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# Unilever Principles in Support of Human Rights Defenders

and implementation guidance for existing commitments and requirements



Unilever



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## SECTION 1

# Unilever Principles in support of Human Rights Defenders

Human rights are the foundation of a healthy and resilient society and a sustainable business.

We are committed to respecting and advancing the human rights of all people in line with the UN Guiding Principles on Business and Human Rights and to report publicly on our progress. Our human rights commitments and Unilever's Human Rights Policy statement are also based on the International Bill of Human Rights and the fundamental rights and principles set out in the International Labour Organisation's (ILO) Declaration on Fundamental Principles and Rights at Work.

These Principles, with respect to human rights defenders (HRDs), are also guided by the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the UN Declaration on Human Rights Defenders), as well as by the UN Guiding Principles on Business and Human Rights. They are further significantly informed by the UN Declaration on the Rights of Indigenous Peoples. Additional specific guidance has come from the report: Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders; the report of the UN Working Group on Business and Human Rights: The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders; and from other UN reports on ensuring respect for human rights defenders.

**This Policy complements and should be read alongside our:**

- (1) Human Rights Policy Statement
- (2) Responsible Partner Policy (RPP); and
- (3) People & Nature Policy.

Our requirements for our business partners are set out in the Responsible Partner Policy (RPP). The first principle of our RPP requires that business is conducted lawfully and with integrity. Any breaches of the Unilever Principles in support of human rights defenders will be managed in accordance with our existing processes including those relating to the Responsible Partner Policy.

Unilever recognises:

- 1. Human rights defenders and the importance of their role.**
- 2. Human rights defenders' vulnerability.**
- 3. The respective roles of states and businesses.**
- 4. The need for meaningful and safe dialogue and constructive engagement with human rights defenders.**
- 5. The importance of grievance mechanisms and redress.**

# 1: Human rights defenders and the importance of their role

Human rights defenders are defined by the UN Office of the High Commissioner for Human Rights, as “any person, acting alone or in groups, (who acts peacefully) working to promote and protect human rights.”

Human rights defenders include individuals, communities, groups or associations who act to promote, to protect or to strive for the protection and realisation of human rights and civic freedoms of individuals and peoples, through peaceful means. Human rights defenders are defined by what they do, not who they are.

Unilever commits to respect the rights of all individuals and communities who are defenders of human rights and civic freedoms, and not just those who self-identify as human rights defenders. It includes whistle-blowers, complainants, community spokespersons, anti-corruption campaigners, environmental or land rights defenders, labour union members, journalists, academics and others, and their organisations, associations, groups and communities, who act to promote, protect or strive for the protection and realisation of human rights and civic freedoms through non-violent means.

Consistent with the UN Declaration on Human Rights Defenders, those who defend human rights should do so without violence. Groups or individuals who use or advocate the use of violence are not considered human rights defenders, even if their stated aim is to defend the rights of others.

The protection of civic freedoms and respect for the rule of law are vitally important for both civil society and business. We understand that human rights defenders play a critical role as they:

- Contribute to a healthy civic space including enabling freedom of expression, association, peaceful assembly and the right to participate in public affairs;
- Identify risks and direct threats to rights-holders in business and/or state activities;
- Encourage due diligence and address any human rights concern whether related to civil, political, economic, social, environmental or cultural rights, or health, and which may sometimes focus on the rights of specific persons; and/or groups and communities to which they belong;
- Support the provision of remedy and assist victims in accessing judicial and non-judicial mechanisms of justice, including in relation to business activities; and
- Strengthen the rule of law locally and globally, building peace and preventing conflict, ending poverty and inequality, fostering gender equality, protecting the environment and promoting sustainable development.

## 2: Human rights defenders' vulnerability

We recognise human rights defenders are increasingly put in vulnerable situations and conditions, and the shrinking space in many countries where they can operate safely due to often restrictive legislation, stigmatisation and the silencing of dissent.

