

REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS WORKING IN THE FIELD OF BUSINESS AND HUMAN RIGHTS

CONCEPT NOTE

I. Introduction

The United Nations Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) will dedicate his next thematic report to the situation of human rights defenders working in the field of business and human rights. This report will be presented to the United Nations General Assembly in October 2017.

II. Background to the mandate of the Special Rapporteur

The mandate on the situation of human rights defenders was established in 2000 by the Commission on Human Rights, the predecessor of the Human Rights Council, to support the implementation of the 1998 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the UN Declaration on Human Rights Defenders.

In June 2014, Mr. Michel Forst (France) was appointed by the Human Rights Council as the UN Special Rapporteur on the situation of human rights defenders. Mr. Forst succeeds Ms. Margaret Sekagya as former Special Rapporteur (2008-2014) and Ms. Hina Jilani as Special Representative of the Secretary General on the situation of human rights defenders (2000-2008). In March 2017, a resolution renewing the mandate for another three years was adopted by consensus by the General Assembly.

The Special Rapporteur carries out a wide range of activities, which are in line with the mandate outlined in the Human Rights Council resolution A/HRC/34/L.5. As the Special Rapporteur's mandate is broad, it requires the identification of strategies and priorities to implement it. The protection of human rights defenders is the Special Rapporteur's overriding concern. Protection is understood to include the physical protection of defenders as well as the protection of their right to defend human rights. To this end, the Special Rapporteur seeks, receives and examines information on the situation of human rights defenders in order to recommend effective strategies to better protect defenders.

III. Objectives

In line with the Human Rights Council's emphasis on the need to study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms, the Special Rapporteur **will focus his next thematic report on the situation of human rights defenders working within the context of business and human rights.**

In his report (A/70/217) to the United Nations General Assembly in 2015 the Special Rapporteur identified defenders working on the issue of business and human rights as one of the most vulnerable groups of defenders. It was also highlighted that business interests are often one of the key challenges faced by human rights defenders on the ground. Moreover, the report on the situation of land and environmental rights defenders (A/71/281) stressed the responsibility for or complicity of companies and business actors in various human rights violations against defenders and communities working to protect fundamental rights and freedoms.

In March 2016, the UN Human Rights Council adopted a landmark resolution on the protection of human rights defenders working to promote economic, social and cultural rights (A/HRC/31/L.28) that provides invaluable guidance to States and business on the protection of defenders of economic, social and cultural rights.

Over the last years, a series of initiatives have highlighted the situation of defenders working on business. Civil society organisations including the Business and Human Rights Resource Centre, the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International federation for Human Rights (FIDH), as well as the International Service for Human Rights (ISHR) and Global Witness have recently published reports that help understand trends and challenges faced on the ground by those defending human rights in the context of business operations.

The United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises has also recently engaged in a project that aims to develop guidelines for companies to better respect human rights defenders.

The Special Rapporteur wishes to build on these initiatives, and focus his report on the experiences and challenges faced by human rights defenders as well as on concrete steps taken by different stakeholders to prevent attacks against defenders.

Specific objectives of the report:

- Assess the nature of risks and threats faced by defenders working in the field of business and human rights around the world;
- Explore effective practices in the protection of defenders working in the context of business interests and human rights at local, national, regional and international levels;
- Explore the role played by development banks and international financial institutions;
- Provide a platform for dialogue between stakeholders to share experiences and knowledge across regions;
- Discuss concrete ways to improve the implementation and dissemination of protection practices.
- Propose a series of concrete recommendations to States, UN entities, Business, Development banks and CSOs.

IV. Methods of work

In order to achieve the specific objectives of the report, a series of activities are planned in order to allow the Special Rapporteur to meet with defenders and experts, assess the effectiveness of the protection mechanisms, collect testimonies and help identify new avenues and strategies for defenders and other relevant actors working on business and human rights.

- A brainstorming session will be organised with non-governmental organisations based in Geneva on May 17th 2017 in Geneva;
- A consultation with defenders working on business and human rights at local, national, regional and international levels will be organised in June 2017. This consultation will help collect testimonies and identify the main challenges faced by defenders regarding protection mechanisms;
- Finally, an expert meeting will be held to assist the Special Rapporteur in the identification of recommendations to the different stakeholders involved in the protection of human rights defenders working on business and human rights.

Please note that the aforementioned meetings and activities will be held following the Chatham House Rule (participants are free to utilize the information received, but neither the identity nor the affiliation of the speaker(s) or of any other participant, may be revealed). Confidentiality and privacy concerns will be also observed.

V. Expected Outcomes

The various activities will contribute to the work of the Special Rapporteur and inform his upcoming report to the General Assembly in October 2017. These activities will also provide an opportunity for the human rights and business communities to meet and exchange experiences and ideas which will in turn lead to improved cooperation between various actors, and strengthen the protection of human rights defenders.

VI. Contact

For overall questions regarding the process please contact defenders@ohchr.org and v.sebile@protecting-defenders.org.

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