

# Protecting human rights defenders: Everyone's business

Submission on the revision of the United Kingdom's  
National Action Plan on Business and Human Rights

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## 1. Introduction

The International Service for Human Rights (ISHR) is an independent, non-governmental organisation dedicated to promoting and protecting human rights. We achieve this by supporting human rights defenders (HRDs), strengthening human rights systems, and leading and participating in coalitions for human rights change.

Human rights defenders play a critical role both in promoting corporate respect for human rights and in identifying, preventing, mitigating and ensuring accountability for corporate human rights abuses. Despite this, around the world, there are reports of – and ISHR has observed – increasing attacks, threats and harassment against human rights defenders who advocate for corporate accountability.

ISHR's work with human rights defenders who advocate on business and human rights issues strengthens and builds their capacity to promote corporate compliance with human rights standards and to seek corporate accountability for human rights abuses. It also seeks to ensure that such defenders are adequately protected from intimidation, harassment, attacks and restrictions associated with their work.

ISHR welcomes the call for input from the United Kingdom (UK) to inform the review of its 2013 National Action Plan (NAP) on business and human rights. We encourage the UK to further incentivise responsible business practice both internally and internationally, as a critical element of discharging its human rights obligations in this area.

## 2. A National Action Plan focused on Human Rights Defenders

Business-related human rights abuses against individuals and communities continue to an astonishing degree. In particular, many human rights defenders face significant risks to their lives and livelihoods on a daily basis as they work under the threat of extrajudicial killings, abductions, surveillance and intimidation as a result of their efforts to defend human rights in the face of harmful business activities.<sup>1</sup>

ISHR has emphasised the importance of participation of affected communities and human rights defenders in the design of NAPs, and the importance of ensuring that the substance of NAPs provide for the protection of human rights defenders and communities against attacks, threats, restrictions and reprisals associated with business activities and operations.

Accordingly, NAPs should include concrete and specific commitments and measures to ensure that human rights defenders working on issues of corporate accountability are supported, and are able to work free from threats, attacks and other forms of harassment, restriction and interference.<sup>2</sup>

In doing so, the NAP should take into account the specific protection needs of certain groups of defenders – such as women human rights defenders, indigenous rights activists, and land and environment defenders – many of whom are organised in collectives or communities and which therefore require collective protection measures.

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<sup>1</sup> See, for example, recent articles and reports from the UN Special Rapporteur on Human Rights Defenders (<http://www.ishr.ch/news/supporting-and-protecting-defenders-who-work-business-and-human-rights>), Human Rights Watch (<http://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects>), Global Witness (<https://www.globalwitness.org/campaigns/environmental-activists/how-many-more/>) and FIDH (<https://wearenotafraid.org/en/>).

<sup>2</sup> <http://www.ishr.ch/news/human-rights-defenders-must-be-core-developing-business-and-human-rights-agendas>

ISHR welcomes the prominence given to the protection of civil society space and human rights defenders, as exemplified in the Foreign and Commonwealth Office's 2014 report, and encourages a similarly strong emphasis on defenders in the 2015 version of the UK NAP. ISHR supports and reiterates the recommendations made by PBI-UK in that regard.

While ISHR also welcomes the reference to human rights defenders and civil society in several parts of the current UK NAP, a more explicit recognition of the threats, attacks and restrictions defenders face, and a more deliberate policy approach to increasing their protection and exercise of their rights is needed.

Adopting an overall human rights defenders' perspective in the review and further implementation of the UK NAP could do this. Such a perspective is essential to ensure that the plan serves to enhance the protection of human rights defenders, contributes to a more safe and enabling environment for their work, while fully benefitting from the potential of State and business action in that regard.

In its introduction the NAP provides that British and UK companies and businesses and business enterprises spoken of in the NAP means 'all business enterprises domiciled in the UK'.

As a threshold issue, we consider that the UK's obligation to protect human rights in the context of the activities of transnational corporations and other business enterprises extends both to business enterprises domiciled in the UK and their subsidiaries, whether wholly or partially owned or controlled,. The corporate veil must not be allowed to be used to avoid complying with human rights obligations on the part of business or to deny access to justice for individuals whose rights are violated.

In this respect any reference to business, business enterprise, corporate or company in this NAP should include reference to such an entity.

