

[Business & Human Rights | The UN asks private companies to protect the shared civic space](#)

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Should businesses advocate for human rights defenders? What is the relationship between companies' economic activities and civil society? The United Nations, through the Working Group on Business and Human Rights, has shed further light on the role of businesses by [recently releasing a guidance for companies](#) on ensuring respect for human rights defenders.



Human rights defenders are not only key for protecting the rule of law but also sustainable development and critical elements that enable stable, profitable and predictable business environments in which companies thrive and economies and people prosper. States, as traditional holders of human rights obligations under international law have also a central role to play in enabling, protecting and promoting the work of human rights defenders.

On 6 July 2021, the International Service for Human Rights co-hosted a discussion with the United Nations Office of the High Commissioner for Human Rights, the Business and Human Rights Resource Centre, the B-Team and the International Commission of Jurists on the role of business in protecting the shared civic space. See the recording of the event below:

There is much more that can be done by States, said Anita Ramasastry, member of the UN Working Group on Business and Human Rights. According to [newly released UN Guidance](#), "States need to encourage and require businesses to respect the rights of human rights defenders" she added. This is not just about States themselves standing up for defenders but "making sure that the conduct of companies is also respectful."

"Business can contribute to the protection of human rights defenders by raising matters affecting them with the authorities, speaking-out and taking up public commitments", stated Rémy Friedmann, the Senior Advisor on business and human rights at the Swiss Federal Department of Foreign Affairs. According to Friedmann, "the notion of a shared civil space is the answer to businesses and civil society collaborating in achieving their common goals."

The [UN Guidance requires businesses](#) "not only having a policy in place for defenders but embedding human rights due diligence and the very specific risks and harms to defenders, taking steps to address them. This requires thinking about the rights of human rights defenders and showing support both privately and publicly for them", Anita Ramasastry emphasised. "The reality is that in States where the rule of law is weak and the regulatory framework fragile, businesses tend to cherry pick how they do their human rights due diligence" observed Debbie Stothard, the Founder and Coordinator of Alternative ASEAN Network on Burma. She added that human rights defenders and civil society at large are experiencing increased spikes of strategic lawsuits against public participation (SLAPPs) from businesses. She emphasised that this makes it difficult to build any trust-based relationship between private sector and civil society.

In this regard, Stothard also highlighted the need for strong regulation for the private sector: "We need a legally binding instrument requiring businesses to conduct human rights due diligence. We don't have mandatory human rights due diligence or access to an effective remedy. National and regional laws establishing binding obligations could also fulfil this role."

Regarding the future of the relationship between businesses and human rights defenders, Crispin Conroy, the Permanent Observer of the International Chamber of Commerce to the United Nations stated that there is an increasing need for building bridges with civil society. There is value in companies viewing defenders as allies in conducting human rights due diligence. Strategically and in the long term, we need to increase communication between companies and human rights defenders. They are on the same side.

The newly released UN Guidance builds on the work carried out by the [Business Network on Civic Freedoms and Human Rights Defenders, who published a guide for companies regarding the "shared civic space" in](#)

[which both defenders and businesses operate](#). Bennett Freeman, co-author of the document, recalled that [Adidas was the first company to adopt a stand-alone and explicit company policy on human rights defenders](#) in 2016. Since then, some leading companies have published explicit [statements of support](#) and [internal policies on the respect and support to human rights defenders](#). Carlos Lopez, from the International Commission of Jurists stressed that businesses should also stop criminalising civil society and stigmatising human rights defenders.

Andrés Zaragoza, from ISHR, highlighted that a cultural shift is underway. In the tenth anniversary of the UN Guiding Principles on Business and Human Rights, social expectations from companies goes far beyond altruistic corporate social responsibility. Businesses can no longer hide behind complex international supply chains or a network of subsidiaries. They have a responsibility to understand the complexities of the countries where they invest, to examine the suppliers they buy from, and to take into consideration the potential for impact associated with operating in countries where governance is weak and the rule of law is fragile.

In this [“next decade”](#), companies should engage, respect and promote the work of human rights defenders by establishing relationships with civil society proactively and constructively. They should internalise the [recommendations made by the UN](#) and stand up for human rights in the societies they operate in.

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Illustration: Adaptation from the cover of the September 2018 report "[Shared Space under Pressure](#)"