

## SECOND UNITED NATIONS FORUM ON BUSINESS AND HUMAN RIGHTS

2-4 December 2013

### RECOMMENDATION FROM PEACE BRIGADES INTERNATIONAL (PBI) TO ALL RELEVANT STAKEHOLDERS INCLUDING: STATES, ENTERPRISES AND THE UN WORKING GROUP ON BUSINESS AND HUMAN RIGHTS

Here are the core messages and recommendations PBI would like to convey to all relevant stakeholders and participants to the Forum in order to prevent further violations of the rights of Human Rights Defenders (HRDs) in the context of large scale economic projects.

#### I. On how HRDs should be able to carry out their work

- HRDs must be able to work effectively and without threats of attacks by state or non-state actors. They must be guaranteed meaningful participation in the development of proposals and in any procedures undertaken by states and companies before and during investment, and in national and international campaigns and initiatives to address business-related human rights problems. There should be a legally enforceable protocol regulating the consultation (guaranteeing free, prior and informed consent) and operational phases of large scale economic projects with measurable indicators for engagement and participation of HRDs and communities as a way of addressing levels of inclusion, imbalance of power, and inequality in decision processes.
- HRDs are essential in promoting economic, environmental, and social justice and they have a unique vantage point when it comes to asserting the protection and respect of human rights in the context of the advancement of large scale economic projects as HRDs are stakeholders in any context in which businesses operate. Often, they will have intimate knowledge of the local situation and context, and a strong understanding of the needs of groups and communities. HRDs play a key role in building local capacity and in raising awareness at the international level. Through networks at national or international level, HRDs are also able to forewarn of imminent violent conflict or human rights violations, and to document, and disseminate information when violations have already occurred.
- When HRDs are targeted by strategies of repression, the potential of communities to defend and reassert their own rights is weakened, and the likelihood of human rights violations being committed increases. HRDs must be able to carry out their activities with greater freedom, taking into account analyses of patterns of persecution, as well as legislative and judicial attempts to restrict their activities, and patterns of structural impunity.

#### II. On what States should do to protect and promote the role of HRDs

- States must take positive measures to support and enable HRDs to exercise their fundamental rights and freedoms (including the rights to freedom of expression and association, to form and join trade unions, and to peaceful protest), while corporations must not interfere with the exercise of such rights and freedoms. States must also protect civil society organisations and human rights defenders from harassment, persecution and reprisals linked to their corporate accountability work and ensure that any such interference is investigated and remedied. There should also be more effective regulations and mechanisms to guarantee reparation for direct and indirect victims of business-related human rights violations.
- States should include in their National Action Plans to implement the UN Guiding Principles on Business and Human Rights a clear and comprehensive outline as to how they will support and protect HRDs working in this field.

### III. On what are the special responsibilities of Businesses

- Corporations need to be aware of and sensitive to the risks HRDs face, and must respect the right of any person, groups and organs of society to defend and promote human rights (as it is stated in the UN Declaration on HRDs). Insufficient legislation, widespread impunity and an overall hostile environment for HRDs in host countries should under no circumstances serve as a pretext for businesses to disregard their duty to respect the work of HRDs.
- Businesses should conduct prior and on-going human rights impact assessments of their activities and make these accessible to public scrutiny. Assessments should be robust, independent, and involve participation of local organisations and HRDs.
- Companies and host countries should be obliged to declare information regarding royalty payments and the contracting of private security companies. This step would help to ensure transparency and to discourage bribery, corruption, and human rights violations.

### IV. On how the UN Working Group should focus its work

- We recommend that the focus of the Working Group places a stronger emphasis on the effective participation of affected communities and the NGOs and HRDs who promote and protect their rights. Writing a report on that topic would be a meaningful contribution. There should be closer cooperation between the Working Group with procedures concerned with HRDs such as the Special Rapporteur's Office, to strengthen complaints mechanisms and early warning systems.
- Greater attention needs to be paid to the current situation of business-related human rights violations, and there needs to be a deeper reflection among all stakeholders about the role communities and NGOs should be playing in decision making processes that affect them. Human Rights violations and violent processes should be prevented through more systematic and meaningful engagement with communities and NGOs at all stages of business operations.
- A universal toolkit for protection mechanisms specific to HRDs working in the context of business related human rights issues should be developed. It could then be used not only in the pre-deployment training of mission staff, but also in training and job specification of officials from trade, business, foreign aid, and international justice departments of governments as well as by company staff and host government officials. It should encourage missions from the home country of the company to implement bespoke protection mechanisms for HRDs and communities affected by the company's activities.



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