



Remedying, redressing and preventing attacks against human rights defenders working on business and human rights

Parallel session

28 November

10:00-13:00

Organized by Front Line Defenders (FLD), International Service for Human Rights (ISHR), Global Witness, Peace Brigades International (PBI), Institute for Human Rights and Business (IHRB), The International Federation for Human Rights (FIDH), The Rafto Foundation for Human Rights, Business & Human Rights Resource Centre (BHRRC) – in collaboration with the UN Working Group on Business and Human Rights

Objectives: To hold a substantive ‘working session’ on human rights defenders (HRDs), in particular taking into account the [UNWG’s 30 November consultation](#) in the context of its work to develop [guidance for business on respecting and supporting HRDs](#) in line with the [UN Guiding Principles on Business and Human Rights](#) (UNGPs):

- To highlight that HRDs are fundamental in bringing to light abuses in the context of business operations and in securing access to remedy for victims, playing a role as “justice enablers” for the victims of corporate human rights abuses;
- To underline that there is a need for greater recognition by states, investors and businesses of the crucial monitoring role HRDs can play, as advocates for victims of abuse and potential abuse, taking into account the recognition set out in the UNGPs regarding the key role they can have in human rights due diligence and enable companies to understand concerns of affected stakeholders;
- To highlight findings from the latest research on attacks against HRDs working on business and human rights, underline the impacts of attacks on these HRDs for victims’ access to remedy, and to show the benefits of providing protection and remedy for them;
- To highlight mechanisms, actions and measures which allow HRDs to have a positive impact and secure access to remedy for victims, in the context of business projects in different sectors;

- To identify mechanisms, actions, measures and best practices, including by companies, in providing remedy, redress and guarantees of non-repetition for threats and attacks against HRDs working on business and human rights, and taking into account UNGP 26, which requires states to ensure that the legitimate activities of human rights defenders are not obstructed.;
- To highlight the need for businesses, states and international financial institutions to start viewing HRDs – in line with the UNGPs – as allies in understanding of local risk factors, securing meaningful dialogue with vulnerable groups and better informing safe and responsible business practice.

Speakers:

Introduction

- Moderator: Sarah Brooks, Programme manager (Asia and Migrant Rights Defenders), International Service for Human Rights
- Rosa María Mateus, Corporación Colectivo de Abogados José Alvear Restrepo (CAJAR)
- Anita Ramasastry, UN Working Group on Business and Human Rights
- Michel Forst, UN Special Rapporteur on human rights defenders
- Kees van Baar, Human Rights Ambassador, Netherlands

Moderated panel conversation

- Moderator: Mauricio Lazala, Deputy Director, Business and Human Rights Resource Centre
- Kalpona Akter, Executive Director of the Bangladesh Centre for Worker Solidarity
- William Anderson, Head of Environmental and Social Affairs Asia Pacific, Adidas
- Rosemary McCarney, Canada's Ambassador to the United Nations
- Joana Nebuco, Conectas (Brazil)
- Debbie Stothard, Secretary General, International Federation for Human Rights (FIDH)

Breakout groups (facilitators)

- Aurelia Arzu, HRD & Andrea Bolano, Peace Brigades International
- James Otto, HRD & Kindra Mohr, Accountability Counsel
- Maryam al-Khawaja, HRD & Bennett Freeman, Corporate Human Rights Benchmark
- Sor Rattanamanee Polkla, HRD & Ed O'Donovan, Front Line Defenders

Reporting back and bringing it all together

- Moderator: Sarah Brooks
- Maryam al-Khawaja, HRD
- Michel Forst
- Anita Ramasastry

Key discussion questions:

- What kind of threats and attacks do HRDs working on business and human rights issues suffer and how do these patterns vary by sector and geography? Are we treating these symptoms of the problem?
- What would it look like to address the root causes of attacks against defenders who are seeking remedy for victims of corporate abuse? Including what elements of good human rights due diligence and responses by business need to be considered in different situations, respectively, where (a) companies and investors are causing and contributing to impacts and (b) where they are linked to impacts through their business relationships?
- What elements need to be in place for HRDs and CSOs, seeking remedy either for themselves or for victims of corporate abuse, to engage effectively with international/regional human rights systems / corporate grievance mechanisms / State-based judicial remedies / State-based non-judicial remedies?
- What should governments do to address attacks against defenders, including addressing situations where corporations may be causing, contributing or directly linked to a human rights abuse?
- What can businesses do to encourage/ incentivize governments to take these steps?
- What examples or experiences do we have of these actors working together successfully? What are the necessary ingredients?

Background: The first step to secure remedy in cases of corporate abuses is often to provide evidence that human rights abuses occurred/are occurring and that they are effectively linked to the company's project. HRDs are instrumental in bringing abuses to light and investigating the actual or potential effects of a project on local communities and/or the environment. The experience of defenders, including familiarity with the legal system and the bureaucracy of the state, dealings with the authorities, and access to local media, is often a crucial factor in helping victims secure remedy. The UNGPs recognize the important and valuable role played by human rights defenders, the key role they can have in human rights due diligence and enable companies to understand concerns of affected stakeholders, and the risks they face as a result. Yet, there is a need to bring stakeholders together and reinforce the call for greater recognition by states, investors, businesses and others of the legitimate, positive and crucial roles HRDs, as advocates for victims and monitors of human rights in business, play in bringing about real remedy.

Moreover, when HRDs are attacked and harassed, this negatively affects the ability of victims to access remedy for abuse. Corporations generally continue to disavow responsibility for their actions in third countries, which sometimes leads to local resistance and subsequent repression/violence against HRDs. There were at least 600 cases of attacks on HRDs working on business and human rights documented since 2015, and only in a minority of cases did HRDs get remedy for these abuses. Global Witness reported in 2017 that in Honduras, for example, more than 90% of killings and abuses against defenders remain unsolved. Impunity for attacks against HRDs is one of the root causes of continuing attacks against them. It diminishes their ability to raise early warnings about business projects, to help victims seek remedy, and to act as a counterweight and complement to government and business.

The session will showcase innovative approaches to collaboration on remedy for victims and for defenders themselves - by defenders, business and investors. The panelists and the audience will explore examples of leadership and leverage by states, business, civil society, and investors, formulating recommendations for future actions which will inform the WG's Guidance document on Business and HRDs.