Human rights defenders are at risk both from physical and online/cyber platforms, as well as from judicial interventions and by those seeking to prevent abuses from being exposed. Threats and risks also include bribery and other attempts to get individuals and communities to act against HRDs; stigmatisation and defamation; legal action, including the use of Strategic Lawsuits Against Public Participation (SLAPPs); digital attacks, sexual violence, murders; forced displacement; and confinement.

Certain groups defending and reporting human rights issues, including trade union representatives and advocates for women's rights, can be particularly at risk due to the additional dangers and discriminatory acts that they face, including historical, racial or ethnic discrimination. This danger can be intensified for indigenous human rights defenders, LGBTQI+ human rights defenders

and/or those acting on behalf of other disenfranchised or minority groups. The impacts on defenders may be physical as well as psychological.

Indigenous people and local communities are often vulnerable to human rights violations and their livelihoods, food security, resources and other rights greatly depend on the respect of their right to use or own land. Fundamental Principle 14 of the Responsible Partner Policy clearly states that the land rights of communities, including indigenous people, are to be respected and promoted, notably through the application of the free, prior and informed consent (FPIC) participatory process, and establishes a zero-tolerance policy on land grabbing. Human rights defenders working on land and environmental issues can be more at risk of attacks than other types of rights defenders, and can also face risks of eviction, forced displacement and loss of livelihoods. The lack of legal recognition and enforcement of legislation for the communal ancestral land rights of indigenous peoples, often enables attacks against indigenous human rights defenders.

### 3: The respective roles of states and businesses

We support the recommendation of the UN Special Rapporteur on the situation of human rights defenders that both states and businesses should:

- support and actively promote the role of human rights defenders working in their sectors; and
- speak out when human rights defenders are targeted by reason of their carrying out vital work.

Businesses must not support any actions, directly or indirectly, which impinge upon human rights defenders' rights to freedom of expression, association or assembly. As a business, and as a signatory to the Business Network on Civic Freedoms & Human Rights Defenders' statement in support of civic freedoms, human rights defenders and the rule of law, we commit to implement the recommendations to:

- recognise the importance of civic freedoms to economic growth;
- support civic freedoms when under threat;
- review freedom of expression, assembly and association, and risks to the safety of defenders when conducting human rights due diligence assessments, including human rights impact assessments;
- contribute to efforts that support civic rights and freedoms;
- ensure that our operations, actions or omissions do not lead to retaliation, violence, death, legal harassment or any other form of silencing or stigmatisation of human rights defenders; and
- address adverse impacts on human rights defenders with which we are involved either through our own operations or as a result of our business relationships.

### 4: The need for meaningful and safe dialogue and constructive engagement with human rights defenders

We strongly support substantive, constructive dialogue through safe and open communication channels enabling all voices to be heard, including independent expert stakeholders, critical voices, and rights-holders and their representatives.

We will engage and consult openly and constructively with human rights defenders and support spaces for them to raise issues and express concerns on the impact on human rights of the policies, decisions or actions that we take, and the decisions or actions taken by those with whom we have a business relationship.

We will also engage constructively with those acting on human rights defenders' behalf, when alerted to credible assertions that the rights and freedoms of human rights defenders with whom we have engaged are claimed by them to have been impinged.

We will communicate the specific actions our company has taken or can take to support and protect defenders. These actions include engaging with defenders constructively on any issue, be it related to Unilever's own operations or extended supply chain.

## 5: The importance of grievance mechanisms and redress

Unilever's commitment to an environment that respects human rights is at the heart of our Code of Business Principles. Therefore, we have a zero tolerance against any threats, intimidation, violence or reprisals against human rights defenders.

Individuals and communities can raise concerns with us directly, without fear of retaliation, and in strict confidence, or anonymously. They can do so via:

- an externally hosted confidential Code Support Line (a 'whistle-blowing line'), which is open to third parties and accessible via the telephone or internet; or
- crop-specific grievance mechanisms, as available, such as our palm oil grievance mechanism.

We will fully, effectively and swiftly investigate all concerns reported and remediate proven non-compliance in our own operations where they have been shown to cause or contribute to a breach of these Principles. We will address adverse impacts on human rights defenders with which we are involved, either through our own operations or as a result of our business relationships, as appropriate and commensurate with our leverage.

