



Protecting & Respecting Human Rights Defenders

Guidance for companies in agricultural
commodity supply chains

This briefing is written for companies committed to respecting human rights in their own operations and in their supply chains. It provides guidance on concrete steps to embed the protection and respect of human rights defenders into company policies and management systems.

Who are Human Rights Defenders?

Anyone can be a Human Rights Defender (HRD). They are **people who, individually or with others, act peacefully to promote or protect human rights**¹.

Human rights defenders can include:

- Trade union leaders and workers
- Indigenous communities and their leaders
- Journalists and anti-corruption campaigners
- Whistleblowers on corporate or state corruption
- Campaigners for environmental conservation or protection
- Those working to protect or promote indigenous peoples and local communities' rights

Defenders can be **individuals or organisations** and are sometimes referred to as environmental rights defenders or land rights defenders.

Defenders can be acting out of concerns for their own rights, the rights of others, or in response to environmental impacts.



Photo credit: Proforest

At Risk and Under Attack

HRDs have the same rights as all individuals. **However, they are at even greater risk of infringement of their rights because of their active engagement in promoting or protecting human rights or in highlighting or protesting human rights abuses.**

The private sector, government or other organisations may take actions against human rights defenders in response to their activities, in an attempt to silence them, to intimidate them into stopping their campaigns, or to send a harsh warning to others who might raise their voices.

Such actions may include criminalisation and arbitrary detention, violation of the right to freedom of opinion and expression, the right to peaceful assembly and of freedom of association - and in the worst-case scenarios, violation of the right to safety and to life.

Family members may also be the target of threats and violence as a means to apply pressure and discourage the defender from pursuing their work.

Attacks on defenders working to address the negative environmental and human rights impacts of business are increasing across the globe. Since 2015, the Business & Human Rights Resource Centre has tracked more than 2,843 killings, beatings, threats, strategic lawsuits against public participation (SLAPPs), and other attacks intended to silence or intimidate defenders focused on business-related activities².

Abuse of HRD Rights in Action



Labour rights defenders, including trade union leaders are under increasing pressure in the agriculture and food and beverage sectors. They tend to experience dismissals, restrictions on organising, physical attacks and judicial harassment – e.g. raising criminal charges, civil lawsuits or administrative proceedings to try to intimidate the person who spoke up, deter others from coming forward, or divert, intimidate others or divert resources and energies from the issues raised.

e.g. In 2017 nineteen Colombian trade union leaders were murdered. One of them was a representative of a branch of the National Union of Agricultural Workers, which had been working to represent sugar workers in the region, and to formalise workers jobs and secure basic labour rights^{3A}.



Indigenous peoples, environmental and land rights defenders are among those who experience the most violent responses. In 2018, 77% of all defenders killed globally had focused on protecting land rights, indigenous peoples' rights and the right to an adequate and healthy environment. Around 25% of land and environmental defenders murdered in 2017 were indigenous people.

e.g. In the Philippines, the Taboli-manubo people opposed the expansion of coffee plantations that already covered ancestral lands. Following a consultation, in which they rejected the proposal for expansion and renewal of the land's lease to the company, they faced harassment and intimidation by the company's employees and armed groups. Subsequently they were then attacked in 2017 by the Filipino military. Eight community members were killed^{3B}.



Women Human Rights Defenders (WHRDs) may experience an additional layer of danger in the form of gender-based violence or threats such as sexual harassment, threats of rape, and 'reputational exploitation' and when photos or videos are digitally manipulated to make it look like the woman has done something scandalous. Women are more often discriminated against and marginalised by society, which makes it difficult for them to address the charges against them on equal terms with men. In some cultures women defenders are more likely to suffer stigmatisation and ostracism if perceived as threatening religion, honour or culture through their work. Women are also more likely to have their children or families threatened or attacked^{3C}.