### ***Recommendations***

#### General recommendations for the reviewed UK NAP:

- The UK should develop its reviewed NAP based on the Guiding Principles read in conjunction with the *UN Declaration on Human Rights Defenders*,<sup>3</sup> include concrete policies and measures to protect and support human rights defenders, and pay particular attention the specific protection needs of certain groups of defenders;
- Civil society organisations, home and host State affected communities, human rights experts and human rights defenders must be fully consulted in the review, implementation and further refinement of the UK NAP, including through UK embassies in countries where human rights defenders are most at risk.
- The business enterprises spoken of in the NAP, as set out in the introduction, should be expanded to include business enterprises domiciled in the UK and their subsidiaries, whether wholly or partially owned or controlled.

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<sup>3</sup> Officially titled 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms'

### **3. Guiding Principle I - State Duty to Protect Human Rights (section 2 in current NAP)**

#### **Overview**

Guiding Principle I stipulates that ‘States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.’

In emphasising this principle, ISHR highlights the specific protections needed by human rights defenders who are often at the forefront of combating and preventing business-related human rights violations. The State duty to provide protection is particularly pressing given the increasing prevalence of ‘private corporations ... involved in violations against defenders, including stigmatization, threats, harassment, attacks, death threats and killings,’<sup>4</sup> as noted by the then UN Special Rapporteur on human rights defenders.

In order for the UK to ensure effective implementation of Pillar I of the Guiding Principles in its NAP, the work of human rights defenders should be closely considered in both the *review and implementation*, and the *substance*, of the NAP.

#### **Review and implementation**

It is vital that all relevant human rights defenders, affected communities in home or host countries, human rights experts and civil society organisations are fully consulted and able to participate in all stages of this and future reviews of the UK NAP. It is especially important that the UK engage with disempowered, isolated or at-risk human rights defenders who may find it more difficult to participate in the NAP design process.

In its *Assessment of Existing National Action Plans (NAPs) on Business and Human Rights* (‘the Assessment’), the International Corporate Accountability Roundtable (ICAR) and the European Coalition for Corporate Justice (ECCJ) identified as a ‘positive trend that all of the governments that have published a NAP so far conducted some form of consultations with stakeholders.’<sup>5</sup> However, the consultations of some were ‘more comprehensive and inclusive than others’, while ICAR and ECCJ identified that no governments took any ‘steps to facilitate participation in these consultations by disempowered or at-risk stakeholders.’<sup>6</sup>

Specifically, given the UK has not done such a consultation in developing its existing NAP, ISHR calls on the UK to ensure maximum consultation and engagement with human rights defenders — especially those who have, or are expected to, face reprisals or human rights violations — in the review process.

Direct engagement with human rights defenders by UK embassies in host countries of corporations domiciled in the UK is especially critical in that regard. Given the UK’s experience in implementing the EU Guidelines on the protection of human rights defenders and the UK’s own internal guidance to diplomatic missions in this regard, such consultations should be able to build on existing channels.

In light of the strong collaboration by UK embassies with other States in the context of the implementation of the EU Guidelines, using those channels for consultation on the review of the NAP would also serve to send a clear signal to EU partners that consultation with human

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<sup>4</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya’, UN Doc A/HRC/25/55 (2013), para 103.

<sup>5</sup> International Corporate Accountability Roundtable (ICAR) and the European Coalition for Corporate Justice (ECCJ), *Assessment of Existing National Action Plans (NAPs) on Business and Human Rights*, November 2014, p 3.

<sup>6</sup> *Ibid.*

rights defenders, in both home and host States, is essential and feasible. In addition, this approach would have the benefit of increasing policy coherence in two critical but currently somewhat separate fields of the UK's human rights policy, and as such strengthen both of those areas.

The UK should also clearly identify the role of human rights defenders in the implementation and follow-up of specific action points within the NAP. This would best be achieved by ensuring maximum level of transparency; for example by publishing drafts of the reviewed NAP before the end of 2015, summary reports on its implementation, and engaging with a broad range of human rights defenders and civil society actors for their ongoing comment and input.

**Substance**

The substance of the NAP must also provide for the protection of human rights defenders and communities against attacks, threats, restrictions and reprisals associated with business activities and operations, in home and host countries. Given the crucial role played by human rights defenders in ensuring that business activities respect and protect human rights, protection of human rights defenders should be central to the UK NAP.