On occasions where individuals or communities consider that their human rights have been impacted and feel they are not able to approach us directly, we recognise their right to access to remedy. We will not impede their access to state-based judicial or non-judicial mechanisms and will seek to co-operate as required and allowed with competent authorities in investigating or adjudicating alleged human rights impacts. We will refrain from the use of legal actions against defenders which may infringe on their rights and freedoms, and any other actions which serve to criminalise and delegitimise human rights and environmental defenders.

Equally, we require our business partners and those in our third-party supply chain to provide grievance mechanisms consistent with the UN Guiding Principles on Business and Human Rights. Business partners should not inhibit the lawful actions of a human rights defender or restrict their freedom of expression, freedom of association or right to peaceful assembly, including those who actively campaign on issues that may be linked to their business operations.

Where there is clear and credible evidence that a business partner has directly, or via its third-party supply chain, breached the rights of human rights defenders, we will, in accordance with our grievance process, use our leverage as appropriate. We will expect that they take prompt action to stop, prevent, mitigate or remedy the harm caused and rely on the legal frameworks of internationally recognised human rights procedures for them to access justice.

We will take time-bound and monitored remedial action where there is clear evidence that our own operations have caused or contributed to breaching these Principles. If there is clear evidence that a business partner has caused or contributed to breaching these Principles, we will engage with the relevant business partner to ensure that it takes appropriate steps to mitigate and remedy the breach. Where a business partner refuses to engage or take steps to remediate or mitigate a breach of these Principles, Unilever will take appropriate steps to address this in a manner consistent with our upholding of our commitments set out in these Principles and with Unilever's Responsible Partner Policy and overall Responsible Partner Programme.



## Definitions

### Anti-corruption campaigner

Individual or institution working on governance issues, promoting transparency and accountability, or exposing corruption.

### Business partner

Any partner Unilever has a commercial relationship with, both upstream (direct suppliers and third-party manufacturers) and downstream (customers, agents and distributors) in order to run its business.

### Civic freedoms

Include freedom of expression, association and peaceful assembly and the right to participate in public affairs.

### Community spokesperson

Individual who has been chosen to represent and/or speak officially on behalf of a community.

### Complainant

Individual who lodges a complaint that, if supported, would be a breach of these Principles.

### Direct supplier

Supplier paid by a Unilever Group company to supply materials and/or services to Unilever.

### Environmental human rights defenders

As defined by the UN: "Individuals and/or groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna."<sup>1</sup> They are characterised through their actions to protect environmental and land rights. Although they may work as journalists, activists or lawyers who expose and oppose environmental destruction or land grabbing, in many cases they are indigenous leaders or community members who defend their traditional lands against the harms of large-scale development projects. The term 'human rights defenders' covers both individuals and communities including local communities, indigenous, traditional

and Afro-descendent communities, and land and environmental defenders. We recognise that certain groups have rights that go beyond those afforded to other human rights defenders – for example, indigenous communities' rights over land and self-determination.

### Grievance mechanism or grievance process

A formal, legal or non-legal (or 'judicial/non-judicial') complaint process that can be used by individuals, workers, communities and/or civil society organisations that are negatively affected by certain business activities and operations.

We encourage all employees to use our dedicated channels to report internally. However, where available and appropriate, depending on the type of abuse, reports can also be raised to official authorities.

Unilever has:

- a confidential Code Support Line (a 'whistle-blowing line'), open to third parties and accessible via the telephone or internet. It is open to all Unilever employees, to our business partners' employees and their third-party supply chains' employees ([www.unilevercodesupportline.com](http://www.unilevercodesupportline.com)); and
- a grievance mechanism specifically relating to our palm oil suppliers. Our palm oil grievance mechanism can be accessed by third parties in our value chain or those who support or represent them. This is described in our [palm oil grievance procedure](#), which includes details of how to lodge a [palm oil grievance](#).

