



WOMEN WHO ARE HUMAN
RIGHTS DEFENDERS FROM
BUSINESS RELATED ABUSES:
STORIES THAT CHANGE THE WORLD

**Women who are human rights defenders from business related abuses: stories that change the world.
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The publication presents the stories of women human rights defenders in cases on the negative business impact on human rights. These are the stories of women from different continents – North and South America, Africa, Asia, Europe. And each of these stories demonstrates different aspects of the fight for human rights – it could be significant cases of large-scale human rights violations by businesses, followed by experts around the world, or cases of common everyday business practices, which can also negatively affect on human rights.

The publication includes just 12 stories of women in the field of human rights, as it is impossible to name all those who contribute to the promotion of responsible business conduct. Our aim is not to find the best – we want to show that women with very different destinies in very different conditions, using different legal instruments, work for the same goal – to protect human rights from violations by business.

The purpose of this publication is also to draw attention to the role of women in business and human rights cases and to the challenges faced by human rights defenders in general.

This initiative is the Ukrainian part of the subproject «Strengthening a gender equality component in the OSCE area as a contribution to conflict prevention, sustaining peace and protecting women’s rights» of the project «Strengthening Civil Society Cooperation in the OSCE Region: Advancing Human Rights Defence – Expanding Impact, Sustainability and Acting Capacity» realizing by the Civil Solidarity Platform.

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INTRODUCTION

RESPECT FOR AND SUPPORT FOR THE WORK OF HUMAN RIGHTS DEFENDERS IS ESSENTIAL FOR THE FULL REALIZATION OF HUMAN RIGHTS, THE RULE OF LAW AND SUSTAINABLE DEVELOPMENT.

When we talk about the risks and challenges to human rights that arise in the business context, human rights defenders around the world play a crucial role in identifying problems, gaps and protecting human rights by legal remedies when it comes to the actions of both governments and businesses.

States have a responsibility to ensure the rights and protection of human rights defenders, as set out in various human rights instruments – in particular the UN Declaration on Human Rights Defenders – and as reaffirmed in many resolutions of the UN Human Rights Council and the General Assembly¹.

The role of women human rights defenders is subject of special attention in view of the additional challenges faced by women who «alone or jointly with others contribute to the protection or realization of human rights and fundamental freedoms»². The term «women human rights defenders» has become widely used in documents on the protection of human rights and covers a wide range of women working in various areas of human rights protection³.

According to the UN Working Group on Business and Human Rights, another global trend is a growing recognition of the links between the role of business in the field of human rights and its impact on human rights defenders and the civic space in general. The basic trends of recent years are following:

- Narrowing of the space for civil society weakens the rule of law, which also negatively impacts business, deteriorating the enabling environment for responsible business and effective government;
- When able to operate freely, civil society can be a key critical friend and partner for business helping to identify and address human rights risks and remediate abuses as well as to work cooperatively in multistakeholder and collective action models;
- Human rights defenders as first responders are often the best placed to identify risk and harms that can be mitigated or redressed, creating positive outcomes for rights holders as well as for the business itself;
- Ambitious goals and complex challenges – such as achievement of the SDGs – will need ideas, expertise, input and collaboration from all societal actors including an active and open civil society;
- Speaking up in support of civil society helps companies to meet social expectations and earn and maintain their «social license to operate»⁴.

1 https://www.ohchr.org/Documents/Issues/Business/ForumSession6/UNWG_ProjectHRDsBackgroundNote12052017.pdf.

2 See details: http://www.ehrh.org/Rights%20of%20Defenders_Ukr_web.pdf.

3 <http://www.civicus.org/images/documents/SOCS2016/Women%20human%20rights%20defenders-%20advancing%20the%20rights%20of%20the%20most%20marginalised%20and%20stigmatised.pdf>.

4 https://www.ohchr.org/Documents/Issues/Business/ForumSession6/UNWG_ProjectHRDsBackgroundNote12052017.pdf.

At the same time, human rights defenders need protection from the possible negative impact of business on their activities. Women human rights defenders play a vital role in combating human rights violations related to business and in promoting and protecting human rights, including the right to an effective remedy. And although women human rights defenders are exposed to the same types of risks as human rights defenders in general, a number of threats have a purely gender dimension. In some societies, human rights work is seen as a challenge to traditional family and gender roles in society, and therefore women are stigmatized if their families or communities see them as a threat to religion, culture etc. Women are more likely to face online harassment, sexual and other gender-based violence⁵.

Since 2017, the UN Working Group on Business and Human Rights has paid special attention to these issues, noting that «the number of murders, attacks, threats and harassment against people who are human rights defenders and oppose business activities that negatively affect human rights, including the specific challenges faced by women human rights defenders». Research shows that slander, intimidation and threats are used more often against women human rights defenders than against their male colleagues, and often have a gender dimension. The same trends occur in all regions of the world⁶.

This publication presents the stories of women human rights defenders in cases of the negative impact of business on human rights. These are the stories of women from different continents – North and South America, Africa, Asia, Europe. And each of these stories demonstrates different aspects of the fight for human rights – it can be significant cases of large-scale human rights violations by businesses, followed by experts around the world, or cases of common everyday business practices, which can also negatively affect on human rights.

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⁵ https://www.ohchr.org/Documents/Issues/Business/Gender_Booklet_Final.pdf.

⁶ https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/projects_docs/gender_business/bhr_gender_mapping_notes_draft_2018.pdf.



KATERYNA LEVCHENKO



THE MAIN THING IS NOT TO BE AFRAID TO
OPPOSE THOSE WHO HAVE POWER, WHOEVER
IT MAY BE – THE STATE OR BUSINESS

Kateryna Levchenko has more than 20 years of experience in the human rights movement in Ukraine: from 1997 to 2018, Ms. Kateryna was the president of the NGO «La Strada – Ukraine». Today, Kateryna Levchenko implements important initiatives as the Government Commissioner for Gender Policy.

Kateryna Levchenko has been supporting the development of business and human rights issues in Ukraine since 2018: with reports on the importance of the gender component in the development of the National Action Plan for Business and Human Rights in Ukraine, she spoke for the first time in 2018 during the Plenary Discussion forum.

In 2020, Kateryna Levchenko spoke at the round table «Women Human Rights Defenders in Business and Human Rights: Stories That Change the World», which was part of the program of the IV Kharkiv International Legal Forum.

