



**Consult, respect, protect:  
Cross regional group of human rights defenders calls on business to take action for their  
engagement and protection<sup>1</sup>**

Many human rights defenders (HRDs) face significant risks to their lives and livelihoods on a daily basis. They work under threats of abductions, surveillance, intimidation, violence and sometimes death, as a result of their efforts to defend human rights in the face of harmful business activities.<sup>2</sup> The

<sup>1</sup> This statement was developed by a group of civil society organisations, including the Bangladesh Center for Workers Solidarity (BCWS), Collectif des Organisations de Défense des Droits Humains et de la Démocratie, Green Advocates Liberia, ProDesc (Mexico), South Africa Litigation Centre, International Service for Human Rights, and is endorsed by Acción Solidaria on HIV/Aids, ACI PARTICIPA, Action for Democracy, Justice and Liberty in Cote d'Ivoire (ADJL-CI), AKAHATÁ - Equipo de Trabajo en Sexualidades y Géneros, Asociación Pro Derechos Humanos (Perú) (APRODEH), Bir Duino, Cambodian Centre for Human Rights, Centro de Derechos Humanos de las Mujeres (CEDEHM), Centro de Investigación y Capacitación Propuesta Cívica A.C. (Mexico), CIVILIS Human Rights, Comisión Ecuémica de Derechos Humanos (CEDHU) Ecuador, Digital Empowerment Foundation (DEF), El Barzón Chihuahua, El Instituto Mexicano de Derechos Humanos y Democracia, Comité de Defensa Integral de Derechos Humanos Gobixha (CódigoDH), Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit - COC Nederland, Fundambiente, Global Initiatives for Human Rights (GIHR) - Heartland Alliance for Human Needs & Human Rights, Human Rights Law Centre, Indian Social Action Forum (INSAF), Interamerican Association for Environmental Defense (AIDA), International Platform Against Impunity, Justiça Global, Laboratorio de Paz, Movimiento Amplio Por La Dignidad y La Justicia (MADJ), ODH Cote d'Ivoire, OT-Watch, Project on Organizing, Development, Education, and Research (PODER), Seguridad en Democracia (SEDEM) Guatemala, Sustainable Development Institute, Terra de Direitos, Brazil, Tchad NonViolence, Transmen Alliance Thailand, Unidad de Protección a Defensoras y Defensores de Derechos Humanos - Guatemala (UDEFEUGUA) and Unión Nacional de Instituciones de Trabajo de Acción Social (UNITAS) Bolivia

<sup>2</sup> See, for example, recent articles and reports from the UN Special Rapporteur on HRDs ([www.ishr.ch/news/supporting-and-protecting-defenders-who-work-business-and-human-rights](http://www.ishr.ch/news/supporting-and-protecting-defenders-who-work-business-and-human-rights)), Human Rights Watch ([www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects](http://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects)), Global Witness ([www.globalwitness.org/campaigns/environmental-activists/how-many-more/](http://www.globalwitness.org/campaigns/environmental-activists/how-many-more/)) and FIDH ([www.fidh.org/en/issues/human-rights-defenders/archives-human-rights-defenders/annual-reports/16546-we-are-not-afraid](http://www.fidh.org/en/issues/human-rights-defenders/archives-human-rights-defenders/annual-reports/16546-we-are-not-afraid)). The threats faced by defenders are clearly documented in the UN Working Group on Business and Human Rights' report, submitted to the Human Rights Council in June 2014. Communications received by the Working Group have

continuing trend of attacks and acts of intimidation by State and non-State actors against those protesting against actual and potential adverse impacts of business operations and major development projects is of grave concern. The problem has been recognised by relevant UN officials, including the Special Rapporteur on the situation of Human Rights Defenders in his 2015 reports to the Human Rights Council and the General Assembly.<sup>3</sup>

Despite the increasingly well-recognised potential role HRDs play in preventing, mitigating and addressing human rights violations in the context of business operations, and the State obligations and business responsibility to protect them, implementation remains patchy.<sup>4</sup>

There is a strong case for proactively respecting and protecting human rights - on the basis that it protects a company's reputation, customer and investor base, assists a company to attract and retain employees and reduces operational and legal costs. Both corporations and human rights defenders have a shared interest in an operating environment which respects the rights to freedom of expression, association and assembly, and is characterised by transparent and accountable government, freedom from corruption, and respect for the rule of law.