These protections should reflect freedoms guaranteed under international law, and should include in particular the rights to freedom of association, assembly, expression and peaceful protest, together with the right to public participation and the right to free, prior and informed consent for indigenous communities and other affected communities.

Further, the Assessment by ICAR and ECCJ highlighted that the UK failed to conduct a comprehensive national baseline assessment in developing its current NAP. When conducting its National Baseline Assessment, or the gap analysis that the UK Government has committed to doing, these processes should also take into account the existing levels of protection of human rights defenders and their rights in relevant contexts covered by the NAP, as well as existing efforts by home and host States and businesses in taking proactive steps towards a safe and enabling environment for their work.

***Recommendations***

**Recommendations for improvement for section 2**

In line with the above, the new UK NAP should:

- Explicitly recognise the vital role of civil society and human rights defenders in monitoring and promoting the implementation of the UN Guiding Principles and acknowledge the particular risks defenders often face as a result of their work;
- Reiterate the State duty to ensure a safe and enabling environments for human rights defenders working in relation to business and human rights, in line with the *UN Declaration on Human Rights Defenders*. One concrete possibility of doing this would be to reflect the *Declaration* in the section on 'The existing UK legal and policy framework' under 'relevant instruments';
- Recognise that business and economic imperatives cannot constitute an appropriate justification for human rights abuses and specifically are an impermissible basis for restrictions on the right to freedom of expression, association and assembly under the ICCPR;
- Support, through project activities, the development of 'Business Principles for Protecting Civic Space and Human Rights Defenders' building on the UK's experience with similar initiatives, such as the International Code of Conduct on Private Military Security Contracts, and the Voluntary Principles on Security and Human Rights;

- Encourage and support the review of local legislation that restricts and threatens human rights defenders, and the adoption of specific laws and policies that recognise and protect human rights defenders and their legitimate work, as well as laws and policies that guarantee free, prior and informed consent of communities affected by business. These processes should be undertaken both in the UK itself and in States in which the UK has diplomatic representations or business interests or operations, with the participation of civil society and taking into account international good practice;
- Recognising the vital importance of access to information in promoting transparency and corporate accountability and in combatting corruption, commit to the development of legislation which provides a right of access to information pertaining to human rights held by corporations and which protects whistleblowers who disclose information pertaining to business-related human rights abuses or violations;
- In terms of ‘new actions planned’, and building on action (v) on the ‘export of information and communications technology’ in the NAP, the UK should commit to implementing recommendations of the UN Special Rapporteur on freedom of expression in his latest report on the use of encryption technology.<sup>7</sup> Further, the UK should take steps to legislate to ensure that UK-companies do not provide technology to third States known for repression against and surveillance of human rights defenders, such as Bahrain;
- In relation to action (xi) in the NAP, expand on the role of embassies and high commissions, to include a proactive role in:
  - supporting and enabling human rights defenders’ constructive engagement with business, and business’ role in protecting civic space and human rights defenders - including encouraging business to conduct human rights assessments to identify, prevent and mitigate the human rights-related risks of their activities, with the involvement of human rights defenders, prior to commencing activities in a host country (see also below, on pillar II);
  - meeting and engaging constructively with human rights defenders and / or affected communities regarding allegations of human rights violations in host countries as a result of the activities of a UK business, and inviting and encouraging the attendance at that meeting of embassies from other countries which have an interest in the relevant UK business (this includes a business or investor from that other country having an interest);
  - ensuring that divisions between its economic and political sectors do not limit the effective response of embassies in protecting civic space and human rights defenders.

#### **4. Guiding Principle II - Business Duty to Respect Human Rights (section 3 in current NAP)**

##### **Overview**

Pursuant to Guiding Principle II, corporations have a duty to respect human rights and human rights defenders. The discharge of this duty should extend to protecting human rights defenders from business-related human rights risks and to consulting and engaging with them so as to identify, mitigate and remedy the adverse human rights impacts of their operations. Free, prior and informed consent for business operations, particularly major development projects, should be sought from affected communities, with human rights defenders having a crucial intermediary role in this regard.

Corporations must also respect the right of human rights defenders and other civil society actors to protest against business activities and refrain from obstructing or interfering with

<sup>7</sup> See UN Document A/HRC/29/32 available at [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_32\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_32_en.doc)

their legitimate activities in this regard. This extends to ensuring that private security firms acting for or on behalf of the corporation are not involved in attacks against human rights defenders or other human rights abuses and, in the case of investors, should include due diligence to ensure they are not indirectly financing any such attacks or abuses.

Corporations should also speak out against laws, policies and actions within a State that restrict the work of human rights defenders, particularly those working on issues of business and human rights. The joint letter of 17 January 2014 written by senior executives of over 30 global brands to the Cambodian Government to ‘communicate grave concern at the killing and wounding of workers and bystanders by security forces on 2 and 3 January 2014’ and calling for the Government to ‘launch a prompt and thorough investigation into the events ... and ensure full accountability of any members of security forces found to have used disproportionate and excessive force and to take measures to prevent the repetition of such acts’ is a good practice example in this regard.<sup>8</sup>

In addition to having a duty to respect and engage with human rights defenders, corporations should be encouraged and incentivised to do so as a matter of good business sense.

Constructive business engagement with human rights defenders should be encouraged by the NAP at all stages of business operations and in all aspects of implementation of the UN Guiding Principles:

- Addressing human rights risks from the outset of a project can assist to prevent human rights abuse by business in the first place, and human rights defenders are often well placed to facilitate the building of trust and confidence among local stakeholders in this regard. This type of partnership can reduce cost and operational burdens by minimising the risk of community conflict, which can result in interruptions to production, higher security costs, staff time lost to crisis management and litigation.
- Human rights defenders can also assist business to monitor and evaluate a company’s efforts to manage and address human rights risks and impacts associated with the particular business activity in question on an ongoing basis. This sets a solid foundation for the long-term security and effectiveness of an operation.
- Finally, given that human rights defenders will often have extensive experience in dealing with the impacts of business on human rights, they are well placed to assist business in the design and implementation of company grievance mechanisms.

### **Conflicting requirements**

We understand the current NAP’s recognition that companies need to act in accordance with local law, and appreciate the affirmation that this may at times be a constraint in acting in compliance with international human rights law. We also welcome planned action (iv) in the NAP that diplomatic missions would raise with local authorities their concern about ‘conflicting requirements’ for business in navigating between local laws and international human rights law.

However, the *Declaration on Human Rights Defenders*, which enshrines binding international human rights law in that regard, including in relation to ‘organs of society’ which comprises business, clearly affirms that:

*No one shall participate, **by act or by failure to act where required, in violating human rights and fundamental freedoms** and no one shall be subjected to punishment or adverse action of any kind for refusing to do so (article 10).*

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<sup>8</sup> See <https://www.opendemocracy.net/openglobalrights/mauricio-lazala-joe-bardwell/%E2%80%9Cwhat-human-rights%E2%80%9D-why-some-companies-speak-out-while> for further positive examples in this regard.

Therefore, companies also have an obligation to act in circumstances where the conduct of a third party (e.g. the State in which it operates repressing a peaceful protest by members of an affected community) relates to its business, and where a failure to act would lead to avoidable harm. Reference to local laws clearly is not a sufficient reason for business to explain lack of respect for the rights of human rights defenders, or for failing to speak out against attacks and restrictions to their work when it has the opportunity.

On the contrary, the reviewed NAP should enshrine an expectation that companies also address the underlying situation leading to what the current NAP terms 'conflicting requirements'. Concretely, this means business should speak out proactively against local laws and policies that restrict the work of human rights defenders or perpetuate a climate of attacks and impunity. This is particularly the case where there are allegations that, or where a company's own due diligence and risk assessment processes show that, local laws or policies are incompatible with the host States' obligations under international human rights law.<sup>9</sup>

UK embassies in host countries, and in particular the human rights defenders focal points set up in many of them, would be well placed to advise business and investors on the legal restrictions facing human rights defenders in that regard.

