



Report on Human Rights Defenders & Unfair Business Practices

For Prelims: Human Right, Human Right Defenders, [Judicial harassment](#), UN Declaration on Human Rights Defenders

For Mains: Human Rights Defenders & Business in 2022, Businesses and violation of human rights

Why in News?

Recently, **Business & Human Rights Resource Centre (BHRRC)** has released a report titled **“Human rights defenders & business in 2022: People challenging corporate power to protect our planet”**, seeking to underscore the number of attacks against activists seeking to protect their “Communities, Environments, and Livelihood” from the impact of Irresponsible Business Practice.

- BHRRC is a UK-based center, which is dedicated to **advancing human rights in business** and eradicating abuse.

What are the Findings of the Report?

- **Global:**
 - **Total Attacks:**
 - Globally, there are 4,700 attacks on [Human Rights](#) defenders raising concerns about harmful business practice from **January 2015-March 2023**.
 - Of them, 555 were in 2022, “revealing that **on average more than 10 defenders were attacked every single week** for raising legitimate concerns about irresponsible business activity.
 - **Mining Sector:**
 - [Mining](#) has remained the **most dangerous sector for defenders**, with 30% of all the attacks in 2022 being linked to it.
 - The sector is even more dangerous for **Indigenous defenders** — **41%** of attacks against Indigenous peoples in 2022 related to mining.
 - **Non-Lethal Attacks Uninvestigated:**
 - The people fighting against human rights violations and environmental crimes by corporations faced a multitude of attacks, with **86% of them being non-lethal**. However, these are often precursors to lethal violence.
 - Non-lethal attacks are generally **left uninvestigated and unpunished**, which can have a chilling effect on the work of defenders and promote impunity that feeds further violence where defenders persist in their critical work.
 - **Major Attacks:**
 - [Judicial harassment](#), which includes **arbitrary arrest, unfair trial and strategic lawsuits** against public participation, **was the most common form of attack** against protesters across the world.
 - Around half the cases of attacks tracked by the organisation were of this nature.

- Judicial harassment causes significant distress and **harm to defenders and diverts time away from their human rights work** while draining their resources.
 - It can have a chilling effect, deterring others from speaking out against abuse.
- **Attacks on Women:**
 - Nearly a **quarter of the attacks were against women** who challenged “both corporate power and patriarchal gender norms”.
 - Many of these attacks were online threats and smear campaigns that caused them immense long-term psychological harm.
 - These tactics are meant to stigmatise, isolate and silence women defenders.
- **India:**
 - India recorded the 2nd highest number of attacks on **defenders protesting harmful business practices** in 2022. India saw 54 such incidents of attacks (affecting one or more individuals).
 - The **only country to perform worse than India was Brazil**, with 63 such incidents.
 - **Mexico, Cambodia, and the Philippines** followed with **44, 40, and 32** attacks, respectively.
 - India also had the **greatest number of companies linked to attacks**.
- **Recommendations:**
 - States should “pass and implement **legislation recognising the right to defend rights and the vital role of defenders**, both individual and collective, in [promoting human rights, sustainable development](#), and a healthy environment and committing to zero-tolerance for attacks.
 - Collect and report data on non-lethal and lethal attacks to inform **more effective protection mechanisms and passing anti-SLAPP (Strategic Lawsuits Against Public Participation) legislation** to prevent companies silencing defenders.
 - Ensure **effective remedy for violations** when they occur, including by strengthening judicial systems to **hold businesses accountable for acts of retaliation against defenders and actively participating in investigation** and prosecution of those responsible for attacks.
 - Move towards supporting the adoption of a binding [UN Treaty on business and human rights](#) and ensure that it explicitly recognises the risks defenders face and their right to defend human rights.

How do Businesses Violate Human Rights?

- **Labor Rights Violations:** Businesses may violate the rights of their workers by **engaging in practices such as [Forced Labor, Child Labor](#)**, gender-based discrimination, and **violations of freedom of association and collective bargaining rights**.
- **Environmental Impacts:** Businesses may contribute to environmental harm through **[Pollution, Deforestation](#)**, and **other activities** that can harm local communities and their rights to clean air, water, and a healthy environment.
- **Human Rights Abuses in Supply Chains:** Companies may source their products or services from **suppliers that violate human rights**, such as those that engage in human trafficking, or other forms of exploitation.
- **Land Rights Violations:** Businesses may be involved in **land acquisition or development projects** that **displace local communities, infringe on their land rights**, or harm their livelihoods.
- **Corruption:** Businesses may engage in corrupt practices such as **bribery, extortion, or [money laundering](#)** that can undermine the rule of law and the rights of citizens.

What are the Efforts to Safeguard Human Rights Defenders?

- **UN Declaration on Human Rights Defenders:**
 - The Declaration on human rights defenders was **adopted by consensus by the [UN General Assembly](#) in 1998**.
 - It says, Human rights defenders are people or groups **who peacefully work to**

promote and protect human rights and freedoms. They play a vital role in making sure that these rights are respected and upheld around the world, as outlined in international human rights agreements.

- The Declaration is formally called the "**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**".
- It is **not a legally binding instrument**, but it contains principles and rights that are based on human rights standards enshrined in other legally binding international instruments that are legally binding.
- **Note: India does not have a specific law** to provide protection to Human Rights Defenders. The [National Human Rights Commission](#) works with human rights defenders to serve its mandate of promotion and protection of human rights in the country in the letter and spirit.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims:

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)

Q. Amnesty International is (2015)

- (a) an agency of the United Nations to help refugees of civil wars
- (b) a global Human Rights Movement
- (c) a non-governmental voluntary organization to help very poor people
- (d) an inter-governmental agency to cater to medical emergencies in war-ravaged regions

Ans: (b)

Mains:

Q. Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. (2021)

PDF Reference URL: <https://www.drishtias.com/printpdf/report-on-human-rights-defenders-unfair-business-practices>