### Human rights defender

Any person acting individually or in a group or as a community including local communities to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms of individuals and peoples, through peaceful means. Human rights defenders are defined by what they do, not who they are. This definition includes all individuals who are defenders of human rights, and not just those who self-identify as human rights defenders. It could include whistle-blowers, complainants, community spokespersons, and

<sup>1</sup> Report of the Special Rapporteur on the Situation of Environmental Human Rights Defenders, 71st Session of the General Assembly, A/71/281, 3 August 2016

indigenous, traditional and Afro-descendent communities, as well as land and environmental human rights defenders. It does not include those individuals who commit or propagate violence. We recognise that certain groups have rights that go beyond those afforded to other human rights defenders – for example, indigenous communities' rights over land and self-determination.

**Own operations**

Any facilities owned and managed by Unilever.

**Third-party supply chain**

Supplier or suppliers who do not directly supply materials and/or services to Unilever but who are part of the Unilever extended supply chain as they supply directly to our direct suppliers.

**Whistle-blowers**

Includes individuals who are workers or former workers who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene Unilever Policies and related key documents and who may potentially be at risk of reprisal, as well as individuals who are outside the traditional employee–employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.

**Zero tolerance**

Condemn all forms of threats and attacks and expect business partners and their third-party supply chains never to engage in or condone any such actions. All credible allegations of threats and attacks will be investigated and if there is evidence that Unilever or its business partners were involved, action will be taken in accordance with RPP and other applicable policies. Unilever will take a principled approach to ascertain what action we believe to be the most likely way to result in a resolution that respects rights-holders. Such actions can include engagement; concurrent suspension and engagement; or contract termination. Our decision will also depend on the degree of appropriate leverage that we hold within our relationship with the business partner. In all cases, we will end our engagement if the business partner is unable or unwilling to address and, where appropriate, remediate the issue. If credible allegations are raised concerning the business partners' own third-party supply chain, Unilever expects business partners to investigate and when necessary to take appropriate actions to mitigate or remediate harm to defenders. Unilever will be prepared to follow up such allegations with its business partners.

## SECTION 2

# Implementation Guidance for existing commitments and requirements

Businesses depend on and benefit from the vital work of human rights defenders:

- Defenders act as early warning 'canaries in the coal mine' – they expose abuses, demand accountability and accelerate reforms.
- Defenders command legitimacy in their communities and with international stakeholders, affecting companies' relationships and social license to operate.

Similarly, businesses depend on the 'shared space' of the rule of law, accountable governance and civic freedoms:

- These factors underpin sustainable and profitable business environments – when weak or absent, operational and reputational risks are increased.

Expectations from stakeholders are intensifying around the role of business in supporting and respecting the rights of human rights defenders and the enabling environment of civic freedoms on which they depend – including the rights to freedom of expression, assembly and association.

Both 'shared space' and human rights defenders are under increasing pressure globally. The Business & Human Rights Resource Centre, which tracks attacks against human rights defenders linked to business operations, has recorded more than 4,700 attacks since it started tracking in 2015, with more than 550 attacks recorded in 2022 alone.<sup>2</sup> Global Witness reports that since it started tracking killings in 2012, a land and environmental defender has been killed on average every two days.<sup>3</sup> Along with extractives, agriculture has consistently

been among the sectors with the most reported attacks. Civic freedoms are similarly under threat amidst a 'global slide' towards authoritarianism.

This guidance builds on Unilever's Principles in support of Human Rights Defenders and informs the implementation of Unilever's existing commitments and requirements including in our Human Rights Policy Statement, Responsible Partner Policy and People and Nature Policy.

- Unilever's Human Rights Policy Statement reinforces that: "we do not tolerate abuse, threats, intimidation, physical or legal attacks, or reprisals against environmental and human rights defenders. We support the recommendation of the UN Special Rapporteur on the situation of human rights defenders that both states and businesses should actively support and promote the role of human rights defenders working in their sectors; and speak out when human rights defenders are targeted by reason of their carrying out vital work. We will address adverse impacts on human rights defenders with which we are involved either through our own operations or as a result of our business relationships, as appropriate and commensurate with our leverage. We will continue to build and use our scale and collaborate with other companies, civil society, worker representatives and trade associations as well as governments and other stakeholders so that we address the root causes of human rights issues and are able to influence systemic and lasting change."