“...both states and businesses should play an active role in supporting and promoting the role of HRDs working in their sectors. This should include speaking out when human right defenders are targeted for their corporate accountability work. Businesses must also cease and abstain from supporting any actions, directly or indirectly, that impinge upon defenders' rights to freedom of expression, association and assembly.”

Report of the UN Special Rapporteur on the situation of human rights defenders, February 2016

Company Action: *Implementing Respect*

Many retailers, brands, manufacturers, traders and refiners are increasing their efforts to implement their responsibilities to respect human rights throughout their business operations, and are identifying the raw material supply chains within their business with highest risk to people.

Strong human rights policy commitments are becoming more common, as are human rights assessments of agricultural commodity supply chains. Many companies have not yet moved beyond human rights assessments to developing and implementing action plans to address the risks and impacts identified, nor therefore to tracking or reporting on the effectiveness of those actions. Companies need to give specific recognition to risks faced by human rights defenders, and to include them in risk assessments and then take relevant actions to protect them.

There are specific steps that companies should take to ensure that human rights defenders are *in practice* protected and their rights respected by the company and by the companies they do business with, including those in their raw material supply chains.

High Risk Countries

The Business and Human Rights Resource Centre's database of attacks on Human Rights Defenders lists the most **dangerous countries for defenders working on business-related impact as Colombia, Brazil, the Philippines, India, Guatemala, Mexico and Honduras**⁴.

Global Witness identified Latin America as having the **highest number of killings of land and environmental defenders; Brazil, Colombia, Honduras and Peru** are consistently ranked highly.

It also mentions **the Philippines** as the country with the single highest number of killings of land and environmental defenders in 2018⁵.



Photo credit: Proforest

Key Actions for Companies

- 1 Make a commitment to respect human rights defenders.
- 2 Implement **Human Rights Due Diligence (HRDD)** in accordance with the UNGPs.
As part of this:
 - **Identify risks:** Include human rights defenders (HRDs) in HRDD as both:
 - rights-holders at high risk, and
 - valuable sources of information about adverse impacts on the rights of others.
 - **Take action** to protect human rights defenders in response to risk assessments.
 - **Track and Communicate** the effectiveness of actions taken to address risks to human rights defenders.
- 3 As part of the action taken, companies should develop clear **requirements for suppliers, sub-contractors and other business partners** to protect the rights of human rights defenders, and mechanisms to track their performance.
- 4 Provide **safe and effective grievance mechanisms and access to remedy**.

1. Commit to Respect HRDs

The commitment can be made in a stand-alone policy or within a human rights or sustainability policy. Within the policy:

- **Recognise** the importance of human rights defenders and their role in society.
- **Define** human rights defenders as per the UN definition (See box on p.1).
- **Recognise** that certain groups face specific threats and heightened risks: e.g. Women Human Rights Defenders (WHRDs), and sexual and gender minorities defenders.
- **Adopt** a zero-tolerance approach towards violence, threats and intimidation against HRDs committed to by the company and third parties (e.g. police, private security forces, etc.) when related to the operations of the company, and an expectation for suppliers to adopt the same approach.
- **Recognise** the important role of human rights defenders in your company's Human Rights Due Diligence processes.



Photo credit: Proforest

2. Include Defenders in your Due Diligence

Companies should implement a process of Human Rights Due Diligence (HRDD) to proactively identify human rights risks and impacts in their business, to prioritize actions to address these and to track and communicate on the process and its results.