Among the theses voiced by Ms. Kateryna in her speech was the importance of discussions on the role of human rights in issues related to the impact of business on human rights, and on possible ways to interact with business structures to ensure greater protection of human rights. The requirement to involve representatives of the scientific sector, civil society, government agencies, and business itself in such discussions is critical.



When talking about stories that can really change the world, our understanding of how to deal with human rights abuses is important to remember that human rights abuses need to be addressed regardless of who violates them. Do not be afraid to file a lawsuit or otherwise oppose those who have power, whether the state or business

Kateryna Levchenko

Throughout its existence, La Strada-Ukraine has implemented important measures to prevent and combat human trafficking. The first hotline for the prevention of human trafficking was opened by the organization with the direct participation of Kateryna Levchenko on October 18, 1997. Most calls have always been and remain from those who were going to go abroad and want to protect themselves. Since then, the hotline has been developing.

The issue of human trafficking and forced labor is an important component of business and human rights framework, and therefore initiatives in this area should combine approaches aimed at the state's commitment to human rights protection, measures to assess the risks of human trafficking and forced labor⁷.

Ms. Kateryna also points out that during the years of Ukraine's independence, the understanding of the importance of gender equality issues in the human rights movement has really changed. In particular, the attitude towards women has changed, shifting from a more traditionalist, paternalistic (protective) – which prevailed in the first post-Soviet years and in general in the Soviet period – to the modern approach⁸, which is based on the principles of the Universal Declaration of Human Rights, which proclaims:

«EVERYONE IS ENTITLED TO ALL THE RIGHTS AND FREEDOMS SET FORTH IN THIS DECLARATION, WITHOUT DISTINCTION OF ANY KIND, SUCH AS RACE, COLOUR, SEX, LANGUAGE, RELIGION, POLITICAL OR OTHER OPINION, NATIONAL OR SOCIAL ORIGIN, PROPERTY, BIRTH OR OTHER STATUS».

WHY IS THE STORY OF KATERYNA LEVCHENKO IMPORTANT FOR US?

The thesis of the interconnectedness and interdependence of all human rights has long been known in human rights theory. But it is important to notice the implementation of this thesis in practice. Kateryna Levchenko and the organization she has headed for a long time started a system of work in Ukraine with the issue of human trafficking, without focusing on business and human rights. But this component, due to objective circumstances, was and remains present in their work.

Having gained extensive experience in the field of human rights, Ms. Kateryna, as the Government Commissioner for Gender Policy, promotes important initiatives aimed at ensuring the effective implementation of human rights, including by ensuring responsible business conduct.

This story is about the importance of experience in the human rights movement, which, among other things, gives an understanding that any power – whether state or business – should be limited by human rights, the ability to see the interdependence of human rights issues, and commitment to human rights ideas, regardless of the field of activity.

⁷ <http://ican.org.ua/katerina-levchenko>.

⁸ <https://helsinki.org.ua/articles/pravozahysnytsya-kateryna-levchenko-zhinochi-orhanizatsiji-staly-vazhlyvyimy-sub-jektamy-gendernoji-polityky/>.



DAWN WOOTEN

ON THE VULNERABILITY OF MIGRANTS, PRIVATE COMPANIES HIRED BY THE STATE, AND THE ROLE OF WHISTLEBLOWERS.

Story presented by ERICA GEORGE

The issue of migration to the United States across the country's southern borders with Mexico is largely politicized. The border is usually crossed by asylum seekers or migrants looking for work. The United States is tightening border controls and criminalizing migration. And in fact, if we talk about public-private partnership, we see only the tip of the iceberg. Private companies are creating a whole network of infrastructure to «pay attention» to migrants.

An illustration of how vulnerable migrants are, especially women, is the story presented by Ms. Erika George, Samuel D. Thurman Professor of Law, Interim Director, Tanner Center for Human Rights, Presidential Leadership Fellow, S.J. Quinney College of Law, University of Utah, USA.

Dawn Wooten worked as a nurse at the Irvine County Detention Center in Georgia,

which is run by the private corporation LaSalle Corrections. She exposed gross human rights violations, which manifested, in particular, in a high percentage of hysterectomies (including full uterine discharge) among Hispanic migrants, who do not even always understand the essence of the operation and why they underwent this procedure. Women were often given answers about the content of the nurse's operation by simply «googling» Spanish.

In addition, according to Dawn Wooten, the immigrants in the detention center are in appalling conditions, including «terrible medical neglect», inadequate security measures for COVID-19 (the institution refused to test detained immigrants for COVID-19 in a timely manner, hid numerous positive tests and put together those who had symptoms of COVID-19 with those who did not) and generally dangerous and unsanitary conditions.



Dawn Wooten witnessed systemic abuse. When she expressed concern about the administration's operational procedures, she was demoted. She exposed and confirmed the serious ill-treatment of detained immigrants in Irvine, as she believed in the need for systemic change and accountability, –

The representative of Dawn Wooten answered the question why Ms. Wooten was silent about the violations she knew for a long time⁹.

The case has just begun, but it has already become significant.

WHY IS THE STORY OF DAWN WOOTEN IMPORTANT TO US?

There are several important aspects of business and human rights in this story.

First, it is a story about the role of whistleblowers, about the courage to jeopardize your own work and your own safety in order to expose the human rights violations you have witnessed. The importance of whistleblowers in business and human rights is a topic that attracts special attention. Some National Business and Human Rights Action Plans include separate chapters on issues related to the status and need to protect whistleblowers in this area. The role of whistleblowers is special for the sphere of human rights also from the point of view that, as a rule, these people are not human rights activists, they do not have special knowledge and experience in this field, they are not used to looking at their daily life through the prism of human rights protection. But something happens that forces them to risk their safety in order to protect others.

Second, it is a story about the gender dimension of the negative impact of business on human rights. The whistleblower's report speaks of the special impact on women's physical and sexual health, on their reproductive function, which brings us back to the question of the additional vulnerability of women in such situations.

Third, it is a story about the connection between business and the state, because a private company is involved by the state in performing its public functions. Such involvement does not release the company from the obligation to respect human rights, which means assessing and minimizing the risks of possible negative impacts on human rights, as well as responding effectively to known human rights violations.

