

## WRITTEN INTERVENTION - THE OBSERVATORY

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### UN HUMAN RIGHTS COUNCIL Forum on Business and Human Rights 1<sup>st</sup> session

#### **Joint written intervention by the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders**

December 4-5, 2012

The World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders, welcome the opportunity to address the first annual UN Forum on Business and Human Rights.

As rightly pointed out by the UN Special Rapporteur on Human Rights Defenders, Ms. Margaret Sekaggya, in a OHCHR [press release](#) issued in April 2012 following the presentation of her last [report](#) to the Human Rights Council, environmental and land rights defenders face a large range of acts of criminalization and abuses when pointing out adverse impacts of investment projects. Those include threats, violence, judicial harassment, and even killings, as a consequence of their peaceful activities to defend the right to live in a healthy environment, to protect natural resources and the livelihood of their communities.

The former Special Representative of the UN Secretary-General on Business and Human Rights, Professor John Ruggie, also [recommended](#) that 1) the legitimate and peaceful activities of human rights defenders should not be obstructed, and 2) that business enterprises, in their due diligence efforts, should consult with “credible, independent resources including human rights defenders”.

Human rights defenders, including those addressing environmental concerns, whose efforts often intersect with both State and corporate activities, are at even greater risk of business-related human rights abuses, as they often find themselves not only vulnerable to abuses by State interests but also the interests of powerful economic actors. Therefore, not only do States, including home governments of corporations and host countries, have the responsibility to effectively protect such defenders and fight against impunity for attacks and violations against them, including by non-State actors, but enterprises also have the responsibility to avoid any adverse impact of their activities on human rights defenders.

Accordingly, the Observatory would like to make the following **recommendations** to this panel, audience and subsequent readers of this comment:

#### 1) To States:

- to guarantee in all circumstances the physical and psychological integrity of all human rights defenders, including those addressing land and environmental concerns;
- to give full recognition to the legitimate role and important work they carry out as well as to ensure that they are able to work effectively and without threat of attack by State or non-State actors, including when they protest against adverse impact of investment projects on human rights;

- to combat impunity for attacks and violations against land and environmental human rights defenders, committed both by State and non-State actors.

2) To companies and multinational enterprises (MNEs):

- to respect the rights to freedoms of expression and assembly of those who speak out or demonstrate against a company's activities; and refrain from retaliating (including through litigation) against human rights defenders, including indigenous and community leaders;
- to guarantee that human rights defenders, including indigenous and community leaders, are adequately consulted and involved in decision-making process related to the establishment of economic projects;
- to publicly support the legitimate activities of human rights defenders and speak out to the relevant public authorities against restrictions on their activities.

3) To the UN Working Group on Business and Human Rights:

- to pressure States to fulfil their obligations to protect human rights defenders, including those addressing land and environmental concerns, through tangible measures and monitor the implementation of such measures;
- to take into account and to build on recommendations relating to the criminalisation of activities of environmental and land human rights defenders made by other UN procedures;
- to pay special attention to the actions of companies which contribute to the criminalisation of the actions of human rights defenders.