



**INVESTOR ALLIANCE
FOR HUMAN RIGHTS**
AN INITIATIVE OF ICCR

Human Rights Defenders: The Current State of Affairs and Tools for Investor Action

May 16, 2024

Panelists:



Christen Dobson
Co-Head, Civic Freedoms
& Human Rights
Defenders Programme
Business & Human Rights
Resource Centre



**Jeff Wokulira
Ssebagala**
Country Director
Witness Radio
Uganda



Lazaro Tiant
Sustainable Investment
Analyst
Schroders



Ulises Quero
Programme Manager
(Business, Land &
Environment)
International Service for
Human Rights

People power under pressure

Human rights defenders & business in 2023

Christen Dobson, Co-Head, Civic Freedoms &
Human Rights Defenders Programme
15 May 2024



Who is a Human Rights Defender?

“Defenders have a key role as a voice for affected stakeholders and communities, as watchdogs, advocates and often providers of early warnings of human rights risks and adverse impacts” – UNWG on BHR

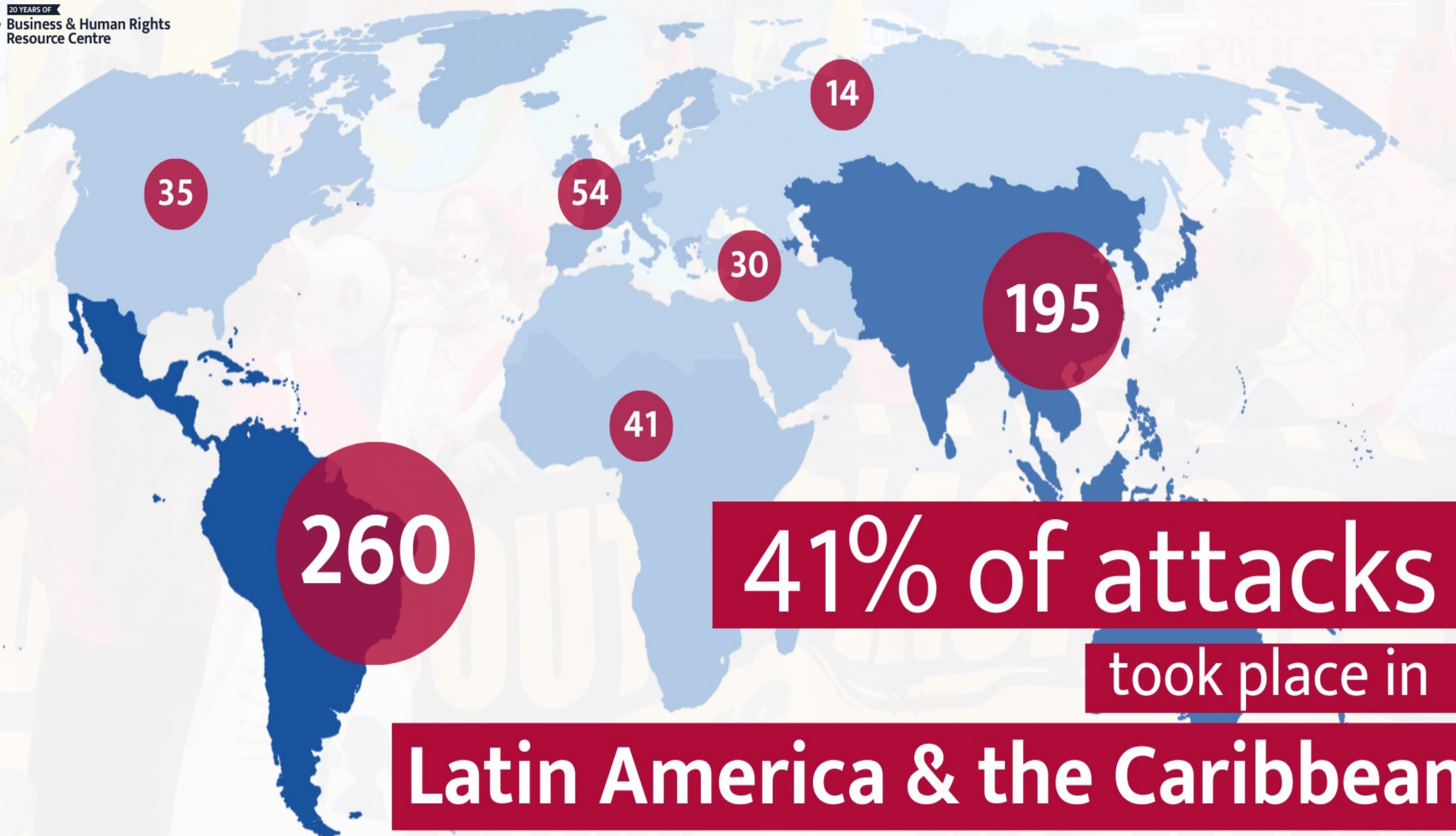
- Individuals, groups or communities who act to promote, protect or strive for the protection & realization of rights & fundamental freedoms through peaceful means
- Land, climate, and environmental defenders are people who take action to safeguard the planet from three interlinked environmental crises – pollution, biodiversity loss, and climate change – and are vital leaders of a just transition to green economies