And fourth, it is a story about the vulnerability of migrants, especially illegal migrants. Being in this status does not deprive a person of the right to respect for his or her dignity. Unfortunately, practice shows that migrant status usually makes a person extremely vulnerable to possible violations of his or her rights by both public authorities and, in particular, private individuals. This conclusion should not remain a simple statement of fact – it should lead to the development of mechanisms to prevent negative impact on business, provide protection by the state and guarantee access to effective remedies.

⁹ <https://www.business-humanrights.org/fr/derni%C3%A8res-actualit%C3%A9s/ice-detainees-faced-medical-neglect-and-hysterectomies-whistleblower-alleges/>.



CECILE BÜHLMANN

ON THE RESPONSIBLE BUSINESS INITIATIVE SWITZERLAND.

Story presented by ANNEMARIE SANCAR

Cecile Bühlmann was a member of the National Council of the Greens from 1991 to 2005, and for 12 years she headed the Group of the Greens. From 2005 to 2013, she headed the CFD, a feminist peace organization that campaigns for women's rights, women's empowerment, violence against women, and discrimination against migrant women. From 2006 to 2018 she was the president of Greenpeace Switzerland, one of the largest and most active environmental organizations.

Ms. Bühlmann's story as part of her feminist assessment of the Responsible Business Initiative Switzerland was prepared by Annemarie Sancar, Board

Member of WIDE-Women in Development Europe Switzerland, PeaceWomen Across the Globe (PWAG) and delegate to the Swiss Green Party. It is an initiative to hold a referendum in Switzerland on the introduction of a mandatory human rights due diligence for companies. The conversation between Ms. Bühlmann and Ms. Sancar took place in August 2020. The referendum is scheduled for November 29, 2020. However, does the mandatory human rights due diligence initiative take into account the gender component?



Gender justice should be a central goal, but unfortunately it is not explicit enough in the text and so it is missing in the chain of argumentation. Certainly, what is needed is feminist reflection, an intellectual effort that brings us closer to the connections between corporate responsibility and gender justice. Respecting human rights does not mean that the company, its contractors, and suppliers automatically take a close look at whether, in the worst case, gender inequalities are maybe becoming even worse. After all, as we know from experience, there are no automatisms here

Cecile Bühlmann

Ms. Bühlmann emphasizes that Companies intervene fundamentally in the social, economic and ecological systems of a region or country. For a long time, too little attention was paid to this; profit for the global North was the guiding principle. Only with the growing consciousness on climate change, the global agreements, and the sustainability goals of the UNO (SDGs) things start to change, the consciousness especially among the civil society in the global North becomes more accentuated. Civil society organizations and international NGOs have begun to look closely and have discovered that the activities of corporations not only destroy the environment, but also have drastic consequences on the everyday lives of the women, men and children who live in the area. They raise their voices and intervene in political decision-making processes.

Just look at the gender roles in areas where companies are overexploiting nature to see the blatant effects, because: Women are the main providers, they guarantee the care work, and ultimately the responsibility for the water and food supply of households usually lies with women. Add to this, and comparative studies prove it, that on average women are more affected they by poverty and have fewer opportunities to leave than men. This is true almost everywhere in the global South, where corporations make their profits. But now we need to show how the economic activities of these companies as the main target group of the initiative are related to the economic activities of women, their opportunities, and limitations.

They lack cash to buy good food to ensure the nutrition of the household members. Access to land is traditionally limited for women in many places. The exploitation of raw materials by multinational companies makes the situation much worse. Self-sufficiency is being limited and the conditions under which care work is provided are most precarious. But it is usually the women who stay. Lack of cash (due to many reasons) and gender-specific obligations hold them back.

The states are responsible for the implementation of CEDAW, provided they have signed the convention, and in fact almost all of the countries of concern have. But how can they oblige the corporations to do this? The Corporate Accountability Initiative provides a good answer. It would oblige every company to report on the human rights situation in its economic system, including the gender-specific consequences of exploitation, we would assume.

The initiative requires Swiss-based companies, including their suppliers, to provide detailed information on all their activities, including financing and reporting modalities. Of course, depending on the sector, size and position in the production chain, different questions arise, which must then be answered in each individual case. What we demand is that the reported data should also document the gender-specific impact. This is something we must pay particular attention to, since precisely such questions are often left out, because they so called «too specific» or «no added value».



I think it is also a task of organizations and individuals specialized in gender issues to support companies by asking the right questions. Therefore, they should receive enough financial support for qualitative research and case studies. Local universities should be involved, in consultation with the companies. Such studies support the formulation of the key indicators on the state and trends of gender relations in the regions

The Swiss Initiative wants the corporations to take responsibility for their human rights activities. This also means that they should take into account the results and recommendations of such studies, and if necessary adapt their structures and procedures, their logic of distributing profits differently than before, so that they also improve the conditions under which women carry out their work. This applies to the staff, their female employees and day laborers. At the same time, it is also meaningful

to the women living in the region of the production chain who are directly affected by the side effects of the Group's activities. It is therefore clearly also a matter of finding the good and correct indicators that help to highlight the gender dimension in corporate reporting. Specialized organizations should also have the opportunity to evaluate the reports with regard to the gender-specific effects of the group's activities.

WHY IS CECILE BÜHLMANN'S STORY IMPORTANT TO US?

This is a story about a global initiative that aims to achieve fundamental changes in business conduct, to change business models and to change the way companies think.

This story is made close to us by the presence of a gender component in it, which is often lost in initiatives for human rights corporate responsibility.



FERNANDA HOPENHAYM

ON MOBILIZATION TO CREATE A LEGALLY BINDING INSTRUMENT ON TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS

Fernanda Hopenhaym is a Uruguayan and Mexican researcher and lawyer who has worked for 20 years on social, economic and gender justice issues with civil society organizations and social movements. Fernanda specializes in business and human rights and has been working on corporate accountability and finance for more than 10 years. In early 2013, she joined the non-governmental non-profit organization PODER, which works to improve corporate transparency and accountability in Latin America in terms of human rights, and she is currently its co-executive director. Under Fernanda's leadership, PODER became a member of the Alliance's Support Group, a founding member of the Feminists4BindingTreaty initiative, part of the Steering Committee of the ESCR-Net Corporate Responsibility Working Group, and an advisor to the Corporate Capture Project.

Fernanda has hosted and coordinated several national and international events, including the UN Forum on Business and Human Rights and the Regional Consultation on Human Rights in Latin America. In 2018, she was a member of the Planning Committee of the People's Forum on Business and Human Rights in the Philippines.

