligence.

2. How does the European and international landscape of human rights due diligence legislation incorporate gender considerations?

The thesis will examine the European and international landscape of human rights due diligence legislation, focusing on the draft proposal for a Directive on corporate sustainability due diligence at the European level and the draft of the binding treaty on business and human rights at the international level. By analyzing these initiatives, the thesis aims to assess the level of integration of gender considerations in these frameworks and identify potential areas for improvement to ensure that gender-specific risks and impacts are adequately addressed.

3. What are the challenges and potential pathways for developing gender-responsive human rights due diligence standards in the global garment industry?

The global garment industry is a sector heavily impacted by gender-specific risks and impacts, with a significant female workforce facing various challenges, including low wages, unsafe working conditions and limited access to social protection. This thesis will explore the necessity of gender-responsive human rights due diligence in the global garment industry and delve into the specific challenges faced by women workers. It will also examine existing initiatives and standards that aim to address gender issues in this industry. Moreover, it will identify potential pathways and recommendations for developing gender-responsive human rights due diligence standards that can effectively protect and empower women workers in the garment sector.

By addressing these research questions, the thesis intends to contribute to the understanding of the gender blindness of human rights due diligence in global supply chains. It seeks to provide insights into the current landscape of legislation and propose recommendations for bridging the gap between human rights due diligence and gender equality. The thesis strives to promote more inclusive and effective approaches to human rights due diligence that prioritize the rights and well-being of women workers in global supply chains.

### **1.3. Research Methodology**

To address these research questions, a multi-faceted methodology will be employed. Firstly, a comprehensive review of existing legal frameworks will provide a foundational understanding of the current state of human rights due diligence legislation. In doing so comparative analyses will be conducted to assess the gender responsiveness of national laws in Germany, France and Norway. Furthermore, an examination of draft proposals for a directive on corporate sustainability due diligence and a binding treaty on business and human rights at the European and international levels will contribute to the analysis.

The combination of these research methods will allow for a comprehensive analysis of the gender blindness of human rights due diligence in global supply chains. By incorporating both secondary and primary data the thesis aims to provide an understanding of the current landscape, identify gaps and limitations and propose recommendations for the development of gender-responsive human rights due diligence standards. The research methodology will ensure the reliability and validity of the findings, contributing to the overall knowledge and understanding of the topic.

#### **1.4. The Limitations of the Thesis**

While this thesis aims to provide a comprehensive analysis of the gender blindness of human rights due diligence in global supply chains, it is important to acknowledge certain limitations. Firstly, the scope of the research is primarily focused on national and European levels, with limited exploration of other regions. Additionally, due to the dynamic nature of legislation and ongoing developments, the findings of this thesis may not capture the most up-to-date changes in the legal landscape. Nonetheless, it endeavours to contribute to the existing body of knowledge on human rights due diligence and gender-responsive approaches in global supply chains.

## **Chapter 2 Human Rights Due Diligence Legislation at National Level**

In an era of globalization, where supply chains are becoming increasingly complex and interconnected, ensuring respect for human rights throughout these chains has become a concern. Governments worldwide are recognizing the need for human rights due diligence legislation to hold corporations accountable for their actions.

The importance of human rights due diligence in supply chains cannot be overstated. It serves as a mechanism to identify, prevent and mitigate adverse human rights impacts

([https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)).

Companies have a responsibility to respect human rights throughout their operations and account for human rights abuses occurring within corporate operations (UNGPs Principle 15). By implementing such legislation, states aim to protect the rights of vulnerable individuals affected by business activities.

This chapter will provide a comprehensive analysis of the human rights due diligence legislation at the national level, focusing on Germany, France and Norway. Furthermore, it will shed light on the gender blindness within these legislative frameworks.

## 2.1. Germany – German Supply Chain Act

The German Supply Chain Due Diligence Act, officially known as "Lieferkettensorgfaltspflichtengesetz" (Germany Federal Ministry for Economic Affairs and Energy, 2021) represents Germany's response to the challenges associated with global supply chains.

The Act applies since January 1, 2023 and aims to address human rights violations and environmental degradation occurring within global supply chains.

The Act takes a decisive stance on promoting responsible business practices by mandating companies with over 3,000 employees, 1,000 employees starting from January 1, 2024, to conduct due diligence in identifying and addressing human rights and environmental risks (The Federal Office for Economic Affairs and Export Control (BAFA), 2023). It encompasses a wide range of sectors, including manufacturing, retail and service industries.

Under the Act, affected companies are required to establish due diligence procedures to identify, prevent and mitigate risks related to human rights violations and environmental harm within their supply chains

([https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?\\_\\_blob=publicationFile&v=4](https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?__blob=publicationFile&v=4)).

These due diligence obligations include an assessment and mitigation of risks related to child labor, forced labor, hazardous substances and environmental damage by conducting risk assessments, implementing risk management systems and establishing complaint mechanisms for affected stakeholders (The Federal Ministry for Economic Cooperation and Development (BMZ), 2023).

In detail this involves a thorough examination of the various stages of the supply chain, from raw material extraction to the final product to identify any potential violations of human rights or harm to the environment. Once risks are identified, companies must implement risk management systems to address and mitigate these risks effectively

([https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?\\_\\_blob=publicationFile&v=4](https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?__blob=publicationFile&v=4)). This entails developing strategies, policies and procedures to prevent and minimize the occurrence of human rights abuses and environmental damage. By implementing appropriate risk

management systems, companies can proactively address potential issues and ensure compliance with the Act's requirements.

In addition to risk assessments and risk management systems, the Act emphasizes the establishment of complaint mechanisms for affected stakeholders ([https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?\\_\\_blob=publicationFile&v=4](https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?__blob=publicationFile&v=4)). This provision aims to provide an avenue for individuals or communities impacted by supply chain practices to voice their concerns and seek redress. By establishing effective and accessible complaint mechanisms, companies can ensure that affected stakeholders have a means to report grievances and seek remediation.

Furthermore, the Act mandates companies to report on their efforts to address such risks in their annual reports ([https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?\\_\\_blob=publicationFile&v=4](https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?__blob=publicationFile&v=4)).

This reporting requirement promotes transparency and accountability, enabling stakeholders including consumers, investors and civil society organizations to assess a company's performance in upholding human rights and environmental standards. By publicly disclosing their actions and progress, companies are incentivized to improve their supply chain practices continually.

The inclusion of these due diligence obligations in the German Supply Chain Act reflects a comprehensive approach to addressing the challenges associated with global supply chains. By requiring companies to undertake risk assessments, implement risk management systems, establish complaint mechanisms, and report on their efforts, the Act aims to ensure that companies actively identify and address risks throughout their supply chains.

By taking these measures, the Act seeks to foster a culture of responsible business conduct, where companies are accountable for the social and environmental impacts of their supply chains. It recognizes the importance of not only promoting compliance but also driving continuous improvement in supply chain practices.

It is important to note that while the Act sets the legal framework for these due diligence obligations, the implementation and enforcement of these requirements lie with the relevant authorities, such as The Federal Office for Economic Affairs and Export Control (BAFA). Non-compliance with the Act can result in fines of up to €2 million or 2% of the company's annual revenue (BAFA, 2021).

These authorities play a crucial role in monitoring compliance, providing guidance to businesses, and enforcing penalties for non-compliance, as stipulated in the Act (BMZ, 2023).

For affected businesses, implementing the Act's provisions may require significant investments in systems, processes and human resources. They will need to establish robust due diligence frameworks that encompass their entire supply chains, from raw material extraction to the final product. This may involve engaging with suppliers to improve their practices, seeking alternative suppliers that adhere to sustainability standards and providing capacity-building support to ensure compliance across the supply chain.

The German Supply Chain Act has the potential to influence global trade by establishing a precedent for responsible business conduct. As Germany is a major economic player, companies seeking to access the German market will need to adapt their supply chain practices to comply with the Act's requirements. This can create a ripple effect, prompting companies to adopt similar standards in other countries to maintain their market access and reputation.

Moreover, the Act aligns with the growing international focus on sustainable and responsible business practices. It resonates with global initiatives such as the United Nations' Guiding Principles on Business and Human Rights and the Sustainable Development Goals. The Act can serve as a catalyst for broader discussions and actions on improving supply chain transparency and accountability, driving the adoption of similar legislation in other jurisdictions.

## 2.2. France - French Duty of Vigilance Law

The focus on ethical business practices has led to the development of legislative frameworks aimed at holding corporations accountable for their actions.. One notable example is the French Duty of Vigilance Law, enacted in 2017, which represents a pioneering step towards safeguarding human rights and protecting the environment.

The Duty of Vigilance Law imposes an obligation on large French companies to proactively prevent human rights violations and environmental harm throughout their supply chains. The law mandates that corporations create and implement due diligence plans, which encompass risk mapping, preventive measures, and monitoring mechanisms (Claire Bright, Creating a Legislative Level Playing Field in Business and Human Rights at the European Level: is the French Duty of Vigilance Law the Way Forward?). By extending accountability beyond direct operational activities, this legislation recognizes the interconnectedness of global value chains and acknowledges the far-reaching impacts of corporate conduct. Importantly, the law applies to companies with a significant presence in France, encompassing both French-based entities and foreign corporations operating within French territory. This expansive scope ensures that no entity can evade responsibility by operating through subsidiaries or external suppliers ([https://media.business-humanrights.org/media/documents/files/documents/French\\_Corporate\\_Duty\\_of\\_Vigilance\\_Law\\_FAQ.pdf](https://media.business-humanrights.org/media/documents/files/documents/French_Corporate_Duty_of_Vigilance_Law_FAQ.pdf)).

It reinforces the notion that corporations bear a moral responsibility to respect human rights and protect the environment. By requiring companies to identify and address potential risks, the legislation encourages a proactive approach towards preventing adverse impacts (Claire Bright, Creating a Legislative Level Playing Field in Business and Human Rights at the European Level: is the French Duty of Vigilance Law the Way Forward?). This proactive stance necessitates a deeper understanding of supply chain dynamics, fostering transparency and empowering stakeholders.

Furthermore, the law introduces the concept of shared responsibility, urging companies to

collaborate with suppliers, subcontractors, and other relevant actors to ensure compliance with ethical standards ([https://media.business-humanrights.org/media/documents/files/documents/French\\_Corporate\\_Duty\\_of\\_Vigilance\\_Law\\_FAQ.pdf](https://media.business-humanrights.org/media/documents/files/documents/French_Corporate_Duty_of_Vigilance_Law_FAQ.pdf)). By engaging in meaningful dialogue and establishing mutual accountability, corporations can cultivate a culture of transparency, foster innovation, and collectively address systemic challenges.

Critics argue that the Duty of Vigilance Law places a burden on businesses, potentially stifling economic growth and competitiveness. However, evidence suggests that responsible business practices can be aligned with financial success. Companies that prioritize sustainability and ethical conduct are often rewarded with enhanced brand reputation, consumer loyalty and access to socially conscious investment opportunities. Consequently, the law can act as a catalyst for improved business practices and contribute to the long-term viability of corporations.

Moreover, the Duty of Vigilance Law bolsters the resilience of supply chains by reducing the risk of reputational damage and legal liabilities associated with human rights abuses or environmental disasters. By integrating responsible practices into their operations, companies can mitigate operational disruptions, build stronger partnerships and attract quality suppliers. This legislation thus fosters a more sustainable and inclusive business environment, benefiting both corporations and society as a whole (The French Duty of Vigilance Law- Lessons for an EU directive on due diligence in multinational supply chains\_2021).