<sup>2</sup> Human rights defenders & business in 2022: People challenging corporate power to protect our planet, *Business & Human Rights Resource Centre*

<sup>3</sup> *A Decade of Defiance: A decade of killings globally*, *Global Witness*

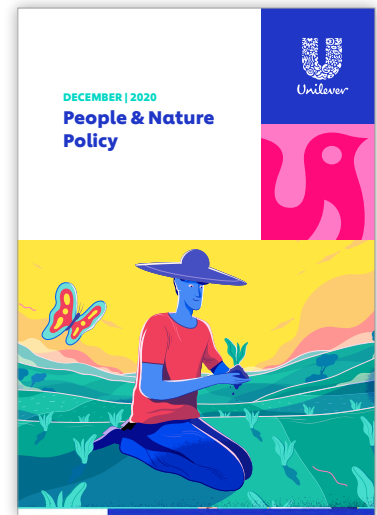
- **The Responsible Partner Policy (RPP):** The RPP expresses zero tolerance for any abuse, threats, intimidation or reprisals against human rights defenders.
- **People & Nature Policy:** The policy commits to engagement and consultations with human rights defenders and condemns any threats, intimidation or reprisals against them. It also expresses the aim to foster collaboration to support the work and safety of human rights defenders.

This guidance operationalises Unilever's commitments to:

- Recognise the critical importance of human rights defenders and their vulnerability in the face of threats.
- Enable dialogue, and constructive and safe engagement with human rights defenders.
- Integrate risks to defenders into human rights due diligence.

- Provide access to remedy/grievance mechanisms to human rights defenders and to other rights-holders.
- Strive to ensure that Unilever's operations, actions or omissions do not lead to retaliation, violence, death, legal harassment or any other form of attack or stigmatisation.
- Respond to the increasing expectations from civil society and other stakeholders that business support the civic freedoms – expression, assembly and association – and the 'shared space' of rule of law and accountable governance on which defenders, civil society and business all depend.

This guidance is applicable across Unilever's business operations, globally, and those of our business partners (including group companies, all divisions and operations) and their third-party supply chains.



# Definitions and Risk Context

## Who is a human rights defender?

The rights and responsibilities of human rights defenders are set forth authoritatively in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms of 1999.

**A human rights defender is someone who works non-violently to defend or promote human rights.** Defenders can be of any age, gender, nationality, ethnicity, race, sexual orientation or religious affiliation. Working individually and collectively, they are **trade union organisers, whistle-blowers, legal and judicial advocates, community organisers, anti-corruption advocates and journalists.** Their activities may include **protests and demonstrations, social movements, and online campaigns.** It is also critical to understand that **land and environment defenders, indigenous rights' advocates and labour activists are all considered**

**human rights defenders because their work intersects with human rights** (see below).

Human rights defenders do not need to self-identify as such. For example, anti-corruption activists may not always self-identify as human rights defenders. But because of the strong links between human rights and accountable institutions – and as corruption undermines protection of all human rights<sup>4</sup> – it is still appropriate to consider them human rights defenders.

Human rights defenders often work through civil society organisations or NGOs. Staff of NGOs who work to advocate for human rights are considered human rights defenders. However, for the purposes of engaging defenders, it is usually not considered sufficient to engage only with international human rights NGOs but also necessary to engage local NGOs and defenders.

**A human rights defender is someone who works non-violently to defend or promote human rights.**

### How should 'violence' be understood in this context?

Human rights defenders may engage in non-violent 'direct action' such as sit-ins, boycotts, marches and road blockings. Such actions can be disruptive but are legitimate forms of advocacy. However, any threats of or use of physical force – against employees, customers, security guards, community members or any other persons – crosses the line from non-violent to violent behaviour. Actions linked to criminality, such as sabotage, destruction of property, theft and arson, are also considered forms of violent protest.