In elaborating this statement, a cross-regional group human rights organisations agreed that, generally, not enough is being done by business to consult human rights defenders regarding the impact of their operations, to recognise the important and legitimate role defenders can play, and to take specific actions designed for their protection.

Whilst we recognise and reiterate that it is the State who holds the ultimate obligation to implement the UN Declaration on Human Rights Defenders and guarantee the protection of all human rights defenders, we believe that business can and ought to play a role.

Some of the actions which business can take are legal obligations, such as the requirement to desist from direct or indirect attacks against them. Others, such as speaking out publicly in support of HRDs who are at risk, constitute good business practice.

Human rights defenders can help prevent, mitigate and ensure accountability for human rights abuses in the context of corporate operations. This is better business for all.

Business can consult, respect and protect human rights defenders in many ways, including by implementing one or more of the following recommendations, depending on the circumstances:

***Business must respect and engage with HRDs, such as by:***

- Desisting from physical or legal attacks against HRDs, including those exercising their rights to freedom of expression, association, peaceful assembly and protest against the business or its interests;
- Meaningfully consulting with HRDs in the design, implementation and evaluation of projects, and in due diligence and human rights impact assessment processes;
- Advising and educating clients, suppliers and peers as to their obligations in relation to HRDs.

***Business should support and partner with HRDs, such as by:***

- Encouraging home and host governments to consult with HRDs in the elaboration of national action plans on business and human rights (NAPs) and to include concrete measures and commitments to support HRDs in such NAPs;

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addressed alleged murders of, attacks on, and acts of intimidation against HRDs who campaign against the adverse impacts of extractive company operations and allegations regarding the impact of mining and hydroelectric projects on indigenous peoples.

<sup>3</sup> See the report to be presented to the 70th Session of the General Assembly and the report from the 28th session of the Human Rights Council, [www.ohchr.org/EN/Issues/SRHRDefenders/Pages/AnnualReports.aspx](http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/AnnualReports.aspx).

<sup>4</sup> Michael K Addo, Full implementation of the Guiding Principles means protecting HRDs, 25 November 2014, [www.ishr.ch/news/full-implementation-guiding-principles-means-protecting-human-rights-defenders#sthash.pCN3Adr.dpuf](http://www.ishr.ch/news/full-implementation-guiding-principles-means-protecting-human-rights-defenders#sthash.pCN3Adr.dpuf).

- Encouraging home governments to speak out in support of HRDs through their diplomatic representations in States in which the company operates and HRDs are restricted.

***Business can advocate and seek remedy for HRDs at risk, and against laws and policies that restrict them, such as by:***

- Joining or supporting, in an appropriate way, a campaign or coalition in support of HRDs and against attacks and restrictions against them;
- Speaking out in general terms in support of HRDs and a safe and enabling environment for civil society;
- Speaking out in individual cases of attacks or restrictions against HRDs or in relation to proposed or enacted laws or policies that restrict or criminalise them;
- Advocating to governments in relation to individual cases, laws or policies.

***Business should make additional efforts and take specific action to engage and protect women human rights defenders and other groups facing particular risks:***

- Recognising and addressing the fact that women human rights defenders can face increased exclusion and specific risks;
- Taking additional positive actions to consult and protect women human rights defenders, indigenous defenders and minority groups;
- Ensuring that a response to the particular situations of women human rights defenders, indigenous defenders and minority groups is included across all business action related to human rights defenders.