Context

- Both human rights work and sustainable business depend on respect for civic freedoms – freedoms of association, assembly, and expression
- If civic freedoms are restricted, people are less able to document and share risks related to business activity - information that companies and investors need to conduct human rights due diligence
- Only 2% of the world's population enjoys the freedom to associate, demonstrate and express dissent without significant constraints
- Failure to respect the rights of HRDs can lead to project delays, violence against HRDs, harms to affected communities, and potential divestment or legal action. This translates to legal, financial and reputational risks

Key Findings

- Between January 2015 and December 2023, we tracked over **5,300 attacks** globally against HRDs challenging corporate harm
- In 2023 alone, we identified **630 attacks** directly affecting an estimated **20,000 people**
- Over three quarters (78%) of these attacks were against people taking action to **protect the climate, environmental and land rights**
- Over a fifth (22%) of attacks were against **Indigenous defenders**, although they comprise 6% of the global population



260

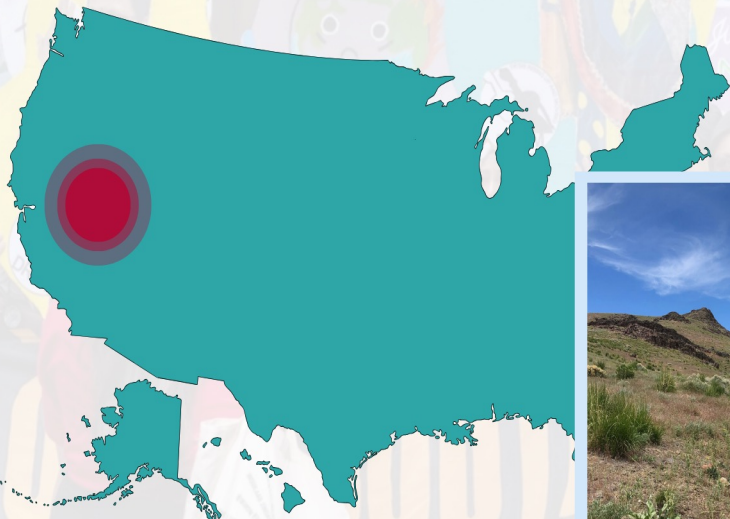
41% of attacks

took place in

Latin America & the Caribbean

Where the attacks took place

- **41% (260 attacks)** took place in **Latin America & the Caribbean**
- **30% (195 attacks)** took place in **Asia & the Pacific**
- The countries with the highest numbers of attacks: **Brazil (68), India (59), Mexico (55), Honduras (44), the Philippines (36), USA (27), Iran (24), Colombia (22), Indonesia (18), Uganda (18), France (16)** and the **United Kingdom (15)**



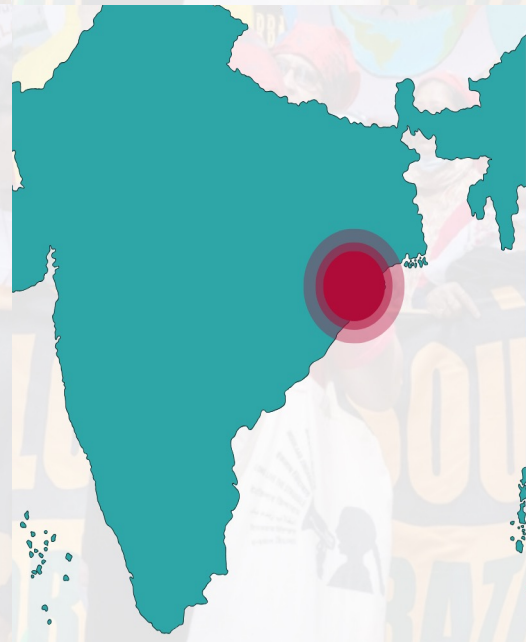
USA:
Lawsuit against Indigenous defenders resisting plans for USA's biggest lithium mine