Fernanda Hopenhaym explains why many civil society sees the need for a binding agreement on corporations and human rights: corporations are playing a key role in the global economy and gaining more power. Public-private ties have deepened, the division between the spheres of business elites and governments has become very weak, and this has contributed to the fact that state mechanisms cannot effectively regulate and balance the interests of corporations with state interests.



Therefore, it is crucial that civil society focuses its efforts on demanding accountability, higher standards of transparency and accountability of companies for the negative impact of their activities on human rights and the environment.

There are many examples of corporate abuse that have not been effectively addressed by states. The most famous in Mexico is the case of the Sonora River, where the worst overflow occurred in the history of mining in the country. Forty million liters of copper sulphate were spilled, polluting two rivers and affecting nearly 25,000 people. The culprit, a company with enormous power, still manages to evade its full compensation obligations – it has even received new permits to expand the mine where the spill occurred.

In Ecuador, there is the Chevron-Texaco case, which has caused oil pollution in indigenous communities that have been seeking redress and justice for decades. The country even hosts the Global Anti-Chevron Day of Action every year due to the scale of the violations and the lack of adequate protection for their victims. After 25 years of litigation, a court order requiring Chevron (formerly known as Texaco) to pay \$ 9.5 million in environmental damages. And although it has been upheld at all levels of the Ecuadorian judiciary, it has never been enforced. To avoid this, Chevron withdrew all its assets from Ecuador. As they did so, men and women affected by the environmental disaster had to go to foreign courts (in Argentina, Brazil and Canada) for recognition and enforcement, but so far they have been unsuccessful.

Meanwhile, tens of thousands of victims continue to suffer serious health consequences. Cancer deaths are 130% more common in the Amazon and have a 260% higher risk of death than in other parts of Ecuador. Chevron has left 880 wells full of crude oil, rivers are still full of hydrocarbons and polluted by oil spills in the Amazon, which is one of the most biodiversity-rich regions in the world. More than 40 years of damage remain unrepaired.

In Brazil, special attention is drawn to the case of the Samarko mine, which caused the collapse of the dam. This led to terrible pollution of the Doche River and even the ocean and caused death and devastation in the communities of Mariana.

There are other examples from Latin America and beyond that companies do harm with impunity and are not responsible. Human rights civil society is increasingly identifying abuse by companies as one of the sources of the problems it seeks to address. That is why the mobilization to create a legally binding instrument on transnational corporations and human rights covers such a wide range of civil society actors, including such diverse movements as environmentalists, peasants, feminists, and working and indigenous groups¹⁰.

WHY IS THE STORY OF FERNANDA HOPENHAYM IMPORTANT TO US?

For many reasons, this story is a great example of how not only are human rights advocacy enriched by a component such as business and human rights, but the business and human rights framework itself is shaped by human rights defenders through their experience in various areas of human rights. Fernanda Hopenhaym, along with a number of other well-known human rights figures, is shaping the gender dimension of business and human rights standards, drawing attention to the impact of business on women's rights, and the need to further assess business actions that may increase vulnerability.

It is also important that this story is about the contribution of human rights activists to the development of a new international legally binding human rights treaty, the International Covenant on Transnational Corporations and Human Rights.



OLEXANDRA GOLUB

ON A DIALOGUE WITH BUSINESS TO CREATE ADVERTISING WITHOUT DISCRIMINATION

Oleksandra Holub is a gender consultant, and she oversees the Ukraine Without Sexism campaign.

The Ukraine Without Sexism campaign, launched by the Women's Rights Protection League in 2017, engages people in the fight against discrimination in advertising and the media. The goal of this campaign is to explain what sexism is and to encourage people to get involved in

monitoring advertising. If, in the opinion of the participants of the campaign, there are signs of sexism in the advertisement, they complain to the authorities and monitor the progress of the case. In addition, they try to establish a dialogue with business to create advertising without discrimination. After all, success is not that the advertiser is fined, but that the business is responsible for the content it creates.



There are both successful and unsuccessful cases in our history. Still, there are businesses ready to communicate and «work on mistakes.» This is stimulated by customer feedback and possible reputational losses. Unfortunately, most advertisers are not prepared to apologize to customers, even after paying fines.

Olexandra Golub

Olexandra Golub rightly emphasizes that there is a direct link between business actions and the situation with human rights in Ukraine. In particular, by creating discriminatory advertising, companies spread stereotypes and prejudices and influence culture.

«I HOPE THAT THE SITUATION WITH DISCRIMINATION IN ADVERTISING WILL CHANGE FOR THE BETTER IN THE NEAR FUTURE. A BILL IS CURRENTLY BEING CONSIDERED IN PARLIAMENT THAT INCREASES FINES FOR DISCRIMINATION IN ADVERTISING AND SETS CLEAR RULES FOR DEALING WITH CASES IN THIS AREA».

WHY IS THE STORY OF OLEXANDRA GOLUB IMPORTANT FOR US?

This is a story about working with a specific manifestation of the negative impact of business actions on human rights – the spread of stereotypes in advertising. It uses a wide range of tools aimed at combating the use of such advertising by businesses – complaints to the authorities about the facts of discriminatory advertising (non-judicial means of protection), interaction with the business itself, including to increase its awareness of human rights standards, information campaigns, preparation and promotion of changes at the legislative level, etc.



MARIA MENDZHUL

ON PROTECTION OF GREEN PLANTINGS OF THE CITY

In the summer of 2019, Maria Mendzhul reviewed information about public hearings on the website of the Uzhhorod City Council and accidentally came across a discussion of two detailed plans of territories in Uzhgorod, namely “Detailed plan of the area bounded by Sobranetskaya, Zaporizhzhya Street and forests” and “Detailed plan of the territory. bounded by Victory Street, Stepan Dobosh Street, Yulia Zhemaite Street, Schwabskaya Street, Cyril and Methodius Square and Svobody Avenue»¹¹.

Both detailed plans provided for the construction of greenery in the city of Uzhgorod – the first in the town of Chervenysia (building part of the forest), and the second – greenery in the city center (a small garden in the photo, a green area with Christmas trees adjacent to the house Czech period of construction, as well as the adjacent territory of several houses in the center).