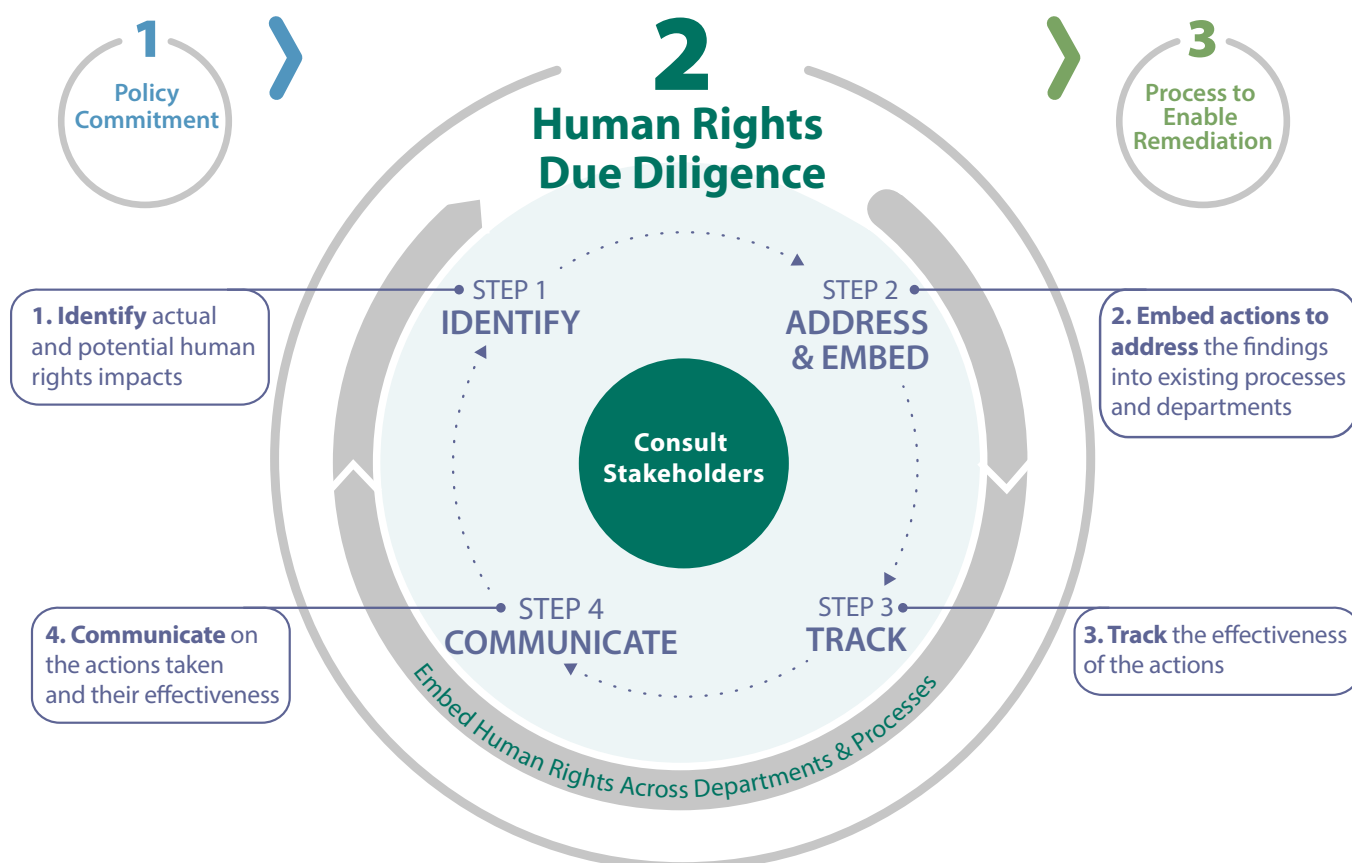
HRDD should be implemented in accordance with the United Nations Guiding Principles on Business and Human Rights (UNGPs), which lay out a strong framework for embedding into a company's management systems the steps needed to implement their responsibilities to respect human rights. This is built around the four HRDD steps (see diagram below).

Fully implementing the UNGPs approach to respecting human rights for businesses is the cornerstone of action to respect the rights of human rights defenders.

Human rights defenders should be included in the human rights due diligence process both as particularly **vulnerable rights holders** (i.e. at high risk of their rights not being respected), and as key informants for the provision of information about adverse impacts on the rights of others.