### **Overseas Business Risk service**

While welcoming the inclusion of human rights information in the joint Foreign Commonwealth Office (FCO) and UK Trade and Investment (UKTI) Overseas Business Risk platform, only a small fraction of the country profiles include information on the situation of human rights defenders. It seems that currently only the profile on Colombia makes explicit reference to human rights defenders,<sup>10</sup> while only the profile on Macedonia notes limitations on freedom of expression,<sup>11</sup> and no profiles detail restrictions on the rights to freedom of assembly and association, two other key rights for human rights defenders. The OBR would be well suited to systematically provide information about the situation facing human rights defenders, and place an expectation on business to consider it in its operations.

ISHR also shares the concern expressed by UK Peace Brigades International about the limited geographic scope of the Overseas Business Risk service.<sup>12</sup>

### ***Recommendations***

#### **Recommendations for improvement for section 3**

In line with the above, the new UK NAP should:

- Expand the list of people expected to be consulted (first page of section 1) to explicitly include human rights defenders and generally promote consultation with and the protection of human rights defenders in both home and host States;
- Detail the steps and measures the UK will take to encourage businesses to fully consult with civil society organisations and human rights defenders in the design and implementation of projects, in order to guarantee free, prior and informed consent of

<sup>9</sup> See for instance ISHR's report 'From Restriction to Protection' on a survey of laws restricting the work of human rights defenders in around 40 jurisdictions (available at <http://www.ishr.ch/news/restriction-protection-report-ensuring-safe-and-enabling-legal-environment-human-rights>) or the International Center for Non-Profit Law's database of 'NGO legislation' (available at <http://www.ishr.ch/news/restriction-protection-report-ensuring-safe-and-enabling-legal-environment-human-rights>).

<sup>10</sup> <http://bit.ly/1GBYISV>

<sup>11</sup> <http://bit.ly/1MjVVzu>

<sup>12</sup> <http://www.peacebrigades.org.uk/country-groups/pbi-uk/revision-of-the-uk-national-action-plan-on-business-and-human-rights/>

affected communities. This could include defining under which circumstances UK companies may be required to conduct mandatory due diligence and human rights impact assessments;

- Clearly spell out the UK Government's expectation of business to put in place processes to meet its obligations to respect and support human rights defenders and their work, including by not interfering directly or indirectly with their exercise of the human rights to freedom of expression, association, assembly and protest, and foresee appropriate monitoring mechanisms and sanctions to enforce this obligation;
- Commit to including specific information about the situation of human rights defenders in the joint FCO-UKTI Overseas Business Risk service country profiles;
- Encourage businesses to publicly support human rights defenders and their protection, including by supporting State action in that regard, including by setting a clear expectation that companies speak out publicly against local laws that restrain and restrict the work of human rights defenders, or that contribute to a climate of impunity for attacks against them. This could include providing further incentives towards the development of 'Business Principles for Protecting Civic Space and Human Rights Defenders'; and
- Encourage investors to consult with human rights defenders and ensure that investors do not invest in projects that result in violations of human rights or undermine the rights of human rights defenders and affected communities, including their rights to freedom of expression, assembly and of association.

## 5. Guiding Principle III - Access to Remedy

### Overview

The reviewed UK NAP should also give further effect to Guiding Principle III which requires the UK 'take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when [business-related human rights] abuses occur' within the UK's territory and/or jurisdiction or are perpetrated abroad by companies that are domiciled in the UK's territory or subject to its jurisdiction, that 'those affected have access to effective remedy.'

Effective remedies are vital in redressing the harm done to human rights defenders by business-related human rights violations when carrying out their work. When States or businesses fail to protect human rights defenders from harm, access to effective remedies is a primary avenue via which to secure justice. ISHR endorses ICAR's concern that 'while Pillar III has been widely recognized as an essential Pillar of the UN Guiding Principles, it is either addressed only very briefly or not at all in the existing NAPs.'<sup>13</sup> While we welcome this section in the UK NAP, it can be significantly strengthened. The experience acquired in the implementation of the EU and UK Guidelines on the Protection of Human Rights Defenders will be particularly beneficial in that regard.

While there are more and more human rights defenders using legal avenues to seek to hold corporations to account for their conduct, and some examples of positive results,<sup>14</sup> the challenge of ensuring effective and efficient legal remedies remains enormous.

In addition to the difficulty of obtaining remedies for their communities and clients, human rights defenders working to promote corporate accountability and expose corruption are also frequently targeted themselves. They become the subject of spurious charges, criminal

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<sup>13</sup> International Corporate Accountability Roundtable (ICAR) and the European Coalition for Corporate Justice (ECCJ), *Assessment of Existing National Action Plans (NAPs) on Business and Human Rights*, November 2014, p 4.