Maria has prepared an electronic petition to protect greenery and prevent their development¹², which received a sufficient number of votes and was considered, as well as disseminated information among the residents of those houses near which construction was planned. As a result, active local residents joined the measures against the construction, including the head of the DOBRY DIM 31 condominium Yulia Bagara and her deputy Natalia Zolotukhina. The prepared appeal to the mayor and Uzhhorod city council against the building was signed by the majority of apartment owners in the houses adjacent to the park. In addition, information was disseminated to the local press to attract the attention of the general public¹³.

11 See details: https://rada-uzhgorod.gov.ua/post/oholosheno-hromadski-slukhannia-shchodo-shche-dvokh-detalnykh-planiv-terytorii-v-uzhhorodi?fbclid=IwAR2c_LGhvwMgdG67jmWskwOLYOPh-LKplADIJyPAm1clFNLSen9iponLUo.

12 <https://petition.e-dem.ua/uzhgorod/Petition/View/47>.

13 https://zakarpattya.net.ua/News/195028-Uzhhorodsiv-oburyla-sproba-zabudovy-shche-odniiei-zelenoi-zony-v-tsentri-mista-fbclid=IwAR3rP8IAI9vS0tkiBr0-GQuSAaK_PnzAK9wsQvrsfklRhQ-BfutDLPFXtg.

Thanks to various measures, involvement of the press, active participation of residents in the conciliation commission set up by the Uzhhorod City Council, it was possible to prevent the approval of detailed plans that allowed the construction of greenery in the city of Uzhgorod.

WHY IS THE STORY OF MARIA MENDZHUL IMPORTANT TO US?

This is a story about the struggle for community rights, in relation to which there was a potential threat of negative influence from business activities. This is an important aspect of the concept of business and human rights, as it not only protects individual rights, but also pays significant attention to the impact of business on the community in which it operates.

It is also a story about how a person can start fighting for the right on their own, alone, relying only on their own strength. Thus the person for whom human rights activity is not a sphere of professional

employment. It is a matter of combining efforts at a very local level in order to promptly respond to the local problem, respectively, by the most available legal means. This once again demonstrates the importance of developing out-of-court remedies and ensuring their accessibility, taking into account possible barriers.

The story also demonstrates once again that judicial redress remains unclaimed if other mechanisms are in place to prevent human rights from adversely affecting human rights.



MARY ROBINSON

ON MEGA-SPORTING EVENTS AND HUMAN RIGHTS

Mary Robinson is Ireland's first female president and former UN High Commissioner for Human Rights.

She founded the Mary Robinson Foundation – Climate Justice, a center for education and advocacy for sustainable and human development in the world's poorest communities. From July 2014 to December 2015, she served as the UN Secretary-General's Special Envoy for Climate Change, who was able to successfully complete the Climate Summit and conclude the historic Paris Agreement on Climate Change.

As the United Nations High Commissioner for Human Rights (1997-2002), Mary Robinson has been known for always investigating and exposing human rights abuses around the world. She founded the Realizing Rights: The Ethical Globalization Initiative, which aimed to put human rights

standards at the heart of global governance and meet the needs of the poorest and most vulnerable in the world.

We want to tell just one small story from all of Mary Robinson's rich practice in protecting human rights from the negative effects of business.

In June 2014, Mary Robinson, along with John Ruggie, the author of the UN Guiding Principles on Business and Human Rights, published an Open Letter addressed to Joseph Blatter, President of the International Federation of Football Associations (FIFA).

In the letter, they drew Mr. Blatter's attention to the importance of ensuring that the human rights situation in a country is considered an important factor in awarding future tournaments:



All countries face human rights challenges, but more effective and sustained due diligence is clearly needed with respect to decisions about host nations and how major sporting events are planned and implemented.

The Institute for Human Rights and Business (<http://www.ihrb.org>) have published a report, *Striving For Excellence: Mega-Sporting Events and Human Rights*, which makes five recommendations to sports governing bodies such as FIFA. These are:

- Make an explicit commitment to respect human rights and establish a strategy for integrating a human rights approach based on the UN Guiding Principles on Business and Human Rights into the sports governing body's operating procedures;
- Require sponsors and media partners to adopt a human rights policy statement and publicly disclose information on their efforts to implement human rights due diligence and remediate adverse human rights impacts;
- Revise existing candidate requirements to conduct an impact assessment covering human rights considerations which includes consultations with potentially affected groups;
- Require local organisers to adopt human rights policies and disclose information transparently including with respect to contracts with commercial sponsors and partners;
- Appoint an ombudsman under the authority of the sports governing body to receive and investigate allegations of human rights abuses involving the actions of organising committees as well as commercial and delivery partners.

In April 2017, FIFA joined the Platform for Human Rights (www.megasportingevents.org), which is dedicated to mega-sporting events¹⁴, and in June 2017, published its Human Rights Policy¹⁵.

WHY IS MARY ROBINSON'S STORY IMPORTANT TO US?

This story draws attention to the issues of sports and human rights in the context of standards of responsible business conduct. In addition, it is a story that demonstrates the positive development of the subject and the role of individuals who have the authority of independent experts in the field of human rights, in promoting the subject, including by attracting attention to it from iconic entities.

Also, this is not the first story about the interdependence and interconnectedness of business and human rights issues. The latter has

become one of the components in the topics that the human rights activist has dealt with before – it can be the protection of women's rights, environmental protection, human trafficking and so on. The business and human rights framework is interdisciplinary and should cover all areas in which fundamental human rights operate. It becomes a new component in those areas of the struggle for human rights, which were previously considered in the context of the state's influence on human rights.

14 <https://www.ihrb.org/news-events/news-events/fifa-joins-mega-sporting-events-platform-for-human-rights>.

15 <https://www.ihrb.org/news-events/news-events/fifa-publishes-human-rights-policy>.



ASTRID PUENTES RIAÑO

ON STRENGTHENING HUMAN RIGHTS AND CLIMATE CHANGE LITIGATION

Astrid Puentes Riaño is one of the two co-executive directors of AIDA. She is responsible for AIDA's legal efforts and organizational management. A native of Colombia, Astrid has been with AIDA since 2003. She has extensive experience linking environmental protection to human rights and climate change, emphasizing the importance of prioritizing climate justice. She has been working on public interest litigation for more than twenty years, especially in the areas of human rights, the environment and climate change.

Astrid Puentes Riaño is one of the 26 initiators of the appeal to the Inter-American Court of Human Rights, as a result of which the Court published its landmark opinion¹⁶,

equating environmental protection with human rights. This conclusion could force Latin American countries and beyond to fight climate change more decisively.

