

# BUSINESS FRAMEWORKS AND ACTIONS TO SUPPORT HUMAN RIGHTS DEFENDERS

A RETROSPECTIVE AND  
RECOMMENDATIONS

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## **ABOUT THE INTERNATIONAL SERVICE FOR HUMAN RIGHTS**

The international service for human rights (ishr) is an independent non-governmental organisation dedicated to the promotion and protection of human rights. We do this by supporting human rights defenders, strengthening human rights protection systems, and leading and participating in coalitions for human rights change.

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# INTRODUCTION

Every day, people across the globe demonstrate great commitment and courage to protect human rights and the planet. Examples of their actions include upholding Indigenous Peoples' land, forest and water rights, exposing harmful actions by companies and governments, and fighting for safe working conditions and a living wage in factories and fields. The work of human rights defenders is critical to realising human rights and upholding civic freedoms, including freedom of expression, peaceful assembly and association.

Defenders play an indispensable role in raising concerns about business-related human rights risks and abuses and in protecting communities, individuals and workers from adverse business impacts. They bring critical insights, testimonies, and documentation when such impacts occur. Defenders also bring visibility to situations where governments and companies are complicit in attacks against individuals and communities seeking to protect human rights.

As defenders raise concerns about abuses by powerful economic and political actors, they are often targeted. In many places around the world, defenders face intimidation, surveillance, physical attacks, legal and judicial harassment including strategic lawsuits against public participation ('SLAPP' suits<sup>1</sup>), spurious criminal complaints, and even killings.



Moreover, many defenders face particular and additional risks based on their identities, local and national contexts in which they operate, and interactions with actors that threaten the human rights they are defending.

Women human rights defenders face gendered risks and obstacles shaped by entrenched stereotypes of women's roles in societies, including marginalisation and exclusions from debates and decisions, stigmatisation and shaming, as well as gendered and sexual violence, and attacks in the private sphere and against their families.

Indigenous defenders face extreme pressures in many parts of the world as their lands are sought for extraction of minerals – increasingly those linked to the 'green transition' – and renewable energy deployment, as well as for intensive agriculture and development, oil and gas concessions, and other industries. This global push threatens their rights to self-determination, their lands, territories, and cultures. While Indigenous Peoples form only around six percent of the world's population, Indigenous human rights defenders are disproportionately exposed to attacks: Up to 30% of attacks on defenders are on Indigenous defenders.<sup>2</sup>

<sup>1</sup> Strategic Lawsuits Against Public Participation, or SLAPPs, aim to entangle human rights defenders and other activists in costly, time-consuming legal proceedings in order to deter and silence activists. Such lawsuits are also aimed as deterrents to other defenders. See A Focus on SLAPPs, page 20.

<sup>2</sup> [www.frontlinedefenders.org/en/statement-report/attacks-fueled-governments-double-standards-fail-deter-human-rights-defenders](https://www.frontlinedefenders.org/en/statement-report/attacks-fueled-governments-double-standards-fail-deter-human-rights-defenders)

**A human rights defender ('HRD' or defender)** is any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms at the local, national, regional, international levels. Defenders work through peaceful means. They can be trade union and labour rights leaders, journalists, community leaders, environmental advocates, members of civil society organisations and local and national non-governmental organisations, lawyers, and activists. Defenders can be any gender, race, nationality, age, sexual orientation, religion, ethnic group or indigenous status.

**Trade union leaders and workers' representatives** undertake many tasks that go beyond defending human rights, but they are considered defenders when they work to protect and defend the rights of workers, because core labour standards are also human rights.

**Environmental and land defenders** are often viewed as a distinct group, and they may face particular risks related to their work. However, environmental and land rights issues are closely connected to human rights and the right to a healthy environment. Moreover, environmental defenders face similar threats and attacks on their rights. Therefore, for the purposes of this publication, the terms 'HRDs' and 'defenders' include environmental and land rights defenders. In addition, we acknowledge the distinct individual and collective rights of Indigenous Peoples, which includes Indigenous defenders. However, given important commonalities with other defenders' struggles, we include them in the terms 'HRDs' and 'defenders' for the purposes of this paper, unless otherwise specified.

The work of human rights defenders has been **a driving force and an inspiration for the business and human rights agenda** since its inception. Attacks on activists who protect the rights of their communities and the environment, and corporate complicity in those attacks, have been key to the development of global standards for business and human rights.

When the Nigerian government executed Ken Saro-Wiwa and eight other Ogoni human rights defenders – collectively known as the Ogoni Nine – in November 1995, the world focused on the human rights responsibilities of companies. What Royal Dutch Shell – the focus of the Ogoni Nine's activism – could and should have done to avert the persecution of the human rights defenders' ignited a searing debate' about company complicity in human rights abuses.

That debate contributed to the development and launch of the Voluntary Principles on Security and Human Rights (VPs) in 2000, and to a recognition of the need for a globally accepted, normative framework

to clarify the roles and responsibilities of States and companies for human rights, which culminated in the UN Guiding Principles on Business and Human Rights (UNGPs) being endorsed by the UN Human Rights Council in June 2011.

Building from this foundation, over the past decade there has been an increasing recognition of the shared interests of companies and defenders in free and open operating environments, characterised by respect for human rights and the rule of law. This recognition has contributed to the emergence of a comprehensive evidence base of attacks, guidance to business on respecting the rights of defenders by both civil society groups and industry associations, as well as legal victories by HRDs, policies and actions by companies and investors.

Families of defenders and their organisations have fought and won crucial court cases, challenging impunity. Civil society organisations from local to global have developed tracking tools and indicators that create visibility and

promote accountability for corporate links to attacks on defenders. There are now examples of company zero-tolerance policies, implementation guidance for the extractives and agribusiness sectors, and examples of corporate actions in support of defenders and civic freedoms. Legislation to mandate human rights due diligence in some countries and the European Union – albeit currently under danger of dilution – may help companies establish more robust prevention systems, as well as avenues for accountability and remedy where attacks occur.

**Yet threats and attacks against defenders continue, and reports of attacks against human rights defenders remain fairly consistent year-over-year.** Latin America and the Caribbean; and Asia and the Pacific, followed by Africa, have consistently been the most dangerous regions for HRDs raising concerns about corporate harm. Moreover, protections for civic freedoms – including freedom of expression, association, assembly, and public participation – are steadily being eroded globally, resulting in a world that is becoming less free. While human rights defenders *defend* these freedoms, the rule of law, and accountable institutions, the erosion of these freedoms and protections makes their work both more vital and more dangerous.

Freedom House, an organisation that tracks civil and political freedoms around the world, has pointed to a 19-year consecutive decline in these freedoms.<sup>3</sup> As even traditional democracies show

increasingly authoritarian tendencies, Freedom House highlights an ‘uphill battle’ to defend these rights.

This report is completed at a time of global turmoil. The second Trump Administration’s attacks on press freedom, defiance of the judiciary and intimidation of universities, major law firms and dissenters have already weakened the rule of law and civic space in the US with implications that may embolden other governments that seek to curtail civic freedoms. Companies in the US and abroad face retaliation over diversity, equity and inclusion (‘DEI’) initiatives. Funding of environmental and human rights organisations both in the US and abroad is being eviscerated by the termination of USAID and NED grants as well as limitations on foreign funding. The International Labor Affairs Bureau (ILAB) of the US Department of Labor has been eliminated, including its global support for workers and trade unions. The narrowing of the State Department’s longstanding democracy and human rights diplomacy, programmes and country reporting will have a grave impact on civic space and defenders around the world.<sup>4</sup> Moreover, pending US legislation threatens the tax exempt status and survival of CSOs, following similar laws in other countries.

**Facing unprecedented cuts of support to civil society partners and international development around the world, defenders have come under increased pressure with fewer resources and protections.**

Over the last decade there have been hopeful signs that business is becoming aware of the importance and rights of defenders, as well as pressures on civic freedoms. But, there remain too few

<sup>3</sup> Freedom House, *Freedom in the World 2025* <https://freedomhouse.org/report/freedom-world/2025/uphill-battle-to-safeguard-rights>. See also Civicus Monitor, *Global Findings 2024*. [https://monitor.civicus.org/globalfindings\\_2024/](https://monitor.civicus.org/globalfindings_2024/), and ITUC-CSI *Global Rights Index 2024*, [www.ituc-csi.org/global-rights-index](http://www.ituc-csi.org/global-rights-index). All three organisations point to an ongoing, worldwide decline in civic freedoms and an increase in restrictions on rights.

<sup>4</sup> See Civicus Monitor US profile <https://monitor.civicus.org/country/united-states-america>, April 2025.

examples of actions and too little evidence of the implementation of existing defender-focused company policies.

**The most recent Business & Human Rights Resource Centre's report on HRDs and business, which analyses a decade worth of data, documented more than 6,400 attacks across 147 countries. The sectors connected with the highest number of attacks have been mining (1,681), agribusiness (1,154), fossil fuels (792), renewable energy (454) and logging (359). Three in four attacks were against climate, land, and environmental defenders and one in five attacks were on Indigenous Peoples.**

Source: [Defending rights and realising just economies: Human rights defenders and business \(2015-2024\)](#), BHRRC, 21 May 2025

As companies and investors mostly stay silent in the face of global threats to civic freedoms, they should understand that the erosion of the rule of law and the corrosion of accountable institutions will incur new operational, legal and reputational risks, both at home and abroad.

The progress achieved in recent years in raising awareness and gaining commitments by business to protect defenders and support civic space is now at grave risk. There has never been a more urgent need to uphold and solidify these gains.

## Purpose and focus

This report is primarily aimed at business, industry associations, multi-stakeholder initiatives and institutional investors. We hope it will also be of value to human rights defenders, State representatives and others.

The report summarises and assesses progress over the past decade, with a focus on the frameworks, guidance, initiatives and tools that have emerged in the past few years. It focuses on international-level initiatives and does not attempt to capture the now extensive range of initiatives to protect defenders at local, national and regional levels. However, we acknowledge that global progress has only been possible because of this essential work, and because of the wisdom and leadership that grassroots organisations and actors bring into global organising spaces.

**Part 1** highlights the substantive focus of these frameworks and guidance, initiatives and tools, as well as significant international agreements and legislation which establish the normative basis for business support for human rights defenders and civic space.

**Part 2** examines actions taken by companies and multistakeholder initiatives, as well as by investors and financial institutions, to protect defenders and support civic freedoms.

**Part 3** addresses the challenges shaping the future of this agenda and how companies and governments must reinforce efforts to safeguard and respect defenders' vital work and the 'enabling environment' of civic freedoms and rule of law.

The report concludes with recommendations addressed to companies, industry associations, multistakeholder initiatives, governments, institutional investors and international financial institutions, as well as to human rights defenders and supporting civil society organisations.

## 01

# EMERGENCE OF THE HUMAN RIGHTS DEFENDERS AND BUSINESS AGENDA

## Defenders move up the business and human rights agenda

Human rights defenders have been critical to exposing and seeking accountability for business-related human rights abuses since long before the contemporary 'business and human rights' agenda emerged in the mid-1990s.

### ***Core standards and responsibilities for business respect for defenders: defenders and the UNGPs***

When the UN Declaration on Human Rights Defenders was adopted in 1998, there was no formal framework addressing business responsibility for human rights and no consensus that business had the responsibility to respect defenders' rights or indeed human rights in general. The Declaration does not address business specifically, but its commentary includes an important reminder that '[although] States bear the primary responsibility for protecting human rights defenders, it is necessary to recall that the Declaration on Human Rights Defenders is addressed not only to States and human rights defenders, but to everyone'.<sup>5</sup> The commentary further reminds 'all non-State' actors to refrain from any measures that would prevent defenders from exercising their rights.<sup>6</sup>

## INTERNATIONAL HUMAN RIGHTS STANDARDS RELATING TO DEFENDERS

The core human rights standards and frameworks, including the [International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights](#), form the backbone of international legal protections for defenders. The 1998 [Declaration on Human Rights Defenders](#) defined human rights defenders as a distinct category with specific rights and responsibilities. The International [Labour Organization Convention 169](#) and UN Declaration on the Rights of Indigenous People ([UNDRIP](#)) establish Indigenous Peoples' right to 'free, prior and informed consent' for projects that affect their lands and ways of life, an essential tool for ensuring Indigenous Peoples' survival, as well as for Indigenous defenders to protect their rights. The UN Declaration on the Rights of Peasants and People Working in Rural Areas ([UNDROP](#)) of 2018 establishes the right to consultation for peasants and other people working in rural areas.

