

Working Group on the issue of human rights and transnational corporations and other business enterprises

By email: wg-business@ohchr.org

Geneva, 20 August 2013

Dear Madam or Sir

Country visit to the Russian Federation from 30 September to 9 October 2013

We understand that the UN Human Rights Council's Working Group on the issue of human rights and transnational corporations and other business enterprises is scheduled to undertake a country visit to the Russian Federation from 30 September to 9 October 2013.

The purpose of this letter is to urge the Working Group to ensure that it consults extensively with human rights defenders who work on issues of corporate accountability during this mission.

We also urge the Working Group to communicate concerns about restrictions and harassment of such defenders to Russian officials, corporations and UN bodies, and to make such representations and recommendations as are necessary to support and enable the work of human rights defenders.

As the Working Group recognised in its June 2013 report to the Human Rights Council, human rights defenders and civil society organisations have an important and legitimate role to play in raising awareness of the human rights impacts and risks of business operations (A/HRC/23/32, para 49). Meaningful consultation and engagement between human rights defenders, corporations and States can play a critical role in identifying, preventing, mitigating and ensuring accountability for the adverse human rights impacts of business.

Recognising this role, and in accordance with the Working Group's mandate to promote the effective implementation of the Guiding Principles on Business and Human Rights, we urge the Working Group to specifically consider the following issues in its visit to Russia.

1. Undue restrictions on the work of human rights defenders

Under the Guiding Principles, read in conjunction with the Declaration on Human Rights Defenders (A/Res/53/144), States should enact and enforce laws and policies to respect and protect civil society organisations and human rights defenders.

In light of this, the Working Group should consider and report on the impact of Russia's 'foreign agents' law (Law No 121-FZ) – which requires that NGOs which receive foreign funding register as 'foreign agents' – on the operations of NGOs that work on issues of corporate accountability. As [reported by Human Rights Watch](#), this law has been relied upon by Russian authorities to justify extensive, intrusive and oppressive inspections of NGOs and has further expanded State control over their work, including NGOs working on issues of corporate accountability.

2. Attacks and reprisals against human rights defenders

Pursuant to the Guiding Principles and the Declaration on Human Rights Defenders, States must take positive measures to support and enable human rights defenders to exercise their fundamental rights and freedoms (including the rights to freedom of expression and association, to form and join trade unions, and to peaceful protest), while corporations must not interfere with the exercise of such rights and freedoms. States must also protect civil society organisations and human rights defenders from harassment, persecution and reprisals linked to their corporate accountability work and ensure that any such interference is investigated and remedied.

In this regard, we draw the Working Group's attention to reports of harassment and [attacks against residents protesting against construction of a power plant](#) in Sochi, allegedly by private security forces engaged by a company involved in construction of the plant. We also draw the Working Group's attention to [reports of harassment of Russian NGO Memorial](#), allegedly in retaliation for its work to expose serious migrant workers' rights violations associated with Olympics works in Sochi.

Consistent with the State duty to protect against business human rights abuses and the corporate duty to respect human rights, including those arising under the Declaration on Human Rights Defenders, we urge the Working Group to ensure that it seeks to investigate allegations of harassment and reprisals against human rights defenders in connection with their work on issues of corporate accountability.

3. Judicial harassment of human rights defenders

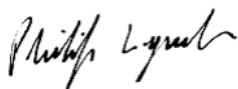
In her August 2012 report to the UN General Assembly, the Special Rapporteur on Human Rights Defenders, Ms Margaret Sekaggya, set out that States must not subject human rights defenders to judicial harassment and should 'do their utmost to protect' them from such harassment (A/67/292, para 92).

In this context, we urge the Working Group to investigate the alleged judicial harassment of human rights defenders working on issues of corporate accountability, including the [alleged harassment of environmental activists](#) protesting in connection with the power plant referred to above.

In her opening remarks to the 22nd session of the Human Rights Council, the UN High Commissioner for Human Rights, Ms Navi Pillay, referred to human rights defenders as 'the promoters of change, the people who ring the alarm about abuse and poor legislation'. In addition, human rights defenders can play a critical role in ensuring accountability for perpetrators and redress for victims of human rights violations, including corporate violations.

We urge the Working Group to consider the mainstreaming of the Declaration on Human Rights Defenders as a core component of its work and, as part of this, to put the interests and concerns of human rights defenders at the core of its forthcoming mission to Russia.

Yours sincerely



Philip Lynch
Director



Michael Ineichen
Human Rights Council Advocacy Director