The advisory opinion is the first time that the Inter-American Court has recognized the fundamental right to a healthy environment, a concept that may seem abstract but may affect the interpretation of existing legislation and improve environmental protection.



We believe that this decision will be used as a tool to strengthen current human rights trials and the impact of climate change at the national and international levels.

Astrid Puentes Riaño said

The court's findings have legal implications, they can also influence decisions made elsewhere, especially given that the protection of human rights is considered a global issue, addressed through a number of international agreements and legal systems, such as the International Court of Justice¹⁷.

WHY IS THE STORY OF ASTRID PUENTES RIAÑO IMPORTANT TO US?

This is one of the few stories about the role of regional judicial institutions in promoting international and regional human rights standards, but which, unfortunately, are seldom effective tools for such protection in cases of human rights violations, especially when it comes to business. negative impact of business in the territories of another state than the state of registration of such business. Today, leading experts in the field of business and human rights conduct strategic litigation in order to develop the practice of judicial protection of the

rights of victims of human rights violations in the supply chain, as well as in countries that do not provide effective protection of human rights.

Human rights activists such as Astrid Puentes Riaño make an important contribution to the formation of relevant legal positions.



ZANELE MBUYISA

ON COMBATING INEQUALITY AND NEGLECT DEMONSTRATED BY MULTINATIONAL COMPANIES

Zanele Mbuyisa is the chairman of the law firm Mbuyisa Moleele, a consultant in South Africa and is involved in a silicosis case run by Leigh Day & Co. A lawsuit has been filed against Anglo American South Africa Ltd. on behalf of Zambian communities living in the area of the Kabwe lead mine and suffering from lead poisoning.

Kabwe was the world's largest lead mine and operated from about 1915 until it closed in 1994. From 1925 to 1974, the most productive period, the mine was owned and operated and / or operated by Anglo American South Africa Ltd.

The mine is located in close proximity to villages with a population of about 230,000. It is estimated that tens of thousands of Kabwe residents have elevated blood lead levels, mainly due to dust contaminated by emissions from the mine plant and landfills. A series of published reports found very high levels of lead in the blood of a large part of the local population, including very young children.

Johannesburg lawyers Mbuyisa Moleele, in collaboration with London law firm

Leigh Day, has been investigating the case and liaising with local communities for the past two years. So far, they have collected information on nearly 200 children treated for lead poisoning and prepared a class action lawsuit in South Africa, and an application for a class action lawsuit will be filed with the Johannesburg High Court.

The purpose of these actions is to provide compensation to victims of lead poisoning, including the cost of an effective medical system for monitoring blood lead levels in the community.

A report was published today by Human Rights Watch titled «'We Have to Be Worried': The Impact of Lead Contamination on Children's Rights in Kabwe, Zambia,» which examines the effects of lead contamination in Kabwe on children's rights to health, a healthy environment, education, and pla.

In 2012, the US Center for Disease Control revised down its threshold standard from 10 µg/dL to 5 µg/dL. This was due to medical evidence indicating a lowering of children's IQ at levels as low as 5 µg/dL.

According to the World Health Organisation (WHO) some of the problems associated with lead poisoning in children range from reduced IQ, behavioural problems and reduced growth to severe anaemia and kidney damage, and in the worst cases can cause brain damage and even death.

In Kabwe, in young children aged up to five years old, published studies have consistently found massively elevated BLLs. In the most affected townships around Kabwe around 50% of children have BLLs higher than 45µg/dL the threshold above which medical antidote treatment is required. Nearly all the children in these areas have BLLs above 20 µg/dL, the level at which urgent action is required to reduce exposure.

The scale of this environmental health disaster has been evident for decades. For example, a 1972 medical journal article referred to extreme lead pollution in the Kabwe area. A 1975 thesis by a Dr A.R.L. Clark from the London School of Hygiene and Tropical Medicine found that children in Kasanda, especially infants of 1-3 years, had strikingly high average BLLs of up to 103 µg/dL.

The case will be brought in the South African courts where the head office company and proposed defendant, Anglo American South Africa Ltd, is based. It is alleged that from 1925 to 1974, Anglo American SA played a key role in the management of the medical, engineering and other technical services at the mine, and that it failed to take adequate steps to prevent lead poisoning of the local residents.

Zanele Mbuyisa, Director of Mbuyisa Moleele, said:

“Doing these cases I am always dismayed by the inequality and disregard shown by multinational companies like Anglo American. The founders of Anglo American are hailed as trailblazers as they created generational wealth for themselves, their families and investors yet at the same time we believe their operations have caused trans generational poverty and ill health for their workers as well as the environment. In this case we will argue that the environmental damage created has potentially contaminated almost three generations of men, women and children¹⁸.

WHY IS THE STORY OF ZANELE MBUYISA IMPORTANT TO US?

This is a very difficult story that has been going on for many decades and, unfortunately, will continue for more than a year without guarantees of a fair ending. We have seen similar plots in feature films. But in life, the plots can be much more tragic. It is even difficult for us to imagine and comprehend the scale of the human rights violations in question in this case.

It is not the first time that Zanele Mbuyisa and her colleagues have come into conflict with multinational corporations to provide protection to those affected

by the activities of such corporations. The complexity of such cases is determined by several factors: corporations are usually not considered as bearers of human rights obligations (unlike the state) and refer to the formal compliance of their activities with current legislation; corporations have significant resources to provide legal protection for their position (human rights defenders, who have much less resources, find it difficult to resist); corporations can use non-legal means of influence, and the lower the rule of law in a country, the more complex the work of human rights defenders.

¹⁸ <https://www.lexology.com/library/detail.aspx?g=50ee53f6-bc97-4006-8b19-339a4cdf82d8>.



ANI KHACHATRYAN

ON PERSECUTION FOR HUMAN RIGHTS ACTIVITIES

Ani Khachatryan represents Armenian Environmental Front, Armenia.

Approximately 400 mines, of which 22 are metal, are exploited in Armenia. All mining sites are close to inhabited areas and water resources, raising numerous issues in terms of health, water and food safety and environment.

In 2007, the mining company Lydian Armenia CJSC, subsidiary of Lydian International, started its operation of exploration and feasibility for a gold mine extraction project in Armenia. In 2014 the company was granted a mining licence and in 2016 it started the construction works for the extraction project in the Amulsar region.

