

**UN HUMAN RIGHTS COUNCIL
Working Group on the issue of human rights
and transnational corporations and other business enterprises
Forum on Business and Human Rights
2nd session**

Geneva-Paris, April 11, 2013

Re: Proposal to hold a panel on the situation of environmental and land rights defenders during the 2nd annual Forum on Business and Human Rights

Dear Sir or Madam,

The World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders, welcome the opportunity to submit suggestions to the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises for the 2013 United Nations Forum on Business and Human Rights, to be held on December 3-4, 2013 in Geneva.

As a follow-up to the written submission¹ OMCT and FIDH addressed to the first annual UN Forum on Business and Human Rights in December 2012, our organisations would like to seize the opportunity to suggest the Working Group to include a panel discussion in the framework of the second annual Forum that would address specifically the situation of environmental and land rights defenders. Such a panel would fit in the mandate of the Forum, in accordance with paragraph 12 of the UN Human Rights Council resolution 17/4, which established the Forum on Business and Human Rights to “discuss trends and challenges in the implementation of the Guiding Principles [on Business and Human Rights] and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as identifying good practices”.

As rightly pointed out by the UN Special Rapporteur on human rights defenders, Ms. Margaret Sekaggya, in a press release² issued in April 2012 following the presentation of her 2012 report to the Human Rights Council, environmental and land rights defenders face a large range of acts of criminalization and abuses when pointing out adverse impacts of investment projects. Those include threats, violence, judicial harassment, and even killings, as a consequence of their peaceful activities to defend the right to live in a healthy environment, to protect natural resources and the livelihood of their communities.

The Special Rapporteur’s report was echoed recently by the UN Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. John H. Knox, who stressed in his last report³ to the 22nd session of the Human Rights Council that “environmental human rights defenders have proved to be especially at risk when trying to exercise these rights”. He further recalled that “States’ obligations regarding freedom of expression and association apply fully to those seeking to exercise those freedoms for the purpose of improving environmental protection”, adding that “environmental defenders have human rights just as others do but [...] they may be more at risk than most for exercising them”.

Human rights defenders, including those addressing environmental concerns, whose efforts often intersect with both State and corporate activities, are at even greater risk of business-

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<http://www.ohchr.org/Documents/Issues/Business/ForumSession1/SubmissionsStatements/ObservatoryProtectionHRD.pdf>

2 <http://www.ohchr.org/EN/NewsEvents/Pages/EnvironmentalHumanRightsDefenders.aspx>

3 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-43_en.pdf

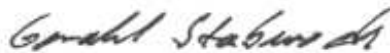
related human rights abuses, as they often find themselves not only vulnerable to abuses by State interests but also the interests of powerful economic actors. Therefore, not only do States, including home governments of corporations and host countries, have the responsibility to effectively protect such defenders and fight against impunity for attacks and violations against them, including by non-State actors, but enterprises also have the responsibility to avoid any adverse impact of their activities on human rights defenders.

The former Special Representative of the UN Secretary-General on business and human rights, Professor John Ruggie, also recommended that 1) the legitimate and peaceful activities of human rights defenders should not be obstructed, and 2) that business enterprises, in their due diligence efforts, should consult with “credible, independent resources including human rights defenders”⁴.

Accordingly, a panel discussion that would focus specifically on the situation of human rights defenders working on land and environmental issues in trying to find a balance between economic development and environmental protection would be the occasion for the Working Group to build on recommendations made by other UN procedures and to recall that this the responsibility of all stakeholders, including States and companies and multinational enterprises (MNEs), to protect those human rights defenders at risk. It would permit to call upon all stakeholders to give full recognition to the legitimate role and important work those defenders carry out; to ensure that they are able to work effectively and without threat of attack by State or non-State actors, including when they protest against adverse impact of investment projects on human rights; as well as to combat impunity for such attacks and violations.

We thank you in advance for taking these considerations and requests into account and we remain at your disposal shall you need any further information.

Sincerely yours,



Gerald Staberock
OMCT Secretary General



Antoine Bernard
FIDH Chief Executive Officer (CEO), for
the President

⁴ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf