

[Supporting and protecting defenders who work on business and human rights](#)

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In the build up to the third UN Forum on Business and Human Rights, ISHR will publish a series of articles by key human rights defenders and experts in this field, before launching a special edition of its Human Rights Monitor on 1 December, in both English and Spanish. [Click here](#) to join our Spanish language mailing list.

By Michel Forst, UN Special Rapporteur on Human Rights Defenders. [Este artículo existe también aquí en español.](#)



It is increasingly well documented that many human rights defenders who work to promote corporate respect for human rights, or to expose and seek accountability for human rights violations perpetrated by business, face particular risks, restrictions and attacks.

The Special Procedures of the UN Human Rights Council have played an important role in calling attention to this issue. In the last few months alone, for example, the UN Working Group on Business and Human Rights has [expressed concern at the detention of human rights defenders and the imposition of funding and registration restrictions](#) against non-governmental organizations working on business and human rights in Azerbaijan, while a group of Special Rapporteurs, including myself, issued a [joint statement calling on the Australian state of Tasmania to withdraw a proposed law](#) which explicitly targets those who protest against the activities of the forestry, agriculture, or mining industries.

Human rights defenders working in this context commonly face threats, harassment, intimidation, criminalization and physical attacks. In many cases, defenders are labelled as 'enemies of the State', 'anti-government' or 'against development' if they oppose business and development projects. In this context, defenders working on access to land, natural resources and environmental issues, and those campaigning against illegal or forced evictions in the context of mega-projects, are at particular risk. In fact, defenders working on land and natural resource issues are among those defenders at the highest risk of being killed.

Women defenders working in such contexts are particularly vulnerable as they often work in isolated communities and have to face pressure and violence, often gender-based violence, from their own communities or vested interests. Security guards employed by oil and mining companies have allegedly threatened to kill, harassed and attacked human rights defenders during peaceful protests. There have also been cases where local authorities have allegedly colluded with the private sector, and cases in which private companies had aided and abetted the commission of violations against human rights defenders. The affected communities and those defending their rights in this context are in dire need of protection and they also need access to appropriate remedy.

In my [first report to the UN General Assembly](#), presented last month, I identified human rights defenders working on issues of business and human rights, together with those working on the related issues of land and environment rights, as among those who are most exposed to restrictions, threats and attacks.

The good news, however, is that, led by civil society, some States and the UN human rights system are beginning to respond.

In September 2013, the United Kingdom became the first State to adopt a National Action Plan on Business and Human Rights, which includes explicit commitments to protect and support human rights defenders. More States should follow suit.

Earlier this year, at its 26th session in June, the UN Human Rights Council adopted two resolutions on business and human rights - one led by Norway, Argentina, Ghana and Russia and the other by Ecuador and South Africa - both of which contain provisions recognizing the valuable role played by civil society organisations in promoting corporate respect for human rights and exposing and seeking remedy for corporate violations. Regrettably, neither resolution responded adequately to NGO calls to recognize the worsening risks and attacks that human rights defenders who work on issues of business and human rights face, together with the obligations of States to protect and support them in this regard. Such recognition is vital if defenders are to be conferred with the protection they need and if the prevailing climate of impunity for attacks is to be addressed. The prompt and thorough investigation of attacks against human rights defenders by both State and non-State actors, together with the bringing to account of perpetrators, is a crucial element of a safe and enabling environment for their work.

Despite this modest progress, however, much remains to be done by States, corporations and the UN human rights system itself.

As alluded to in my first report to the General Assembly, I urge States to consider enacting specific laws and policies to effectively implement the Declaration on Human Rights Defenders at the national level, and for both home and host states to include concrete commitments and measures to protect defenders in National Action Plans on Business and Human Rights.

I also encourage States to take specific measures to protect human rights defenders who voice their opposition to the work of resource and extractive industries or other major development projects. Defenders have a right to participate and demand participation in decision-making processes, to exercise their rights to freedom of expression, assembly and peaceful protest, and not to be subject to such stigmatizing labels as 'anti-development' or economic 'saboteurs'.

Corporations also have a role to play in protecting human rights defenders and in consulting and engaging with them so as to identify, mitigate and remedy the adverse human rights impacts of their operations. Corporations must respect the right of human rights defenders and other civil society actors to protest against business activities and refrain from obstructing or interfering with 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.

For my part, as Special Rapporteur on Human Rights Defenders, I will endeavor to work closely with other mandate holders - including the Working Group on Business and Human Rights, together with the Special Rapporteurs on Freedom of Expression and on Association and Assembly with whom I already issued a joint

statement on the Tasmanian anti-protest bill - to ensure that the situation of human rights defenders working on corporate accountability issues is consistently taken up in reports, communications and on missions. I also propose to explore the possibility of a joint mission with the Working Group in this regard.

Human rights defenders have a vital role to play in promoting corporate respect for human rights abuses, corporate accountability for violations, and access to justice for victims of human rights abuses by business. States, corporations and the UN human rights mechanisms themselves can and must do more to safeguard this important but often dangerous work.

Michel Forst is the UN Special Rapporteur on the situation of human rights defenders. Follow him on Twitter at @ForstMichel.

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