

**MARY LAWLOR**

*UN Special Rapporteur  
on Human Rights Defenders*



**13 October 2022**

**Address to the Joint Committee on Enterprise, Trade and Employment concerning the EU's proposed Corporate Sustainability Due Diligence Directive**

Chair, Deputies, Senators,

I would like to thank you for the invitation to participate in today's hearing on the EU's human rights and environmental due diligence initiative.

My name is Mary Lawlor. I am the current United Nations Special Rapporteur on the situation of human rights defenders. I am accompanied today by my Special Advisor, Mr. Ed O'Donovan.

I was appointed to my position as UN Special Rapporteur by the United Nations Human Rights Council in May 2020. In doing so, the Council provided me a mandate to promote the implementation of the UN Declaration on Human Rights Defenders, which was agreed by consensus at the UN General Assembly in 1998; to study trends, developments and challenges related to the right to defend and promote human rights; and to make recommendations for the protection of human rights defenders - those who work peacefully for the rights of others in accordance with the Universal Declaration of Human Rights and other international standards.

At the outset of my time as Special Rapporteur, I set out a list of priority areas of work for my time as mandate holder. Included among them was the intersection between business activity and the work of human rights defenders.

This decision was informed by consultations I had held with human rights defenders and advocates following my appointment, as well as insights from my previous work in civil society and in my role as Professor Adjunct at the Centre for Social Innovation within the Business School at TCD.

Since those early days, the relevance of business activity to my mandate has been confirmed in hundreds of conversations I have had with human rights defenders, wherein again and again defenders have shared details of the impact businesses can and do have on the environment within which they seek to carry out their activities.

There are some cases in which this impact can be seen to be positive, with a handful of progressive companies, primarily EU-based, leading the way. Adidas, for example, have been leveraging their influence in response to risks for HRDs since 2014, and a small group of pioneering companies have made declarations of zero-tolerance for any act of retaliation against human rights defenders within their value chains.

*Mary Lawlor*

*UN Special Rapporteur on the situation of Human Rights Defenders*

*Email: [marylawlorunsr@protonmail.com](mailto:marylawlorunsr@protonmail.com)*

However, the vast majority of cases shared with me, as well as those documented by others, demonstrate an overwhelmingly negative impact of business practice and activity on human rights defenders.

To give you some statistics, between 2012 and 2022 Global Witness documented the killing of 1,540 defenders working to protect rights connected to land and the environment. 680 of these have been linked to business activity, and we can be sure this is an undercount.

In 2021 alone, the Business and Human Rights Resource Centre documented the killing of 76 defenders who had been standing up for the rights of others in the face of corporate abuse. In the same year, they documented 88 death threats against defenders working in the context of business.

One of those killed was the indigenous human rights defender José Isaac Chávez, who was murdered in Jalisco, Mexico, in April last year. He had been a prominent opponent of open-pit mining in the region, putting him at odds with powerful local actors in an area marked by gang violence. The mine in question is ultimately owned by two companies based in Luxembourg, and there has been local reporting on disappearances and murders of defenders opposed to the corporate run mine for years.

While these fatal attacks are concentrated in a number of high-risk sectors, particularly the extractive industries and agribusiness, they are only the tip of the iceberg. Alongside its documentation of killings, the Business and Human Rights Resource also maintains a database of attacks on human rights defenders with a link to corporate activity. Their database currently contains information on over 4,000 attacks, with 10% of these linked to EU-headquartered companies and their supply chains.

All of this is continuing – some would say escalating – more than 10 years on from the agreement of the UN Guiding Principles on Business and Human Rights, which set out voluntary guidelines for businesses to follow in order to respect human rights in their activities. It is clear at this stage that the use of soft-law instruments and voluntary initiatives to foster business respect for human rights has not been effective. To take the situation in Ireland, for example, in recent benchmarking carried out by the Centre for Social Innovation at TCD, wherein the implementation of the UN Guiding Principles by 60 top Irish was assessed based on publicly available information, half of the companies scored less than 20% and just over 1/3 were shown to have taken no action at all to embed respect for human rights into their operations.

The limitations of the current voluntary framework have concrete results for human rights defenders, for those who are smeared online by subsidiaries, undermining their standing in their communities and exposing them to attacks; for those who are assaulted by sub-contracted security companies and re-victimized when seeking redress.

*Mary Lawlor*

*UN Special Rapporteur on the situation of Human Rights Defenders*

*Email: [marylawlorunsr@protonmail.com](mailto:marylawlorunsr@protonmail.com)*

# MARY LAWLOR

---

*UN Special Rapporteur  
on Human Rights Defenders*



There is a question as to why this has been allowed to go on for so long. It is clear that some people stand to benefit from the silencing of human rights defenders, including here in Ireland and elsewhere in the EU. But as both the value chains of EU companies and

accelerating global warming demonstrate, we live in a completely connected world. When defenders are silenced, we all lose.

The EU, with its initiative on human rights and environmental due diligence, has created an opportunity for itself to begin to address this. The creation of binding obligations for businesses to identify and assess human rights and environmental risks and to take steps to address and mitigate them could be transformative. Coming from the world's largest single market, it could begin a sea change. However, in order to live up to the expectations it has generated, it must keep protection of human rights and the environment at its centre. As I lay out in my position paper responding to the proposal published by the Commission for a Directive on the matter, I believe that acknowledging the important role of human rights defenders within the due diligence process is part of the way in which this can be ensured.

In my paper, I outline three means by which the Commission's proposal can be built on to do this. They can be summarized as follows: 1) obliging companies to take risks for human rights defenders into account when carrying out their due diligence; 2) mandating engagement with human rights defenders as key stakeholders in the due diligence process; and 3) mitigating risks of retaliation against defenders who raise concerns about the environmental and human rights impact of company activities.

As a proud supporter of human rights defenders all around the world, I am calling on Ireland to champion these provisions and a progressive proposal within negotiations on the text at the Council and in the trilogue negotiations that will follow it.

I will be happy to answer any questions you may have.

Thank you.

A handwritten signature in black ink that reads "Mary Lawlor". The signature is written in a cursive, slightly slanted style.

[Mary Lawlor](#) was appointed UN Special Rapporteur on Human Rights Defenders in May 2020. The UN Special Rapporteur has a mandate to promote the work of Human Rights Defenders and protect defenders at risk. She does this in the context of the UN Declaration on Human Rights Defenders adopted by consensus in 1998. She serves in a voluntary capacity and is independent of the UN, States and non-governmental organisations.

*Mary Lawlor*  
*UN Special Rapporteur on the situation of Human Rights Defenders*  
*Email: [marylawlorunsr@protonmail.com](mailto:marylawlorunsr@protonmail.com)*