The endorsement by the UN Human Rights Council of the [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) in 2011 created, for the first time, a global standard for how governments must protect human rights against business related abuses, and how companies have an independent responsibility to respect human rights and remediate harms.

<sup>5</sup> A/HRC/13/22, para. 44 and A/65/223, para. 2

<sup>6</sup> A/65/223, para. 22



The text of UNGPs says that States should ensure ‘legitimate and peaceful activities of human rights defenders are not obstructed’<sup>7</sup> and, separately, notes that if a business enterprise is unable to consult with affected stakeholders, it should ‘consider reasonable alternatives such as consulting credible, independent expert resources, including human rights defenders.’<sup>8</sup> While the UNGPs do not include a specific focus on defenders beyond this reference, they highlight that companies should pay particular attention to groups at risk of vulnerability or marginalisation, which is understood to include defenders. Furthermore, companies would be expected to identify risks of adverse impacts to defenders as part of human rights due diligence. At the time of their adoption, the lack of a specific principle on civil society and HRDs in the UNGPs was a point of contention and criticism.<sup>9</sup>

However, civil society organisations and defenders persisted in focusing attention on increasing attacks on defenders challenging companies and development projects, at the same time as protections for civic space and freedoms deteriorated globally.

In 2016, the assassination of prominent Honduran human rights defender Berta Cáceres for her opposition to the planned Agua Zarca hydroelectric dam, only a year after receiving the Goldman Environmental Prize for environmental activism, sharpened the focus of the international community on the risks faced

by land and environmental defenders in particular. ‘My mother is a seed that has multiplied,’ said Berta’s daughter, Bertha Zúñiga. And indeed, Berta Cáceres’ murder unified a global movement for the rights and dignity of, and justice for defenders.

Since the murder of Berta Cáceres the past decade has seen the gradual yet substantial emergence of normative and operational frameworks addressing the corporate responsibility to respect defenders, company policies committing to respect for defenders’ rights, sector-specific implementation guidance and industry-wide indicators, as well as more documentation and analysis of attacks against defenders. Civil society organisations have also coordinated campaigns with specific companies, industry associations and multistakeholder initiatives to urge progress on critical issues, including zero tolerance for attacks on defenders. Important legal victories have been won, including on the case that ignited worldwide condemnation.<sup>10</sup>



<sup>7</sup> Commentary to OP26, UNGPs

<sup>8</sup> Commentary to OP18, UNGPs

<sup>9</sup> See e.g. *Joint Civil Society Statement on the Draft Guiding Principles on Business and Human Rights*, January 2011. [www.fidh.org/en/issues/business-human-rights-environment/business-and-human-rights/Joint-Civil-Society-Statement-on.9066](http://www.fidh.org/en/issues/business-human-rights-environment/business-and-human-rights/Joint-Civil-Society-Statement-on.9066)

<sup>10</sup> In June 2022, David Castillo, a former manager at the hydroelectric dam company, was sentenced to 22 years in prison for organising Berta Cáceres’ assassination, while seven others were sentenced in 2019.

## EARLY BUSINESS AND CIVIL SOCIETY INITIATIVES

**2012** – Global Witness issued its first annual report on killings of environmental and land defenders, highlighting the connections between business and these attacks.

**2015** – The [International Service for Human Rights \(ISHR\)](#) published a toolkit for defenders to help decide how and when to engage with business and to promote greater respect amongst companies for the work of defenders.

In the same year, ISHR published a special edition of its monthly newsletter, the [Human Rights Monitor](#), focused on the relationship between business and defenders and their shared interest in free and open operating environments. Beginning in 2014, ISHR advocated successfully for an increased focus on the relationship between business and human rights defenders at the UN Forum on Business and Human Rights and in relevant [UN Human Rights Council resolutions](#).

**2015** – The Institute for Human Rights and Business (IHRB) published ‘[Searching for Common Ground](#)’ a paper that urged companies to engage with defenders even when their goals may conflict.

**2016** – [Beyond Integrity](#) by the Charities Aid Foundation (CAF) highlighted examples of how business acted in support of defenders and civic freedoms. These included some of the examples discussed further below (see pages 23-25).

**2016** – The [Business Network on Civic Freedoms and Human Rights Defenders](#) was formed as a learning platform for the private sector, recognising that defenders are important partners in identifying risks or problems in business activities, encouraging due diligence and in the provision of remedy when harm occurs.

**2016** – The German sports apparel group adidas was the first company to publish a specific policy on human rights defenders: [the adidas group and Human Rights Defenders policy](#).

**2017** – The [Business & Human Rights Resource Centre](#) (Resource Centre) launched its [Business, Civic Freedoms & HRDs knowledge hub](#), HRDs interview series and lists of resources, including its annual analysis reports highlighting the regions, countries, and industry sectors most often reported to be associated with attacks on defenders, with recommendations for governments and business.

**2017** – The CIVICUS State of Civil society report included a [guest essay](#) by ISHR and the Resource Centre, which made a business case for companies to support and promote defenders, in addition to respecting their rights. Similarly, the B Team’s ‘[The business case for protecting civic rights](#)’, published in 2018, makes the case that supporting and protecting defenders is in companies’ own interest.

**2018** – A group of eight companies, including members of the Business Network and investors, issued a joint statement calling for the [protection of defenders, civic freedoms and the rule of law](#).

These resources and the discussions they generated, coupled with the tireless work of human rights defenders and civil society, increasingly brought corporate involvement in attacks on defenders to the forefront of the business and human rights agenda. Focus sharpened on attacks against defenders, and on the need for companies to act to support and protect defenders, where necessary, as well as on the civic freedoms on which defenders depend — and which business has often taken for granted or undermined.

## Development of comprehensive guidance frameworks for business

The increasing understanding that HRDs require a distinct focus within the business and human rights agenda were both reflected in and reinforced by the release of two separate but complementary major reports published in 2018 and 2021 respectively. Both reports offer normative, analytical and operational guidance to help companies identify and address risks to human rights defenders and to support civic freedoms. While three years and multiple substantive developments separate their publication, they are highlighted and summarised here because together they offer comprehensive guidance to business to both prevent and address negative impacts on defenders:

- Published in 2018 by the Resource Centre and ISHR, 'Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders guidance to business' provides the most comprehensive framework for companies to support HRDs and to advocate for civic freedoms. The report presents a decision framework for companies to determine whether and if so, how to act in specific circumstances when HRDs or civic freedoms are under threat. Companies are advised to evaluate issues and situations to decide whether there is a normative responsibility to act consistent with the UNGPs and a separate discretionary opportunity to act in support of defenders and civic freedoms based on a business case and/or a moral choice. The Shared Space framework also identifies sources of leverage and different forms of

action — public and private, individual and collective, consecutive and concurrent — that companies may take to support defenders and civic freedoms. Companies are urged to consider the short and long-term risks of action versus inaction in challenging situations.

- The 2021 UN Working Group on Business and Human Rights' report 'The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders' provides guidance for business efforts to integrate respect for defenders into company human rights policies, due diligence processes and remedy mechanisms aligned with the UNGPs. The UN Working Group guidance emphasises the consideration of risks to defenders in human rights risk assessment and stakeholder engagement. It recommends how companies should make grievance and other remedy mechanisms safe and effective for defenders. The Working Group guidance also includes recommendations for States to ensure that they protect the rights of defenders as companies respect their rights at the same time.

Taken together these two central frameworks both offer detailed, practical guidance to companies on the policies and processes that can ensure respect for the rights of defenders and avoid harms. The two frameworks form the integrated basis of the Voluntary Principles Initiative guidance (2023) and the Unilever policy and implementation guidance (2023) – plus the ISHR indicators (2024) – all three of which are described in [part 2](#), below.

## Corporate policy commitments as a first step

In the past decade, the number of companies with policy statements or public language committing to respect for human rights defenders has increased significantly.

The first publicly available standalone policy on defenders was published in 2016 by adidas. As William Anderson, now adidas Vice President, Global Social & Environmental Affairs noted at the time, ‘the drafting of our approach was straightforward, because it stood on the shoulders of years of accumulated practice and positive engagement’. He added that adidas publishing its policy ‘aligned closely with our general position on transparency: we openly communicate and explain our sustainability programme and human rights policies’.

Over the last decade, more than 40 major international companies have published their own standalone human rights defender policies or have incorporated, in different degrees, defender-specific language into their human rights policies.

The Business and Human Rights Resource Centre’s Human Rights Defenders Policy Tracker lists publicly available defenders policy commitments by companies, as well as statements and commitments by industry and multistakeholder initiatives, international financing institutions and investors. The tracker focuses primarily on the extractives (mining and oil), apparel, information and communication technology (ICT), food and agricultural products and automobile sectors, based on assessments by the Corporate Human Rights Benchmark (CHRB). Based on CHRB data, the Resource Centre’s policy tracker **found that, out of 260 companies**

**assessed, 46 have committed to not tolerate nor contribute to attacks against defenders.**<sup>11</sup>

Policy language and level of detail vary between companies. Some company policies express zero tolerance for threats and attacks on defenders, recognise the importance of the work of defenders, commit to integrating threats to defenders in their human rights due diligence, seek engagement with defenders, and support civic freedoms. One company, Unilever, has also published more detailed implementation guidance for how its policy commitment will be implemented throughout the organisation. Some examples of different policy language are discussed in part 3, below.

While the increasing number of companies that have adopted human rights defender-specific language in their policies is an important and positive development, **most companies are still failing to reach the minimum requirements**. In 2024, as per the Resource Centre’s HRDs policy tracker assessment, only nine out of 260 assessed companies met all three CHRB criteria, which are:

01. Commitment not to tolerate or contribute to attacks
02. Expect the same in their business relationships and supply chains
03. Actively engage with human rights defenders to create an enabling environment

<sup>11</sup> See the BHHRC *Human Rights Defenders Policy Tracker*, [www.business-humanrights.org/en/from-us/human-rights-defenders-policy-tracker/](https://www.business-humanrights.org/en/from-us/human-rights-defenders-policy-tracker/)



The companies that met these criteria in the 2023 benchmark were Hewlett Packard, PepsiCo, SK Hynix, Unilever, Wilmar International, Woolworths Group, adidas, Hanesbrands, and Repsol. Additionally, the CHRB 2023 assessment found that **while 61 percent of the 110 assessed companies have (at least part of) a human rights due diligence process, only 27 percent engage with rights holders during this process.** This is particularly concerning given the strong links between a failure to engage with stakeholders – and to obtain free, prior and informed consent, where relevant – and attacks on defenders.<sup>12</sup>

## Reports, guidance and tracking initiatives

A number of local, regional, and international civil society organisations document attacks against defenders with several exploring the connection with business activities. These analyses, trackers, and reports outline the kinds of threats that defenders face in their work and document trends in these attacks. Reports that highlight killings of defenders also honour the memory of these defenders and their essential work. Other trackers and reports focus on the protection of civic freedoms around the world – essential information to understanding the contexts in which defenders operate and the risks they face.

### Global reports

Global documentation and tracking initiatives rely primarily on media monitoring and publicly available information from local, national and regional organisations, and from those who are at the frontline

documenting cases. These organisations include: UDEFEGUA in Guatemala, CINEP in Colombia, ACI-Participant in Honduras, Centro Mexicano de Derecho Ambiental (CEMDA) in Mexico, CPT and CIMI in Brazil (specifically on Indigenous Peoples), Human Rights Defenders Alert in India, Green Advocates in Liberia, Natural Justice in South Africa, Asian NGO Coalition for agrarian reform and rural development (ANGOC) and Kalikasan in the Philippines, IM-Defensoras in Mesoamerica, and many others.



Individuals and organisations closest to where the violence occurs collect and publicise information at great risk in precarious circumstances while at the same time offering sometimes life-saving protection support to grassroots defenders. Some of their security data is collected privately and not reported publicly. In other instances, it is shared with international organisations without attribution due to security concerns. Global documentation and tracking initiatives include the following:

- **Global Witness** has published an annual report on documented killings of environmental and land defenders for more than a decade. The most recent report, ‘Missing Voices’, documented at least 169 killings of defenders in 2023, a similar number to the year before, bringing the total number of killings to more than 2,000 since 2012, when Global Witness began its annual reports.
- **The Resource Centre** launched a database of attacks on HRDs related to business in 2017 and publishes an annual report on human rights

<sup>12</sup> [www.worldbenchmarkingalliance.org](http://www.worldbenchmarkingalliance.org)

defenders and business, which includes the number of attacks they have recorded. In 2024 alone, the Resource Centre tracked 660 attacks on defenders. The Resource Centre also has a standalone database on Strategic Lawsuits on Public Participation, and publishes briefings on SLAPPs, including the 2023 ‘Vexatious lawsuits: Corporate use of SLAPPs to silence critics’. In the last decade, the BHRRRC recorded 530 instances of SLAPPs.

- **Indigenous Peoples’ Rights International** publishes an annual report which highlights cases of attacks against Indigenous human rights defenders. The 2022 report ‘Criminalization of, Violence, and Impunity against Indigenous Peoples’ highlights instances of attacks against Indigenous defenders, many in connection with land grabs and other business-linked activity. The report ‘Protector Not Prisoner’ (in cooperation with the Resource Centre) highlights how Indigenous Peoples face violations of their rights and criminalisation when defending the environment.
- **Front Line Defenders** publishes an annual on the situation of defenders around the world. While this analysis is not specific to business-linked abuses, Front Line Defenders also publishes business-specific analysis: for example, the 2023 report ‘Attacks against human rights defenders engaged with European Companies and Investors’.
- ALLIED – Alliance for Land, Indigenous and Environmental Defenders – Data Working Group, coordinated by the Resource Centre and International Land Coalition, was founded to

strengthen data collection efforts on attacks against defenders. The Data Working Group’s report ‘A Crucial Gap’, published in 2020 and regularly since, highlights the scarcity of official, State-led data on killings and attacks on defenders, including journalists and trade unionists. This is in contravention of SDG 16.10.1. Moreover, the group produced a collective yearly updated database through a joint effort of local, regional and global data collectors, uncovering the hidden iceberg of non-lethal attacks since 2021, against Indigenous, land and environmental defenders, their organisations and communities.

### ***Specific reports that provide guidance to business and calls to reform***

- In 2020, Global Witness launched ‘Responsible Sourcing: The Business Case For Protecting Land And Environmental Defenders And Indigenous Communities’ Rights To Land And Resources’.
- In 2021, Proforest launched ‘Protecting & Respecting Human Rights Defenders Guidance for companies in agricultural commodity supply chains’.
- In 2021, Front Line Defenders, the Resource Centre, and partners published ‘Hearing the human: Ensuring due diligence legislation effectively amplifies the voices of those affected by irresponsible business’, making the case that EU’s sustainability due diligence directive offered an opportunity to prioritise the safety of defenders.
- In 2021, Chatham House published ‘The Role of the Private Sector in Protecting Civic Space,’ a paper that

explores how private sector companies can work together with civil society organisations to uphold and defend civic freedoms.

- In 2021, the UN Global Compact published its '[Business Framework](#)' for SDG16: Peace, Justice and Strong Institutions, which provides guidance to companies on strengthening business culture, civics and engagement, in support of public institutions and the rule of law.
- In 2023, Oxfam published '[Threats to Human Rights Defenders: Six Ways Companies Should Respond](#)', a brief, incisive and constructive report which includes both recommendations on considering risks to HRDs in due diligence and using a company's leverage to support and promote the rights of defenders and civic freedoms.
- In April 2024, 87 Indigenous Peoples' representatives participating in the [Conference on Indigenous Peoples and the Just Transition](#) published a [Declaration](#) that sets out core principles for an energy transition that upholds human rights with the full and effective participation and shared prosperity of Indigenous Peoples. The Declaration calls for reforms to laws and procedures that criminalise Indigenous defenders and urges companies to adopt zero-tolerance policies for attacks on HRDs.
- Also in 2024, the International Service for Human Rights published a set of [indicators](#) that provides cross-sector guidance to implement the responsibility of business to respect the rights of HRDs. These indicators build on the 'Shared Space Under Pressure and UN Working Group on Business and

Human Rights' guidance documents – as well as the sector-specific Unilever and Voluntary Principles Guidance – to track implementation progress toward business respect for the rights of HRDs.

### ***Networks and coalitions***

Several civil society coalitions and networks look specifically at the situation of defenders in the context of business activities.

[The Zero Tolerance Initiative \(ZTI\)](#) is a global coalition led by Indigenous Peoples, local community representatives and supportive NGOs working collectively to address the root causes of killings and violence against defenders linked to global supply chains. The ZTI was launched at the UN Forum on Business and Human Rights in 2018 with the 'Geneva Declaration', which highlights defenders' exposure to attacks and difficulty in obtaining remedy. ZTI's 2019 report '[Enough! Pledging zero tolerance to attacks against environmental and human rights defenders](#)' makes the case for a 'zero tolerance' pledge to end intimidation and attacks against defenders. The Zero Tolerance Initiative also launched [Zero tolerance resource hub](#) and a [Collective protection resource hub](#).

[Alliance for Land, Environmental and Indigenous Defenders \(ALLIED\)](#) is a global network of civil society actors launched in 2018. Beyond its data work, the alliance drives multistakeholder action and systemic change in the recognition, support, and protection of Indigenous, Land, and Environmental Defenders (ILEDs). ALLIED works to ensure that ILEDs can continue their critical work protecting their rights, the environment, and the climate for future generations, free from violence and

retaliation, and with the support and respect of governments, civil society, and the private sector.

In 2018, members and partners of the Coalition for Human Rights in Development launched the Defenders in Development Campaign to ensure that communities and marginalised groups have the information, resources, protection and power to shape, participate in, or oppose development activities, and to hold development financiers, governments and companies accountable. To achieve these objectives, the campaign engages in collective advocacy, capacity-building activities, research and campaigning.

The Earth Defenders Toolkit is a project of Digital Democracy and co-created by Alianza Ceibo, Amazon Conservation Team, Amazon Frontlines, ECA Amarakaeri, Forest Peoples Programme, Open Development Initiative, Raks Thai, and South Rupununi District Council

co-authored Safeguarding Human Rights Defenders: Practical Guidance for Investors.

- The 2022 guide by ABN AMRO, APG, ING, Robeco and Morningstar Sustainalytics, 'No News is Bad News Exploring how financial institutions can strengthen human rights risk assessments of business activities in areas where civic space is restricted' identifies 'red flags' that indicate that civic space is being restricted, and outlines steps financial institutions can take, alone and together, to support human rights.
- In 2023, Chatham House published a research paper 'Investors and the ESG Blind Spot—Upholding Civic Freedoms as part of geopolitical corporate responsibility'.
- A 2023 Shift paper focused on how financial institutions can and should address shrinking civic space. A 2023 Amazon Watch publication 'Respecting Indigenous Rights: An Actionable Toolkit for Institutional Investors (2023)' includes specific recommendations on Indigenous defenders.

## Guidance to financial institutions and investors on defenders

Several papers have explored the role of financial institutions and investors in respecting human rights defenders and supporting civic freedoms, and encouraged financial institutions to advocate for the shared space that should support stable and profitable business environments.

- In April 2020, the Investor Alliance for Human Rights, the Business & Human Rights Resource Centre, and the International Service for Human Rights

## Legislative and regulatory developments on corporate due diligence

Several legislative developments have recently emerged that strengthen the legal protections of defenders, even if only indirectly, by requiring companies to conduct and disclose human rights due diligence, stakeholder consultation and other related processes. Some of these developments have potential to create more avenues for legal redress where abuses occur as well as for protections





of defenders' rights to participate in processes that affect human rights. Significant regional and global developments are discussed below.

### ***EU Corporate Sustainability Due Diligence Directive (CSDDD)***

The European Union Corporate Sustainability Due Diligence Directive (CSDDD), finally adopted in May 2024, required large companies with significant operations in the EU to conduct due diligence across impacts on the environment, land rights and human rights to prevent harms across their own operations and those of business partners.

**It required companies to engage with stakeholders in assessing potential harms including to defenders** – both those directly affected by a project or operation as well as their legitimate representatives, which could include civil society organisations and individual defenders. Furthermore, the CSDDD required companies to seek to remove 'obstacles' to effective engagement and to prevent retaliation against stakeholders. Companies need to establish a non-judicial grievance mechanism, but the CSDDD also empowered EU home States to mandate that companies provide remediation for harms to affected stakeholders if the company itself failed to do so. The CSDDD as originally adopted would have enabled affected stakeholders to take EU-domiciled companies to court in the company's home country. The latter provision in particular would have provided a legal recourse for defenders who have been subject to retaliation or other harms, in situations where the courts in the host country may not be safe or effective.<sup>13</sup>

The 'Omnibus package' introduced by the European Commission in February 2025, however, proposed to 'streamline and simplify' aspects of the CSDDD, along with the Corporate Sustainability Reporting Directive (CSRD) and the EU Taxonomy regulation for sustainable activities.<sup>14</sup> As part of this process, in April 2025, the EU Parliament voted to 'stop the clock' on implementation, extending the reporting deadlines for the next wave of CSRD companies and the first CSDDD companies until 2028. The changes introduced in the Omnibus package would, among others, limit the scope of due diligence in value chains, limit requirements of stakeholder involvement in some activities, and remove the EU-wide civil liability regime.<sup>15</sup> Civil society groups, the UN Working Group on Business and Human Rights, and many major investors and companies<sup>16</sup> have strenuously resisted these changes. While the Omnibus package is still in the legislative process at the time of writing, critical changes to the final scope CSDDD requirements are likely.

### ***Draft legally binding treaty on business and human rights***

The proposed legally binding instrument to regulate the activities of transnational corporations and other business enterprises, established in UN Human Rights Council *Resolution 26/9*, could also play a significant role in protecting HRDs and strengthening access to remedies in the region. This draft treaty is being discussed and refined in the UN Open-Ended Working Group on transnational

<sup>13</sup> <https://www.globalwitness.org/en/blog/how-will-eus-new-law-fight-corporate-power-and-help-environmental-defenders/>

<sup>14</sup> <https://www.deloitte.com/nl/en/issues/climate/csddd-corporate-sustainability-due-diligence-directive.html>

<sup>15</sup> <https://www.whitecase.com/insight-alert/eu-omnibus-package-10-things-you-should-know-about-proposed-changes>

<sup>16</sup> <https://www.business-humanrights.org/en/latest-news/eu-commission-adopts-new-package-of-proposals-on-eu-rules-in-first-omnibus-package-incl-far-reaching-amendments-to-csrd-csddd-taxonomy/>

corporations and other business enterprises with respect to human rights (OEIGWG). The latest draft of this instrument emphasises the role of human rights defenders in promoting corporate respect for human rights and that States have a duty to take measures to ensure a ‘safe and enabling’ environment for defenders to do so.

### ***International standards and frameworks***

In 2021, a decade after the adoption of the UNGPs, the UN Working Group on Business and Human Rights published the UNGPs Roadmap + 10 for the next decade of UNGPs implementation. This roadmap includes a strong focus on the duties of States and responsibilities of companies for respecting the rights of defenders, signalling the increasing urgency of this issue. While the Working Group’s reports and initiatives are not binding on States or companies, a sharper focus on defenders in UNGPs implementation efforts and the Working Group’s reporting could provide energy and urgency in support of States’ regulation of business impacts on defenders and, at the same time contribute to corporate implementation and accountability efforts.

Also, while not binding, the 2021 UN Global Compact Business Framework in support of Sustainable Development Goal SDG 16 on peace, justice and strong institutions aims to inspire companies to act in support of the ‘social contract’ and accountable institutions, for example through advocacy to support the rule of law and civic freedoms.

