

Brussels, 6th of March, 2023.

**Subject: Ensuring a gender-responsive Corporate Sustainability Due Diligence legislation**

Dear President of the European Commission Ursula von der Leyen,  
Dear Vice-President Vera Jourová,  
Dear Commissioner Thierry Breton,  
Dear Commissioner Helena Dalli,  
Dear Commissioner Didier Reynders,  
Dear Members of Parliament,  
Dear Council of the European Union Representatives,

In the lead up to International Women's Day we want to remind you that corporate accountability is a women's rights issue, and EU legislation, including the Corporate Sustainability Due Diligence Directive (CSDDD), needs to reflect this.

On International Women's Day we pay tribute to all the women, girls and gender non-conforming people who defend human rights and the environment. Those who fight against discrimination, inequality and gender-based violence in the workplace and protect environmental, land and Indigenous Peoples' rights in the context of business activities.

Pollution, land grabbing, the exploitation of workers and violence against human rights defenders all have different and disproportionate effects on women and groups facing marginalisation. Any legislative initiative that attempts to regulate business conduct must address such gendered and intersecting impacts,<sup>1</sup> especially considering that in many sectors, such as textiles and agriculture, women make up the majority of the workforce.<sup>2</sup> Many women are further discriminated against based on intersecting identities such as age, class, ethnicity, caste, migration status, gender identity, faith, sexual orientation and/or other factors. Gender-responsive due diligence rules and access to justice are urgently needed to properly address these deep-seated inequalities.

The CSDDD presents a key opportunity to advance women's rights and gender equality in companies' international value chains, and **for the EU to act on its commitment to gender equality declared in the EU Gender Equality Strategy, the Gender Action Plan III and the LGBTIQ Strategy.**

Despite its ground-breaking potential, the CSDDD proposal presented by the European Commission in February 2022 does not integrate a gender lens and risks leaving women behind. [Over 80 organisations](#) expressed great disappointment with this lack of a gender perspective.<sup>3</sup> Yet, the Council's general approach did not address gender either. To the contrary, it further restricts women's rights and even eliminated the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) from the directive's material scope. As one of the biggest trading blocs, the EU has an opportunity and

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<sup>1</sup> ActionAid, Ensuring a gender-responsive and effective Corporate Sustainability Due Diligence Legislation in Ten Steps, 2022, <https://actionaid.org/publications/2022/ensuring-gender-responsive-and-effective-corporate-due-diligence-legislation-10>.

<sup>2</sup> ActionAid 'We mean business', 2020 [https://actionaid.nl/wp-content/uploads/2020/02/We-Mean-Business-Protecting-Womens-Rights-in-Global-Supply-Chains\\_ActionAid\\_March-2020.pdf](https://actionaid.nl/wp-content/uploads/2020/02/We-Mean-Business-Protecting-Womens-Rights-in-Global-Supply-Chains_ActionAid_March-2020.pdf); Oxfam, Not in this together, 2021 <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621194/bp-not-in-this-together-220621-en.pdf?sequence=22>; Clean Clothes Campaign, Fashioning justice, 2021, <https://cleanclothes.org/news/2021/fashioning-justice>.

<sup>3</sup> <https://actionaid.nl/wp-content/uploads/2022/03/CSDDD-Gender-responsiveness-open-letter-to-EC-MEPs-and-Council.pdf>

responsibility to demonstrate its commitment to human rights and positively impact the lives of many, especially women, with this directive.

With key votes in the European Parliament and the trilogue negotiations approaching, it is crucial for all three EU institutions to seize this opportunity and ensure the CSDDD is effective and gender-responsive. More specifically, we call for the CSDDD to:

**1. Explicitly recognise that the adverse impacts of corporate activities are not gender neutral**

In line with the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD guidance, companies should be required to pay special attention to the actual and potential adverse impacts on groups or populations that may have a heightened risk of vulnerability or marginalisation as well as the different risks that may be faced by women and people with gender-diverse identities.<sup>4</sup>

**2. Cover the entire value chain**

Rather than limit how much of their value chain's companies must conduct due diligence on, with concepts such as "*established business relationship*" and "*chain of activities*", the CSDDD should include all types of business relationships throughout the value chain, for both upstream and downstream activities. Adverse impacts are more likely to occur at the beginning of the value chain where women are often overrepresented. Women are also more likely to depend on semi-formal or informal relationship schemes, unofficial subcontracting and home-based work;

**3. Cover companies of all sizes**

All companies must have an obligation to respect human rights and the environment. As existing international standards recognize, the adverse impacts of business activities may occur regardless of company size. Women are overrepresented<sup>5</sup> in sectors which consist mainly of small to medium enterprises, such as the textile industry. Therefore, they will be at even greater risk if the legislation is not broadened out to include all business sizes;

**4. Ensure women's rights are protected**

In line with the UNGPs the due diligence obligation should cover all human rights. Tremendous progress has been made in terms of recognising women's rights and gender equality in existing international human rights frameworks. This should be reflected in the CSDDD through the inclusion of all internationally recognized women's rights;<sup>6</sup>

**5. Ensure access to justice**

The CSDDD must include a strong liability regime that ensures access to justice for those who experience adverse impacts of business activities. Women and those in vulnerable situations face additional barriers to justice which must be removed. Specific provisions to this end must include: reversal of the burden of proof; extending limitation periods; collective redress and representative actions; taking into account specific obstacles which may be faced by women such as language and literacy barriers, lack of access to financial resources, limits on freedom of movement, time poverty due to unpaid care work and other factors;

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<sup>4</sup> To this end, the UN and the OECD developed specific guidance about integrating a gender lens throughout the due diligence process.

<sup>5</sup> Women make up around 80% of the textile and apparel workforce; 37 % of the global workforce in agriculture are women, due to limited ownership and control over land and natural resources they are disproportionately affected by human rights violations such as land grabbing.

<sup>6</sup> At a minimum, all international human rights treaties should be covered (including the *Convention on the Elimination of all Forms of Discrimination against Women*) as well as other international instruments relevant to women's rights (such as *ILO Convention 190 on Violence and Harassment in the World of Work* and the *Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*)

Further, we call on all three EU institutions to ensure gender-responsiveness throughout the due diligence process. In particular, the CSDDD should:

- 6. Require that companies implement gender-responsive stakeholder engagement**  
Companies must be required to safely and meaningfully engage with stakeholders and apply a gender-responsive approach to stakeholder engagement. Companies must engage with individuals and groups that have a heightened risk of vulnerability and marginalisation throughout every step of due diligence. Women, particularly those belonging to groups in marginalised situations (such as Indigenous women, rural women, etc.), are often excluded from consultation, their voices are not heard without specific gender-responsive measures.<sup>7</sup> Furthermore, the protection of whistleblowers (article 23) should be expanded to protecting all Human Rights and Environmental Defenders;
- 7. Ensure companies' risk identification processes are gender sensitive**  
Companies must be required to identify gender-specific trends and patterns in actual or potential adverse impacts. Gender impacts only come to light when they are explicitly investigated. Violations such as sexual violence are often difficult to identify, as they are usually regarded as sensitive and sometimes dangerous to report for women;
- 8. Require the collection and use of disaggregated data**  
To understand whether their business activities have differentiated impacts on groups in situations of marginalisation and on women, men and gender non-conforming people when identifying, assessing, tracking and monitoring the adverse impacts and effectiveness of the actions taken, companies should collect and use data disaggregated by: sex, gender, age, ethnicity, class, migration status, disability and other grounds of discrimination;
- 9. Ensure companies' remediation processes are gender responsive**  
The CSDDD should include the explicit obligation for companies to remediate harm, as well as provisions for victims to access effective remedy, both non-judicial and judicial. Available remedies must go beyond financial compensation<sup>8</sup> and provide for gender-responsive forms of redress by taking into account the needs and interests of the affected individual or group;
- 10. Ensure gender-responsive purchasing practices**  
Specify that the impact of purchasing practices and business models must be an integral part of a company's due diligence policies and activities. Unfair purchasing practices on cost and schedules have a direct and disproportionate impact on women (low wages and incomes, unsafe conditions, abusive subcontracting). Companies must ensure a living wage for workers through their purchasing practices.