For example, in the **assessment stage of HRDD**, the identification of actual and potential adverse human rights impacts resulting from the company's operations should explicitly look at the risk of adverse impacts on human rights defenders. This should include meaningful participation of the defenders in the assessment process itself. A gender sensitive approach should be used in recognition of the different experiences of women defenders and of sexual and gender minority defenders.

DIAGRAM 1
Human Rights Due Diligence (HRDD)
within responsible business conduct



3. Embed respect for HRDs into supply chain management

Typically this would be one of the actions taken as a result of the identification of risks to human rights defenders in a company's human rights assessment, within a human rights due diligence process.

Companies should describe their expectations with regard to the way their suppliers at all tiers of supply should commit to respecting human rights (including the rights of human rights defenders), to implement human rights due diligence processes, and how they should respond to any violence, threats and intimidation to human rights defenders.

Clear requirements for suppliers, and corresponding mechanisms for monitoring supplier performance against the requirements should be developed or integrated into existing systems, along with how the downstream company is able to support their suppliers to do this.

Expectations for Suppliers

Companies should lay out expectations for their suppliers, including at least:

- i. A commitment to respecting human rights, and aligning with the UNGPs.
- ii. Implementation of their own UNGP aligned Human Rights Due Diligence process.
- iii. An explicit commitment to respect the rights of human rights defenders. Within this they should
 - Define human rights defenders as per the UN definition (see Box on p.1).
 - Recognise the important role of human rights defenders for example their contribution to a healthy civic space and role in fostering transparency and respect for human rights.
 - Recognise the nature of the threats that defenders face, and the specific threats faced by women and sexual and gender minority human rights defenders.
 - Commit to at least a minimum standard of behaviour with regard to the work of defenders: i.e.
 - not restricting or otherwise interfering with their work

- taking a zero tolerance approach to threats, intimidation and physical or legal attacks (with the intent to silence and intimidate critics) against HRDs, their families and properties, whether committed by a company employee or third parties (e.g. police, private security forces, etc.) when related to the operation of the company.

Supplier engagement actions

- **Communicate to suppliers that you expect to take action in response to information about threats and attacks against human rights defenders that are linked to your supply chain.**
 - Consider developing an internal list of possible scenarios of threats and attacks against defenders and of possible actions that the company could take in response. These might include making a call to the supplier, facilitating an independent investigation that engages with the HRDs (if safe to do so) requesting a meeting with governmental authorities, issuing a public statement (alone or with other companies) or suspending a supplier.
- **Develop effective mechanisms for tracking the supplier performance against the expectations outlined above.**

This could be embedded in a supplier scorecard or supplier monitoring system, and included in procurement discussions and decisions.
- **Supportive engagement with suppliers** to correct any wrongful actions and encourage remediation should always be the preferred course of action. If action by the supplier is, unsatisfactory, there may be no option left but to disengage. In such cases disengagement should be done responsibly; ensuring this does not worsen or create additional human rights abuses.

4. Provide safe and effective grievance mechanisms and access to remedy

- All companies should have a safe and effective grievance mechanism, aligned with the UNGP effectiveness criteria. This mechanism should ensure that anyone raising a concern feels safe to do so, and is protected from reprisals.
 - Companies should expect their suppliers to have effective grievance mechanisms in place, and should consider supporting suppliers to develop them where this is not the case.
- For companies directly linked to abuses against human rights defenders through their supply chain, companies should:
 - Use leverage to require the supplier or actor responsible to stop the abuse and provide adequate remedy to the affected parties
 - Support the supplier or actor responsible in providing adequate remedy and preventing recurrence.
- Companies should have (and expect their suppliers to have) procedures that provide remedy to individuals or groups that have been harmed by a business's activities. This means restoring them to the situation they would have been in had the impact not occurred. Where this is not possible, a company could look at compensation or other forms of remedy that try to make amends for the harm caused. The provision of remedy must include remedy to any human rights defenders or whistleblowers who suffered negative consequences as a result of their actions to protest or protect their rights.