Mexico:
Indigenous defenders killed after opposing mining projects

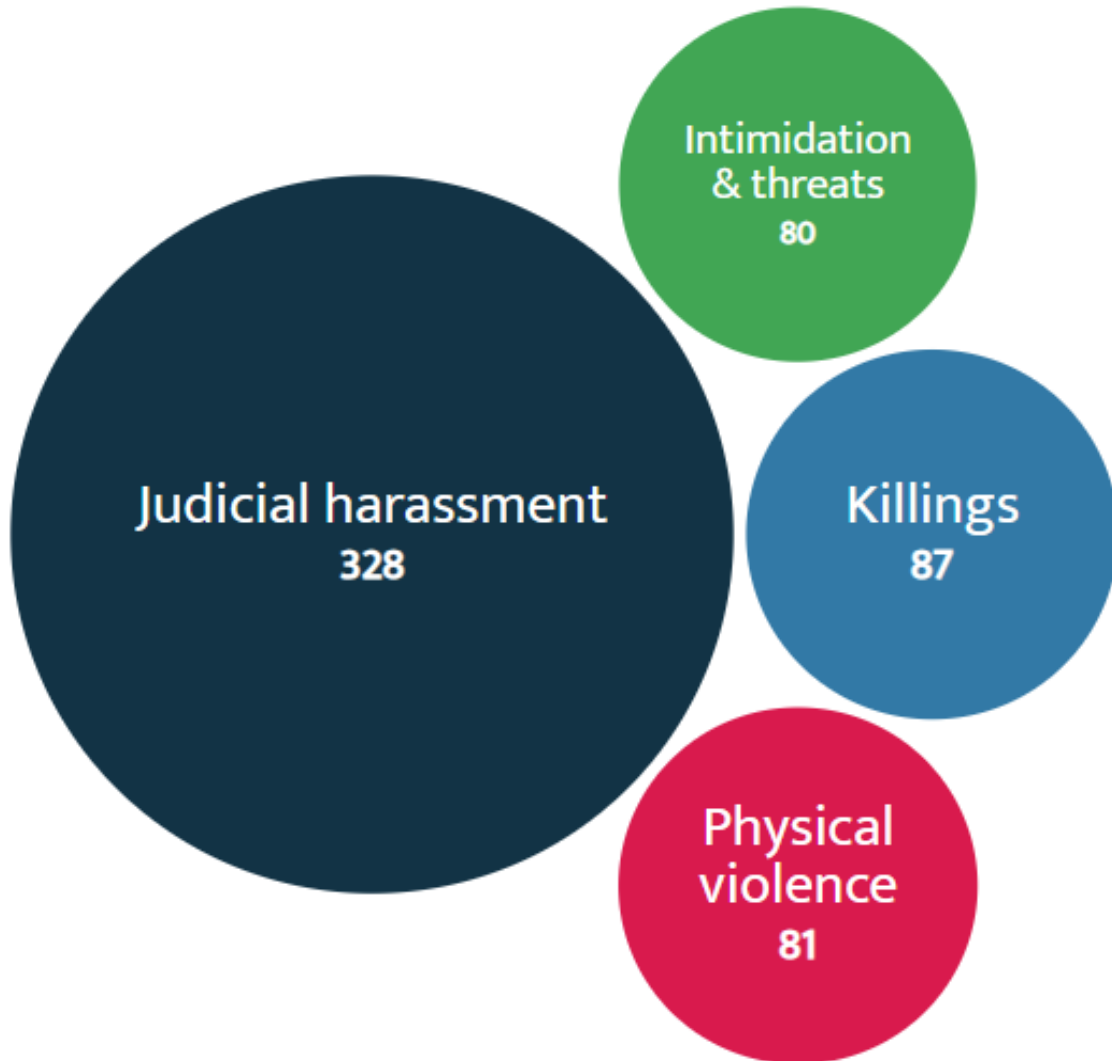


Brazil:
Indigenous defenders face attacks for resisting mining, logging & agribusiness



India:
Attacks against Indigenous defenders opposed to bauxite mining

Top five most frequently recorded types of attacks



- We have tracked **4,436 non-lethal attacks** since 2015 in 137 countries
- In 2023, **86%** of the cases we tracked were **non-lethal** including **judicial harassment (328)**, **physical violence (81)**, **intimidation and threats (80)** and others
- **38 attacks** were lawsuits bearing the hallmarks of SLAPPs