It sets a precedent for global efforts to enhance corporate accountability. Its introduction has prompted other countries and international organizations to consider similar legislation, recognizing the need for systemic change in corporate behavior.

By promoting transparency and shared responsibility, the law helps reshape the power dynamics within supply chains and elevate the protection of human rights and the environment as shared objectives.

Moreover, the Duty of Vigilance Law aligns with the United Nations Sustainable

Development Goals (SDGs), particularly Goal 12 (Responsible Consumption and Production) and Goal 16 (Peace, Justice, and Strong Institutions). By integrating these global frameworks, the law facilitates the transition towards a more sustainable and equitable future.

### 2.3. Norway – Transparency Act

The emergence of the Norwegian Act (<https://lovdata.no/dokument/NLE/lov/2021-06-18-99>) which emerged as a result of a confluence of various civil society campaigns and political debates commencing in 2014, represents a significant milestone in the pursuit of greater transparency and accountability. Triggered by the catastrophic Rana Plaza collapse in Bangladesh in 2013, Future in our Hands (FIVH), a non-governmental organization, effectively rallied over 20,000 concerned consumers to advocate for legislation that would empower individuals with the right to access information regarding working conditions at production sites with a particular emphasis on the apparel sector (KRAJEWSKI , TONSTAD, WOHLTMAN Mandatory Human Rights Due Diligence in Germany and Norway: Stepping, or Striding, in the Same Direction?)

In support of their cause, FIVH drew upon the Environmental Information Act of 2003 as a potential model for a comprehensive law addressing the dissemination of 'ethics information' (KRAJEWSKI , TONSTAD, WOHLTMAN Mandatory Human Rights Due Diligence in Germany and Norway: Stepping, or Striding, in the Same Direction?)

Recognizing the urgency and importance of this matter, politicians submitted a Bill in February 2016, dedicated to the provision of ethics information. Subsequently, two petition resolutions were introduced, bolstering the momentum behind this legislative endeavour.

The Norwegian government established the Ethics Information Committee on June 1, 2018 to evaluate the potential adoption of an ethics information law. After careful assessment, the committee presented a proposal for an Act that aims to regulate enterprises' transparency regarding their supply chains, duty to know and due diligence. This proposal was subsequently delivered to the Ministry of Children and Families on November 28, 2019 (KRAJEWSKI , TONSTAD, WOHLTMAN Mandatory Human Rights Due Diligence in Germany and Norway: Stepping, or Striding, in the Same Direction?)

The Act seeks to instil a sense of responsibility and ethical awareness in businesses by providing clear guidelines and obligations related to supply chain transparency. It underscores the importance of enterprises having a comprehensive understanding of the ethical implications associated with their supply chain practices (<https://lovdata.no/dokument/NLE/lov/2021-06-18-99>) By doing so, the Act intends to encourage responsible behaviour, sustainability and accountability within business operations.

Addressing concerns such as human rights violations, labor exploitation and environmental harm, the Act emphasizes the significance of supply chain transparency. It emphasizes that businesses should actively seek to understand the conditions under which their products are sourced, manufactured and distributed. This duty to know is essential in identifying and rectifying any potential violations or risks that may arise within the supply chain

(<https://lovdata.no/dokument/NLE/lov/2021-06-18-99>)

Additionally, the Act highlights the implementation of due diligence as a crucial aspect of responsible business conduct. It calls for enterprises to adopt a proactive and systematic approach to assess, prevent and mitigate any adverse impacts stemming from their supply chain activities (<https://lovdata.no/dokument/NLE/lov/2021-06-18-99>) By engaging in due diligence, businesses can actively identify risks, implement corrective measures and continuously monitor their supply chains to ensure ethical standards are upheld.

At its core, the Act aims to ensure that businesses have a comprehensive understanding of their supply chains and the ethical implications associated with them. By establishing clear guidelines and obligations, it strives to foster responsible business conduct while preventing unethical activities from occurring (Report of the Ethics Information Committee, appointed by the Norwegian government on 1 June 2018, to assess the adoption of an ethics information law. Recommendations delivered to the Ministry of Children and Families on 28 November 2019.)

Furthermore, the Act emphasizes the importance of due diligence, requiring enterprises to adopt a proactive approach in assessing, preventing and mitigating any adverse impacts resulting from their supply chain activities. By conducting due diligence, businesses can identify and address risks, implement corrective measures and ensure ongoing monitoring of their supply chains (Report of the Ethics Information Committee, appointed by the Norwegian government on 1 June 2018, to assess the adoption of an ethics information law. Recommendations delivered to the Ministry of Children and Families on 28 November 2019.)

The Ethics Information Committee's recommendations reflected a commitment to promoting transparency, accountability and sustainability in business operations. The Act aims to create a regulatory framework that encourages responsible behavior.

Ultimately, the proposed Act seeks to foster a fair and ethical business environment in Norway by encouraging enterprises to take responsibility for their supply chains, comprehend the ethical implications and uphold transparency throughout their operations.

## **2.4. Gender Blindness of the Human Rights Due Diligence Legislation at National Level**

The promotion and protection of human rights have gained significant attention in recent decades, leading to the introduction of legislation aimed at holding corporations accountable for their activities in global supply chains. However, a critical examination reveals a potential blind spot within these legal frameworks—the lack of explicit consideration for gender-related human rights violations. By exploring and analysing the gender blindness of human rights due diligence in three prominent legislations: the German Supply Chain Act, the French Duty of Vigilance Law, and the Norwegian Transparency Act, we can shed light on the challenges and opportunities for addressing gender-based rights violations within supply chains.

All three legislations seek to ensure human rights protection throughout supply chains. However, they fall short in explicitly addressing gender-based violations. While they acknowledge the importance of respecting human rights, they fail to explicitly recognize gender as a distinct category of rights and fail to provide clear guidance on addressing gender inequalities and discrimination. This entails recognizing gender as a fundamental aspect of human rights and integrating gender-specific considerations into the legislations' provisions.

By omitting a clear reference to gender-based rights violations, they fail to address the unique challenges and risks faced by women workers, such as gender-based violence, sexual harassment and unequal treatment (We mean Business: protecting women's rights in global supply chains, 2020).

Moreover, the legislations' lack of guidance on gender-specific issues within supply chains undermines the effectiveness of human rights due diligence. Companies are required to conduct due diligence to identify and mitigate human rights risks in their operations and supply chains (We mean Business: protecting women's rights in global supply chains, 2020). However, without explicit consideration of gender, companies may overlook gender-related risks and fail to implement appropriate measures to protect women's rights.

This oversight perpetuates systemic gender inequalities and hinders progress towards achieving gender equality.

Additionally, the absence of gender-responsive language and provisions in all three legislations limits the engagement of stakeholders in addressing gender-based rights violations (Shining a Light on Women Affected by Corporate Activities: The Gender Dimension of Business and Human Rights Workshop Report). Stakeholder participation is essential for effective human rights due diligence, as it allows for the inclusion of diverse perspectives and the identification of potential risks.

Without clear guidance on gender issues, stakeholders may not fully grasp the significance of gender-specific rights violations or their role in addressing them. The gender blindness in the legislations also raises concerns about the legislations' overall impact on women's empowerment and gender equality. While they aim to promote responsible business conduct, they fail to explicitly address gender-related rights violations undermines the advancement of women's rights and gender equality within global supply chains (Shining a Light on Women Affected by Corporate Activities: The Gender Dimension of Business and Human Rights Workshop Report)

By neglecting to prioritize gender equality, they miss an opportunity to drive meaningful change.

Addressing the gender blindness in the legislations requires a comprehensive and gender-responsive approach to human rights due diligence (We mean Business: protecting women's rights in global supply chains, 2020). Companies should be encouraged to conduct gender impact assessments to identify and mitigate risks to women's rights. Furthermore, promoting gender equality in business practices, such as equal pay, non-discrimination policies, and gender-inclusive supply chain management, is essential for creating a more equitable and inclusive working environment for women.

Without explicit consideration of gender, companies may fail to fully grasp the gender-specific risks and challenges faced by women workers. Consequently, the laws may not adequately guide companies in implementing measures to protect women's rights and

promote gender equality (We mean Business: protecting women's rights in global supply chains, 2020).

Additionally, the absence of gender-specific indicators and reporting requirements within the legislations limits the measurement and monitoring of gender equality progress ( We mean Business: protecting women's rights in global supply chains, 2020). Without specific benchmarks and reporting mechanisms, it becomes challenging to assess the extent to which companies are addressing gender-related human rights violations.

This lack of transparency hinders efforts to promote gender equality, as it obscures the impact of corporate actions on women's rights and prevents the identification of areas requiring improvement.

In conclusion, the gender blindness observed in the three legislation undermines the protection of women's rights and gender equality within global supply chains. By failing to explicitly address gender-related human rights violations, the Acts overlooks the unique challenges and risks faced by women workers. To address this issue, a gender-responsive approach must be integrated into the Acts, including explicit recognition of gender as a distinct dimension of human rights, gender impact assessments and the promotion of gender equality in business practices.

The gender blindness of human rights due diligence in the German Supply Chain Act, French Duty of Vigilance Law, and Norwegian Transparency Act highlights the need for a more inclusive and comprehensive approach to human rights in supply chains. Recognizing and addressing gender-based violations is crucial for achieving true corporate accountability and ensuring the protection of all human rights. By integrating a gender-responsive lens into these legislations, policymakers can take a significant step towards promoting gender equality and justice within global supply chains.

## Chapter 3 Human Rights Due Diligence Legislation at European and International Level

### 3.1. Draft Proposal for a Directive on Corporate Sustainability Due Diligence

On 23 February 2022, the European Commission (EC) published its highly anticipated Draft [on Corporate Sustainability Due Diligence Directive](#) (CSDDD). The CSDDD is a milestone in the field of business and human rights as it is setting out for the first time a proposed EU mandatory human rights and environmental due diligence (mHRDD) standard with public and private enforcement provisions for non-compliance. If the European Parliament and European Council approve the CSDDD (this process might take at least one year), EU member states will have two years to adopt the CSDDD into national law and start with the enforcement.

Why did the EC decide to introduce the CSDDD which is based on the [study on due diligence requirements through the supply chain](#) from 24 February 2020? According to the above-mentioned study only 37 % of business respondents currently conduct environmental and human rights due diligence and only 16 % cover the entire supply chain, often relying on voluntary international standards (Chapter 4.1., p.48). It is important to highlight that the CSDDD is fully in line with internationally recognised human rights and labour standards and is building on the [UN's Guiding Principles on Business and Human Rights](#) and [OECD Guidelines for multinational Enterprises on Responsible Business Conduct Matters](#). It should also be noted that the CSDDD is embedded within the [new green deal policy architecture of the EU](#) which aims to transform the EU into a modern, resource-efficient and competitive economy with no net emissions of greenhouse gases by 2050 (A Clean Planet for all, 2018, p. 3). Therefore, the CSDDD is closely interrelated to [the EU Corporate Sustainability Reporting Directive \(CSRD\) amending the Non-Financial Reporting Directive \(NFRD\)](#) and will supplement the CSRD by “requiring companies to consider their sustainability responsibilities at a more foundational level” (A&L Goodbody, 2022, p. 8).

The CSDDD is aiming to achieve the following five objectives (CSDDD, p.3; Bright & Smit 2022, p.2):

- a) improving corporate governance practices
- b) avoiding fragmentation of due diligence requirements in the single market and creating legal certainty for businesses and stakeholders

- c) increasing corporate accountability for adverse impacts, and ensuring coherence for companies regarding obligations
- d) improving access to remedy for those affected by adverse corporate human rights and environmental impacts
- e) complement other measures in force or proposed within the EU through an overarching horizontal framework.

As stated above, the CSDDD objectives are not only demonstrating its ambition to contribute to the green and sustainable transition in the EU, but it also aims to offer legal certainty (framework) and common rules on due diligence with the EU as some influential Member States, such as France, Germany, and the Netherlands have already started to implement important law initiatives with regard to mHRDD.

The CSDDD is introducing for the first time mHRDD and its scope, as outlined in article 2 (CSDDD, pp.46), is applying to the following companies and sectors:

- EU companies (Group 1): all EU limited liability companies with 500+ employees and €150 million+ in net turnover worldwide
- EU companies (Group 2): other limited liability companies operating in defined “high impact sectors” (as defined in Art. 2.1(b), p. 46-47) with 250+ employees and €40 million+ in net turnover worldwide. Note that for Group 2, rules will start to apply 2 years later than for group 1.
- Non-EU companies active in the EU, with a threshold for turnover generated in the EU aligned with Group 1 and 2.

According to the CSDDD, the scope of operations to be addressed through mHREDD is limited to the company’s own operations, the operations of its subsidiaries; and the operations of entities with which the company has an “established business relationship”. Please note the CSDDD not directly include small and medium sized enterprises (SMEs) in the scope, which account for the vast majority (99%) of all companies in the EU. However, they could be affected by its provisions in their capacity as contractors or subcontractors to companies that are within its scope. Therefore, the CSDDD is proposing accompanying measures that would support all the companies, including SMEs, that may be indirectly affected. Measures include the development of individually or jointly dedicated websites, platforms or portals and potential financial support for SMEs (Article 14, p. 59).

What are the key issues with the scope of the CSDDD? Firstly, it was pointed out that the CSDDD is too limited in scope, leaving out 99 % of EU companies (Finance Watch 2022).

According to Oxfam International the CSDDD was promised as a ‘game-changer’ proposal, but disappointingly the EC has put forward a draft legislation that will only apply to 1 % of companies in Europe (Oxfam International, 2022). Secondly, the Office of the United Nations High Commissioner for Human Rights (OHCHR) is rightly pointing out that the scope of the CSDDD, if fully aligned with the [UNGPs](#), would encompass all companies, rather than selecting based on size or sector. The CSDDD notably diverges from the risk-based approach to HRDD called for in the UNGPs as the risks of serious human rights impacts arising from the activities of value chain actors with which the relevant company does not have an “established business relationship,” would fall outside the CSDDD scope (OHRC 2022, pp. 3-4). In addition to that, OHCHR identifies a further critical issue related to the CSDDD scope of companies in “high-impact” sectors as the current text requires from such companies to focus only on adverse impacts relevant to the sector. This derogation has a potential to reduce the value of human rights due diligence as a risk management exercise (OHRC 2022, p. 4).

The CSDDD is imposing an obligation on Member States to ensure that companies carry out human rights and environmental due diligence by implementing the following actions (CSDDD, pp. 54-59). The CSDDD is also establishing a duty for directors to set up and oversee the implementation of due diligence and to integrate it into the corporate strategy (CSDDD Article 26, p.66).

- **Integrating due diligence into companies’ policies** (Article 5): this includes a description of the company’s approach, including in the long term, to due diligence, its code of conduct, and a description of the processes put in place to implement due diligence. Policies will need to be updated and published annually.
- **Identifying actual and potential adverse impacts** (Article 6): this applies to companies’ own operations, those of their subsidiaries and of their established business relationships in their value chains. Companies that are only included within scope due to having turnover in ‘high impact’ sectors will only need to identify their impacts relevant to the respective sector (see 2.2.).
- **Preventing potential adverse impacts** (Article 7): this requires from companies to prevent, or where prevention is not possible or not immediately possible, adequately mitigate potential adverse impacts that have been, or should have been, identified pursuant to Article 6.
- **Bringing actual adverse impacts to an end** (Article 8): this requires from companies to take appropriate measures to bring actual adverse impacts that have been, or should

have been identified, to an end. Where it cannot be brought to an end, companies will be required to mitigate the extent of the impact.

- **Establishing and maintaining a complaints procedure** (Article 9): this requires from companies to provide the possibility for the following persons to bring complaints: persons who are affected or have reasonable grounds to believe that they might be affected by an adverse impact, (b) trade unions and other workers' representatives representing individuals working in the value chain concerned, (c) civil society organisations active in the areas related to the value chain concerned.
- **Monitoring the effectiveness of the due diligence policy and measures** (Article 10): this requires from companies to monitor periodically the effectiveness of the identification, prevention, mitigation, bringing to an end, and minimisation of the extent of human rights and environmental adverse impacts.
- **Publicly communicating on due diligence** (Article 11): this requires from companies to report on the matters covered in the CSDDD by 30 April each year covering the previous calendar year.

Despite the fact the CSDDD requires from companies that their business model and strategy are compatible with the 1.5 °C goal of the Paris Agreement (Article 15), it has been highlighted that climate change considerations should have been included in due diligence requirements (BEUC, 2022). While it is encouraging to see that Article 6 and 7 will prevent companies from turning a blind eye to adverse impacts and escape liability, however, it is quite astonishing to see that stakeholder consultation (engagement), a key component to human rights due diligence to understand the perspective of potentially affected individuals and group ensuring the effectiveness of grievance mechanisms and remedial efforts (OHCHR, 2012, p. 33), is not made compulsory in the CSDDD due diligence requirements (a dedicated article is fully missing), rather stakeholder engagement is only encouraged where relevant (Article 6-8). It is also quite unclear how companies will comply in practice with the requirements for appropriate measures and bringing adverse impacts to an end (A&L Goodbody, 2022, p. 6). Further amendments in Articles 7 and 8 are required to “ensure that human rights impacts of terminating relationships are properly taken into account in decisions about how best to address human rights related risks in a company’s value chain” (OHCHR, 2022, p. 9).

A further major issue relates to the CSDDD’s adverse human rights impacts. Article 3 (c) defines it as “an adverse impact on protected persons resulting from the violation of one of

the rights or prohibitions listed in the Annex, Part I Section 1, as enshrined in the international conventions listed in the Annex, Part I Section 2.” (CSDDD, p. 51). [The Annex to the CSDDD](#) contains a list of such violations, followed by a list of human rights and fundamental freedoms conventions/standards (CSDDD Annex, p. 1-4). Solely referring to selective lists of standards bear the risk of becoming outdated quickly. As the OHCHR rightly points out the CSDDD Annex omits important references to key rights in the International Bill of Rights, such as social security, to freedom of opinion and expression, to a fair trial; the first two optional protocols to the Convention on the Rights of the Child; and references to international humanitarian law or to the right to a clean, healthy and sustainable environment (OHCHR, 2022, p. 5).

It is quite interesting to compare how the UNGPs defines when an adverse human rights impact occurs with the CSDDD approach. According to the UNGPs it occurs “when an action removes or reduces the ability of an individual to enjoy his or her human rights” (OHCHR, 2012, p.21). Under the CSDDD, on the other side, adverse impacts refer to “violations” of this restricted list of human rights of “protected persons,” potentially excluding numerous relevant business-related human rights harms (OHCHR, 2022, p. 5). The CSDDD neither provides a legal definition of “protected persons”, nor it explains how to establish a “violation” of the listed international standards. This approach and the lack of clarity may lead to a situation where many adverse impacts could fall outside the scope of companies’ human rights due diligence obligations required by the CSDDD. This potential risk could seriously undermine the objectives of the CSDDD, particularly in relation to corporate accountability for adverse impacts and access to remedy for those affected by adverse corporate human rights and environmental impacts.

According to the EC, the CSDDD will advance the green transition in the EU and protect human rights in Europe and beyond. The [EC argues](#) that through the CSDDD the citizens will become more aware of the impact of the products they buy and the services they use as the directive will create transparency and reliability on how products are made and services delivered. The CSDDD will protect human rights and prevent human rights abuses and will lead to a sustainable and healthier environment. The CSDDD offers for companies operating

in the EU market common and clear rules on corporate sustainability due diligence by preventing legal fragmentation and by providing a clearer view of their operations and supply chain, including higher awareness of their negative impacts (including reputational risks) early.

In so far, it can be determined that the CSDDD provides for the first time within the EU a useful and forceful framework for businesses to identify, assess and mitigate their adverse human rights and environmental impacts in their operations and in their supply chains. It is a milestone for EU mHRDD with public and private enforcement provisions for non-compliance. However the CSDDD scope is too limited, the removal of the “established business relationship” and the derogation set out in Article 6 (2) are urgently needed. Climate change considerations are not included in due diligence requirements. The lack of a comprehensive stakeholder engagement may hinder the effectiveness of grievance mechanisms and remedial efforts. The lack of clarity related to the adverse human rights impacts could seriously harm accomplishing the objectives of the CSDDD.

### **Gender blindness of the Draft Directive**

It is astonishing to see that the Draft Directive, 70 pages long, fails to mention the term ‘gender’ and/or women (including persons of diverse genders) at all. Why a gender lens matters? It simply matters because [women comprise almost half of the world’s population](#) and they continue, despite the [positive progression of non-discrimination provisions in the constitutions and laws of many countries](#), to experience multiple forms of discrimination, human rights abuses, gender based violence, exclusion, and sexual harassments in all spheres of life due “to discriminatory social norms, patriarchal power structures and gender stereotypes”. Women are often affected differently and disproportionately by business activities and by adverse business-related human rights impacts. For example, they work significantly more often in insecure and poorly paid jobs and are more often exposed to unfair, unsafe, and unhealthy working conditions, particularly in global value chains. Women are also disproportionately affected by climate change, environmental pollutions and land acquisitions caused by businesses. The exclusion of the SMEs from the direct scope of the

Draft Directive as discussed above, has implications for women as most EU companies operating in global value chains are small or medium-sized, and women workers are particularly at high risk within these business enterprises to face adverse human rights impacts. The Draft Directive's lack of attention to women and its gender-neutral approach (and language) risk to perpetuate systemic discrimination, exclusion, and violence faced by women, and consequently, it fails to adequately protect women's human rights in the context of business activities and to address the multiple and intersecting forms of discrimination and oppression encountered by women. The Draft Directive should have integrated a detailed gender perspective throughout with the aim to acknowledge the structural inequalities and discrimination women are facing, and it should have provided pertinent instructions and proactive measures to companies, such as the inclusion of risks of gender-based violence in their due diligence plans and measures, on how to ensure that women's human rights are not violated by their business activities.

The Draft Directive provides a very useful and forceful framework for businesses to identify, assess and mitigate their adverse human rights and environmental impacts in their operations and in their supply chains and it is a milestone for EU HRDD with public and private enforcement provisions for non-compliance. It is also very encouraging to see that the Draft Directive requires from companies, which fall under the scope, to implement HRDD measures covering their entire supply chains, and that the companies' business model and strategy are compatible with the [1.5 °C goal of the Paris Agreement](#).

However, it is crucial that the European Parliament and European Council are taken the necessary steps during the approval process to enhance the scope of the Directive and to eliminate the gender blindness of the Directive by applying and developing a gender nuanced responsive framework and perspective.

The glaring omission of any reference to 'gender' or 'women' in the comprehensive 70-page Draft Directive is a surprising discovery. This notable absence raises a fundamental question: why is it imperative to adopt a gender lens when formulating legislation? The answer is quite straightforward. Women represent nearly half of the world's population and continue to endure various forms of discrimination, human rights violations, gender-based violence, exclusion and sexual harassment, despite the progress made in non-discrimination provisions

within many countries' constitutions and laws. These challenges persist due to deeply ingrained discriminatory social norms, patriarchal power structures and gender stereotypes.

The impact of business activities on women is often distinct and disproportionate, resulting in adverse human rights consequences. For instance, women tend to be concentrated in insecure, low-paying jobs and face a higher likelihood of exposure to unfair, unsafe and unhealthy working conditions, particularly within global value chains. Moreover, women bear a disproportionate burden when it comes to the effects of climate change, environmental pollution and land acquisitions caused by business practices. Therefore, the exclusion of small and medium-sized enterprises (SMEs) from the direct purview of the Draft Directive, as discussed earlier, carries significant implications for women. Given that the majority of European Union companies operating in global value chains are of small or medium size, women workers within these enterprises are at a heightened risk of experiencing adverse human rights impacts.

The Draft Directive's disregard for women and its gender-neutral approach, both in language and intent, create a concerning risk of perpetuating systemic discrimination, exclusion and violence faced by women. Consequently, it fails to sufficiently safeguard women's human rights within the realm of business activities and falls short in addressing the intersecting and manifold forms of discrimination and oppression encountered by women. To rectify these shortcomings, the Draft Directive should have incorporated a comprehensive gender perspective, acknowledging the structural inequalities and discrimination faced by women. It ought to have provided clear directives and proactive measures for companies, such as mandating the inclusion of risks related to gender-based violence in their due diligence plans, to ensure that women's human rights are not violated in the course of business operations.

### **3.2. Draft of the binding treaty on business and human rights**

The impact of multinational corporations on human rights, especially in developing countries, has raised questions about the accountability of these entities. In response to these concerns, the Draft of the Binding Treaty on Business and Human Rights (<https://www.ohchr.org/sites/default/files/LBI3rdDRAFT.pdf>) emerged as a progressive initiative aiming to address the gaps in the current legal framework.

The Draft Treaty serves as a crucial mechanism to hold corporations accountable for their actions. It establishes clear legal obligations for businesses, ensuring that they respect human rights throughout their operation (<https://www.misereor.de/fileadmin/publikationen/study-on-UN-binding-treaty-2021.pdf>). By imposing obligations on both states and corporations, the treaty acknowledges the shared responsibility in promoting and protecting human rights. This recognition is essential for fostering a culture of accountability in the corporate sector.

One of the key aspects of the Draft Treaty is its emphasis on providing access to justice for affected communities. Historically, many communities affected by corporate activities have faced significant barriers when seeking legal remedies (<https://www.misereor.de/fileadmin/publikationen/study-on-UN-binding-treaty-2021.pdf>). The treaty seeks to address this issue by promoting access to justice and remediation for victims of human rights abuses. This provision is particularly significant for vulnerable groups, as it empowers them to seek redress and ensures that their voices are heard.

Another critical aspect of the Draft Treaty is its focus on enhancing due diligence and reporting obligations for corporations ([https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729435/EPRS\\_BRI\(2022\)729435\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729435/EPRS_BRI(2022)729435_EN.pdf)). The treaty recognizes the need for businesses to identify, prevent, and mitigate human rights abuses in their operations and supply chains. By strengthening reporting requirements, the treaty encourages transparency and accountability, ultimately enabling stakeholders to assess a company's human rights performance. This provision empowers consumers, investors, and civil society to make informed decisions, promoting responsible business practices.

A notable feature of the Draft Treaty is its emphasis on the extraterritorial application of

human rights obligations (<https://www.misereor.de/fileadmin/publikationen/study-on-UN-binding-treaty-2021.pdf>). ( Recognizing the global nature of many business operations, the treaty acknowledges the need for states to regulate the activities of their corporations abroad. This approach is crucial in preventing a race to the bottom, where corporations may exploit weak regulatory environments in certain countries. By ensuring that human rights obligations apply across borders, the treaty aims to level the playing field and prevent human rights abuses associated with corporate activities.

While the Draft Treaty represents a significant step forward in promoting corporate accountability, it faces certain challenges and opposition. Some argue that the treaty's provisions may impose undue burdens on corporations, hindering their ability to operate efficiently (<https://www.misereor.de/fileadmin/publikationen/study-on-UN-binding-treaty-2021.pdf>). Additionally, concerns have been raised about potential conflicts with existing international agreements and the varying legal systems of different countries. It is essential to address these concerns through constructive dialogue and careful consideration of the treaty's implementation mechanisms to ensure its effectiveness.

The Draft of the Binding Treaty on Business and Human Rights presents a transformative opportunity to strengthen corporate accountability and protect human rights globally. By establishing clear obligations, enhancing access to justice and promoting due diligence and reporting, the treaty addresses the gaps in the current legal framework. Although challenges and opposition exist, the potential benefits of the treaty outweigh these concerns. It is imperative for states, corporations, civil society and other stakeholders to collaborate and engage in a constructive dialogue to refine and implement the treaty effectively. In doing so, we can create a more just and equitable global business environment that respects and upholds human rights for all.

### **Gender blindness of the Draft Treaty**

The Draft of the Binding Treaty on Business and Human Rights has garnered significant attention for its potential to enhance corporate accountability and protect human rights

globally. However, amidst the discussions surrounding this treaty, one critical dimension remains overlooked: its gender blindness (<https://www.business-humanrights.org/pt/events/training-business-and-human-rights-a-gender-responsive-approach-for-the-proposed-eu-mandatory-due-diligence-un-draft-treaty/>).

Gender inequalities persist in various aspects of business operations, including employment, supply chains, and access to resources. Women often face discrimination and limited opportunities in the corporate sector, with limited representation in leadership positions and wage disparities compared to their male counterparts. Additionally, women and girls are disproportionately affected by human rights abuses associated with business activities, such as gender-based violence, exploitative working conditions and limited access to healthcare and education (<https://www.business-humanrights.org/pt/events/training-business-and-human-rights-a-gender-responsive-approach-for-the-proposed-eu-mandatory-due-diligence-un-draft-treaty/>).

These gender-specific challenges must be addressed to ensure the effectiveness of any business and human rights framework.

Despite the significance of gender inequalities in the business sphere, the Draft Treaty largely neglects to explicitly address gender-related concerns. The absence of gender-specific provisions limits the potential for comprehensive and transformative change. While the treaty recognizes the importance of human rights, it fails to acknowledge the intersectional nature of these rights and the specific vulnerabilities faced by women and girls. Consequently, the gender-blind approach undermines the treaty's ability to address the full spectrum of human rights violations perpetuated by corporate actors.

To rectify the gender blindness of the Draft Treaty, it is crucial to integrate a gender-responsive approach throughout its provisions. This entails recognizing the differentiated impact of business activities on different genders and ensuring that the treaty's obligations and mechanisms account for these variations. By mainstreaming gender into the treaty, it becomes possible to identify and address the unique challenges faced by women and girls, such as gender-based discrimination, unequal access to resources, and limited representation in decision-making processes.

A gender-responsive approach within the Draft Treaty can serve as a catalyst for promoting gender equality and women's empowerment in the business sphere. The treaty should include provisions that address the underrepresentation of women in leadership positions, promote equal pay for equal work and encourage the integration of gender perspectives in corporate decision-making (<https://www.business-humanrights.org/pt/events/training-business-and-human-rights-a-gender-responsive-approach-for-the-proposed-eu-mandatory-due-diligence-un-draft-treaty/>).

Additionally, mechanisms should be established to monitor and enforce gender-related obligations, enabling effective accountability and remediation for gender-based human rights abuses.

The gender blindness of the Draft of the Binding Treaty on Business and Human Rights is a significant oversight that must be rectified to create a truly inclusive and transformative framework. By adopting a gender-responsive approach, the treaty can effectively address the gender-specific challenges faced by women and girls in the context of business activities.

## **Chapter 4 Why is a gender-responsive human rights due diligence required – women workers in the global garment industry**

The global garment industry serves as a critical sector in the global economy, providing employment opportunities for millions of workers, particularly women. However, within this industry, women workers face numerous challenges, including exploitation, discrimination, and violation of their human rights. To address these issues effectively, a gender-responsive human rights due diligence is required. This chapter explores the necessity of such an approach, focusing on the experiences of women workers in the global garment industry and the significance of ensuring their rights.

### **4.1. The necessity of a gender-responsive human rights due diligence in supply chains**

Supply chains play a crucial role in our globalized economy, linking producers and consumers across various industries. However, the complexity and global reach of these supply chains often obscure the human rights violations and gender inequalities that occur within them (Mark Anner, 2020). To address this issue, it is essential to implement a gender-responsive human rights due diligence in supply chains. A gender-responsive human rights due diligence is essential to address the specific challenges faced by women workers in supply chains (<https://cleanclothes.org/resources/publications/garment-supply-chain-research>). It involves the systematic identification, prevention, and mitigation of human rights risks throughout the supply chain, with a particular focus on gender-related issues. This approach recognizes that women workers often experience human rights violations and discrimination differently than their male counterparts and requires tailored strategies and interventions to promote their rights and well-being (<https://www.bsr.org/en/reports/gender-equality-in-social-auditing-guidance>).

Human rights due diligence involves the proactive identification, assessment, and mitigation of human rights risks throughout the supply chain. It ensures that businesses are aware of and take necessary steps to prevent human rights violations. A gender-responsive approach to due diligence goes a step further by recognizing and addressing the unique challenges faced by

women and girls in supply chains. It seeks to eliminate gender-based discrimination and promote equal opportunities ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Gender-responsive human rights due diligence is essential for advancing gender equality within supply chains. It helps identify and address discriminatory practices that disproportionately affect women, such as unequal pay, limited access to training and education and sexual harassment. By actively engaging with suppliers, companies can encourage fair and equitable treatment of workers, irrespective of their gender.

Furthermore a gender-responsive human rights due diligence is crucial for protecting women and girls from gender-based violence within supply chains.

Supply chains often involve industries that are vulnerable to exploitation, such as garment manufacturing, agriculture, and electronics ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Women workers in these sectors are particularly susceptible to various forms of violence, including physical, sexual, and psychological abuse. Gender-based violence in supply chains is a pressing issue that violates the fundamental rights and dignity of women workers. It perpetuates a cycle of fear, oppression and inequality, hindering their ability to fully participate in the workforce and impeding their personal and professional development. The prevalence of gender-based violence is often rooted in unequal power dynamics, inadequate protection mechanisms and a lack of awareness and accountability (<https://mneguidelines.oecd.org/Integrating-a-gender-perspective-into-supply-chain-due-diligence.pdf>).

By integrating a gender lens into due diligence processes, companies can identify the underlying causes of violence and take proactive measures to mitigate risks. This may include establishing mechanisms for reporting and addressing complaints, ensuring safe and confidential channels for disclosure, providing training and awareness programs on gender-based violence, and fostering a culture of zero tolerance for such behavior.

Moreover, a gender-responsive approach recognizes the intersectional nature of violence and its disproportionate impact on marginalized groups, such as migrant women, indigenous

women and women from minority communities (<https://mneguidelines.oecd.org/Integrating-a-gender-perspective-into-supply-chain-due-diligence.pdf>). It acknowledges the need for tailored strategies that address the specific needs and vulnerabilities of these groups within supply chains.

