



UN Working Group on Business & Human Rights

Concept note for consultation with States

21 February 2018, Geneva

“Human rights defenders and the business and human rights dimension”

Background

Threats to human rights defenders and to civic freedoms are increasing concerns globally and are also critical for the business and human rights agenda. A large number of human rights defenders are under threat and attack because they raise concern about adverse human rights impacts of business operations, often in the context of large development projects that affects access to land and livelihoods. At the same time, the space for civil society actors to raise concerns about human rights impacts is shrinking, and human rights defenders face criminalization when engaging in public protest or civil dissent.

Concerns are being raised about the role of business in contributing to attacks against human rights defenders or in failing to take action against such attacks. Questions are also being raised about the role of business in helping to protect human rights defenders and civic space.

States have the primary obligation to ensure the rights and protection of human rights defenders, as set out in various human rights instruments – in particular the UN Declaration on Human Rights Defenders – and as reaffirmed in many UN Human Rights Council and General Assembly resolutions, including through the [March 2016 resolution on the protection of human rights defenders working on economic, social and cultural rights](#).

The importance of human rights defenders in the context of business-related impacts on human rights is recognized by the [UN Guiding Principles on Business and Human Rights](#). They highlight the key role human rights defenders can have in human rights due diligence and enabling companies to understand concerns of affected stakeholders. In particular, the Guiding Principles:

- urge businesses to consult human rights defenders as an important expert resource and highlight their role as watchdogs, advocates and facilitators
- urge States to ensure that the legitimate activities of human rights defenders are not obstructed.

Aims and objectives of the Working Group project

Against this background, the Working Group on Business and Human Rights has decided to give focused attention to the issue human rights defenders and civic space and identified activities it proposes to undertake to complement and support efforts by others, including to:

- Develop guidance for business on engaging, respecting and supporting human rights defenders in line with the UN Guiding Principles on Business and Human Rights (expected launch: November 2018).
- Develop guidance for States on how Pillar I of the UN Guiding Principles relates to the protection of human rights defenders who may face adverse human rights impacts from business.
- Facilitate multi-stakeholder dialogue among stakeholders, to develop coordinated efforts.
- Help identify and support opportunities for collective action.

The Working Group is undertaking this project in consultation with the Special Rapporteur on human rights defenders, whose [report to the 2017 UN General Assembly](#) addressed the situation of human rights defenders raising concerns about business-related impacts.

Key questions for identifying pillar I and II guidance elements

The Working Group is exploring a number of questions to help inform the forthcoming guidance to strengthen protection of and respect for human rights defenders.¹ Key questions pertaining to the State duty to protect (pillar I of the Guiding Principles) and access to remedy for harms that do occur (pillar III) include:²

- What examples exist of States promoting respect for human rights defenders in a business context, generally?
- How can States communicate effectively the expectation that business respects human rights defenders?
- What examples exist of NAPs addressing protection of defenders?
- What examples exist of defenders having been engaged directly in NAP processes?
- What examples exist of States using their role as economic actor (SOEs, procurement, export/import promotion) to leverage better protection of and respect for defenders?

¹ For overview of gaps and opportunities identified in relation to the role of States, see in particular the summary of the Working Group's multi-stakeholder consultation convened on 30 November, 2017: http://www.ohchr.org/Documents/Issues/Business/ScalingUpInitiativesProtectHRDefenders_30Nov2017.pdf.

² These questions (as well as questions relating to the second pillar, the corporate responsibility to respect human rights) can be found in the Working Group's note prepared to help identify guidance elements: <http://bit.ly/2Cgg2hL>.

- What differentiated State actions should be considered for the different dimensions of how a business enterprise may be involved in adverse impacts on defenders (cause/contribute/linked)?
- What specific considerations should be taken for conflict zones (both for home and host States)?
- What steps should States take to address retaliation or reprisals against defenders involved in efforts to seek access to remedy?

Key documents by the Working Group

- [Background note: Human rights defenders and civic space – the business and human rights dimension](#)
- [Blog: Protecting and respecting those who speak up against business impacts on human rights - takeaways from the 2017 UN Forum and the way forward](#)

Open call for inputs

- [Discussion paper: identifying elements for guidance on human rights defenders and the role of business](#) (*Deadline for inputs extended to 15 March 2018*)
- The Working Group welcomes inputs to its work on this issue from all interested parties. **Submissions can be sent to:** wg-business@ohchr.org

Overview of consultations convened to date

- [Summary of expert workshop \(Geneva, 11 May 2017\)](#)
- [Summary of multi-stakeholder consultation \(Geneva, 30 November 2017\)](#)

Thematic web page

<http://www.ohchr.org/EN/Issues/Business/Pages/HRDefendersCivicSpace.aspx>

UN Working Group on Business & Human Rights

Agenda

Consultation with States

21 February 2018, Geneva

10:00-11:00	<ul style="list-style-type: none"> • <i>Introduction by UNWG Chairperson Anita Ramasastry</i> • <i>Overview of UNWG project</i> • <i>Q&A and overall comments and observations from State participants. Discussion of how this work relates to other UN activities focused on human rights defenders.</i>
11:00-12:00	<ul style="list-style-type: none"> • <i>Inputs from States on questions to identify elements of UNWG guidance (refer to list of questions on pages 2-3)</i>
12:00-13:00	<ul style="list-style-type: none"> • <i>General discussion: scaling up efforts to protect and respect defenders in business context – how to build new coalition and amplify existing collective efforts?</i>