

[No more 'business as usual' when it comes to business and human rights defenders](#)

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Corporations, States and the UN alike must recognise the vital role of human rights defenders in promoting corporate responsibility and accountability and support and protect them in this crucial work, says UN Special Rapporteur Michel Forst.



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By Michel Forst, UN Special Rapporteur on Human Rights Defenders

At the commencement of my mandate as Special Rapporteur on Human Rights Defenders I committed to focus on those defenders who are most exposed or most at risk. As part of this commitment I conducted consultations with over 500 human rights defenders from over 110 States from all regions of the world. As my [recent report to the UN General Assembly](#) records, one of the categories of defenders which emerged as most at risk in all regions was those working in the business and human rights, including those working on land and environment rights.

The evidence and testimony I received from the ground reinforced recent reports from the likes of ISHR, the Business & Human Rights Resource Centre, Global Witness, and the Observatory for the Protection of Human Rights Defenders which point to the particular threats, risks and restrictions faced by this group of defenders, whether they work in Africa, Asia, Latin America or in Western European States. These threats, risks and restrictions range from surveillance, to stigmatisation, to the inappropriate and excessive use of force against peaceful protesters, especially those protesting the activities of the extractives industries.

The particular vulnerability of human rights defenders working in the field of business and human rights arises from three key factors.

The first is the false dichotomy often propagated between development on the one hand and respect for human rights on the other. This manifests in the stigmatisation of corporate accountability activists as 'anti-development', of trade unionists and protesters as 'economic saboteurs', of land and environment defenders as

'eco-terrorists', and of NGOs working in the field as 'foreign agents'. States must desist from such stigmatisation and denounce it when it occurs, promoting instead the reality that human rights defenders have a vital role to play in sustainable and inclusive development.

The second vulnerability factor is that the work of human rights defenders working in the field of business and human rights often involves promoting transparency, exposing violations and combating corruption. This can place them on a collision course with powerful State and non-State actors, including governments and businesses but also private military and security companies (particularly in the context of the extractive industries) and organised crime (which particularly emerged as an issue in my consultations in Latin America). The prompt and thorough investigation and remediation of all threats and attacks against human rights defenders working in the field of business and human rights, whether perpetrated by State or non-State actors, is vital in addressing this factor, with the shocking incidence of impunity for attacks against defenders effectively licensing further attacks.

The third vulnerability factor, related to the second, is the weakness in regulation of many non-State actors, both at the national and international levels. The specific protection of human rights defenders through national laws and policies and in any international treaty negotiated in the field of business and human rights is vital in this regard.

In my recent report to the UN General Assembly I made a number of recommendations to both States and businesses intended to respond to these factors. For States, in addition to the obligations I have outlined above, it is imperative that human rights defenders are actively engaged in the process of elaboration of a National Action Plan on Business and Human Rights and that any such action plan contains concrete commitments and measures to facilitate and protect defenders' work. Both States and businesses should also engage human rights defenders in human rights impact assessment and due diligence processes for major projects - effective up-front engagement can avoid human rights risks and costs.

In relation to businesses, my report recommends that they play an active role in supporting and promoting the role of human rights defenders working in their sectors. This should include, for example, speaking out when human rights defenders are targeted for their corporate accountability work, as major jewelers like Tiffany & Co positively did when human rights defender and journalist Rafael Marques was prosecuted for his work exposing corruption in the Angolan diamond industry. Businesses must also, of course, cease and abstain from any supporting any actions, directly or indirectly, which impinge upon defenders' rights to freedom of expression, association and assembly.

When it comes to business and human rights defenders, business as usual is not good enough. Corporations, States and the UN human rights system alike must recognise the vital role of human rights defenders in promoting corporate responsibility and accountability and support and protect them in this crucial work.

Michel Forst is the UN Special Rapporteur on Human Rights Defenders. Follow him on Twitter at [@ForstMichel](https://twitter.com/ForstMichel).

In the weeks and days leading up to the UN Forum on Business and Human Rights, ISHR will publish a series of articles by leading experts including human rights defenders, UN representatives, diplomats, businesses and international NGOs. Each article will include an analysis of the important role of human rights defenders and will be compiled in a special edition of ISHR's Human Rights Monitor, to be launched in English, French and Spanish on November 9. The views expressed in the pieces are personal and do not necessarily represent the position of ISHR.