Since 2012, experts and activists have been denouncing the negative impact of mining operations in Amulsar on health and the environment and since 2017 some residents blocked the access to the mine and asked the suspension of the project. In response, Lydian Armenia started a vigorous campaign to silence all critics, including human rights defenders.

These include the ongoing prosecution of several human rights defenders, journalists and lawyers, including Ani Khachatryan¹⁹.

On November 16, 2018, Lydian Armenia filed a civil law complaint before the Court of General Jurisdiction of Kotayk

¹⁹ https://www.omct.org/human-rights-defenders/urgent-interventions/armenia/2019/05/d25361/#_ftn1.

against Ani Khachatryan for spreading 'slandering information' after she was regularly posting information online concerning the situation of the Amulsar mine project. Lydian Armenia asked Ms. Ani Khachatryan to pay one million Dram (approximately 1,870 Euros) in compensation for undermining its business reputation.

On December 6, 2018, the Ministry of Justice ordered Ms. Ani Khachatryan not to disseminate information negatively impacting Lydian Armenia's reputation and 'not reflecting the reality.

Lydian Armenia also filed other civil law complaints against other human rights defenders for defamation. In December 2018, it filed a complaint against Ms. Nazeli Vardanyan, who is a lawyer and leader of the Armenian Forest NGO, for criticising the Amulsar project and accusing the company of having hidden relations with some authorities.

Since 2018, the same defenders have also been regularly targeted by a smear campaign on social media. Fake Facebook accounts have been publishing approximately 40 video materials discrediting Mr. Levon Galstyan. Offensive sexist posts have been published on Facebook against Msses. Ani

Khachatryan and Tehmine Yenokyan, describing them as 'loose women', 'made pregnant by activists' and so on. In April 2019, Levon Galstyan, Tehmine Yenokyan and Ani Khachatryan applied to the Yerevan Court of General Jurisdiction to seek remedy for insulting materials published on Facebook against them. On May 3, 2019, a video made up to discredit Ms. Nazeli Vardanyan's professional skills as a lawyer of was circulated through a fake Facebook page named 'Green and Clean', which was subsequently closed down by Facebook due to reports by users that the page was offensive and defamatory.

Furthermore, Ms. Tehmine Yenokyan filed another complaint to the police on September 6, 2018 in relation to video and photo materials containing abusive comments, circulating on Facebook, and based on the video surveillance of her house in Gndevaz village. The police opened a criminal investigation, which led to the identification of two individuals in relation to the camera surveillance and the fake Facebook accounts, who are connected by working relations with Lydian Armenia. The case was then closed by the Vayots Dzor Regional Prosecutor's office²⁰.

WHY IS THE STORY OF ANI KHACHATRYAN IMPORTANT FOR US?

This story is an example of how companies can use the resources available to them to force human rights defenders not to fight against their projects. Unfortunately, such stories are not isolated. This story is also an illustration of the fact that women in the field of human rights are subjected to additional types of persecution, especially in societies where public space is perceived as a space in which purely men operate.

20 <https://www.omct.org/human-rights-defenders/urgent-interventions/armenia/2019/05/d25361/>.



SOY SROS

ON THE FIGHT FOR THE RIGHTS OF WORKERS UNDER THREAT OF CRIMINAL PROSECUTION

In April 2020, Superl Holdings filed criminal charges against Cambodian local union president Soy Sros, alleging she incited social unrest by alerting the public on Facebook to Superl's plan to dismiss workers at its factory in Phnom Penh in defiance of government-issued COVID-19 guidance to factory owners. The state recommended not to lay off workers during the pandemic, but to reduce wages and, if necessary, send them home.

Sros was detained from 3 April to 28 May 2020. On 3 June 2020, following extensive media coverage of the case, Superl Holdings agreed to drop the criminal charges.

The details of the case were as follows. Due to falling product demand as a result of Covid-19, a factory on the outskirts of Phnom Penh owned by Superl Holdings dismissed 88 workers. The Hong Kong-based company makes

luxury handbags for Michael Kors, Jimmy Choo, Kate Spade, Coach and Versace. The dismissals were contrary to government-issued guidance which advised factory owners to send workers home with reduced pay rather than fire them.

All 88 dismissed workers are members of the Collective Union of Movement of Workers (CUMW). On 31 March 2020, Soy Sros, president of the CUMW local union at Superl Cambodia, tried to meet with the human resources manager about the job losses. When the meeting proved unsuccessful, Sros alerted the public to the firings by posting on Facebook. In her post, she pointed out that the company had defied the government's recommendations as well as the appeal from the Ministry of Labour. Further, she voiced her intent to ask the factory to retain workers by temporarily suspending them rather than ending their contracts.

In response to her actions, Superl announced it would not fire the workers and instead would only suspend them for one month. A Superl representative demanded Sros retract her Facebook post and sign a document admitting she made a mistake. Sros agreed to delete the post, but refused to admit any wrongdoing.

On 2 April 2020, she was arrested by police officials and charged with posting fake information on social media. She was interrogated by the police for 48 hours before being sent to the Kampong Speu provincial prison. She spent 55 days in pre-trial detention before being released on bail.

Superl Holdings filed criminal charges against Sros, claiming that she had incited social unrest, defamed the factory and spread 'fake news'. Additionally, the Cambodian courts charged her with two criminal charges for provocation.

From 3 April to 28 May 2020, Sros was detained on the grounds of Penal Codes 496 (provocation to commit discrimination) and 494 (existence of provocation). Notably, the grounds for her initial arrest are different from the grounds for her detention – Sros was not charged with violating the «fake news» directive which was the basis for her arrest.

28 May 2020, Sros was released on bail and charged with Penal Code 496 (provocation to discriminate). If convicted, she faces one to three years in prison and fines of up to 6 million riel (USD\$1,500).

On 3 June 2020, media coverage and campaigning by Sros' union – backed by groups including the Clean Clothes Campaign and the Worker Rights Consortium (WRC) – resulted in Superl Holdings agreeing to drop criminal charges.

On 13 June 2020, Sros signed an agreement with Superl's general manager, Chan Dao Zen stating that:

- Superl's charges against Soy Sros will be withdrawn
- She will be reinstated in her position
- Soy Sros will receive full back pay for time she spent in custody
- Superl guarantees there will be no retaliation or discrimination against her
- The parties will work together to improve working conditions in the factory²¹.