<sup>14</sup> See for instance the recent decision by a Guatemalan court to stop 'El Tambor' mining operations <http://bit.ly/1RPZhie>.

defamation suits or other forms of what the UN Special Rapporteur on human rights defenders calls 'judicial harassment'.<sup>15</sup> The use of legal proceedings to prevent human rights defenders from carrying out their work is a global phenomenon, including in particular in relation to human rights defenders working to promote corporate accountability, and is exemplified by recent cases in Colombia,<sup>16</sup> Thailand<sup>17</sup> and Angola,<sup>18</sup> among many others.

The UK NAP section on access to remedy should address both challenges, by tackling the following three interrelated issues in this regard

- First, the lack of a forum to seek legal remedies is the first hurdle human rights defenders face, and where the domestic legal system is ineffective or corrupt, victims remain without remedy;
- Secondly, there is a clear power imbalance between human rights defenders on the one hand, and States and/or business on the other, including in terms of access to legal representation;
- Finally, in the absence of an independent judiciary and guarantees of a fair trial, human rights defenders face little chance finding remedies for their communities or of defending themselves when falsely accused.

One way of addressing the first of these challenges, and facilitate tackling the other two would be to legislate to establish jurisdiction of UK courts over the human rights impacts of UK companies operating or controlling subsidiaries abroad, including their supply chains.

In this regard we call attention to the recent Concluding Observations of the UN Human Rights Committee on Canada, in which the Committee called on Canada, consistent with its obligations under the International Covenant on Civil and Political Rights to 'consider establishing an independent mechanism with powers to investigate human rights abuses by corporations abroad ... and develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad'.<sup>19</sup>

A possible model to this effect would be to reverse the burden of proof in a way that ensure that corporations can be held to account in the UK for the actions of their subsidiaries and supply chains abroad, unless they can demonstrate adequate human rights impact assessments and due diligence was carried out, and steps were taken – including those detailed under Pillar II above – to prevent or mitigate human rights violations.<sup>20</sup>

### **Recommendations**

#### Recommendations for improvement for section 4

In line with the above, the new UK NAP should:

- Ensure that victims of human rights violations linked to business operations of companies based in the UK have access to an effective judicial remedy. This could be done through closing regulatory gaps by establishing extraterritorial jurisdiction over the actions of UK based companies, subsidiaries and their supply chains abroad, using the Swiss 'responsible multinationals'-initiative as good practice in that regard;

<sup>15</sup> See UN Document A/67/292.

<sup>16</sup> <http://www.ishr.ch/news/colombia-protect-corporate-accountability-activists-criminalisation-and-harassment>.

<sup>17</sup> <http://www.ishr.ch/news/thailand-end-judicial-harassment-human-rights-defenders>.

<sup>18</sup> <http://www.ishr.ch/news/angola-end-prosecution-and-persecution-rafael-marques>.

<sup>19</sup> See Human Rights Committee, 'Concluding Observations on Canada', UN Doc CCPR/C/CAN/CO/6, para 6 ([http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CAN/CCPR\\_C\\_CAN\\_CO\\_6\\_21189\\_E.docx](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CAN/CCPR_C_CAN_CO_6_21189_E.docx)).

<sup>20</sup> See for instance a popular initiative on 'Responsible Multinationals' launched in Switzerland to that effect: <http://konzern-initiative.ch/?lang=fr>.

- Set up a dedicated 'Legal Aid Fund' for human rights defenders involved in legal proceedings – either in seeking legal remedy for business related human rights violations, or in defending themselves against 'judicial harassment' – who may apply for support under this scheme. Importantly, the scheme should be available for human rights defenders in a preventative fashion to avoid the threat of legal proceedings to stifle their work, as the spectre of ruinous legal proceedings can limit human rights defenders in their action. It could also encourage the mobilisation of pro bono capacity by UK-based law firms, thus simultaneously addressing pillars 2 and 3 of the UN Guiding Principles; and
- Encourage trial observations, where appropriate, by both diplomatic and business representatives, building on the lessons learnt in the implementation of the EU Guidelines on the protection of human rights defenders in that regard.

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