

Statement to UN Working Group on Business and Human Rights



"The strategic elements of National Action Plans in the implementation of the Guiding Principles on Business and Human Rights"

Statement delivered by Ben Leather on behalf of the International Service for Human Rights and Peace Brigades International on 20 February 2014 at Open Consultation of UN Working Group on the issue of human rights and transnational corporations and other business enterprises

The International Service for Human Rights and Peace Brigades International welcome the opportunity to address the UN Working Group on the key elements of National Action Plans on Business and Human Rights.

As a threshold issue, we are pleased that the Working Group has acknowledged the importance of multi-stakeholder consultation and the role of civil society and human rights defenders in guaranteeing the rights of all affected by, and involved in, business.

In addition to emphasising the importance of the participation of affected communities and human rights defenders in the design of National Action Plans, we also wish to emphasise the importance of ensuring that the substance of such Action Plans provides for the protection of human rights defenders and communities against attacks, threats, restrictions and reprisals associated with business activities and operations.

In this regard, we draw attention to the recent report of the Special Rapporteur on the situation of human rights defenders, which recognises the crucial role of human rights defenders and local communities in ensuring that business activities respect and protect human rights. Regrettably, the report also documents an increase in violations against activists and communities working on issues of business and human rights.

The trend of increased attacks and criminalisation against defenders working on business and human rights, identified by the Special Rapporteur, reflects the global context which the organisations which I represent have been witness to: from the killing of environmental rights defenders in Thailand to attacks on communities in Mexico in retaliation for their demands for full, free and prior consultation regarding megaprojects.

With this in mind, ISHR and PBI make the following recommendations as to the strategic elements of National Action Plans on Business and Human Rights:

1. Civil society organisations, affected communities, human rights experts and human rights defenders should be fully consulted in the development of National Action Plans.
2. National Action Plans should:
 - a. explicitly recognise the vital role of civil society and human rights defenders in monitoring the implementation of the UN Guiding Principles and acknowledge the particular risks they often face by consequence of this work;
 - b. reiterate the primary responsibility of the State to ensure safe and enabling environments for human rights defenders, in line with the UN Declaration on Human Rights Defenders;
 - c. reiterate the responsibility of corporations to respect human rights defenders, including by not interfering directly or indirectly with their exercise of the human rights to freedom of expression, association, assembly and protest;
 - d. detail the steps and measures that the State will take to protect and support human rights defenders and communities working on business and human rights, responding to an analysis of their specific situations of risk (in this context we welcome the National Action Plan developed by the United Kingdom and the commitment therein to provide financial support to civil society organisations to ‘promote protection of human rights defenders who are actively engaged on issues relating to business and human rights’);
 - e. detail the steps and measures that the State will take to promote consultation with and the protection of human rights defenders in third States (in this context we welcome the UK National Action Plan commitment to instruct the UK’s embassies and high commissions to support human rights defenders working on issues related to business and human rights); and
 - f. detail the steps and measures that the State will take to encourage businesses to fully consult with civil society organisations and human rights defenders in the design and implementation of projects.