WHY IS THE STORY OF SOY SROS IMPORTANT TO US?

This is another story about the persecution of those who oppose the actions of companies in order to prevent the negative impact of companies on human rights. This time it is about criminal prosecution of the leader of the trade union movement. However, despite the fact that the story ended with the withdrawal of the company's statement and the resumption of the heroine of the story at work with compensation for forced absence from work, it is still a dangerous signal to society and anyone who could potentially make public statements about potential risks in the company's actions for human rights.

²¹ <https://www.business-humanrights.org/en/latest-news/lawsuit-against-labour-union-president-re-inciting-social-unrest-cambodia/>.

HEIDI MEINZOLT



1. Corporate-related human-rights abuses in conflict and peacebuilding situations



ON HUMAN RIGHTS AS A PRIORITY IN INVESTING IN POST-CONFLICT SOCIETIES

Ms. Heidi Mainzolt is, Member of the Board of Women's International League for Peace and Freedom / WILPF, coordinator of the Working Group on Women&Gender realities in the Civic Solidarity Platform/ CSP of OSCE, speaking of business and human rights, denies neoliberal assumptions on what makes sustainable peace.

Countries coming out of conflict will inevitably be faced with difficult economic situations requiring massive investments, in physical infrastructure but also in social infrastructure in support of human

well-being. However, while investments in infrastructure are prioritised, people's well-being is often left behind.

WILPF points out peace agreements should prioritise social and economic rights, creating a platform from which, a sustainable and just transition from war to peace can take place.

The difficult economic situation post-conflict countries find themselves in leaves them often with no other choice than to turn to International Financial Institutions (IFIs) for grants and loans. Unfortunately, IFIs rely on the neoliberal assumption

that a free and unregulated market, facilitated by a minimal state administration, is most likely to sustain the conditions for peace; and that low labour costs are necessary for the successful development of the economy. Conditionalities tied to such loans and grants are often used as «tools» to push macro-economic reforms viewed as «necessary to free the market» from state regulations and ensure enough fiscal space for repayment of debts. This results in the imposition of fiscal consolidation via austerity measures and the depletion of the public sector.

Austerity measures typically consist of cuts in public spending in healthcare, education, pensions, social welfare and so on, which is the opposite of what post-conflict countries need and in contradiction with their obligations to ensure the progressive realisation of socioeconomic rights.

Depletion of the public sector also negatively affects women's ability to recover from conflict, to actively participate in political and economic decision-making, and thus in extension it has a negative effect on gender equality. Responsible and sustainable investments in post-conflict and reconstruction context must put the interest of the public at the centre, creating enabling mechanisms for coherent long-term peacebuilding. In doing so, attention must be focused on fundamentally challenging structural inequalities through the progressive realisation of socio-economic rights.

Sustainable investment in post-conflict contexts must be gender-responsive. The failure to prioritise the realisation of human rights, in particular of economic and social rights, in macro-economic policies, can contribute to ongoing conflicts in the country and increase the risk of conflict reoccurring. Furthermore, any investments that are not underpinned by a rigorous feminist conflict and gender analysis will contribute to a continuum of entrenched structural and gender inequalities.

Heidi Meinzolt presented the study WILPF conducted as a feminist political economy analysis of the post-conflict reconstruction and recovery processes in Bosnia and Herzegovina. The analysis highlighted how neoliberal economic policies, translated through the so-called «Reform Agenda for Bosnia and Herzegovina» negatively affected both gender equality, human rights, and sustainability of the peace. These measures were not preceded by a thorough gender and human rights impact assessment, and, hence, resulted in disproportionate impacts on women, particularly with regard to poverty.

This is illustrated, for example, in WILPF's submission to the UN Committee on the Elimination of Discrimination against Women for the review of Bosnia and Herzegovina:

Favouring large infrastructure projects such as highways and hydroelectric power dams over measures to eradicate poverty, to improve health, educational and care infrastructure has an implication on women's position in society

Heidi Meinzolt promotes the idea that the UN Working Group on Business and Human Rights should include in its recommendations and reports a gender analysis of the issues that are the subject of its attention. Ensuring gender analysis and women's participation in human rights due diligence regarding business activities and investment including by International Financial Institutions in conflict, post-conflict contexts is essential to:

- securing women's economic, social and cultural rights;
- bringing a gender perspective and women's participation into economic recovery e.g. in reforms and reconstruction projects;
- integrating gender budgeting within post-conflict financing;
- conceptualising reparations and other transitional justice mechanisms in a transformative way so that they contribute to dismantling of structures of inequalities and empower women economically, politically and socially.

WHY IS HEIDI MEINZOLT'S STORY IMPORTANT TO US?

This is a story of struggle not just for human rights and their respect by business, it is a story about the general human rights approach in the field of public and corporate governance, about the basic principles of determining models of legal regulation and priorities for society.

In addition, for our organization, Kharkiv Regional Foundation «Public Alternative», the theme of gender dimension of public policy and business practices in conflict, internal displacement and in the post-conflict period is very close. In 2019-2020, we implemented the project «Gender Dimension of Internal Displacement: Local Policies, Business Practices and Legal Protection Tools» with the support of the Council of Europe project «Internal Displacement in Ukraine: Developing Sustainable Solutions». Based on the studied situations of internal displacement in Ukraine, generalization of international experience of forced displacement, study of international and

regional standards of gender equality and protection of the rights of internally displaced persons, as well as applying such basic legal concepts as respect for human autonomy and life project The requirement of non-discrimination, the concept of gender equality, identified situations (in the form of hypotheses) that, in our opinion, represent the highest risk of vulnerability for women and girls in forced displacement in Ukraine. The formulated hypotheses were discussed in four pilot regions of Ukraine – Kharkiv, Rubizhne, Vinnytsia, Poltava - with the participants of the trainings (total number of participants 120), as well as during the focus groups and interviews. At the final stage, recommendations were developed to take into account the gender component of internal displacement in local policies, business practices, the use of legal protection instruments and the actions of NGOs, legal community and public organizations²².



The publication includes just 12 stories of women in the field of human rights, as it is impossible to name all those who contribute to the promotion of responsible business conduct. Our aim is not to find the best – we want to show that women with very different destinies in very different conditions, using different legal instruments, work for the same goal – to protect human rights from violations by business.