The protection of women and girls from gender-based violence not only upholds their human rights but also contributes to a more inclusive and sustainable business environment. When companies actively work to prevent violence, they create safer and more supportive workplaces that attract and retain skilled women workers. This in turn enhances productivity, improves labor conditions, and fosters a positive corporate culture (<https://mneguidelines.oecd.org/Integrating-a-gender-perspective-into-supply-chain-due-diligence.pdf>).

By integrating a gender lens into due diligence processes, companies can identify risk factors that contribute to gender-based violence. They can then work with suppliers to implement measures that prevent and respond to such incidents. This may include providing safe reporting mechanisms, conducting awareness campaigns and offering support services for victims. Taking these steps can help create a safer and more inclusive environment for women in the workplace ([https://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](https://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)).

By promoting women's economic and social well-being a gender-responsive approach empowers women and girls in supply chains . It recognizes that women's empowerment is not only a matter of human rights but also a driver of sustainable development. When women have equal access to opportunities, resources and decision-making power, it leads to improved livelihoods, better health outcomes, and stronger communities ([https://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](https://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)).

And by investing in gender-responsive due diligence, companies can support initiatives that promote women's economic empowerment. This can involve providing training and skill development programs tailored to women's needs, ensuring equal access to promotions and career advancement and supporting women-owned businesses within their supply chains.

These efforts contribute to breaking the cycle of gender inequality and enable women to thrive as active participants in economic activities ([https://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](https://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)).

To ensure gender equality, protect against gender-based violence and empower women and girls, a gender-responsive human rights due diligence is indispensable in supply chains. By integrating a gender lens into their due diligence processes, companies can identify and address discriminatory practices, promote women's equal representation, and protect workers from violence and exploitation. This approach not only aligns with the principles of human rights but also contributes to sustainable development and a more equitable and inclusive global economy. Additionally, businesses can uphold their responsibility to respect human rights, as outlined in international frameworks such as the United Nations Guiding Principles on Business and Human Rights (<file:///C:/Users/wasch/Downloads/A%20HRC%2041%2043%20gender%20definition.pdf>).

Incorporating a gender lens into due diligence processes has broader societal implications. Gender equality is a fundamental aspect of social justice and an essential driver of sustainable development. When women and girls are empowered and have equal opportunities, it leads to positive outcomes for individuals, families, communities and societies as a whole. Women's economic empowerment can contribute to poverty reduction, enhance economic productivity and promote social stability.

Additionally, promoting gender equality within supply chains supports the achievement of the United Nations Sustainable Development Goals (SDGs). Gender equality is explicitly recognized as a standalone goal (SDG 5) and it is also cross-cutting, influencing progress across all other goals. By prioritizing gender-responsive human rights due diligence, companies can contribute directly to SDG 5 and contribute indirectly to other goals such as decent work and economic growth (SDG 8), reduced inequalities (SDG 10), and responsible consumption and production (SDG 12) (<https://sdgs.un.org/2030agenda>).

Furthermore, a gender-responsive approach to due diligence fosters innovation and drives positive change within supply chains. By acknowledging and addressing the specific needs and challenges faced by women and girls, companies can develop tailored solutions and

initiatives that promote gender equality. This may involve collaborating with local stakeholders, civil society organizations, and government entities to create programs that empower women, enhance their skills, and increase their economic participation. Such initiatives can have a transformative impact on the lives of women and their communities, leading to sustainable development and poverty reduction (<https://mneguidelines.oecd.org/Integrating-a-gender-perspective-into-supply-chain-due-diligence.pdf>).

Integrating a gender-responsive human rights due diligence in supply chains is not just a moral imperative but also a strategic business decision. It aligns with the principles of human rights, contributes to sustainable development, and fosters a more equitable and inclusive global economy. By actively addressing gender inequalities, eliminating gender-based violence, and empowering women and girls, businesses can create positive social change, enhance their reputations and drive economic growth ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). It is essential for companies to

recognize the necessity of this approach and commit to implementing gender-responsive human rights due diligence in their supply chains, ensuring that respect for human rights and gender equality become integral parts of their business practices.

This requires a comprehensive and proactive approach that goes beyond mere compliance with regulations. Companies should strive to embed these principles into their core values, corporate policies and decision-making processes.

In conclusion, a gender-responsive human rights due diligence is vital for protecting the rights and well-being of women and girls within supply chains. By acknowledging and actively working to prevent violence, companies can create inclusive and safe work environments that empower women workers and contribute to sustainable and responsible business practices. It requires a comprehensive approach that involves risk assessment, policy development, awareness raising, and effective grievance mechanisms.

## 4.2. The global garment industry

The global garment industry has emerged as a critical sector in the global economy providing employment opportunities for millions of workers, predominantly women . This industry has experienced rapid growth, driven by factors such as globalization, outsourcing and demand for affordable and fast fashion. While the industry's expansion has provided job opportunities for women, it has also exposed them to a range of challenges, leading to exploitation, discrimination, and the violation of their fundamental rights (<https://eige.europa.eu/sites/default/files/documents/GEIG%20Garments%20factsheet.pdf>). This is due to various factors, including prevailing gender norms, the perception of women's skills in garment production, and the industry's preference for low-cost and flexible labor. Women workers in this industry play a crucial role in the production process, yet they often face systemic gender-based discrimination, exploitation, and violations of their fundamental human rights. The experiences of women workers in this industry are characterized by various challenges, including exploitation, discrimination and violation of their fundamental rights ( <https://eige.europa.eu/sites/default/files/documents/GEIG%20Garments%20factsheet.pdf>). This industry has witnessed remarkable growth, primarily fueled by the forces of globalization, outsourcing practices and the escalating demand for affordable and swiftly produced fashion items. While the expansion of the industry has undeniably opened doors for women to enter the workforce, it has also subjected them to a myriad of formidable challenges, resulting in their exploitation, discrimination and the egregious violation of their fundamental rights ( ).

Numerous factors contribute to this unfortunate reality, including prevailing gender norms that perpetuate biased perceptions of women's capabilities in garment production. Furthermore, the industry itself tends to favor labor that is low-cost and flexible, which can exacerbate the vulnerability of women workers. Despite playing a pivotal role in the production process, women in this industry often encounter systemic gender-based discrimination, exploitation, and the infringement upon their fundamental human rights. Their experiences are marred by an array of obstacles, such as the persistent exploitation they face, the pervasive discrimination they encounter and the distressing violation of their fundamental rights.

It is disheartening to observe that within the global garment industry, the progress made in terms of job creation and economic growth is overshadowed by the hardships endured by women workers. The need to address these challenges and rectify the prevailing injustices becomes increasingly urgent. Efforts must be directed toward dismantling the entrenched gender biases, transforming the perception of women's skills and fostering an environment that upholds their rights.

To ensure a more equitable and just global garment industry, collaboration between multiple stakeholders is crucial. Governments, international organizations, manufacturers, brands and civil society must work collectively to enact and enforce policies that safeguard the rights of women workers. Measures should include initiatives to raise awareness about gender equality, provide access to education and skill development opportunities, establish fair and safe working conditions and enforce fair wages.

#### **4.2.1. Challenges Faced by Women Worker**

Women workers in the global garment industry encounter numerous challenges that undermine their dignity, well-being and economic empowerment. These challenges include low wages, long working hours, unsafe and unhealthy working conditions, limited access to social protection, sexual harassment and denial of their rights to freedom of association and collective bargaining. The complex and fragmented nature of global supply chains exacerbates these challenges, making it difficult to hold accountable the multiple actors involved in the production process (<https://eige.europa.eu/sites/default/files/documents/GEIG%20Garments%20factsheet.pdf>).

One of the primary issues faced by women workers in the global garment industry is exploitation. Many women are subjected to low wages, long working hours, and precarious employment contracts. This exploitation is often intensified by the prevalent practice of subcontracting, where layers of intermediaries make it difficult for workers to assert their rights and hold responsible entities accountable. As a result, women workers are trapped in a cycle of poverty, struggling to meet their basic needs and support their families.

Additionally, unhealthy working conditions contribute to their vulnerability (<https://www.hrw.org/report/2018/03/12/paying-bus-ticket-and-expecting-fly/how-apparel-brand-purchasing-practices-drive>).

These conditions can result in injuries, illnesses and long-term health complications for women workers.

Moreover, women workers in the global garment industry often lack access to social protection mechanisms such as maternity leave, healthcare and pension schemes. This lack of support further exacerbates their vulnerability and perpetuates the cycle of poverty.

Gender-based discrimination is another pervasive issue. Women workers frequently face unequal treatment in terms of wages, promotions and job opportunities. They are often relegated to low-skilled and low-paying positions, limiting their chances for career advancement (<https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620098/rr-made-poverty-exploitation>).

Additionally, women workers are highly susceptible to various forms of gender-based violence, including physical, sexual and psychological abuse. The power dynamics within the industry, coupled with inadequate protective measures, contribute to an environment where women are at heightened risk of exploitation and mistreatment.

Discrimination is another significant challenge faced by women workers in the industry. Gender-based discrimination manifests in various forms, including unequal wages and limited career advancement opportunities. Women are often concentrated in low-skilled positions, while men tend to occupy higher-paid and decision-making roles. This gender imbalance perpetuates the gender pay gap and denies women access to economic empowerment and leadership positions.

Moreover, women workers in the global garment industry frequently face violations of their fundamental rights. Unsafe and unhealthy working conditions prevail in many factories, exposing women to physical risks, occupational hazards and long-term health problems. The lack of adequate social protection mechanisms, such as maternity leave and healthcare benefits, further exacerbates their vulnerability and limits their ability to maintain a healthy work-life balance.

Addressing the challenges faced by women workers in the global garment industry requires a multifaceted approach to promote gender equality and empower these workers. One essential strategy is to ensure compliance with labor standards and regulations (<file:///C:/Users/wasch/Downloads/A%20HRC%2041%2043%20gender%20definition.pdf>).

Governments and

industry stakeholders must enforce laws that guarantee fair wages, safe working conditions and equal opportunities for women. Additionally, efforts should be made to improve labor inspection mechanisms and strengthen the capacity of labor unions to protect the rights of women workers.

Companies operating in the global garment industry have a crucial role to play in promoting gender equality. They should adopt responsible business practices that prioritize the rights and well-being of their workers. This includes implementing gender-responsive human rights due diligence, conducting regular assessments of gender-specific risks and taking proactive measures to prevent and address gender-based violence and harassment within their supply chains. Companies should also establish effective grievance mechanisms to ensure that women workers can report abuses without fear of retaliation.

To empower women workers, it is vital to invest in their skills development and capacity-building. Vocational training programs should be designed to enhance their technical abilities, enabling them to access higher-skilled and better-paid positions. Leadership development initiatives should also be promoted to enable women workers to take on decision-making roles and influence industry practices (Guidance <https://www.bsr.org/en/reports/gender-equality-in-social-auditing-guidance>).

Promoting gender equality and empowering women workers in the global garment industry requires a collaborative effort involving governments, industry stakeholders, civil society organizations and consumers. Advocacy and awareness campaigns can play a crucial role in raising public consciousness about the challenges faced by women workers and the need for transformative change. Consumers can contribute by demanding transparency and supporting ethically produced garments (<https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensionsGuidingPrinciples.pdf>).

