

7 September 2023

Submission to Ireland's new National Plan on Business and Human Rights

I am making this submission in my capacity as United Nations Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council Resolution 43/16.

I welcome the opportunity to submit to this process and in doing so, I am drawing on information from scores of meetings during my first term as Special Rapporteur with human rights defenders who have been negatively impacted by business activities.

In brief, I would hope to see human rights defenders as a priority area in the second NAP given the risks they face in this context and Ireland's foreign policy commitments to human rights defenders.

Government messaging to business should focus on engaging human rights defenders as stakeholders in high risk environments and involving them in their due diligence processes. Relevant companies should be strongly encouraged to publish a zero tolerance policy for reprisals taken against human rights defenders and to communicate this along their value chains. Capacity building or sensitisation sessions for business on human rights defenders, the risks they face and their link with business operations should be facilitated for Irish businesses. Ireland is well-placed to do this given a number of organisations based in the country work specifically on the situation of human rights defenders.

Furthermore, with the EU CSDDD forthcoming, and in line with the recommendations contained in the implementation review of the first National Action Plan on Business and Human Rights that Ireland "should be a global leader in this policy area" and "should consider moving ahead of EU legislation". Ireland could demonstrate its leadership in this area by introducing mandatory human rights and environmental due diligence for government procurement in the new National Action Plan, and legislating to transpose the expected EU CSDDD as rapidly and progressively as possible.

Although I note that the Department of Public Expenditure and Reform published a [Circular](#) in 2019 on including environmental and social considerations in public procurement, it does not mention human rights, and more broadly, the work on creating a green procurement policy thus far does not seem to make the connection between the environment and human rights.

Human rights defenders working in the context of business:

- Human rights defenders highlighting violations by business of internationally agreed rights are those who are most [at risk](#) of activists working across any sector. They tend to be people fighting against environmental degradation caused by business activity and those defending their land and territories from land grabs. There are of course

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others, including labour rights activists who work in the business context, but in terms of the most severe risks faced, it is the above who are most frequently targeted.

- That targeting is relentless; on average over the course of the past five years, someone working on land and/or environmental rights was killed every second day. They are killed because their opposition to projects and activities on human rights grounds costs money. The killings are in addition to the non-lethal attacks that are being used against such people to put a stop to their human rights work, including strategic lawsuits against public participation, criminalisation and death threats.
- Not all of these attacks have a clear business link, but many do. Over the last five years, the NGO Global Witness has [recorded](#) that 183 human rights defenders defending the rights of their communities or highlighting violations in mining and extractive industries were killed while 141 killings were linked to human rights defence in the context of agribusiness. Many of these killings take place when a project has begun without any kind of real consultation process, leading to an escalation of tensions, sometimes within communities but also between local communities and management and security guards of the business concerned, and police who more often than not side with business in these contexts. The rates of impunity hover around 80-90% and in most places the local justice system cannot be relied upon to deliver justice.

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