



INVESTOR STATEMENT OF CONCERN ON THE INCREASING HARASSMENT AND ATTACKS ON HUMAN RIGHTS DEFENDERS

In light of the increasing threats against human rights defenders globally, and the urgent situation facing defenders in the Philippines currently, the undersigned investors are calling on companies to take broad, systemic action to protect defenders, and immediate action to ensure the protection and physical safety of indigenous rights defenders in the Philippines.¹

The term “human rights defender” describes people who, individually or with others, act to promote or protect human rights. Human rights defenders play a critical role in fostering corporate respect for human rights.²

The work of defenders protects human rights and reduces social unrest. This creates an enabling environment for responsible business conduct and helps companies secure a social license to operate. Yet human rights defenders who stand up to corporations are being killed, assaulted, harassed and suppressed [in growing numbers](#). Between 2015 and 2017, [over 1,000 attacks](#) on defenders working on business and human rights had been identified. Between 2016 and 2017, researchers identified a [34%](#) global rise in attacks against human rights defenders. In 2016 alone, [at least 200](#) land and environmental rights defenders were murdered, with killings and physical attacks disproportionately affecting those engaged in the defense and promotion of land and environmental rights, making it the deadliest year for these defenders to date.

[Research](#) suggests that civic freedoms reduce corruption, which in turn reduces the cost of doing business. Companies that assess the status of civic freedoms and the situation of defenders and engage with host States regarding their findings help promote the shared interest of all actors in free, open and enabling environments that uphold human rights and the rule of law. Conversely, companies that ignore or undermine the work of defenders run the risk of reputational damage, shareholder divestment, withdrawn financing, litigation, among other unplanned operational costs.

The [most dangerous sectors](#) for defenders are in land-intensive industries, including mining, agribusiness, oil and gas, renewables and forestry. Defenders working to address human rights abuses in information and communications technology and garment manufacturing also face risks. According to the UN’s [2017 report](#) on the situation of human rights defenders, the UN Special Rapporteur on the

¹ Companies should review their operations, supply chains and policies, and take meaningful action, including implementing human rights due diligence and denouncing acts that restrict the legitimate work of defenders.

² Defenders are instrumental in uncovering the real and potential human rights impacts of business – information, which, if shared with companies and investors, constitutes a first step to preventing abuses throughout the value chain and securing effective remedy when abuses occur, thereby enabling more effective human rights due diligence.

Situation of Human Rights Defenders noted that in the finance sector, a range of public and private institutions, including development banks and private banks, have been linked to abuses in connection with their projects, often as a result of poor due diligence and inattention to social risk.

The most dangerous countries for human rights defenders in 2017 were in [Latin America](#) – Brazil, Guatemala, Colombia, Mexico, Peru and Honduras. However, human rights defenders face attacks globally, including in the United States.

In 2017, Ms. Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, visited the United States to study the human rights situation of indigenous peoples, including members of the Standing Rock reservation protesting the construction of the Dakota Access Pipeline (DAPL). [She found](#) that the Sioux Tribe was denied access to information and excluded from consultations at the planning stage of the project, that environmental assessments did not disclose the presence of the Standing Rock Sioux Reservation, and that indigenous peoples engaged in peaceful protest were arrested and tackled by police dogs. She formally called on the United States to halt the construction of the DAPL for posing a significant risk to drinking water and threatening to destroy their burial grounds and sacred sites.

Situations like DAPL are all too common. In fact, defenders of indigenous rights are particularly at risk.

A recent and flagrant attack against defenders took place in the [Philippines, the most dangerous country for defenders in Asia](#). A petition dated 21 February 2018 filed in court by the Department of Justice of the Philippines, seeks to have a number of indigenous peoples' leaders and human rights defenders who work to defend against threats from [agriculture, mining, and industrial operations](#) on indigenous lands, declared terrorists, including the following prominent indigenous leaders and human rights defenders:

- Ms. Victoria Tauli-Corpuz, the UN Special Rapporteur and former Chairperson of the UN Permanent Forum on Indigenous Issues, and
- Ms. Joan Carling, co-convenor of the Indigenous Peoples Major Group on the Sustainable Development Goals (SDGs), former Secretary General of the Asia Indigenous Peoples Pact (AIPP) and member of the UN Permanent Forum on Indigenous Issues.

In light of this and other egregious attacks against human rights defenders, it is urgent for companies and investors to denounce acts that restrict or impair the legitimate work of defenders, to take [positive steps](#) to challenge the erosion of civic freedoms, and support a safe and enabling environment for defenders in the countries in which they are operating.³

As a result, the undersigned investors have identified a few immediate measures companies can adopt, many of them [developed by the UN Special Rapporteur](#) on the Situation of Human Rights Defenders, designed to reduce the risk of threats to human rights defenders and contribute to creating environments for responsible business conduct:

Companies operating in or with business partners in the Philippines should:

- Use their leverage to call on the government of Rodrigo Duterte to remove the names of indigenous peoples' leaders and human rights defenders, including those of Ms. Victoria Tauli-

³ Some sectors are starting to take the lead on this. In February 2018, the [International Council on Mining and Metals](#) recognized that attacks on human rights defenders were on the rise and called on relevant government authorities to take action.

Corpuz and Ms. Joan Carling, from the list of alleged terrorists, and to ensure their physical safety.

All companies should:

- Assess the situation of civic freedoms and human rights defenders in the countries in which they operate, identifying gaps between international standards and national laws and practice;
- Ensure that their policy commitments on human rights reflect the critical role that defenders play in bringing human rights issues to their attention and address the risks they face in doing so;
- Actively engage with defenders and grass-roots civil society organizations in the elaboration of their human rights policies;
- Establish and implement processes for the remediation of adverse human rights impacts arising in any area of operations.

Financial institutions should:

- Include in ex ante impact assessments and analysis of the state of civic freedoms in the country of investment as well as the lender's track record of engaging with defenders;
- Withhold approval for investment where impact assessments reveal serious threats to civic freedoms and defenders at the country or local level;
- Develop guidelines that clearly communicate that criticism of activities financed by the institution is an important part of improving the impacts of development efforts and that reprisals against defenders will not be tolerated;
- Disclose all end users of financial intermediary loans and ensure that they bring their projects into line with safeguard requirements and human rights, whichever sets the higher standard, or stop lending to high-risk clients.

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