In conclusion, while the global garment industry offers employment opportunities for millions of women, the experiences of women workers are marred by exploitation, discrimination, and violations of their fundamental rights. To create a more equitable and

empowering industry, it is imperative to address these challenges through comprehensive strategies that prioritize compliance with labor regulations, promote responsible business practices, invest in women's skills development, and foster collaboration among stakeholders. By doing so, we can build a global garment industry that respects and empowers women workers, contributing to a more just and inclusive global economy.

#### **4.2.2. Gendered Risks and Impacts**

The garment industry has long been associated with gendered risks and impacts, reflecting the complex power dynamics and inequalities that persist within this global sector. By examining the systemic factors that perpetuate gender inequalities in the garment industry, we gain a deeper understanding of the urgent need for change (<https://www.unwomen.org/en/digital-library/publications/2019/06/families-in-a-changing-world>).

The garment industry operates within a patriarchal system that reinforces gender inequalities. Women comprise the majority of the industry's workforce, often occupying lower-skilled and lower-paid positions. This concentration of women in certain roles reflects deeply entrenched gender norms and discrimination. It perpetuates a hierarchy where women are subjected to the control and authority of predominantly male supervisors and managers.

Gendered power dynamics in the garment industry are deeply rooted in patriarchal norms and structures that perpetuate gender inequalities. Women workers, who make up the majority of the industry's workforce, often find themselves occupying lower-skilled and lower-paid positions compared to their male counterparts. This occupational segregation is a manifestation of societal expectations and discriminatory practices that limit women's access to higher-paying and decision-making roles within the industry ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

The concentration of women in certain job categories, such as sewing, stitching and assembly work, reflects traditional gender roles and biases that associate women with "soft skills" and repetitive tasks. These roles are often undervalued and marginalized, perpetuating a gender hierarchy where women are seen as less capable or deserving of higher positions. As a result, men tend to dominate managerial and supervisory roles, exercising control and authority over

women workers ([https://www.ilo.org/global/publications/books/global-wage-report/2020-2021/WCMS\\_762319/lang--en/index.htm](https://www.ilo.org/global/publications/books/global-wage-report/2020-2021/WCMS_762319/lang--en/index.htm)).

This power imbalance is reinforced by a range of factors. Firstly, gender biases in hiring and promotion practices restrict women's opportunities for career advancement. Discrimination and stereotyping in recruitment processes limit women's access to training programs and skill development initiatives, further hampering their upward mobility. Additionally, cultural norms and societal expectations that place a higher burden of unpaid care work on women make it challenging for them to pursue career progression and take on leadership roles.

Moreover, the garment industry operates within a global supply chain where power dynamics extend beyond the factory floor. International fashion brands and retailers, predominantly led by men, hold significant influence over production processes and labor standards ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

These

brands often prioritize cost-cutting measures, driving down prices and pushing for shorter production cycles, which directly impact working conditions for women on the ground. The power asymmetry between multinational corporations and predominantly female workers leaves little room for negotiation or influence on labor practices.

This power dynamic also manifests in the enforcement of codes of conduct and labor standards within the industry. While some brands have adopted codes of conduct to ensure safe and fair working conditions, the implementation and monitoring of these standards are often flawed. Women workers face challenges in accessing grievance mechanisms or reporting workplace abuses due to fear of retaliation, lack of awareness, or inadequate support systems. As a result, the power imbalance between workers and management perpetuates a culture of silence and impunity ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Women in the garment industry are exposed to a range of occupational hazards and health risks that are often gendered in nature. Hazardous working conditions, such as long hours, inadequate ventilation and poor sanitation, disproportionately affect women workers.

Moreover, the lack of appropriate personal protective equipment (PPE) further compounds their vulnerability to workplace accidents and injuries. These risks not only endanger

women's physical well-being but also have long-term implications for their reproductive health. Occupational hazards and health risks in the garment industry disproportionately affect women workers and have gendered dimensions that are deeply intertwined with the nature of their work and the power dynamics at play. These hazards and risks stem from a combination of factors, including working conditions, lack of safety measures and limited access to healthcare ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Understanding these gendered risks is crucial for creating safer and healthier workplaces for women in the garment industry.

One significant occupational hazard faced by women workers is the long working hours. Many women in the garment industry are expected to work extended shifts to meet production targets and cope with tight deadlines. This excessive workload contributes to physical and mental fatigue, increasing the risk of accidents and injuries. Furthermore, prolonged working hours can lead to chronic health issues, including musculoskeletal disorders, such as back pain and repetitive strain injuries.

Inadequate ventilation and poor air quality in garment factories also pose health risks to women workers. The use of chemicals, such as dyes, solvents and adhesives, exposes workers to harmful fumes and particulate matter. These substances can lead to respiratory problems, skin irritations and allergic reactions. Women, who often work in close proximity to these hazardous substances, are particularly vulnerable to their adverse effects.

Sanitation and hygiene conditions in garment factories can be substandard, posing health risks, especially for women

([://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](https://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)). Lack of access to clean toilets, handwashing facilities and clean

drinking water can contribute to the spread of diseases and infections. Additionally, the absence of proper menstrual hygiene facilities and limited privacy during menstruation can be a source of discomfort and potential health issues for women workers.

The absence or inadequate provision of personal protective equipment (PPE) further exacerbates the gendered risks faced by women in the garment industry. PPE, such as gloves, masks and safety goggles, is essential for protecting workers from hazards, but its availability and proper usage are often compromised. Women may encounter barriers in accessing

suitable PPE due to size and fit issues, reflecting gender bias in the design and distribution of safety equipment ([://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](http://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)).

Moreover, women workers in the garment industry may face specific reproductive health risks due to their working conditions. Exposure to certain chemicals and substances can have adverse effects on fertility, pregnancy outcomes, and the health of newborns. Limited access to maternity leave, affordable childcare, and breastfeeding support further compounds the challenges faced by women juggling work and caregiving responsibilities ([://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](http://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)).

One of the most pervasive and distressing forms of gendered risk in the garment industry is sexual harassment and gender-based violence. Women workers are frequently subjected to unwanted advances, verbal abuse, and even physical assault within factory settings. The hierarchical power structure exacerbates the vulnerability of women, as their subordinate positions make it difficult for them to challenge or report such misconduct without fear of reprisal. This toxic environment not only undermines their dignity and personal safety but also perpetuates a culture of silence and impunity. Sexual harassment and gender-based violence are pervasive and distressing gendered risks that women workers in the garment industry frequently encounter. These forms of violence not only violate individual rights and dignity but also contribute to a hostile and unsafe work environment. Understanding the dynamics and consequences of sexual harassment and gender-based violence is crucial for creating a workplace culture that upholds respect, equality, and accountability ([://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](http://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)).

Sexual harassment encompasses a range of unwelcome behaviors of a sexual nature that create a hostile or intimidating environment. Women workers in the garment industry often face unwanted advances, explicit comments, gestures or demands for sexual favors. These acts of harassment are rooted in power imbalances, where predominantly male supervisors and managers exploit their positions of authority to exert control over female workers. The hierarchical nature of the industry, coupled with the fear of job loss or retaliation, further silences women and discourages them from reporting incidents.

Gender-based violence extends beyond sexual harassment to include physical, psychological and emotional abuse. Women workers may experience physical assaults, threats and coercion, which can lead to severe physical and mental health consequences. The fear of violence permeates the workplace, creating a climate of intimidation and fear that limits women's freedom, autonomy, and ability to perform their jobs effectively. The effects of gender-based violence can extend far beyond the workplace, impacting women's overall well-being and quality of life.

The consequences of sexual harassment and gender-based violence are profound and far-reaching. They undermine women's self-esteem, confidence, and psychological well-being. Women may experience anxiety, depression, post-traumatic stress disorder (PTSD) and other mental health issues as a result of the trauma they have endured. These experiences can also have detrimental effects on their professional growth, career advancement and overall job satisfaction  
(<https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensionsGuidingPrinciples.pdf>).

In addition to the physical and psychological risks women in the garment industry are also subjected to economic exploitation and precarious work conditions. Many women workers endure low wages, non-payment or delayed payment of wages and exploitative labor practices such as excessive overtime and piece-rate payment systems. These exploitative conditions perpetuate poverty cycles, hinder economic empowerment and further entrench gender inequalities within the industry.

Economic exploitation and precarious work are key issues affecting women in the garment industry. These gendered risks result from systemic inequalities and power imbalances within the industry, leading to low wages, long working hours, job insecurity and limited social protections. Understanding the dynamics of economic exploitation and precarious work is essential for addressing the challenges faced by women workers and advocating for fair and dignified employment conditions.

One of the central concerns in the garment industry is low wages  
(<file:///C:/Users/wasch/Downloads/A%20HRC%2041%2043%20gender%20definition.pdf>).

Women workers often receive meager compensation for their labor, which falls below living wage standards. This wage disparity reflects gender biases and discrimination within the industry, as women's work is undervalued compared to men's. The low wages perpetuate a cycle of poverty and economic vulnerability for women, hindering their ability to improve their living conditions, access healthcare or provide for their families.

In addition to low wages, women in the garment industry frequently face long working hours. Excessive overtime is common, as manufacturers strive to meet tight production deadlines and fulfill demanding orders. Women may be compelled to work long shifts, often without adequate rest breaks, to earn enough to support themselves and their families. These grueling working conditions not only lead to physical and mental exhaustion but also compromise work-life balance, leaving little time for personal well-being, family care or other activities outside of work  
(file:///C:/Users/wasch/Downloads/A%20HRC%2041%2043%20gender%20definition.pdf).

Job insecurity and the prevalence of precarious work arrangements further compound the challenges faced by women in the garment industry. Many women are employed as temporary, casual or contract workers, denying them access to job stability, social protection and employment benefits. These precarious work arrangements leave women vulnerable to exploitation, as they lack job security, face arbitrary dismissals and often lack recourse for grievances or legal protection. Women's economic instability and precarious employment create an environment of uncertainty, perpetuating their vulnerability to various forms of exploitation  
(file:///C:/Users/wasch/Downloads/A%20HRC%2041%2043%20gender%20definition.pdf).

The global nature of the garment industry also contributes to economic exploitation. Global supply chains involve multiple layers of subcontracting, where different actors profit from the production process while pushing down costs. This fragmented structure enables the exploitation of women workers at various levels, as subcontractors compete to offer the lowest prices often at the expense of fair wages and decent working conditions. The lack of transparency and accountability within supply chains makes it challenging to trace and

address labor rights violations effectively.

The gendered risks in the garment industry have profound consequences for women's empowerment and agency. Women workers face limited opportunities for career advancement, training, and skill development, trapping them in low-paid, monotonous jobs with little control over their working conditions. This lack of agency perpetuates the cycle of dependence and undermines their ability to negotiate for better wages and improved working conditions.

The gendered risks and impacts within the garment industry are deeply entrenched and multifaceted, reflecting broader societal inequalities. Women workers continue to bear the brunt of hazardous working conditions, sexual harassment, economic exploitation and limited empowerment opportunities. Efforts to address these challenges must be comprehensive and multifaceted, involving stakeholders at all levels, from international corporations to local communities.

### **4.3. Developing Standards for Gender-Responsive Human Rights Due Diligence in the Garment Industry**

The garment industry plays a significant role in global economies, providing employment opportunities for millions of workers worldwide. However, this industry has long been plagued by human rights abuses, particularly concerning gender inequality and discrimination. To address these challenges, the development of gender-responsive human rights due diligence standards is crucial.