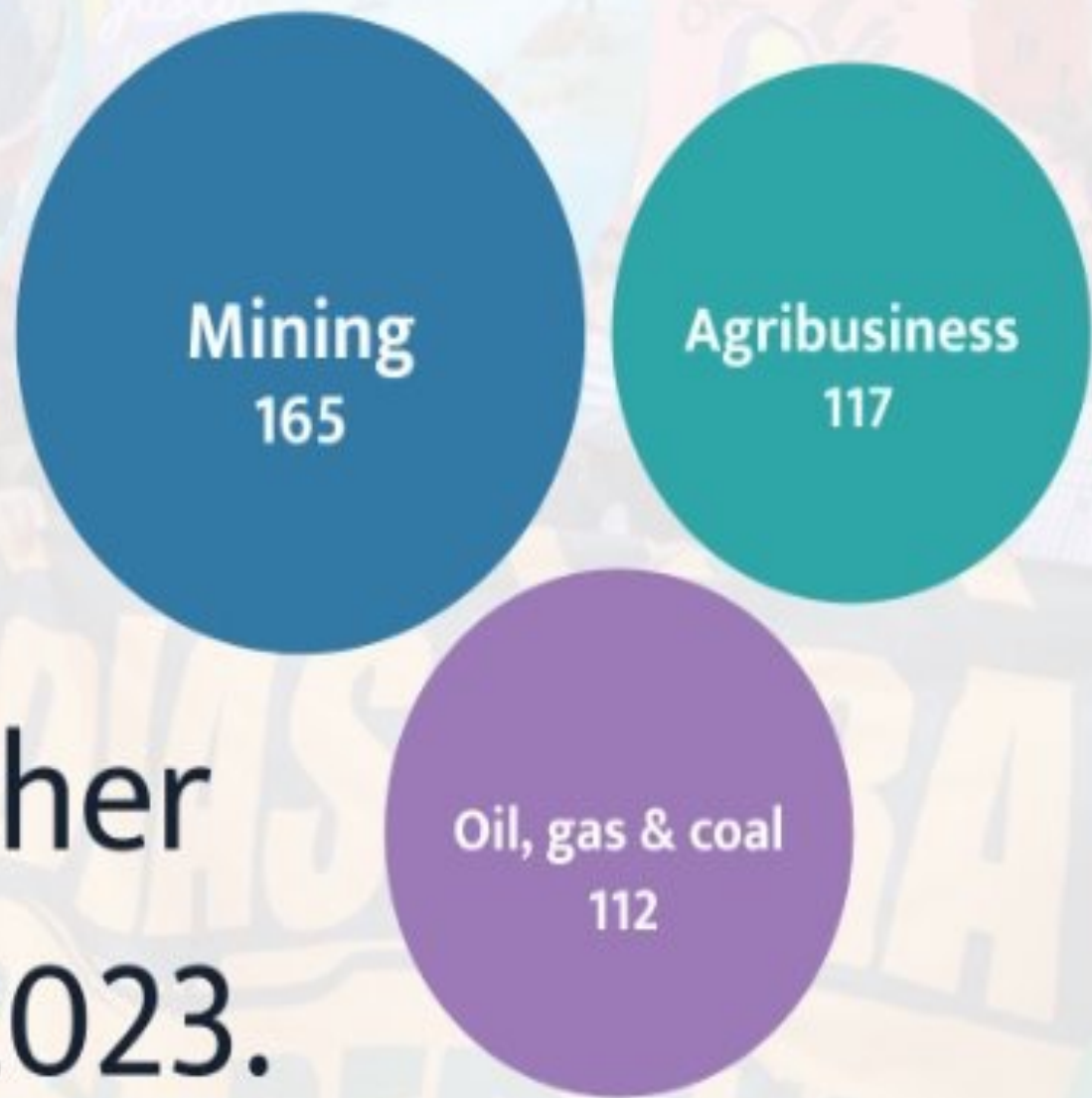
At least **87 people** were
killed for challenging
business harms in 2023.

Quinto Inuma Alvarado

Killed 29 November 2023



People faced more attacks for raising concerns about **mining** than any other business sector in 2023.