The time for the EU to seize the unique opportunity to fight gender inequality and intersectional discrimination in global value chains is running out. For the upcoming legislation to be truly effective and make a positive difference in many lives around the world, women and girls must not be left behind. We call on you to change the CSDDD text to ensure that the directive fulfills its promise and its potential.

Sincerely,

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<sup>7</sup> [https://media.business-humanrights.org/media/documents/files/documents/FEMINISTS\\_CONTRIBUTIONS\\_TREATY.pdf](https://media.business-humanrights.org/media/documents/files/documents/FEMINISTS_CONTRIBUTIONS_TREATY.pdf), the OECD has developed specific guidance on women in stakeholder engagement.

<sup>8</sup> Remedy may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.

## Signatories:

1. ActionAid International
2. European Coalition for Corporate Justice
3. Women Engage for a Common Future (WECF)
4. Irish Coalition for Business and Human Rights
5. Front Line Defenders
6. We Effect
7. Fundación Alboan
8. FEMNET e.V.
9. Fair Finance International
10. Young Women's Leadership Institute (YWLI)
11. FAIR
12. Campagna Abiti Puliti
13. Protection International
14. OQ Consulting BV
15. World House, Wetten, Germany
16. WO=MEN Dutch Gender Platform
17. CARE International
18. Avocats Sans Frontières
19. Christian Aid Ireland
20. Peperusha BINTI
21. Labour Behind the Label
22. Homeworkers Worldwide
23. EU-LAT Network
24. Association of Ethical Shareholders Germany
25. Romero Initiative (CIR)
26. Swedwatch
27. Goliathwatch
28. AK EUROPA
29. Centre for Research on Multinational Corporations (SOMO)
30. ASOCIACIÓN ACCIÓN VERAPAZ
31. ÖGB Europabüro
32. Women's Aid Ireland
33. NeSoVe (Austria)
34. Gender Alliance for Development Centre
35. Friends of the Earth Ireland
36. FIAN Germany
37. National Women's Council (NWC), Ireland
38. Action Solidarité Tiers Monde - ASTM, Luxembourg
39. European Environmental Bureau (EEB)
40. Women's International League for Peace and Freedom
41. Human Rights International Corner (HRIC)
42. International Dalit Solidarity Network
43. FORUM MENSCHENRECHTE
44. World Fair Trade Organization - Europe
45. Fundación Libera contra la Trata de Personas y la Esclavitud en Todas sus Formas, Chile
46. International Justice Mission Deutschland