Gender-responsive human rights due diligence refers to a proactive approach that ensures respect for human rights, with a particular focus on gender equality and the empowerment of women, throughout the garment supply chain. It involves identifying potential risks, preventing abuses, and mitigating adverse impacts on individuals' rights, especially women and marginalized communities. Understanding Gender-Responsive Human Rights Due Diligence involves a comprehensive examination of the specific challenges faced by women and marginalized communities within the garment industry ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). It requires a deep understanding of the gender dynamics, power imbalances and discriminatory practices prevalent in the sector. By adopting a gender-responsive approach, stakeholders can identify and address the root causes of gender inequality, promoting the empowerment and protection of women's rights throughout the industry.

Gender-responsive human rights due diligence begins with recognizing that women constitute a significant portion of the garment industry's workforce. They often face unique challenges, including low wages, long working hours, lack of social protection, and limited access to education and healthcare. Moreover, women are disproportionately affected by workplace discrimination, sexual harassment, and violence (<https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-equality-in-the-workplace--good-practices-and-recommendat.html>).

To effectively address these issues, gender-responsive due diligence entails a proactive and systematic approach. It involves conducting thorough assessments to identify potential risks

and adverse impacts on women's rights ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). This includes examining working conditions, wage structures, occupational health and safety measures and access to social benefits. Additionally, it requires engaging with workers, trade unions, civil society organizations and other stakeholders to understand their experiences and perspectives.

Gender-responsive due diligence also emphasizes the integration of gender considerations across the entire supply chain ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). This means going beyond addressing women's issues as standalone initiatives and instead embedding gender equality principles into all aspects of operations. It entails fostering inclusive workplaces that promote equal opportunities, fair treatment, and non-discrimination for all workers, regardless of gender identity.

Transparency and disclosure are crucial components of gender-responsive human rights due diligence. It involves promoting openness and accountability by sharing information about suppliers, labor practices and supply chain processes. Transparent reporting enables consumers, investors and other stakeholders to make informed decisions that align with their values and support companies committed to gender equality ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Capacity building and education play vital roles in implementing gender-responsive due diligence. It requires providing training and resources to workers, managers, and suppliers to enhance their understanding of gender equality, non-discrimination and human rights. This education empowers individuals with knowledge and tools to challenge harmful norms and practices, creating a culture of respect and inclusion within the industry ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

By implementing gender-responsive human rights due diligence, stakeholders in the garment industry can proactively address gender inequalities and contribute to sustainable development. It involves recognizing the interconnectedness of social, economic and

environmental factors and working towards a holistic approach that prioritizes human rights and gender equality. Only through such comprehensive efforts can the industry transform and create a more equitable and just working environment for all.

Understanding gender-responsive human rights due diligence requires a deep comprehension of the unique challenges faced by women and marginalized communities within the garment industry. It involves proactive risk assessments, gender mainstreaming, transparency, capacity building, and collaborative efforts among stakeholders. By embracing a gender-responsive approach, the industry can foster inclusivity, equality and respect for human rights, creating a sustainable and responsible business model.

The need for gender-responsive human rights due diligence standards in the garment industry arises from the systemic gender inequalities present in the sector. Women constitute a significant proportion of the industry's workforce, facing numerous challenges ranging from low wages to unsafe working conditions and sexual harassment. Without appropriate standards, these abuses can persist, perpetuating the cycle of gender inequality.

Moreover, the garment industry's complex and fragmented supply chain makes it difficult to monitor and address human rights violations effectively. By developing gender-responsive standards, stakeholders can establish a unified framework that promotes the protection and promotion of women's rights across the entire industry.

One of the primary reasons for gender-responsive standards is to address the persistent wage gap between male and female workers in the garment industry. Women are often paid lower wages compared to their male counterparts, despite performing similar work. This wage discrimination exacerbates economic inequalities, restricts women's financial independence and perpetuates the cycle of poverty

([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Furthermore, gender-based violence and harassment are prevalent issues within the garment industry. Women frequently experience verbal, physical and sexual harassment in the workplace, creating hostile environments that undermine their safety, well-being and dignity. The absence of clear standards to prevent and address such violations perpetuates a culture of

impunity and allows these abuses to persist.

Occupational health and safety is another critical aspect that necessitates gender-responsive standards. Women often face distinct risks and vulnerabilities in the workplace due to factors such as inadequate sanitation facilities, insufficient protective equipment, and limited access to reproductive healthcare. Without appropriate standards, women's health and well-being can be compromised, putting them at a higher risk of injuries and illnesses ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Moreover, the garment industry's complex and fragmented supply chains pose significant challenges in monitoring and addressing human rights violations effectively. Products are often manufactured in different countries with multiple subcontractors, making it difficult to track and ensure compliance with labor and human rights standards. Gender-responsive standards provide a unified framework that transcends these complex supply chains, ensuring that gender considerations are incorporated throughout the industry's operations.

In conclusion, the need for gender-responsive human rights due diligence standards in the garment industry is evident due to the persistent gender inequalities and discriminatory practices faced by women workers. These standards are crucial in addressing wage disparities, combating gender-based violence and harassment and promoting occupational health and safety. By establishing clear and comprehensive standards, stakeholders can contribute to the transformation of the industry, fostering a more equitable and inclusive working environment for all.

Key considerations for developing gender-responsive standards:

Multi-stakeholder collaboration is a vital aspect of developing effective gender-responsive human rights due diligence standards in the garment industry. The involvement of various stakeholders, including governments, garment manufacturers, trade unions, civil society organizations and international bodies, brings together diverse perspectives and expertise, leading to more comprehensive and robust standards (<https://www.genderduediligence.org/>). The participation of governments is crucial in setting regulatory frameworks and policies that promote gender equality and human rights in the garment industry. Governments play a

pivotal role in enacting and enforcing laws that protect workers' rights, ensure fair labor practices and prevent discrimination and harassment. Their involvement in the development of gender-responsive standards helps align industry practices with national and international legal frameworks ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Garment manufacturers, as key players in the industry, have a direct impact on the working conditions and rights of workers. Their participation in the development of standards is essential to ensure their commitment and accountability in upholding gender-responsive due diligence. Manufacturers can contribute their expertise in supply chain management, production processes, and worker engagement to develop practical and feasible standards that can be implemented throughout their operations (<https://www.genderduediligence.org/>).

Trade unions play a crucial role in advocating for workers' rights and providing a collective voice for employees in the garment industry. Their involvement in developing standards ensures that the perspectives and concerns of workers, particularly women, are considered. Trade unions bring their expertise in labor rights, collective bargaining and worker empowerment to the collaborative process, ensuring that the standards address the specific needs and challenges faced by workers on the ground (<https://www.genderduediligence.org/>). Civil society organizations, including advocacy groups, human rights organizations and women's rights organizations, provide valuable insights and perspectives from the communities affected by the garment industry. Their involvement ensures that the standards address the real-life experiences and aspirations of workers, particularly marginalized groups. Civil society organizations also play a critical role in monitoring and verifying compliance with the standards, holding stakeholders accountable for their commitments (<https://www.genderduediligence.org/>).

International bodies, such as the International Labour Organization (ILO) and United Nations entities, bring their global expertise and guidance to the development of gender-responsive standards. They provide a platform for knowledge exchange, capacity-building, and dissemination of best practices (<https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensionsGuidingPrinciples.pdf>). Their involvement ensures that the standards align with international human rights frameworks, conventions and recommendations.

Collaborative efforts among these diverse stakeholders foster legitimacy and ownership of the standards. By including multiple perspectives, the standards reflect a more comprehensive understanding of the challenges faced by women in the garment industry and the necessary actions to address them. Furthermore, multi-stakeholder collaboration enhances transparency, accountability and buy-in from all stakeholders, promoting a sense of shared responsibility and commitment to implementing the standards effectively.

Multi-stakeholder collaboration is essential in developing effective gender-responsive human rights due diligence standards in the garment industry. Governments, garment manufacturers, trade unions, civil society organizations and international bodies each bring unique expertise and perspectives, fostering legitimacy and ownership of the standards. By working together, these stakeholders can create standards that promote gender equality, protect human rights and drive positive change in the garment industry.

Gender-responsive standards should be integrated into all aspects of the supply chain, from raw material sourcing to garment production, distribution, and retail ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). This integration ensures that gender considerations are not treated as separate issues but are instead embedded throughout the industry's operations. Gender mainstreaming is a crucial approach that should be adopted in the development and implementation of gender-responsive standards in the garment industry. It involves integrating gender considerations into all aspects of the supply chain, from the sourcing of raw materials to garment production, distribution and retail. By incorporating gender considerations throughout the industry's operations, gender-responsive standards become more comprehensive and impactful, addressing gender inequalities at every stage (<https://www.genderduediligence.org/>).

Gender mainstreaming goes beyond addressing gender issues as separate or isolated initiatives. It recognizes that gender equality is not solely a women's issue but a fundamental principle of human rights and social justice. By integrating gender considerations into all aspects of the supply chain, gender-responsive standards aim to create systemic change that challenges the existing power dynamics and discriminatory practices prevalent in the industry ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

At the raw material sourcing stage, gender mainstreaming involves considering the gender implications of the extraction or production processes. It takes into account the potential impacts on local communities, particularly women, who may be disproportionately affected by the environmental and social consequences of resource extraction. Gender-responsive standards can promote responsible sourcing practices that prioritize the rights and well-being of women in these communities ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

In the garment production phase, gender mainstreaming focuses on ensuring equitable and inclusive working conditions for all workers. This includes addressing gender-based discrimination, providing equal opportunities for advancement and training, and promoting work-life balance. Gender-responsive standards can guide manufacturers in implementing fair wage policies, improving occupational health and safety measures, and fostering an inclusive workplace culture that respects diversity and promotes gender equality.

Distribution and retail stages also require gender mainstreaming to ensure that gender considerations are reflected in marketing, sales and customer engagement. This includes challenging gender stereotypes in advertising, promoting inclusive sizing and designs and offering products that cater to diverse needs and preferences. Gender-responsive standards can guide companies in developing responsible marketing practices that promote positive body images, challenge harmful gender norms and create a more inclusive and empowering shopping experience for all consumers ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Gender mainstreaming is a vital approach in the development and implementation of gender-responsive standards in the garment industry ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). By integrating gender considerations into all aspects of the supply chain, from raw material sourcing to garment production, distribution and retail, the industry can challenge existing power imbalances and discriminatory practices. Gender mainstreaming ensures that gender-responsive standards become comprehensive, holistic and transformative, driving sustainable change towards a more equitable and inclusive garment industry.

Risk assessment and management play a crucial role in developing effective gender-responsive human rights due diligence standards in the garment industry. By conducting comprehensive risk assessments, stakeholders can gain a thorough understanding of the specific risks and vulnerabilities faced by women workers. This understanding allows for the identification of key areas where gender-responsive measures are needed and facilitates the design of targeted mitigation strategies ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

One important aspect of risk assessment is the identification of wage discrimination. Women in the garment industry often face unequal pay compared to their male counterparts, despite performing similar work. Conducting wage gap analyses and assessing pay structures and practices can shed light on the extent of wage discrimination ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)). This information serves as a

basis for implementing measures such as pay equity policies, transparent wage systems and gender-responsive remuneration practices to address and eliminate wage disparities.