Repression of public protest and civil disobedience

- Governments are cracking down on the right to protest across the globe – from attacks on garment workers protesting for a living wage in Bangladesh to people taking action in support of Palestinian rights
- Many States are adopting new laws restricting freedom of assembly and using existing ones to repress climate activism
- Engaging in civil disobedience – acts of deliberate law-breaking concerning matters of public interest conducted publicly and non-violently – is a form of exercising the rights to freedom of expression and freedom of peaceful assembly guaranteed by articles 19 and 21 of the ICCPR

Perpetrators of attacks

- Many attacks involve **collusion between state, private sector and other non-state actors**, such as organised crime, occurring in contexts where there are high levels of **impunity**
- In 2023, direct perpetrators of attacks were largely **state actors**, with **police** and the **judicial systems** being the most common perpetrators, followed by the **military/armed forces**
- In 2023, we **identified 38 lawsuits** that bear the hallmarks of **SLAPPs**
- In all cases, HRDs were raising concerns about business-related actual or projected harms. A specific business was mentioned in 50% of cases

Advances in legislation, voluntary commitments and principles

Governments

- Approval of the Corporate Sustainability Due Diligence Directive by European Union (EU) member States and the European Parliament
- Adoption of the Escazú Agreement in Latin America and the Caribbean
- Update of the OECD Guidelines on Multinational Enterprises
- Appointment of the first-ever Special Rapporteur on Environmental Defenders under the Aarhus Convention
- Release of joint guidance for online platforms by the USA and the EU
- Introduction of legislation to strengthen the US Government's protections for HRDs

Advances in legislation, voluntary commitments and principles

Civil society

- Release of a Declaration drafted by 87 Indigenous Peoples' representatives participating in the Conference on Indigenous Peoples and the Just Transition
- Development of indicators by International Service for Human Rights that provides guidance on what is required to monitor the implementation of the responsibility of business to respect the rights of HRDs