47. Fashion Revolution
48. Solidaridad
49. University College Dublin Centre for Business and Society (UCD-CeBaS)
50. WIDE Austria - Network for Women's Rights and Feminist Perspectives in Development
51. European Center for Constitutional and Human Rights (ECCHR)
52. Project on Organizing, Development, Education, and Research (PODER)
53. WUNRN-Women's UN Report Network
54. Red europea de Comités Oscar Romero (SICSAL-Europa)
55. Women In Development Europe (WIDE+) gender and trade working group
56. OECD Watch
57. cum ratione
58. SÜDWIND - Institute for Economy and Ecumenism
59. GLOBAL 2000 - Friends of the Earth Austria
60. Brot für die Welt
61. Centre for Research and Documentation Chile-Latin America (FDCL e.V.)
62. Oxfam International
63. Freedom United
64. Frauen\*solidarität - Women's Solidarity (Austria)
65. Gulnaz Anjum (University of Oslo)
66. Werkstatt Ökonomie
67. Berlin Working Group on Environment and Development (BLUE 21 e.V.)
68. Fundación Entreculturas
69. World Economy, Ecology and Development (WEED e.V.)
70. Kampagne für Saubere Kleidung, e.V.
71. SETEM
72. WSM
73. Broederlijk Delen
74. ActionAid Italy
75. FIDH (International Federation for Human Rights)
76. Friends of the Earth Europe
77. TERRE DES FEMMES e.V
78. Coordinadora Estatal de Comercio Justo.
79. Polish Institute for Human Rights and Business
80. Aktionsgemeinschaft Solidarische Welt e.V. ASW
81. Naturefriends International (NFI)
82. Global Policy Forum Europe e.V.
83. WeWorld
84. Save the Children Italy
85. Fairtrade Italy
86. Rainforest Alliance
87. Large Movements APS (Italy)
88. Equo Garantito
89. Amnesty International
90. Fairtrade International
91. Mani Tese (Italy)
92. Impresa 2030 - Diamoci una regolata (Italy)
93. CorA Network for Corporate Accountabiliy (Germany)
94. Anti-Slavery International

95. Initiative Lieferkettengesetz (Germany)
96. Fondazione Finanza Etica
97. K.U.L.U.-Women and Development (Denmark)
98. Good Shepherd International Foundation Onlus (Italy)
99. medico international (Germany)
100. European Trade Union Confederation (ETUC)
101. The Fair Trade Advocacy Office
102. Vereinte Evangelische Mission/United Evangelical Mission
103. Global Responsibility – Austrian Platform for Development and Humanitarian Aid
104. IndustriAll European Trade Union
105. achACT
106. Informationsstelle Peru e.V.
107. Evangelische Frauenarbeit i.Ö.
108. INKOTA-netzwerk (Germany)
109. FOCSIV Italian federation of Christian organisations for volunteer international service
110. CNCD-11.11.11 (Belgium)
111. ARM - Alliance for Responsible Mining
112. Corporate Europe Observatory
113. The Andrew Lees Trust (ALT UK)
114. FOJUCC A.C Chile
115. Plataforma por Empresas Responsables (Spain)
116. Brigada Callejera de Apoyo a la Mujer E. M. A. C
117. Corporación Espacios de Mujer (Colombia)
118. Abogada Feminista Arlen Palestina Pandal. Representante legal.
119. ONG Diversa Patagonia, Chile
120. International Service for Human Rights
121. La Strada International
122. FIAN Austria
123. 11.11.11 (Belgium)
124. SINTRATA, A.C. (Mexico)
125. KOLPING INTERNATIONAL
126. BUNDjugend / Young Friends of the Earth Germany
127. Red de Entidades para el Desarrollo Solidario-REDES
128. Focus Association for Sustainable Development (Slovenia)
129. Clean Clothes Campaign
130. INFANTE-Promoción Integral de la Mujer y la Infancia (Bolivia)
131. Observatorio Latinoamericano sobre Trata y Tráfico de Personas (observaLAtрата)
132. Corporación ONG Raíces
133. Centro de Direitos Humanos e Empresas da Fundação Getulio Vargas - FGV CeDHE (Brasil)
134. Micha Deutschland e.V.
135. Organización Migrantas
136. Coordinadora Nacional de Inmigrantes
137. Aliança pelos Direitos Humanos em Cadeias Produtivas
138. Conectas Direitos Humanos (Brasil)
139. Trócaire (Ireland)
140. Yo Cuido México

141. ShareAction
142. Zavod za pravično trgovino, 3MUHE
143. ABColombia
144. Brigada Callejera de Apoyo a la Mujer, E.M.A.C.
145. Fair Action (Sweden)
146. Business & Human Rights Resource Centre