Photo credit: UN Women / Rakshya Risal

Resources for Companies

Business-focused resources

- [Responsible Business Conduct Abroad: CSR Snapshot # 7 – Private Sector Support for Human Rights Defenders: A Primer for Canadian Businesses.](#)
- [Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders. Guidance for Companies](#) August 2018. Business and Human Rights Resource Centre and International Service for Human Rights.
- [Responsible Sourcing: the Business Case for Protecting Land and Environmental Defenders and Indigenous Communities' Rights to Land and Resources](#), 2020 , Global Witness.

Resources for other audiences, but with valuable content for businesses

- [Safeguarding Human Rights Defenders. Practical Guidance for Investors 2020.](#) Investor Alliance for Human Rights, Business and Human Rights Resource Centre, International Service for Human Rights.
- [Uncalculated risks: threats and attacks against human rights defenders and the role of development financiers 2019.](#) The Coalition for Human Rights in Development.
- [A Human Rights Defender Toolkit for Promoting Business Respect for Human Rights](#), 2015. International Service for Human Rights.
- [Human Rights Defenders and Corporate Accountability.](#) Human Rights Monitor, November 2015, International Service for Human Rights.

UN Guidance

- Human Rights Fact Sheet No. 29: [United Nations: Human Rights Defenders: Protecting the Right to Defend.](#)
- Further UN guidance on this topic can be found via The Office of the [High Commissioner for Human Rights \(OHCHR\)](#) and the [UN Special Rapporteur on the situation of human rights.](#)

Civil Society Organisations

These organisations may provide resources on human rights defenders and how businesses can respect their rights. They may also help connect companies to relevant stakeholders to inform practices such as human rights impact assessments, the development of policies, monitoring of impacts and grievance procedures.

- **The Zero Tolerance Initiative:** alliance of civil society organisations, indigenous peoples' organisations, and local communities representatives working collectively to address the root causes of killings of and violence against human rights defenders linked to global supply chains. In 2019 they drew up a declaration calling for action.
- **Business and Human Rights Resource Centre (BHRRC):** Provides an information hub on business and human rights with a dedicated section on human rights defenders. Maintains a database on attacks against HRDs.
- **Front Line Defenders (FLD):** Emergency response (e.g. relocation of HRDs).
- **Global Witness (GW), Rainforest Action Network (RAN) and Forest Peoples Programme (FPP):** all three work particularly on raising awareness about land and environmental defenders (LEDs).
- **International Service for Human Rights (ISHR):** Promotes the effective protection of HRDs and access and use of human rights mechanisms at regional, national and international levels.
- **Investor Alliance for Human Rights (IAHR):** focused on the responsibility of investors to respect human rights.
- **Robert F. Kennedy Human Rights (RFKHR):** Engages in litigation on key human rights issues. Works with local activists to bring change to governments and corporations.
- **Oxfam:** Works with local communities, including on Community Human Rights Impact Assessment, and HRDs as part of communities.

References

1: [Definition from UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms](#)

2: Sources: [Safeguarding HRDs: Practical Guidance for Investors](#) and updated data from BHRRC HRD database

3A:

- [Responsible Sourcing: the Business Case for Protecting Land and Environmental Defenders and Indigenous Communities' Rights to Land and Resources, 2020](#) , Global Witness
- [Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders. Guidance for Companies August 2018.](#) Business and Human Rights Resource Centre and International Service for Human Rights
- [FrontLine Defenders](#)

3B: [Global Witness \(2018\): At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017](#)

3C:

- <https://www.ohchr.org/en/issues/women/wrgs/pages/hrdefenders.aspx>
- Castañeda Camey, I., Sabater, L., Owren, C. and Boyer, A.E. (2020). [Gender-based violence and environment linkages: The violence of inequality.](#) Wen, J. (ed.). Gland, Switzerland: IUCN

4: [Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders. Guidance for Companies August 2018.](#) Business and Human Rights Resource Centre and International Service for Human Rights

5: [Global Witness \(2018\): At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017](#)