Advances in legislation, voluntary commitments and principles

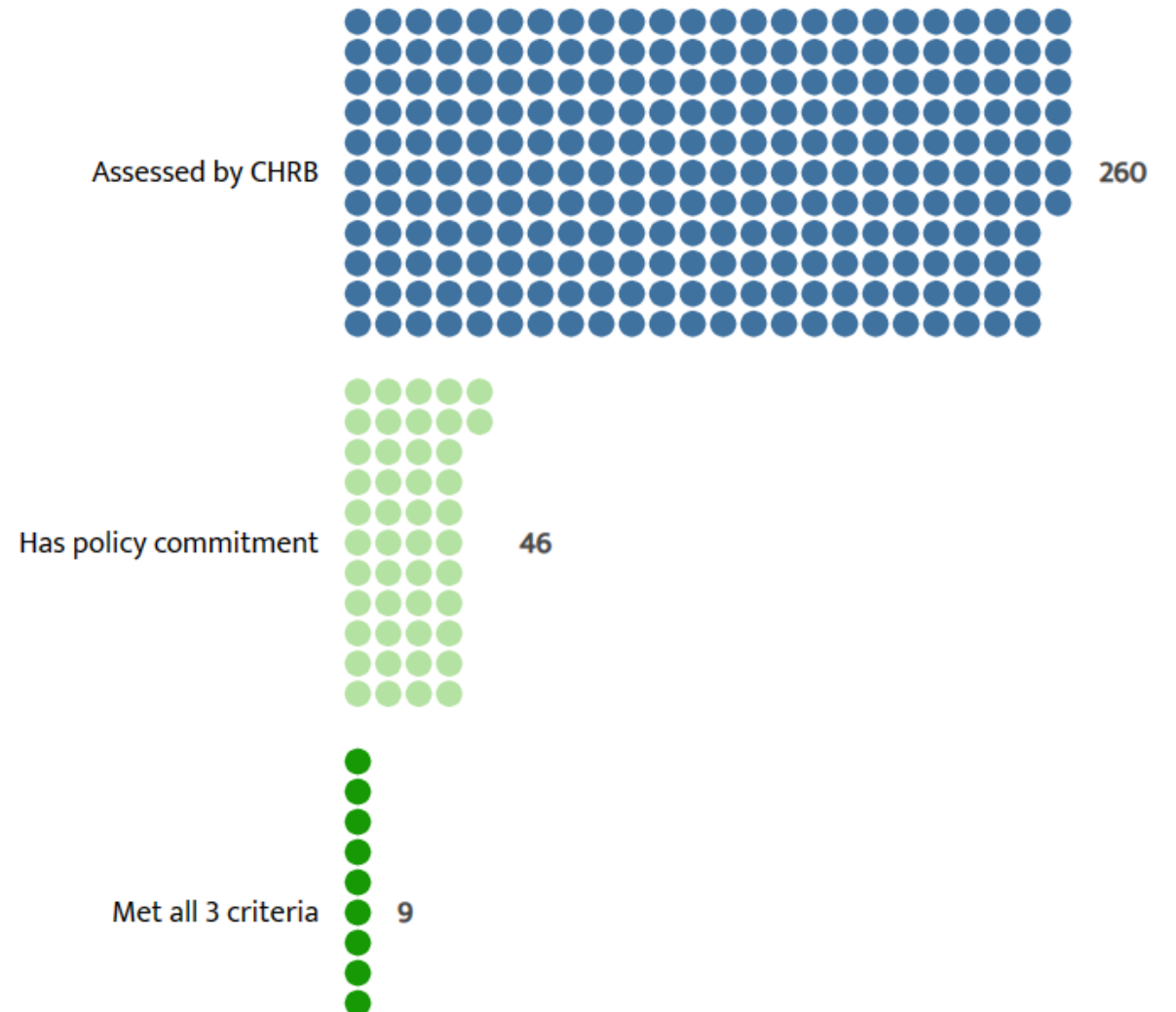
Business

- Release of the Voluntary Principles on Security and Human Rights' (VPs) [Guidance on Respecting the Rights of Human Rights Defenders](#)
- Release of [Unilever's Principles in Support of Human Rights Defenders and implementation guidance](#)

Policy Tracker

- The [policy tracker](#) examines publicly available policy commitments in support of HRDs based on assessments by the [Corporate Human Rights Benchmark](#)
- Of 260 companies assessed by CHRB, **46 made a policy commitment to not tolerate or contribute to attacks against HRDs**
- Of these, **only nine companies** also expect their business relationships to do the same and actively engage HRDs to create enabling environments

Companies



What to Ask of Companies

1. Adopt **public policy commitments to zero-tolerance for attacks**, accompanied by implementation guidance
2. Engage in and report on the results of **human rights and environmental due diligence**
3. Implement public commitments to **respect Indigenous peoples' rights**, grounded in their rights to self-determination and FPIC
4. Publicly commit to **remedy adverse impacts on HRDs** it has caused or contributed to and to work with suppliers to remedy adverse impacts directly linked
5. Refrain from any lobbying, political spending and other direct or indirect forms of political engagement to support **limits on civic freedoms**, or to weaken laws to hold companies accountable for human rights and environmental harms

Recommendations for investors

- Publish a **human rights policy** which recognises the valuable role of HRDs and commits to a zero-tolerance approach to attacks
- Undertake rigorous **human rights and environmental due diligence**
- Avoid investing in companies with a history of human rights and environmental harms and retaliation against HRDs
- **Use leverage** with investee companies which cause, contribute to or are directly linked to human rights and environmental harms, including attacks on HRDs, so the company mitigates negative impacts and provides access to remedy to those affected



20 YEARS OF

**Business & Human Rights
Resource Centre**

Thank you!
dobson@business-humanrights.org

Interested in business and human rights news?
Subscribe to our **[Weekly Update!](#)**



01 Zero tolerance on intimidation, attacks & threats



Zero tolerance of or contribution to threats, intimidation or attacks of any kind, including all forms of retaliation or reprisals, whether physical or legal, lethal or non-lethal, or any other form such as lawsuits against public participation of human rights defenders.



02 Rapid response

Commitments and preparedness to act in response to allegations of threats or attacks against human rights defenders.



03 Human rights due diligence

It is used to identify, address and mitigate risks for potential human rights abuses and other impacts caused or contributed to, or otherwise linked, to companies' operations or business partners.

It should include risks to the enabling



04 Transparency and accountability

05 Access to remedy/ grievance mechanisms



Adoption of policies to remedy the impacts and abuses that the company has caused or contributed to with regard to human rights defenders.

Collaboration with judicial and non-judicial mechanisms to provide access to remedy.

Establishment of independent and impartial operational-level grievance mechanisms and reporting of the outcomes.



07 Implementation of commitments & policies

Internal and external communication of company's policies and commitments.

06 Support for civic freedoms

Public and private engagement to express concerns about attacks on human rights defenders and support for a safe and enabling environment for them.



08 Requirements for business partners and suppliers to have similar commitments

Evaluation of suppliers and other business partners' human rights commitments, impacts and records.

Inclusion of provisions in contracts on



If you have feedback, questions, or ideas about specific content you would like to see covered in future investor briefings on the topic of Human Rights Defenders, please contact Anna Frader-Stefanovic at afstefanovic@iccr.org