Workplace harassment and violence are prevalent issues in the garment industry. Risk assessments can help identify specific forms of harassment, such as verbal, physical and sexual harassment, as well as the underlying factors that contribute to a hostile work environment. Understanding these risks allows for the development of robust prevention and response mechanisms, including awareness campaigns, training programs, reporting mechanisms and support services, to address workplace harassment effectively ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Limited access to healthcare and occupational health and safety hazards also pose risks to women workers in the garment industry. Risk assessments can identify gaps in healthcare services, such as inadequate reproductive healthcare, limited access to sanitary facilities and insufficient protection from occupational hazards. These assessments inform the development of measures that prioritize the health and safety of women workers, such as improved workplace facilities, access to healthcare services, and training on occupational health and safety practices ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Child labor and forced labor are additional risks that need to be addressed in the garment industry. Risk assessments can help identify vulnerable groups, such as young girls and migrant workers, who are at a higher risk of exploitation. By understanding the root causes and dynamics of child labor and forced labor, stakeholders can implement targeted interventions, such as age verification mechanisms, responsible recruitment practices and support systems for vulnerable workers, to mitigate these risks effectively ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

By conducting comprehensive risk assessments, stakeholders in the garment industry can gain a deeper understanding of the specific risks faced by women workers and develop targeted mitigation strategies. This proactive approach enables the identification and prioritization of key areas where gender-responsive measures are needed. Ultimately, effective risk assessment and management contribute to the development of robust gender-responsive human rights due diligence standards that address the unique challenges and vulnerabilities faced by women in the garment industry.

Standards should emphasize transparency and disclosure of information regarding human rights practices within the garment industry. This includes sharing information about suppliers, working conditions, and wages to enable informed decision-making by consumers, investors and other stakeholders. Transparency enhances accountability and fosters positive change.

Transparency is essential because it promotes accountability and holds companies accountable for their actions. When information about suppliers, factories and production processes is disclosed, it becomes easier to identify and address human rights violations. Stakeholders, including consumers and investors, can make informed choices by supporting companies that demonstrate responsible practices and avoiding those that fail to uphold human rights standards. The demand for transparency creates market incentives for companies to improve their human rights performance and fosters a race to the top in terms of responsible business practices ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Moreover, transparency enables meaningful engagement and collaboration with stakeholders. By sharing information about their supply chains, companies can involve external

stakeholders, such as civil society organizations and trade unions, in monitoring and verifying their compliance with human rights standards. This collaborative approach fosters trust, enhances dialogue, and allows for the identification of gaps and areas for improvement. Transparency also enables workers to understand their rights, report abuses and access remedies when their rights are violated ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Furthermore transparency in disclosing working conditions is particularly important in the garment industry, where issues such as low wages, long working hours and unsafe working conditions are prevalent. By providing accurate and detailed information about working conditions, companies can address potential risks and ensure that workers' rights are respected. This includes disclosing information about occupational health and safety measures, compliance with labor laws and the provision of decent wages and benefits. Transparent reporting helps identify and rectify issues such as excessive overtime, Discrimination and lack of access to grievance mechanisms.

Wage transparency is another critical aspect of promoting gender-responsive human rights due diligence. In many cases, women in the garment industry face unequal pay and wage discrimination. By disclosing wage information, companies can address this issue and ensure that workers, regardless of gender, are fairly compensated for their work. Transparent reporting of wage structures, including any gender pay gaps, enables stakeholders to assess companies' commitment to gender equality and provides a basis for advocacy and remediation efforts ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

In conclusion, transparency and disclosure are essential components of gender-responsive human rights due diligence in the garment industry. By sharing information about suppliers, working conditions, and wages, companies can enhance accountability, engage stakeholders, and drive positive change. Transparent reporting enables consumers, investors and other stakeholders to make informed decisions, promotes dialogue and collaboration and helps address human rights violations.

Developing gender-responsive standards requires enhancing the capacity and knowledge of

all stakeholders involved. Garment manufacturers should invest in training programs that educate employees about gender equality, non-discrimination and creating inclusive work environments. Empowering workers with knowledge can help drive cultural change within the industry ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Garment manufacturers play a crucial role in building the capacity of their employees and suppliers. Training programs should be designed to raise awareness about gender issues, promote a culture of respect and equality and provide practical tools for addressing gender-related challenges. These programs can cover a range of topics, including gender stereotypes, unconscious bias, preventing and responding to harassment and discrimination, promoting work-life balance, and fostering diversity and inclusion. By equipping employees with knowledge and skills, manufacturers can create a workforce that is more aware, sensitive and responsive to gender-related issues ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

In addition to internal capacity building, manufacturers should collaborate with external organizations and experts to provide specialized training and guidance. This can include partnering with civil society organizations, trade unions and gender equality advocates to develop and deliver training programs tailored to the specific needs of the garment industry. By leveraging the expertise of these external stakeholders, manufacturers can ensure that training programs are comprehensive, evidence-based, and aligned with international human rights standards ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Empowering workers with knowledge goes beyond training programs for employees. It also involves providing information and resources to workers about their rights, entitlements and avenues for seeking redress. This can be achieved through the development of accessible and user-friendly materials, such as handbooks, brochures and online resources, that explain labor rights, grievance mechanisms, and avenues for reporting violations. Manufacturers can also facilitate workshops and forums where workers can openly discuss their concerns, share experiences and receive guidance on addressing gender-related issues in the workplace ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

Furthermore, capacity building and education should extend beyond the factory floor to reach communities and individuals associated with the garment industry. This can include outreach programs in local communities to raise awareness about labor rights, gender equality and the importance of ethical and sustainable production practices. By engaging with communities, manufacturers can foster a broader understanding of the issues faced by women workers and gain support for gender-responsive initiatives ([https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf)).

In conclusion, capacity building and education are integral to developing gender-responsive standards in the garment industry. By investing in training programs, knowledge-sharing initiatives, and outreach activities, stakeholders can enhance their understanding of gender equality, non-discrimination, and the creation of inclusive work environments.

The garment industry has a obligation to ensure gender equality and respect for human rights within its supply chains. Developing gender-responsive human rights due diligence standards is an essential step towards achieving this objective. By adopting a collaborative approach, integrating gender considerations throughout the supply chain, conducting risk assessments, promoting transparency and investing in capacity building, the industry can make significant strides in addressing gender inequality.

#### **4.3.1. Analyzing an existing guide on developing standards for GR-HRDD**

"Developing Standards for Gender-Responsive Human Rights Due Diligence," authored by Constance Z. Wagner and Nancy Kaymar Stafford, delves into the critical subject of establishing comprehensive guidelines to ensure gender-responsive practices in human rights due diligence. By incorporating a gender lens, the authors contend that it is crucial to promote equality and address the unique vulnerabilities and experiences faced by women and marginalized genders.

Understanding Gender-Responsive Due Diligence: Wagner and Stafford emphasize the need for gender-responsive human rights due diligence that encompasses various elements. One such element is gender analysis, which involves understanding the ways in which gender identities and power dynamics intersect with human rights violations. By conducting a

thorough gender analysis, policymakers and practitioners can identify the specific challenges faced by women and marginalized genders, enabling the design of targeted interventions.

**Data Collection and Impact Assessment:** The authors stress the significance of comprehensive data collection as a fundamental step in gender-responsive due diligence. Collecting disaggregated data allows for a nuanced understanding of how human rights abuses affect different gender groups. Such data can unveil patterns of discrimination, violence and exclusion that are often invisible in aggregated statistics. Furthermore, impact assessments must go beyond simply identifying adverse effects to explicitly consider the differentiated impact on women and marginalized genders.

**Meaningful Participation and Empowerment:** A crucial aspect of gender-responsive human rights due diligence lies in ensuring meaningful participation and empowerment of affected communities. Wagner and Stafford emphasize the need for inclusive processes that enable women and marginalized genders to actively contribute to decision-making and policy formulation. By amplifying their voices and involving them in the design and implementation of initiatives, human rights interventions can better address the specific needs and concerns of these communities.

**Normative Frameworks and Legal Obligations:** The authors argue that gender-responsive human rights due diligence should be firmly grounded in international norms and legal obligations. Existing human rights instruments, such as the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women, provide a solid foundation for integrating gender perspectives. Policymakers and practitioners must align their efforts with these established frameworks to ensure consistency and effectiveness in addressing gender-based human rights violations.

**Challenges and Strategies:** Wagner and Stafford acknowledge the challenges associated with implementing gender-responsive due diligence. They highlight the need for capacity building and knowledge-sharing initiatives to enhance understanding and expertise in gender analysis and programming. Additionally, they stress the importance of addressing structural barriers, such as patriarchal norms and discriminatory legal frameworks, which perpetuate gender inequalities and hinder progress in human rights due diligence.

**Case Studies and Best Practices:** Throughout the article, the authors provide insightful case studies and best practices that exemplify gender-responsive approaches in human rights due diligence. These examples illustrate the positive impact of integrating gender perspectives and emphasize the significance of context-specific solutions. From inclusive peace processes to

gender-sensitive judicial systems, these case studies showcase successful strategies that can guide policymakers and practitioners in developing their own gender-responsive frameworks.

In conclusion, Constance Z. Wagner and Nancy Kaymar Stafford's guide highlights the urgent need for developing standards for gender-responsive human rights due diligence. By incorporating a gender lens, policymakers and practitioners can effectively address the unique challenges faced by women and marginalized genders, promoting equality and ensuring that human rights interventions are inclusive and impactful. Through gender analysis, comprehensive data collection, meaningful participation and adherence to legal obligations, gender-responsive due diligence can lay the groundwork for a more just and equitable society. While challenges exist, the presented case studies and best practices offer valuable insights and guidance for those working towards gender-responsive human rights frameworks. By adopting these strategies and leveraging existing normative frameworks, stakeholders can advance the cause of gender equality and human rights in a more robust and comprehensive manner.

Moving forward, Wagner and Stafford emphasize the importance of ongoing research, evaluation and monitoring to refine and improve gender-responsive human rights due diligence. They underscore the need for collaboration among stakeholders, including governments, civil society organizations and international bodies, to share knowledge and experiences. By fostering dialogue and learning from one another stakeholders can collectively strengthen their capacity to implement gender-responsive practices effectively.

Moreover, the authors call for the integration of intersectionality into gender-responsive human rights due diligence. Intersectionality recognizes that individuals may experience overlapping forms of discrimination based on various intersecting identities such as race, class, disability, and sexual orientation. Incorporating an intersectional lens enables a more nuanced understanding of the complex realities faced by individuals and communities, leading to more targeted and inclusive interventions.

In terms of policy implications, Wagner and Stafford suggest that governments should prioritize the integration of gender perspectives into their human rights frameworks. This involves ensuring that laws and policies are not only gender-neutral but actively address gender inequalities and protect the rights of women and marginalized genders. Moreover, they emphasize the importance of budgetary allocations that support gender-responsive programming and enable the implementation of comprehensive strategies.

The guide "Developing Standards for Gender-Responsive Human Rights Due Diligence" by Constance Z. Wagner and Nancy Kaymar Stafford provides a compelling argument for the integration of gender perspectives in human rights due diligence. By adopting gender-responsive approaches that encompass gender analysis, data collection, impact assessment, meaningful participation and adherence to legal obligations, stakeholders can address the specific challenges faced by women and marginalized genders. The article's inclusion of case studies and best practices further illustrates the transformative potential of gender-responsive initiatives. As we strive for a more equitable and just society, it is imperative to establish and implement standards that prioritize gender equality in human rights frameworks. By doing so, we can foster inclusive and effective responses to human rights violations.

## **Chapter 5**

### **5.1. Summary of key findings**

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