

Corporate accountability | Draft treaty on business and human rights should protect defenders

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Business has a key role to play in protecting civil society space. In the context of discussions on a binding treaty to prevent human rights abuses by transnational corporations, ISHR and eight national-level groups call for clear attention to the participation and protection of defenders working in the field of business and human rights.



ISHR has engaged in this process since the adoption of the Council's Resolution 26/9, and the two previous sessions of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights. ISHR requested general attention to human rights defenders throughout plenary and panel discussions, focusing on their roles in both the prevention of, and accountability for, human rights violations associated with business activities.

'This process has prided itself on being focused on victims, especially in the global South. In that regard, we saw the draft elements of the treaty as an important opportunity to react and bring the fairly good conversations which occurred over the last two years to a more practical level,' says Sarah Brooks, ISHR programme manager. 'We were therefore rather concerned that these discussions were not adequately reflected in the document provided for negotiation', she continues.

ISHR and its partners have subsequently conducted an extensive analysis of the text and made suggestions to strengthen it.

'The potential for the treaty language to advance the recognition and protection of human rights defenders working in the area of corporate accountability is critical. But without some important changes and real political will, we will simply not get there', Brooks says.

The joint submission, coordinated by ISHR with key national-level partners from a number of regions and available [here](#), highlights the following:

- Sovereignty and internal affairs cannot be used to undermine the universality of human rights and the broad scope of the treaty, to include all business enterprises.
- The treaty should recognise the vital role played by all human rights defenders, including women human rights defenders, in promoting compliance with human rights obligations, and securing access to remedy, in the field of business and human rights.

- In this vein, the treaty should encourage States to take all legislative, administrative and other measures as necessary to ensure a safe and enabling environment for the work of human rights defenders in the field of business and human rights, and in particular to guarantee access to remedy.
- On the other hand, the treaty should further outline obligations for transnational corporations and other business enterprises directly or as enforced through State regulation, to fully respect human rights - including human rights defenders and fundamental freedoms.
- Finally, any new treaty should envisage robust participation and consultation with human rights defenders in the monitoring and implementation, and empower an international expert monitoring body (e.g. a treaty body committee) to prevent and effectively respond to intimidation and reprisals against defenders who seek to promote the treaty and its content.

On Wednesday 25 October ISHR will hold two joint side events on human rights defenders and business, one in New York and one in Geneva.

- The [New York event](#), 'Human rights defenders & business: Respecting, protecting and supporting defenders' will feature a range of stakeholders, engage with the topic and the recommendations of the Special Rapporteur on human rights defenders, and discuss steps towards their implementation. It will take place in the United Nations, Conference Room E from 1.15 to 2.30 (EDT).
- The [Geneva event](#), 'The cost of impunity: The cross-regional fight of affected communities and human rights defenders for effective remedies' will hear from a range of NGO representatives addressing the different dimensions of defenders' protection. It will take place in the Palais des Nations, Room XXII from 13.00 to 15.00 (CEST).

Attendance with UN accreditation only.

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