

Statement at 23rd Session of the UN Human Rights Council

30 May 2013

Panel on Business and Human Rights

INTERPRETING THE GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS CONSISTENTLY WITH THE DECLARATION ON HUMAN RIGHTS DEFENDERS

Mr President, distinguished panelists,

In her opening remarks to the 22nd session of this Council, the High Commissioner referred to human rights defenders as ‘the promoters of change, the people who ring the alarm about abuse and poor legislation’. In addition, human rights defenders play a critical role in ensuring accountability for perpetrators and redress for victims of human rights violations, including corporate human rights violations.

This panel is tasked, among other things, to highlight the role of the United Nations system in maximising the contribution of business to development and addressing the human rights risks associated with business-related activities.

Mr President, distinguished panelists,

In the view of the International Service for Human Rights, this objective can only be achieved if the Guiding Principles on Business and Human Rights are interpreted and applied consistently with the Declaration on Human Rights Defenders.

Consistently with Articles 2 and 12 of the Declaration, the Guiding Principles should be interpreted by States to require the enactment of legislation and the enforcement of policy to protect civil society organizations and human rights defenders from harassment, persecution and reprisals linked to their corporate accountability work. This applies both to the home states of corporations and the states in which they operate.

For business, the Declaration requires that the Guiding Principles be interpreted to ensure that corporations do not restrict, impair or otherwise interfere with the legitimate work of human rights defenders, including the rights to freedom of expression, association and assembly. Corporations should also consult with human rights defenders about the human rights risks and impacts of their work.

For victims and their families, Article 9 of the Declaration requires that both States and corporations provide access to an effective remedy. This includes ensuring full and proper investigation and accountability in relation to the harassment and intimidation of human rights defenders and others who sound the alarm about corporate human rights abuses.

The International Service for Human Rights strongly supports efforts of UN programmes, funds and agencies to mainstream the Guiding Principles. However, if such mainstreaming is to maximise the human rights benefits and minimise the human rights risks associated with business, the full implementation of the Declaration on Human Rights Defenders must be core to these efforts.

Thank you.