In 2023, the OECD Guidelines for Multinational Enterprises (MNE Guidelines) on responsible business conduct were updated to **incorporate new text on**

**preventing reprisals against human rights defenders**. This came after years of organising, led by OECD Watch, which kicked off with the OECD Watch & BHRRC joint report ‘Use with Caution: The role of the OECD National Contact Points in protecting human rights defenders’ in 2019. While not legally binding on companies, the MNE Guidelines *are* binding on adhering governments and contribute to global expectations of international companies.

In 2023, 25 years after the adoption of the UN Declaration on Human Rights Defenders, the Declaration on Human Rights Defenders +25 enshrined and elaborated upon authoritative international human rights standards on the rights of defenders and the responsibilities of both State and non-State actors, including business enterprises, to respect and protect them. Article 18 relates specifically to the role and responsibilities of business enterprises, highlighting the need to avoid adverse impacts on the rights of defenders and the need to ensure remedy of adverse impacts of their activities or those of business partners. It further outlines 10 actions that business enterprises should take to fulfil these responsibilities.

### ***State-developed laws, policies and guidance***

In 2023, the US published guidelines for its diplomatic missions around the world on supporting civil society and defenders. These guidelines highlight ways diplomatic missions can support civil society and defenders through diplomatic engagement. The recommendations include promoting rights-respecting business and encouraging business to consult with defenders, as well as convening civil society and business to address challenging human rights issues. The

implementation of these guidelines—and overall support for defenders—is likely to be weakened if not suspended by the State Department.

In March 2024, the EU and the US released a [joint guidance for online platforms on improving protections for defenders](#) which sets out 10 practical steps platforms can take globally to prevent, mitigate and provide remedy for attacks targeting HRDs online. The guidance urges online platform providers to adopt a human rights defender protection policy, assess risks to defenders, exchange information on threats with defenders, civil society and industry peers, and develop mitigation plans and safety tools, and grievance channels.

The Canadian government published [Canada's Guidelines on Supporting Human Rights Defenders](#) (2017, revised 2019) which outline Canada's approach and offer practical advice for officials at Canadian missions abroad to promote respect for and support defenders.

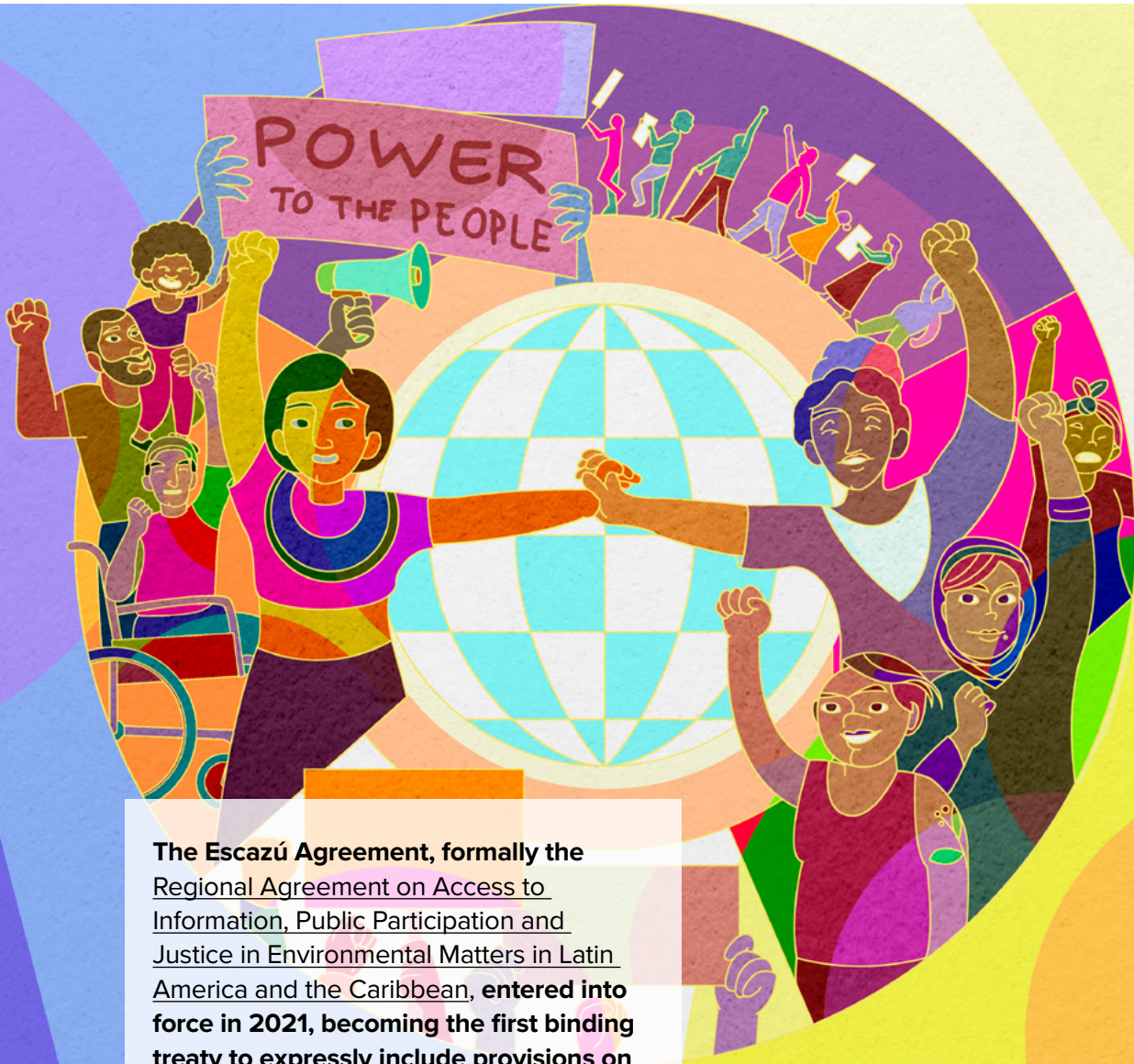
Several other countries, including Finland, Norway, and the United Kingdom, have also published guidelines outlining government support for defenders. While not specific to the business context, [ISHR maintains a database](#) of proposed and published human rights defender laws, guidelines and protection mechanisms. The Observatory on Public Policies for the Protection of Human Rights Defenders (FOCUS), an online platform monitoring good practices in policy development on defenders, also [maintains a global map of public policies relating to defenders](#). Finally, Global NAPs has a database highlighting what [National Action Plans say on Human rights defenders & whistle-blowers](#).

### ***Regional and international human rights systems' responses***

In 2019, the UN Human Rights Council (HRC) adopted by consensus [Resolution 40/11](#) that, for the first time in that forum, recognised the positive, important and legitimate role played by environmental human rights defenders. This landmark resolution not only acknowledged the risks environmental defenders face, but also underscored the responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights of defenders. In 2023, the UN General Assembly also adopted [Resolution 78/216](#) reaffirming the critical role of environmental defenders. Recently, in March 2025, a group of States made a cross-regional [statement](#) at the HRC calling for defenders' safe and effective participation in international environmental fora. In addition, States have recognised that everyone, everywhere, has the right to live in a clean, healthy and sustainable environment through resolutions from the [Human Rights Council in 2021](#) and the General Assembly in 2022. The HRC resolution recognises the role of environmental defenders and the risks they face doing their work. In April 2025, the HRC adopted a [resolution](#) enhancing protections for defenders in the face of threats and challenges from new and emerging technologies.

These resolutions do not create new law, but they expand global expectations around State protections for human rights and contribute to the recognition of environmental defenders as human rights defenders. Furthermore, they help expand the concept of internationally recognised human rights that fall within the remit of companies' human rights responsibilities.





**The Escazú Agreement, formally the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, entered into force in 2021, becoming the first binding treaty to expressly include provisions on environmental defenders.**

The agreement requires parties to ensure a 'safe and enabling' environment for human rights defenders in environmental matters, to take adequate steps to protect and promote all their rights, and to prevent, investigate and punish any attacks or intimidations of defenders. The agreement has been signed by 24 countries and ratified by 16 State Parties to date. In 2024, the Conference of State Parties adopted an action plan to advance implementation of the provisions on defenders. Any individual can submit a communication regarding implementation of the agreement to the Escazú Agreement Committee to Support Implementation and Compliance.<sup>17</sup>

**In 2022, former UN Special Rapporteur on Human Rights Defenders Michel Forst was named the first-ever Special Rapporteur on Environmental Defenders under the Aarhus Convention**, which protects the right to live in a healthy environment and counts 47 State Parties to date. The appointment of the Special Rapporteur was the first such mechanism specifically safeguarding environmental defenders to be established within a legally binding framework. The Special Rapporteur has already published several reports documenting obstacles that human rights defenders face and gaps in protection for their rights.

<sup>17</sup> <https://earthrights.org/blog/lessons-from-escazu-for-environmental-democracy-across-africa-asia-and-latin-america/>



## A FOCUS ON SLAPPS

Strategic lawsuits against public participation, or SLAPPs, are a particularly insidious form of legal harassment of defenders, using the court system to seek to prevent defenders from advocating for human rights, and to deter other defenders. SLAPPs take the form of civil lawsuits and criminal complaints against defenders on spurious legal grounds. For example, a company may sue a defender for defamation over a defender's claims about the company's environmental impacts. The aim of a SLAPP is not for the company to win the case, but rather to entangle defenders in costly, time-consuming legal proceedings, during which the defender is often also prevented from speaking out about the facts of the case. According to the UN's Office of the High Commissioner for Human Rights (OHCHR), SLAPPs: a) involve an imbalance in financial, political or societal power to convert matters of public interest into a private dispute, b) are used to silence in relation to information on matters of public interest including alleged human rights violations, climate change, corporate accountability, corruption, and financial crimes, and c) include exaggerated or disproportionate claims of damages.<sup>18</sup>

As a response to this trend, States should adopt specific laws and policies, that discourage the use of SLAPPs against defenders<sup>19</sup> and ensure that national courts can identify and dismiss SLAPPs.

In April 2024, the EU formally adopted the Anti-SLAPP Directive which seeks to prevent and combat vexatious lawsuits against those who engage on matters of public interest, including defenders. The directive includes procedural safeguards, support for defendants in court proceedings, early dismissal of manifestly unfounded cases, award of costs to defendants, and protection against third country judgements.

Australia, Indonesia, the Philippines and Thailand have anti-SLAPP legislation in place in various laws. In the US, 32 States have various forms of anti-SLAPP laws. A federal anti-SLAPP bill for the US was most recently introduced at the end of 2024, however, its future status is highly uncertain.<sup>20</sup> In Canada, three provinces – Québec, Ontario and British Columbia – have anti-SLAPP legislation in place. Anti-SLAPP legislation has been proposed in Colombia, Ireland, and the United Kingdom.

The International Corporate Accountability Roundtable (ICAR), together with a number of other civil society organisations, has launched the Protect the Protest initiative, combining their experience to fight against SLAPPs in the US in particular. Protect the Protest provides guidance to defenders and civil society organisations, as well as support to defenders and others subjected to SLAPPs. The Asina Lyoko coalition in South Africa, CASE - the Coalition Against SLAPPs in Europe and CASA – the Coalition Against SLAPPs in Africa are other civil society initiatives aimed at empowering civil society to defend against and discourage the use of SLAPPs against HRDs.

<sup>18</sup> See OHCHR, *The impact of SLAPPs on human rights & how to respond*, <https://www.ohchr.org/sites/default/files/documents/publications/briefer-the-impact-slapps-hr-how-resond.pdf>

<sup>19</sup> See Human Rights Council, *Resolution on freedom of opinion and expression*, 10 July 2024, A/HRC/RES/56/7, <https://docs.un.org/en/A/HRC/RES/56/7>

<sup>20</sup> <https://www.rcfp.org/anti-slapp-legal-guide/>



In 2021, the Investor Alliance for Human Rights released the ‘Investor Statement on Strategic Lawsuits Against Public Participation (SLAPPs)’ representing 44 institutions with more than 270 billion USD of combined assets, who called on companies to take broad, systemic action to protect defenders, and immediate action to ensure that they do not use or support SLAPPs.

In 2022, the civil society platform Global Citizen, an action platform powered by engaged individuals, partnered with Protect the Protest, Greenpeace USA, EarthRights International, and the International Corporate Accountability Roundtable (ICAR) to invite companies to sign the Anti-SLAPP Private Sector Pledge, committing never to participate in SLAPPs under any circumstances. Six ‘socially responsible’ companies have signed the Pledge to date: these are Ben & Jerry’s, the Body Shop, Lush Cosmetics, Patagonia, Seventh Generation and Yelp. While this pledge has so far only been signed by a narrow range of companies with a particular environmental and social responsibility focus, it offers a model that other companies could emulate.

Concerns are growing about the chilling effect on defenders from SLAPP suits after Greenpeace was sentenced in March 2025 to pay more than USD 600 million in damages over alleged defamation and other claims in connection with its opposition to the Dakota Access pipeline project. Civil society groups and experts called the lawsuit a ‘classic example’ of a SLAPP and the ruling a ‘blatant attempt’ to silence dissent, emboldening other actors to go after protesters.<sup>21</sup> Coming amidst a series of US attempts to crack down on dissent domestically, the ruling is seen as particularly chilling to defenders.

<sup>21</sup> <https://www.theguardian.com/us-news/2025/mar/21/oil-protest-activism-greenpeace-dakota-pipeline-verdict>

# ACTION IN SUPPORT OF CIVIC FREEDOMS AND HUMAN RIGHTS DEFENDERS: EXAMPLES

**While examples of companies acting to support defenders and civic freedoms are limited, the past decade has seen some encouraging instances of companies working both alone and collectively in this pursuit.** Yet there are more publicly available examples of companies acting in support of civic freedoms and the rule of law than examples of companies in support of individual defenders. Additionally, corporate actions to support individual defenders under threat may more likely be taken in private, rather than publicly.

Companies may take private action for the following reasons: first, they are reluctant to appear in conflict with host country governments where they operate for fear of retaliation against their operations, personnel or profits, even as those governments may be threatening defenders or suppressing civic freedoms; second, private engagement may be more effective by enabling host country governments to act favourably but discreetly; third and most significantly, defenders may prefer such support to remain private for security as well as for legal and/or political reasons. However, there are **very few examples of even private action being taken**. This reality may be an indication that companies find it easier to support general principles of civic freedoms than to stand in opposition to State actors when individual defenders are under threat.

## Direct support to defenders under threat

While there are only a few publicly available examples of companies acting in direct support of defenders under threat, the below examples show types of actions that companies may take:

- **Angola:** Tiffany & Co signed a 2015 open letter to the President of Angola in support of Rafael Marques de Morais, an investigative journalist and defender who faced prosecution for documenting human rights abuses in the diamond industry.
- **Thailand:** S Group, a Finnish retail sector company, supported human rights defender and journalist Andy Hall through a series of defamation lawsuits in Thailand over a report by Hall in 2012, which alleged that Natural Fruits Ltd., a supplier of S Group, employed forced labour in its production chain. As part of its investigation into the issues exposed by the report, S Group sought Andy Hall's advice on meeting with the affected migrant workers and obtained their consent. S Group even testified in court as a witness for his defence and provided financial support to Hall as he faced both civil and criminal charges. Following nearly a decade of criminal and civil proceedings, Hall was eventually acquitted of all charges in 2020, although not formally

notified of this until 2021, and Natural Fruits dropped its civil defamation suit against him in 2020.

- **Ecuador:** Nordic companies' support for human rights defender Jorge Acosta between 2019 and 2020, when a group of businesses including Axfood, Coop, Everfresh, Greenfood, Martin & Servera and Menigo, which source from the banana sector in Ecuador, wrote joint public statements to the government of Ecuador to express 'grave concern' about the situation of trade union leader Jorge Acosta, the coordinator of the banana workers union ASTAC. In a 2020 letter, the companies questioned legal action being taken against Acosta in an apparent attempt to obstruct his legitimate work as a defender. The statement also expressed the companies' reliance on defenders, like Acosta, 'to be able to speak freely, and without fear of retaliation or reprisal, about challenges in the supply chains' in order to improve their human rights performance.

## Support for civic freedoms, including right to protest

In some instances, global companies have expressed concerns about crackdowns on civic freedoms, and human and labour rights defenders. Rather than acting alone, as in the examples below, broad coalitions of brands and industries have jointly expressed their concerns.

- **Georgia:** In January 2025, hundreds of Georgian companies suspended operations and employees took to the streets for a three hour nation-wide strike with the aim of calling attention to the potential consequences of

international isolation on Georgia in response to perceived manipulation of October 2024's parliamentary vote, and calling for the release of imprisoned protestors.<sup>22</sup>

- **Poland:** In 2020, a number of Polish businesses publicly expressed support for widespread protests over a new law putting in place a near-total ban on abortion. Some businesses also joined in a general strike organised by Strajk Kobiet (Women's Strike). Some businesses faced reprisals in the form of threats of boycotts over their support for the protestors.
- **USA:** In the wake of the murder of George Floyd in the US in 2020, there were widespread protests against police violence, racial profiling of Black people and structural racism in the US. As some protests were obstructed or met with violence by police, a number of companies in the US spoke out in support of peaceful protests.
- **Myanmar:** In February 2021, over 200 multinational and local companies, including major brands Coca-Cola, Facebook, H&M, Heineken, signed a statement responding to the military coup in Myanmar and expressing concern about the ensuing repression of civic freedoms, including freedom of expression, assembly and associations. The statement explicitly referenced the 'shared space' and expressed support for the civil society of Myanmar. In June the same year, more than 75 investors with more than USD 3.9 trillion in assets under management signed a statement calling on companies with operations

<sup>22</sup> <https://eurasianet.org/businesses-in-georgia-stage-warning-strike>

in Myanmar to map their business activities, relationships and value chains to identify, assess and address all relevant human rights impacts. The statement also called on companies to ‘use leverage and participate and initiate’ collective action by business to support human rights in Myanmar.

- **Bangladesh:** In September 2024, the FLA together with the American Apparel & Footwear Association (AAFA) published [a letter to the interim government of Bangladesh](#), urging the caretaker government to immediately release defenders who remain under arrest from the 2023 protests over the minimum wage and to remove the criminal charges against them. The letter also urged that threats of criminal charges against other workers be dropped, as well as criminal charges against labour leaders, and NGOs.
- **Iran:** In 2022 and 2023, [a number of businesses expressed solidarity](#) with the ‘Woman, Life, Freedom’ protest movement including by temporarily shutting down operations or refusing to comply with new regulations that required them to deny service to unveiled women. Some business owners faced economic reprisals over their support for the protesters, including SLAPP suits, loss of access to banking facilities, and other reprisals.

### **Examples of tech sector actions to help safeguard defenders online**

Defenders depend on access to communications technology, but are also frequently targets of online surveillance, harassment and cyberattacks. Several tech companies have taken actions to support defenders in protecting themselves online.

- Telecoms company Ericsson has provided technical expertise and infrastructure to local civil society organisations, including making them aware of how to prevent misuse. The company shares its technical knowledge with local organisations, while civil society organisations offer insight on local issues to Ericsson. Ericsson reports that its work with defenders has enabled it to strengthen relationships which in turn provide early warning of local grievances.
- [Microsoft created a product called AccountGuard](#) to protect online accounts for defenders, journalists and certain customers who are at greatest risk from State-connected hackers. In 2022, Microsoft and Civil Rights Defenders launched a multi-year collaboration to increase the cyber security competence of defenders, including through online training modules.
- Google has established a USD 2 million fund to support digital security and safety helplines, which provides help to defenders and others who are particularly vulnerable to cyberattacks such as doxing, harassment, and account hacking. In 2023 and 2024, Google pledged to distribute a total of 200,000 ‘Security Keys’ providing 2-factor authentication at no cost to defenders, journalists and others at high risk of cyberattacks, working in cooperation with a number of civil society organisations on this effort.
- Cloudflare, a service that provides cloud infrastructure and security, commits to providing post-quantum cryptography for free by default to all customers – including at-risk groups using Cloudflare services, such as humanitarian organisations, defenders, and journalists, through Project Galileo.





## Power of acting collectively: examples of multistakeholder and other initiatives

Multistakeholder initiatives, industry organisations and similar initiatives can play a significant role in coordinating corporate action on defenders. They can also usefully and credibly coordinate responses to specific incidents, helping companies amplify their voice and reduce the risk of retaliation against a specific company. Multistakeholder initiatives can build on experiences from, for example, the Voluntary Principles Initiative (VPI), which released a guidance to companies on respecting defenders. Examples of multistakeholder action in support of defenders include:

- **Cambodia:** A group of global apparel brands first privately and then publicly pressed the Cambodian government to respect freedom of association in 2018–19, following a shooting of striking garment workers in 2014 and increasing repression of freedom of association. The group also urged the government to drop politically motivated criminal charges against the labour rights activist Tola Moeun. The brands' work was coordinated and amplified by two multistakeholder initiatives focused on labour rights in apparel supply chains, the Fair Labor Association (FLA) and the Ethical Trading Initiative (ETI). The brands made it clear to the Cambodian government that their sourcing decisions would be influenced by progress on the issue. Furthermore, the FLA, ETI and brands supported the EU's review of trade preferences. In 2024, the FLA and ETI again wrote to the Cambodian government, urging

it to rescind its 'national security audit' of NGO CENTRAL, a non-governmental organisation led by Tola Moeun, and to refrain from taking any measures that could be seen as intimidation or retaliation. The NGO had recently released a report critical of Cambodia's footwear and apparel industry. The letter cited the 'overriding value' of freedom of speech and urged respect for civil society.

- **Colombia:** In Colombia, BetterCoal companies established a 'Human Rights and Coal Working Group' (GTDHyC) with the Colombian Government and some NGOs to promote deeper use of the Voluntary Principles on Security and Human Rights and the UNGPs. With member company CME, the working group has developed a 'protocol' for addressing threats and attacks against defenders. The protocol's goal is to ensure clear lines of responsibility if stakeholders – including companies – are notified that threats have been made against defenders. A key component of the protocol is to provide each actor, including civil society, companies and government officials, with a roadmap of actions to take when threats occur.<sup>23</sup>
- The Global Network Initiative, a multistakeholder initiative focusing on the telecommunications and tech sectors, issued a call to UN Member States not to support the draft cybercrime convention over concerns that the convention could create a platform for extraterritorial surveillance and prosecution of defenders, given its

<sup>23</sup> Voluntary Principles on Security and Human Rights. *Guidance on Respecting the Rights of Human Rights Defenders*, December 2023, <https://www.voluntaryprinciples.org/resource/guidance-on-respecting-the-rights-of-human-rights-defenders/>

overbroad scope and application. In December 2024, GNI also published a [statement](#) criticising the UN's decision to hold the Internet Governance Forum in the Kingdom of Saudi Arabia over that country's restrictions on freedom of speech and targeting of journalists and the press.

### ***Investor engagement on human rights defenders and civic space***

- In April 2019, the [Financial Times](#) reported that Eumedion, a corporate governance group backed by 60 institutional investors including large Shell shareholders BlackRock, Standard Life Aberdeen and Capital Group would 'put pressure' on Shell to intervene with the government of Brunei over a draft update to the penal code that would punish LGBTQ people with death by stoning. Later in the year the draft update was quietly discarded. JP Morgan Chase reacted to the same draft law by joining a global boycott banning staff from staying at luxury hotels owned by the Sultan of Brunei.
- In 2020, asset manager Aviva [Investors 'rebuked' global banks HSBC and Standard Chartered](#) over their decision to support Hong Kong's new national security law, which would severely restrict remaining civic freedoms in Hong Kong and threaten civil society's ability to operate safely. Aviva also stated that it expected both companies to 'confirm that they will also speak out publicly if there are future abuses of democratic freedoms connected to this law'.
- [The Investor Alliance on Human Rights](#), a consortium of responsible investors, released a [guidance on the rights of defenders](#) through, for example, investor policy statements and setting expectations for investee companies in 2020. The guidance also contained recommendations to investee companies on respecting the rights of defenders. The coalition regularly engages publicly on matters relating to defenders. The Investor Alliance also issues statements on behalf of its members on issues relating to its focus issues, [which includes a statement on SLAPPs](#) and an investor '[statement of concern](#)' on [attacks on defenders](#).
- In 2023, [the Local Authority Pension Fund Forum](#) in the United Kingdom released a [report on its engagement with communities](#) during 2022, in response to two devastating tailings dam collapses in Brazil: the 2015 Mariana tailings dam collapse, which killed 19 people, and the 2019 Brumadinho tailings dam collapse, which left 272 dead. LAPFF initiated direct engagement with the affected communities as well as the companies concerned to understand whether the investee companies were engaging in meaningful consultations. The Forum concluded that investors must advocate for and undertake more effective stakeholder engagement.

# IMPLEMENTATION AND ACCOUNTABILITY TO SUPPORT DEFENDERS AND CIVIC SPACE

This section discusses how respect for defenders and civic freedoms needs to be captured in company policies and then swiftly inform corporate processes for managing human rights risks. It identifies common dilemmas and obstacles to effective implementation, as well as the roles of multistakeholder initiatives, home and host country governments and civil society. This section also explores how governments need to step up their protection of defenders by holding companies to account for adverse impacts on defenders, adopting appropriate laws and strengthening their data collection on attacks on defenders.

## Policy commitments as a necessary first step

**All companies that potentially interact with human rights defenders should adopt a policy commitment to respect their rights**, including an absolute zero-tolerance for threats or attacks against defenders in their supply chains, to apply throughout business activities, operations and relationships as a necessary first step to ensure respect in practice.

Existing policy language on respect for defenders' rights varies, from a statement integrated into a company's overall human rights policy, to detailed standalone policies on human rights defenders.

Companies that are looking to adopt a policy statement can take inspiration from these existing corporate policies, and adapt language and formats to their specific circumstances. They should also look to the [CHRB benchmarks on human rights defender policies](#), as discussed in [part 1](#) above, to ensure that the statement includes a commitment not to tolerate threats or attacks, clear expectations for business partners, and a commitment to engaging with defenders to create an enabling environment.

The below examples highlight language in company policy statements from companies in four different sectors, without endorsing any specific language or approach.



**adidas group:** The adidas group includes a commitment to act in support of defenders and civic freedoms. ‘We will also petition governments, alone or in concert with other actors, where we feel the rights and freedoms of human rights defenders with whom we are engaged have been impinged by the activities of the State, or its agents.’

**Newmont:** Mining Company Newmont also includes respect for defenders in its human rights policy and clarifies expectations of business partners: ‘Our core values of integrity and responsibility support our commitment to respect human rights defenders, and we do not condone any form of attack against them or anyone who opposes our activities. We also expect our business partners not to condone such attacks. While we may not always agree with positions taken by human rights defenders, we believe an active and open civil society, supported by the rule of law, is essential.’

**Shell:** Shell’s human rights policy states that: ‘Freedom of expression, of association, and peaceful assembly are human rights. Protection of these rights contribute to a well-functioning democratic society. Shell does not interfere or inhibit the peaceful, lawful and safe activities of human rights defenders to exercise these rights even if these should be linked to issues related to our business operations. Shell will not contribute to or support retaliation, threats, intimidation or attacks against those who raise human rights-related concerns in relation to its operations.’

**Microsoft:** Microsoft’s commitment to defenders explicitly states support for defenders: ‘Our commitment to respecting and advancing human rights includes respect and support for the work of human rights defenders around the world. (...) Human rights defenders face persistent physical, social, economic, and psychological threats. Microsoft does not tolerate threats, intimidation, retaliation, physical, legal or cyber-attacks against human rights defenders. This commitment extends to all human rights defenders, including those working on issues related to Microsoft and those exercising their rights of freedom of expression, association, and peaceful assembly, including to challenge or protest aspects of our own business.’ Microsoft also commits to consult defenders as part of due diligence: ‘In all countries, and especially in those with weaker protections for civic freedoms and where threats to human rights defenders are more pronounced, we commit to consult with local human rights defenders as part of our human rights due diligence and to support their work with increased sensitivity to the challenges and complexities they face.’

In better practice, some companies have also explicitly extended their expectations to their business partners, for example:

**Kellanova:** Kellanova’s supplier code of conduct states that: ‘Suppliers shall not engage in any form of retaliation including threats, intimidation, physical, or legal attacks against human or environmental rights defenders, or those exercising their rights to freedom of expression, association, peaceful assembly or protest against the business or its operations.’

**Unilever:** Unilever’s Principles in Support of Human Rights Defenders and accompanying implementation guidance contains expectations that business partners *and* their third-party supply chain never engage in any forms of threats or attacks against human rights defenders. In its implementation guidance, Unilever details actions that it may take if a business partner is found to be in violation of its expectations. Its implementation guidance contains detailed expectations for how business partners should implement its guidance and cascade the expectations through their own third-party supply chains.

## Operational guidance provides implementation support

Policy statements alone are insufficient without implementation and accountability.

Two comprehensive implementation guidance documents were published in 2023, based on Shared Space Under Pressure and the UN Working Group's reports. These focus on the two sectors with the highest prevalence of risks and attacks faced by defenders:

**In September 2023, Unilever released its combined Principles in Support of Human Rights Defenders and Implementation Guidance**, which comprise the most detailed company policy commitment towards defenders to date, and the only such commitment that includes specific, detailed operational guidance on how that commitment should be implemented through company operations and by cascading expectations across Unilever's business partners and value chain.

While Unilever's policy and implementation guidance is specific to that company and its suppliers, its publication has given impetus to the development of a 'best practice note' by the Consumer Goods Forum (CFG), a global industry organisation of multinational consumer goods companies. The CFG's human rights working group is expected to release the note and a separate annex of stakeholder perspectives by mid-2025.

**In December 2023, the Voluntary Principles on Security and Human Rights Initiative (VPI) released its Guidance on Respecting the Rights of Human Rights Defenders**, addressed primarily to member companies mostly concentrated

in the extractive sectors. The guidance recommends that companies develop, disclose and implement a zero-tolerance policy for threats and attacks against defenders. In addition, they should integrate risks to defenders into their Voluntary Principles risk assessment and human rights due diligence, as well as consult with defenders during due diligence and in the development of grievance mechanisms. The Guidance also emphasises that the Voluntary Principles Initiative (VPI) has a responsibility and an opportunity (as the longstanding, leading multistakeholder initiative focused on extractives and human rights) to support defenders and to advocate for the rule of law, accountable governance and civic freedoms that create an enabling environment for defenders.

The International Council on Mining and Metals (ICMM), an industry organisation for mineral mining companies, published Respecting Human Rights Defenders & Civil Society in November 2024. The guidance recognises 'the vital role that human rights defenders play in promoting and protecting human rights' and strengthens its 'member commitments to include defenders explicitly in companies' due diligence, stakeholder engagement, and security processes'. The ICMM guidance is informed by the VPI guidance, as well as by recommendations from Oxfam and other stakeholders.

The guidance documents that have been developed for business on respecting defenders have distinct areas of emphasis and focus, but even more significant commonalities and overlaps. In particular, the guidance to companies are all anchored in the UNGPs and broadly follow the steps of a policy commitment coupled with processes for due diligence and remediation, specific to defenders.



## Implementation difficulties and recommendations

*Put in place processes necessary for implementation of policy commitments*

**Effective implementation of a defender-related policy requires ensuring the company's commitment to defenders is anchored at the highest level of the organisation and from there integrating risks to human rights defenders into due diligence processes and remediation processes.** Companies should identify headquarters and in-country points of contact to determine processes for addressing specific issues or situations related to defenders and civic freedoms. Cross-functional coordination in such processes is critical and will normally involve the company's human rights function together with legal, government affairs, supplier relations, communications and security, depending on the issue and situation. Companies should consult with HRDs and supporting civil society organisations throughout the formulation of these documents and processes. Such consultation should be done in a way that is seen as legitimate, safe, respectful and transparent by both sides.

The ISHR indicators on business responsibility to respect the rights of human rights defenders, published in 2024 and informed by the frameworks and sector- and company-specific guidance already developed to date, cover the main steps that companies should address to ensure respect for the rights of defenders in both policy and practice. Its ten categories each set forth several indicators that companies can use as guidance and benchmarks when developing and assessing their own policies and processes.



### ***Build a mindset of respect for human rights defenders throughout the company***

Implementation of human rights defender-related processes takes significant time and effort on the part of companies. It is vital that companies build the necessary support and resources internally to do so effectively. Building support requires an effort within the company to understand that human rights defenders can be allies and trusted partners to be embraced, not feared adversaries to resist.

**The initial challenge is for companies to change their mindset from viewing human rights defenders as ‘trouble-makers’, to recognising their identity, rights and vital role in supporting rightsholders** (see part 3). Companies should acknowledge defenders as important counterparts, who can alert companies to actual and potential human rights risks in companies’ operations and supply chains and help formulate better alternatives. They are to be respected and engaged, if a company is serious about addressing human rights and environmental risks. To achieve such a cultural shift, companies need to invest sufficient resources, capacity and time. As a first step, most companies would benefit from training staff on the role and invaluable work of human rights defenders and their rights and the risks they face. Respecting defenders’ rights can contribute positively to the company’s operating environment, license to operate, community and government relations, and can help avoid significant reputational, ethical and legal risks.

### ***Cascade expectations and requirements to business partners***

Integrating respect for human rights defenders involves cascading expectations and requirements through the company’s value and supply chain to its business partners. Companies should integrate respect for defenders and zero-tolerance for threats and attacks as a specific requirement in supplier and business partner contracts, codes of conduct and other relevant agreements. For example, Unilever’s policy and implementation guidance expects suppliers to communicate if significant risks to defenders are present or identified through the supplier’s own due diligence, and to address such risks where present.

**Moreover, the company should conduct due diligence on business partners, prioritising obtaining information first hand from defenders and workers.** If risks are identified or allegations raised about the conduct of business partners towards defenders and the people whose rights they seek to defend, companies should conduct their own investigations and engage with affected defenders. In addition, a business partner’s failure to identify and address risks to defenders is not an excuse for a company not to take its own steps to identify such risks and use its leverage to address them. Risks to defenders associated with business partners should be part of the company’s own due diligence processes. If a company identifies risks linked to a business partner, and the partner fails to address these risks, the company should both consider ways of increasing its leverage over the partner and, ultimately, consider whether it should suspend or sever the business relationship.



Companies must not contract out of their general responsibility to respect human rights, and human rights defenders, in their own operations and supply chains. ‘Cascading’ expectations and requirements is different from cascading responsibilities in contractual terms, i.e. purporting to transfer responsibility from the original entity. Each company in a value chain bears its own independent responsibility for respecting human rights throughout its operations and business relationships.

***Start addressing risks to defenders by addressing impacts on the rights they are defending***

It is vital that companies understand and address the differentiated risks to human rights defenders, including threats, intimidation, judicial and physical attacks. It is equally vital that companies do not see risks to human rights defenders as divorced from companies’ other human rights impacts.

If a company is engaged in an operation or project where human rights defenders are attacked, intimidated or threatened in connection with the company’s operations, it is likely that other severe human rights or environmental impacts from the operation are also not being addressed. Attacks against defenders do not happen in isolation. Instead, there is often a continuum, where defenders organise and protect the rights of workers, communities and others whose rights are being violated, and they experience retaliation in turn.

For example, if a company pressures suppliers to cut prices to unsustainable levels, a supplier may in turn pressure workers into excess overtime or fail to pay wages, which in turn could lead to conflict with labour rights leaders and anti-union

actions from management (examples [here](#) and [here](#)). Therefore, as part of due diligence processes, companies should assess how their business practices may lead to risks to defenders through impacts on workers, communities and other rightsholders HRDs are working to support.

