

**DUBLIN**

Front Line Defenders – Head Office
First Floor, Avoca Court
Temple Road, Blackrock
Co. Dublin, A94 R7W3, Ireland

info@frontlinedefenders.org
www.frontlinedefenders.org

phone +353 1 212 3750
fax +353 1 212 1001

BRUSSELS

Front Line Defenders – EU Office
Square Marie-Louise 72
1000 Brussels
Belgium

euoffice@frontlinedefenders.org
www.frontlinedefenders.org

phone +32 2 230 9383
fax +32 2 230 0028

8 September 2023

Ahead of the second National Action Plan on Business and Human Rights, Front Line Defenders would like to raise a number of key issues linked to our ongoing engagement on the **EU's Corporate Sustainable Due Diligence Directive (CSDDD)**.

Ireland's National Action Plan should look at the CSDDD both from the perspective of: key elements to include in the text – that is now in the final months of negotiations; and how to ensure effective implementation.

Front Line Defenders has focused on the **importance of human rights defenders (HRDs) as named stakeholders in the directive**.

This is not yet agreed as two out of the three drafts now being negotiated in the dialogues, HRDs are not explicitly named as stakeholders. This leaves space for ambiguity and **constitutes a missed opportunity to recognise and protect defenders as affected and legitimate stakeholders, and mandate effective and safe engagement with them**.

A recent [Front Line Defender](#) study examined the cases of three companies in Columbia, India and Uganda. Expanding on the importance of HRDs as named stakeholders the study recommended:

- Human rights defenders and the risks they face should be referenced in the Directive to ensure retaliation risks are comprehensively assessed in advance by companies undertaking human rights due diligence. Companies should be required to actively and openly assess retaliation risks for HRDs as part of the due diligence process. The UN Declaration on Human Rights Defenders should also be referenced.
- Human rights defenders should be part of the Directive's definition of 'stakeholder' and companies should be required to conduct safe and meaningful stakeholder engagement throughout the due diligence process. This means ensuring appropriate access to information and participation for HRDs and affected communities, maintaining active, accessible and accountable grievance mechanisms (which should not replace stronger, more effective remedies).
- While the Directive includes the protection of persons reporting breaches, it is limited to people based in the EU and with a professional relationship to the company. A similar provision should be included to cover HRDs outside the EU and those without a professional relationship to the company who report breaches.

Human Rights Defenders working on business and human rights are amongst the most targeted defenders. In 2022, our [Global Analysis](#) documented the death of 401 defenders worldwide – 48% of whom were HRDs defending land, environmental and indigenous peoples' rights. Since 2015 BHRRC has documented over [4,700 attacks](#) on defenders related to business activities. Recent data shows that in 2020 approximately [1/3 of all attacks](#) stemmed from a lack of consultation or the failure to secure the free, prior and informed consent (FPIC).