



THREATS TO HUMAN RIGHTS DEFENDERS

Six ways companies should respond

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This paper details how companies should respond to the growing number of threats facing human rights defenders and offers six key recommendations. It offers a definition of human rights defenders, an introduction to the threats they face, and an overview of the existing normative framework for the protection of defenders.

While this paper is not a comprehensive review of the legal and other obligations companies have toward human rights defenders, it offers a concrete pathway forward for companies that is grounded in best practice.

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For further information on the issues raised in this paper please email advocacy@oxfaminternational.org.

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Cover photo: Innocent is a human rights defender in Uganda's oil frontier. Credit: Andrew Bogrand / Oxfam

SUMMARY

Every year, hundreds of human rights defenders (HRDs) pay for their activism with their lives as they defend their land, environment, or the rights of Indigenous peoples from business activities on their territories. Indigenous activists, along with women and LGBTQIA+ defenders, face additional risks. Climate activists also face threats and violence, corporate and police surveillance, and even false charges of ‘eco-terrorism.’

At a time of global crisis and climate chaos, businesses must take action to defend the defenders.

Human rights defenders

According to the United Nations (UN), human rights defenders (HRDs) are ‘people who, individually or with others, act to promote or protect human rights in a peaceful manner.’¹ The UN definition applies to individuals, groups, and associations acting to promote and protect civil, political, economic, social, and cultural rights.

A wide range of actors can be considered HRDs, including environmental and climate activists, trade unions, individuals advocating for LGBTQIA+ rights, women’s rights defenders, whistleblowers, land activists and Indigenous peoples defending their land.

Addressing the threats facing human rights defenders is in the interest of the private sector, according to a growing body of research. Threats to freedom of assembly and expression can jeopardize the overall stability of investment environments. Taking action to protect human rights defenders can help with managing operational and reputational risks while building competitive advantage.

Consumers increasingly place value on socially conscious supply chains—including ensuring brands that they support are not complicit in attacks on human rights defenders. Actions to strengthen protections for human rights defenders can also help private sector actors to build trust with communities whose buy-in is essential for the long-term viability of investments. Failure to do so can divide communities and dissolve trust and the social license to operate, leading to costly litigation, project delays and even shutdowns. Inaction can legitimize regimes with terrible human rights records and pose reputational threats to the brand.

The international community, including leading multinational companies and international financial institutions, endorsed the UN Guiding Principles (UNGPs) on Business and Human Rights in 2011. These principles recognize the valuable role that defenders play in human rights and environmental due diligence, enabling companies to understand the concerns of affected rights holders and the risks they face as a result of their work.

Oxfam urges companies to adopt a three-pronged approach for the protection of human rights defenders:

- **Preventive:** Take all the necessary steps to prevent adverse human rights impact on HRDs, including through the adoption of a strong human rights defenders' policy.
- **Reactive:** Make sure to effectively cease and remedy adverse impact on human rights defenders. This includes ensuring that safeguards against the repetition of that initial impact are put in place and providing access to effective grievance mechanisms.
- **Proactive:** Use their leverage and/or speak out in defense of HRDs and use their influence through action with other business peers and governments.

With this three-pronged approach in mind, Oxfam has developed the following six key recommendations for how companies should respond to the threats facing human rights defenders.

Key recommendations
<ol style="list-style-type: none"> 1. Recognize and commit to protecting the rights and legitimacy of human rights defenders (HRDs) by adopting and disclosing a policy to protect their rights. 2. Implement robust human rights and environmental due diligence mechanisms across the value chain to enable the identification of risks to human rights defenders. 3. Establish an effective grievance mechanism accessible to human rights defenders. 4. Use their leverage and speak out in defense of human rights defenders as well as against legal reforms that are aimed at restricting civil society space. 5. Engage with communities and local civil society in inclusive and culturally and gender-sensitive ways to identify and address risks for HRDs; ensure the implementation of free, prior, and informed consent (FPIC) processes; and facilitate access to information relevant to the protection of HRDs. 6. Do not use or support strategic lawsuits against public participation (SLAPPs) or other legal strategies that diminish established legal protections for HRDs.

NOTES

¹ *About Human Rights Defenders*. United Nations (UN) Human Rights Office of the High Commissioner. Accessed 18 April 2023. <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>

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