**The most important step that a company can take to protect defenders is therefore to ensure that it prevents and addresses adverse human rights and environmental impacts from its operations in the first place.**

Consulting with stakeholders – including defenders – at the earliest possible stage of project planning, and implementing continuous, iterative due diligence throughout an operation’s lifespan, are necessary steps towards this end. Companies must also ensure that they respect the rights of specific groups, including those of Indigenous Peoples and Afro-Descendants, and that they consider the different risks faced by men and women, including women defenders. Companies must recognise and acknowledge the specific rights of Indigenous Peoples to their self-determination, and their right to free, prior and informed consent (FPIC), which includes the right to withhold consent for a project, regardless of an opposing claim by the government. Ensuring consent in practice may require companies to develop specific protocols on FPIC and to respect FPIC protocols that are developed by Indigenous Peoples. While FPIC is a right that applies to Indigenous Peoples, companies can also extend the principles of FPIC to communities at large.

If a company is unable to address the adverse human rights impacts from a project in a reasonable timeframe, it needs to ask itself whether this project

can ever be rights-respecting and whether the project can continue in its current or projected form. Similarly, if a company fails to obtain social license to operate for a planned project, or FPIC in the case of Indigenous Peoples, failure to abide by a community's rejection of the project frequently leads to conflict with defenders who are seeking to prevent the project from going ahead without the rightsholders' consent.

Ultimately, respecting the rights of defenders in practice means that companies need to carefully vet both their business partners and the types of projects that they undertake to ensure sufficient consideration of potential adverse impacts on rightsholders and defenders.

## Paths to overcome obstacles to support defenders and civic space

### ***Demystifying corporate concerns on defenders' trustworthiness and activities***

In some cases, company staff may perceive defenders as antagonists and 'troublemakers' and question, as companies have framed it, defenders' 'legitimacy'. This mindset is common where there is a legacy of conflict and distrust between a company and defenders. Companies should challenge and correct such misperception which can increase potential for further conflict and expose defenders to risks.

Firstly, **companies should be aware of the alarming increase in stigmatisation**

### **and criminalisation of defenders**

(examples [here](#) and [here](#)) and its impact. Stigmatisation of defenders frequently manifests itself through defamation, smear campaigns, and the intentional labelling of defenders as public enemies, terrorists or foreign agents, with the purpose of discrediting and exposing them to further threats or attacks. Given this trend, companies should not reach conclusions about defenders' actions based on negative press, isolation or judicial actions.



Secondly, where companies have concern about the supposed use of violence by some individuals protesting their operations – as has been expressed – they should accept that

**protests may be disruptive without being violent, and that taking part in social movements is a legitimate form of exercise of civil and political rights.** While some

States and companies use acts of civil disobedience as an excuse for demonising and criminalising defenders, the root causes of protest should be addressed instead.

Companies should also look at how this issue has been addressed in the 1998 [UN Declaration on Human Rights Defenders](#), which states that defenders work through peaceful means. Furthermore, [the Declaration +25](#) elaborates on this by saying:

*‘The term “through peaceful means” should not be equated with “through [or by] lawful means”, particularly as some national laws are oppressive and contrary to international law, meaning that conduct*

*might be unlawful within the meaning of national law while remaining lawful under international law.'*

In addition, the Special Rapporteur on Environmental Defenders under the Aarhus Convention has developed a policy paper on State repression of environmental protest and civil disobedience: a major threat to human rights and democracy where he states that under international human rights law, civil disobedience is recognised as a form of exercising the rights to freedom of expression and freedom of peaceful assembly, noting that 'all acts of civil disobedience are a form of protest, and, as long as they are non-violent, they are a legitimate exercise of this right.'

Thirdly, it is important to bear in mind that **it is not necessary that defenders are in the right on issues of law for their rights to be respected. A company does not automatically have to agree with a defender's position on an issue to engage in good faith, nor should it discredit or refuse to engage defenders on these grounds. Indeed, addressing disagreements may be the most important reason to engage.**

Any discomfort companies have with the non-violent methods of defenders or with their arguments, goals and objectives, should not be used to question their legitimacy, dismiss their concerns – let alone threaten or attack them. If, however, serious doubts are raised about whether individuals or organisations are who they claim to be, companies should err on the side of inclusion rather than exclusion. In such cases, companies should seek to consult with international and local NGOs with knowledge of the situation. Companies should also be aware that even in such situations, there could be

serious reputational and other risks from disengagement.

### ***Overcoming a legacy of distrust***

Distrust can arise between defenders and companies where defenders and their communities and organisations have previously been exposed to threats or attacks or feel unheard and disrespected. **These dynamics and situations can be complex and sensitive, resisting immediate solutions.**

For example, if defenders believe that the way a company is conducting a supposed consultation is a one-way checklist process or used to rubber-stamp a project, there is little incentive for them to engage. If a company is willing to hear defenders' concerns but ultimately is not prepared to adjust projects or operations in response to these concerns, engagement may offer little but risk to defenders.

In other cases, the situation may be more complex. **Some defenders may reject mainstream models of economic development entirely and believe there is little benefit from engaging with a company that engages in commercial projects purely or primarily to maximise profits.** If defenders are fundamentally opposed to a project because of its human rights impacts — especially those that violate Indigenous Peoples' rights and cultural sovereignty — any engagement with a view to mitigating these impacts rather than scrapping the project entirely may appear counterproductive to defenders, and possibly futile to companies as well. Alternatively, **defenders might think that they are inherently disadvantaged by such an asymmetry of power relative to companies and that they face a stark choice between resistance and collaboration.**

Defenders may lack trust in the company's personnel or intermediaries, or they may believe that engagement with the company may expose them to risk in their organisations or communities, especially given that some companies have engaged in '*pro forma*' and symbolic engagement while deliberately generating divisions within impacted communities, ignoring their decision-making structures and purposefully conducting so-called consultations in such a way that critics of the proposed project were unable to participate. Some defenders may already have experiences with being exposed to risk or harm from engagement with companies.

**Companies can take steps to address defenders' safety concerns** such as offering secure channels of communication, offering women-led and women-only consultations, being transparent about which other organisations and defenders are also being engaged, respecting FPIC protocols, where they exist, and clarifying how recommendations provided by defenders will be and have been considered. However, overcoming more fundamental concerns that engagement with the company is futile will take sustained effort and requires demonstrating to defenders that the company is actively remedying its existing human rights impacts, preventing potential future adverse ones, and that it will respond to the concerns raised by defenders.

Steps towards building trust can be taken when defenders take the initiative to engage a company. Companies should show responsiveness to defenders' concerns, for example by using their leverage with a business partner to address impacts raised by defenders. In such cases, companies should give significant weight to the defenders' version of events, and, if necessary, compel their

business partner to change its conduct or to remedy a problem.

If human rights defenders are unable or unwilling to engage, companies can consult with civil society organisations and other reliable intermediaries and organisations, including national human rights institutions, that can help companies understand defenders' concerns and the risks they may face. Companies should also take silence or a 'no' as an answer and understand that it may be an indication of unaddressed deeper human rights abuses that have not been remedied by the company - defenders may see the addressing of those issues as a prerequisite for future engagement with the company. Companies may need to understand and accept that there may be insurmountable ideological and cultural barriers to engagement with certain defenders. **However, companies should still always maintain an open-door policy to defenders to engage if and when they indicate such a willingness.**

### ***When States engage in attacks on defenders***

Particularly difficult situations arise where State-linked actors are perpetrators of threats and attacks. In such situations, defenders are also further disadvantaged because they may – in practice if not in law – be prevented from seeking protection from State institutions. Indeed, in some such situations seeking such protections can put them at further risk.

Such attacks can be both physical and judicial. For example, police may harass human rights defenders near a project site, or a government may restrict civil society organisations' access to funding or enact other laws that are aimed at shrinking civic freedoms.



It is the State's obligation to promote, protect, respect and fulfil human rights. However, when a State is itself a perpetrator of attacks on defenders, or where it fails to protect defenders' rights, companies must not hide behind the State's actions or failures. Under the current international normative framework for business and human rights, including the UNGPS, companies have a responsibility that is independent from States, to prevent and address human rights abuses in relation to their business activities and relationships.

If a company has no existing relationship with law enforcement or other perpetrators of attacks, options may be limited, but action is still needed to address the situation if there is a link between the threat/attack and the company. A company could engage privately or publicly, through intermediaries such as a home country governments, embassies, and national human rights institutions, underlining the company's support for defenders and its concerns over the situation. Companies may be able to collaborate with other stakeholders to amplify their voices.

Where possible without placing defenders at further risk of retaliation from State-linked actors, companies should consult with the affected defenders, or their supporters, on what forms of actions are most acceptable to them. Home country diplomatic missions may also be able to provide sources of support and advice on addressing the situation with host country institutions.

Initiatives such as the Voluntary Principles on Security and Human Rights provide guidance and an operational platform for coordination and action among States, State security forces and companies. They provide actionable advice on addressing

defenders in relationships with security forces, and on steps that can be taken if and when threats and attacks occur. Initiatives, such as the Open Government Partnership, the Business Network on Civic Freedoms & Human Rights Defenders, or Global Citizen, could also be useful platforms for action.

Amidst the continuing global decline of civic freedoms, defenders lack the freedoms or the protections that are necessary to their work and their safety. It is vital that the international community maintains pressure on States to uphold their obligations to promote, respect, protect and fulfil civic freedoms and the rule of law. Defenders should be supported by home and host country governments – and by strong and effective national human rights institutions – as well as by business.

### **Implementation of States' obligations to protect human rights defenders against impacts associated with business**

Ultimately, States have the primary obligation to protect defenders. UN bodies and mechanisms have extensively discussed the State duty to protect the rights of defenders. States are responsible for protecting, respecting, and fulfilling the human rights of all persons within their jurisdiction, including defenders. The UN Declaration on Human Rights Defenders sets out the specific rights and responsibilities of defenders. Furthermore, the UNGPs detail the obligations of States of protecting human rights from adverse impacts by companies, under their existing international rights obligations. The UN Working Group has published

## NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS DEFENDERS

National action plans (NAPs) on business and human rights emerged in the wake of the UNGPs as a tool for governments to analyse gaps in regulations and legislation, set expectations and outline policies to ensure that business respect human rights. The International Service for Human Rights has published [guidance for States](#) on how to recognise and protect defenders through NAPs.

However, of the [32 NAPs published to date](#) only a few make more than passing references to defenders. As examples, the [UK NAP \(2016-open\)](#) and the [Dutch NAP \(2022-2026\)](#), detail plans to strengthen embassies' work on defenders, and [Peru's NAP \(2021-25\)](#) outlines initiatives to strengthen support to civil society, enhance understanding of defenders, and guidance to the business community. The [US NAP](#) published in 2024 details plans to strengthen protections for defenders through policy initiatives.

While NAP commitments to support defenders may make a positive difference, so does legislation mandating corporate due diligence and reporting that explicitly references defenders.

a set of recommendations to States on protecting defenders in the context of business, as part of their obligations to respect the rights of defenders when they are affected by business, and consistent with the UNGPs. These actions include establishing robust legislative protection, providing guidance for business, ensuring that judicial and non-judicial grievance

mechanisms are safe and effective for defenders, and supporting defenders under threat and attacks, through activities such as trial monitoring. Specific actions can include steps to prevent the legal system from being used to criminalise the legitimate activities of defenders by enacting anti-SLAPP legislation, ensuring policy coherence across departments tasked with regulating business conduct, and empowering national human rights institutions, OECD national contact points, and other institutions to have a strong role in addressing business impacts on defenders.

### *Steps that States should take*

States must provide legal protections for the right to defend rights, and recognition of the vital roles of defenders. Legal protections must also be strengthened for the specific rights of Indigenous Peoples and recognition of their right to free, prior and informed consent (FPIC) as well as legal recognition of the rights of Afro-descendant peoples. States must also ensure that defenders have access to effective remedy and enact anti-SLAPP legislation to protect defenders from judicial harassment by business.

States should ensure that defenders are explicitly considered in the development of legislation to mandate human rights due diligence and reporting, and that human rights defenders are included in consultations on such legislation.

Another step in the right direction can be to include defenders and address risks that they face in a State's [national action plan on business and human rights](#). Such elements can assess current gaps in protection and ensure policy coherence in developing strategies that address impacts on defenders. The [US National Action Plan \(updated in early 2024\)](#) is a model for its sharp focus on identifying

and diminishing risks to defenders in ways that conjoin the State duty to protect and the corporate responsibility to respect human rights as required by the UNGPs.

In line with the report A Crucial Gap, all States that have committed to SDGs have made the commitment under SDG 16.10. States should also develop better systems for tracking and reporting on attacks against defenders, including killings but also non-lethal threats and attacks that often precede lethal attacks.

States too often see defenders as obstacles to economic development, rather than as potential partners in ensuring that company operations and development projects respect rights-holders and communities. As highlighted by the Resource Centre's annual reporting, State-linked actors are frequently perpetrators of attacks against defenders linked to business-related human rights abuses. In some cases, such attacks may stem from a perception by States that defenders stand in the way of much-needed development projects. In situations where States restrict civic freedoms, defenders are in the crosshairs, because they are the ones standing up to protest these restrictions. In situations where there is no rule of law, both State and non-State actors may act with impunity.

Economic development is a responsibility of States. Yet if the pursuit of economic development overrides respect for human rights, it may create a conflict of interest, where the State's goal of driving economic development projects ahead is at odds with its obligations to protect rights, including those of defenders. Defenders – and the rights and the people they seek to defend – may be

viewed as opposed to economic development, rather than as advocating for rights-respecting development. If the State pits the interests and rights of different groups against each other, this can create dangerous conditions for defenders.

The UN Special Rapporteur on the issue of human rights defenders has recommended that States regularly and publicly recognise the work of defenders and 'forcefully counter negative narratives' about defenders that may contribute to risks.<sup>24</sup> Where the State views defenders as potential enemies rather than important counterparts and potential allies in ensuring a rights-respecting business environment, defenders become more vulnerable not just to attacks by State agents, but also to abuses by business.

24 A/HRC/52/29, <https://documents.un.org/doc/undoc/gen/g22/610/60/pdf/g2261060.pdf>

# CONCLUSIONS

This report has summarised and assessed key developments over the last decade relating to defenders and business. Significant normative policy and operational implementation guidance developed by the UN, civil society and other actors are now available to help companies understand the steps they need to take to fulfil their responsibilities to defend civic space and protect human rights defenders. Civil society reports, data, recommendations and engagement with companies, industry associations and multistakeholder initiatives reinforce this guidance. Companies should make use of this expertise and experience and be prepared to take action.

**Business can and must become allies and not adversaries of defenders, using their voice and providing tangible support to protect defenders** and ensuring this effort is magnified through collective efforts within multistakeholder initiatives, industry organisations and other platforms.

**Where defenders can operate freely and safely, companies have the best chance of encountering stable, predictable operating environments. Companies and defenders can seek common ground in supporting the shared space of civic freedoms, the rule of law and accountable institutions.** Actions that companies take in support of this agenda contribute to their own long-term ‘social license to operate’ in an increasingly polarised world.

**States, which have the primary obligation to ensure the rights of defenders are upheld, should make protection of defenders working on business-related human rights abuses a policy priority and hold companies to account for their adverse human rights impacts, including on defenders.**

At a time of political upheaval and uncertainty, the situation for defenders around the world is increasingly fragile. It is essential and urgent that all actors – States, companies, civil society – take steps both individually and collectively to protect their rights and the shared space of civic freedoms, the rule of law, and accountable institutions. At stake is not only the ability of defenders to operate safely but, ultimately, the ability of civil society and business to find common interests if not values and in turn for societies and economies to thrive.



# SUMMARY OF RECOMMENDATIONS

## Recommendations to States

- Enact and implement legislation recognising the right to defend rights and the vital role of defenders in promoting human rights, sustainable development and a healthy environment, and committing to zero-tolerance for attacks.
- Accede to or, if already ratified, fully implement agreements protecting the civic freedoms of defenders, including the Escazú agreement and promote the development of further relevant international and regional standards and agreements.
- Ensure that judicial and non-judicial grievance mechanisms provide safeguards and effective remedy for defenders seeking redress and restitution for business-related abuses, including by strengthening judicial systems to end impunity, holding businesses accountable for acts of retaliation against HRDs, and supporting investigation and prosecution of those responsible for attacks.
- Pass national laws to implement the UNGPs, including mandatory human rights due diligence, and consult with HRDs at all stages of this process.
- Provide guidance to international companies through diplomatic missions, where applicable, on risks to defenders and civic freedoms.
- Discuss risks to defenders in connection with business activities with host country governments (and security forces where useful) through periodic dialogue.
- Collect and report data on non-lethal and lethal attacks to inform more effective protection mechanisms.
- Adopt specific laws and policies that discourage the use of strategic litigations against public participation (SLAPPs) by companies against defenders and ensure that national courts can identify and dismiss SLAPPs.

## Recommendations to companies and industry associations

- Recognise publicly that defenders have a right to defend human rights and are essential allies in assisting businesses to adhere to their responsibilities under the UNGPs.
- Adopt new or strengthen existing or established company-wide policy committing to zero tolerance for violence and attacks on human rights defenders in their supply chains and throughout business activities, operations and relationships.

- Engage in and report on the results of human rights and environmental due diligence that integrates a gender perspective in accordance with the UNGPs, the UN Working Group's guidance on ensuring respect for HRDs, and the UN Working Group's gender guidance.
- Integrate risks to human rights defenders, including differentiated risks faced by women HRDs, LGBTIQ+ HRDs, and Indigenous HRDs, into policies and processes, including human rights due diligence, stakeholder engagement processes, and grievance mechanisms.
- Ensure that stakeholder engagement processes whereby defenders are consulted are safe for defenders, with particular attention to women defenders, Indigenous defenders and other marginalised groups.
- Acknowledge specific risks to and rights of Indigenous defenders and respect Indigenous Peoples' rights, grounded in their rights to self-determination (lands, territories, and resources), and right to free, prior and informed consent (FPIC), including their right to define the process by which FPIC is achieved and to withhold consent.
- Develop and implement principles for suppliers and other business partners establishing the company's expectations regarding respect for the rights of defenders.
- Ensure that grievance mechanisms are safe, accessible and culturally appropriate for defenders, including defenders from potentially vulnerable or marginalised groups, such as Indigenous defenders, and that they take defender inputs into account whenever necessary and possible.
- 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 abuses and environmental destruction.
- Mobilise other companies through industry associations and multistakeholder initiatives to identify and diminish risks to defenders and when necessary to coordinate action to protect defenders at risk and civic freedoms under pressure.
- Engage home country diplomatic missions (if international companies) to discuss risks to and possible actions to support and protect defenders.
- Refrain from using or threatening to use strategic litigations against public participation (SLAPPs) against defenders.

## Recommendations to multistakeholder initiatives

- Recognise the utility and credibility of multistakeholder initiatives to coordinate statements and actions when defenders are under threat or civic freedoms are under pressure, both to combine company with civil society voices and give companies cover that they are acting collectively not individually in the face of possible negative reactions from governments.
- Establish regular dialogues on risks to defenders in the relevant industry and/or geographic locations and include defenders in such dialogues, including Voluntary Principles Initiative (VPI) in-country working groups, where applicable.
- Implement established guidance (per the VPIs/extractives) or otherwise develop guidance for members on respect for defenders in practice for the relevant industry/geography.
- Engage consistently and openly with a representative group of defenders and supporting organisations in developing guidance on respect for defenders, integrating their feedback into the document and sharing different iterations with them.
- Determine, together with HRDs and their supporters, the most effective form/s of action on behalf of affected defenders and/or to support civic freedoms where under threat, such as through public and/or private actions including joint letters/statements, direct engagement with governments.
- Coordinate engagement and action among multistakeholder initiatives operating in the same industry (as with the Voluntary Principles Initiative (VPI) / the Extractive Industries Transparency Initiative (EITI), and the International Code of Conduct Association (ICoCA) in extractives as well as the Fair Labor Association (FLA) / the Ethical Trading Initiative (ETI) in apparel) and across multistakeholder initiatives operating in different sectors in the same countries when threats to defenders and pressure on civic freedoms should compel coordination.

## Recommendations to institutional investors and international financial institutions

- Understand and cite in policies the fundamental importance of the ‘shared space’—accountable governance, the rule of law and civic freedoms — to sustainable and profitable investment environments.
- Recognise in institution-wide human rights policies the valuable role of defenders in identifying risks associated with business activities and commit to a zero-tolerance approach to attacks against them.

- Communicate clearly the human rights expectations included in this policy to portfolio companies, including expectations for the portfolio company's own policy requirements and human rights due diligence with respect to defenders, including different risks related to women, LGBTQ and Indigenous defenders.
- Engage with investee companies on allegations of involvement in adverse impacts on the rights of defenders, including plans for the investee company to improve in this area, including through policies, internal processes and targets.
- Consider acting together with other investors in support of affected defenders and/or civic freedoms when under threat, e.g. through statements and letters, or direct engagement with companies or governments.
- Apply different escalation tactics, and if there is no effect, divest from companies associated with adverse impacts on defenders, if that is what HRDs and rights holders are calling for and if repeated engagement fails to remediate the impacts.

## Recommendations to human rights defenders and civil society

- Consider whether, how and when engagement with companies is relevant to voice concerns, without increasing risks to any affected defenders.
- Identify actions companies can take in specific instances to provide safer spaces for human rights defenders to engage with companies.
- Consider engaging multistakeholder initiatives and other business networks in secure spaces to discuss risks to defenders and actions for companies to take.
- Facilitate, where possible, national, regional or global discussion, virtual or in-person, platforms for defenders to discuss challenges, lessons learned and best practices in engaging companies.



## ABOUT THE AUTHORS

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Over the last two decades of a four-decade career, Bennett Freeman has worked at the intersection of governments, international institutions, multinational corporations, responsible investors, and NGOs to promote human rights and sustainable development. An innovative leader in the fields of business and human rights as well as responsible investment, he has played critical roles in founding and building multi-stakeholder initiatives and global standards to strengthen corporate accountability.

As Deputy Assistant Secretary for Democracy, Human Rights and Labor from 1999-2001, Freeman directed the State Department's bilateral human rights diplomacy and led the year-long multi-stakeholder dialogue and negotiations to develop and launch the Voluntary Principles on Security and Human Rights as the global human rights standard for oil and mining companies. He helped to conceive the Extractive Industries Transparency Initiative (EITI) and co-founded the Global Network Initiative, the global multi-stakeholder initiative focused on freedom of expression and privacy online. Freeman consults for major corporations, foundations, and NGOs through Bennett Freeman Associates LLC.

Bennett is the lead author of *Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders* published by the Business and Human Rights Resource Centre (BHRC) and International Service for Human

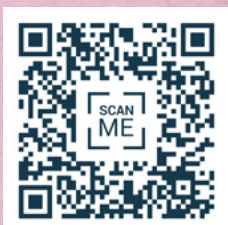
Rights (ISHR) in September 2018. Along with Ragnhild Handagard, he authored the *VPI Guidance on Respecting the Rights of Human Rights Defenders* (2023) and consulted on the *Unilever Principles in Support of Human Rights Defenders* and implementation guidance for existing commitments and requirements (2023). He also contributed to the *ISHR Indicators* on how to track businesses' respect of the rights of human rights defenders (2024).

### Ragnhild Handagard

An experienced business and human rights consultant with a background from the United Nations, corporate and non-profit sectors, Ragnhild Handagard has worked with Bennett Freeman Associates, LLC, on the corporate responsibility to respect the rights of human rights defenders. Along with Bennett Freeman, she authored the *VPI Guidance on Respecting the Rights of Human Rights Defenders* (2023) and consulted on the *Unilever Principles in Support of Human Rights Defenders* and implementation guidance for existing commitments and requirements (2023). She also contributed to the *ISHR Indicators* on how to track businesses' respect of the rights of human rights defenders (2024).

Prior to working with Bennett Freeman Associates, LLC, Ragnhild worked for the UN Human Rights Office, where she advised stakeholders on implementation of the UN Guiding Principles on Business and Human Rights. Ragnhild has previously held roles in corporate sustainability in both the private and non-profit sectors.

# INDICATORS ON HOW TO TRACK BUSINESSES' RESPECT OF THE RIGHTS OF HUMAN RIGHTS DEFENDERS.



**ISHR's indicators provide baseline guidance on what is required to monitor the implementation of the responsibility of business to respect the rights of human rights defenders.**





**International Service  
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