<sup>4</sup> See, for example, the report of the UN Working Group on Business and Human Rights on this issue, A/HRC/44/43

## Are land and environmental defenders also human rights defenders?

Land and environmental defenders work to protect communities' rights to hold and own land, to prevent pollution and destruction of the natural environment; to protect water sources, forests, biodiversity and ecosystems; and to prevent actions that contribute to climate change, among other activities in service of the environment.

Land and environmental defenders are typically viewed as human rights defenders because the issues they work on intersect and overlap with human rights issues. For example:

- Protecting water sources is intimately linked to communities' rights to access to water and food.
- Protesting against environmental destruction caused by logging and deforestation is similarly often linked to forest communities' rights to land and livelihoods, because

communities living in and near forests depend on the forests for shelter, food, livelihoods, and culture.

- Resisting palm oil development that impinges on traditional land rights and small-scale farming is often linked to defending human rights that rely on access to land.
- Defending indigenous rights to land similarly defends indigenous people's rights to exercise their culture and traditional ways of life.

The UN has furthermore recognised the right to a healthy environment as a human right in itself. Because of this interconnectedness, land and environmental defenders are considered human rights defenders, including for the purposes of this Implementation Guidance.

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## What do threats to defenders look like?

Threats and attacks against human rights defenders include both physical violence and non-physical attempts at intimidation and silencing.<sup>5</sup> Defenders can be subjected to killings, death threats, beatings, arbitrary arrests and detention. Women human rights defenders are disproportionately subjected to gender-based and sexual violence. Attempts to silence defenders are also made through lawsuits and criminalisation as well as surveillance, harassment, and other attempts at intimidation, which can also include online harassment and 'doxing' (the exposure of defenders' identities and other private information online).

The Business & Human Rights Resource Centre, which documents attacks on defenders, has reported that different forms of judicial harassment are even more common than physical attacks. Judicial harassment

includes criminalisation for example, through unfounded criminal investigations and lawsuits – sometimes using organised crime and anti-terrorism laws against defenders; arbitrary arrest or detention; prosecution on false charges; and misuse of emergency laws to restrict freedom of assembly and freedom of speech. Criminalisation of the exercise of fundamental civic freedoms – freedom of assembly, freedom of expression and freedom of association – is a pervasive problem.

It also includes misuse of the legal system by companies and other groups – for example, through 'Strategic Lawsuits Against Public Participation' (SLAPPs), which are baseless lawsuits that aim to silence human rights defenders by entangling them in expensive, time-consuming legal processes (see box on page 15).

<sup>5</sup> Business & Human Rights Resource Centre, Human rights defenders & business in 2021: *Protecting the rights of people driving a just transition*

## What are SLAPPs and why are they a concern?

**Strategic Lawsuits Against Public Participation, or SLAPPs, are used to entangle defenders in costly, time-consuming legal processes that may deter them from speaking out about corporate human rights abuses. SLAPPs can be made against defenders who protest publicly, both in person and online. For example, a company may file a defamation lawsuit against a human rights defender who raises legitimate concerns about health impacts from an agribusiness's use of pesticides. This action forces the defender to incur expensive legal fees to defend themselves against the charges and through lengthy evidence discovery processes, even if the lawsuit is ultimately unsuccessful. During the lawsuit, the defender may also be prohibited from speaking further about the human rights abuses.**

**SLAPPs may deter not only the person subjected to the suit, but also other defenders who may become wary of speaking out for fear of being entangled in similar legal processes.**

**SLAPPs may be filed by government agencies as well as by companies.**

Physical and legal attacks against human rights defenders serve the same purpose and have the same effects: to silence or intimidate defenders and their supporters.

Defenders are vulnerable to threats and attacks when legal protections and accountability mechanisms for human rights are weak and, in turn, impunity is pervasive. Restrictions

on the 'shared space' of civic freedoms – including freedom of expression, association and assembly – heighten risks to defenders, whose work depends on these freedoms and accountable institutions. Conversely, attacks against defenders reflect gaps in protections for human rights and the rule of law.



## Illustrative examples of threats and attacks against human rights defenders in different contexts

These illustrative examples are based on publicly reported attacks against human rights defenders in different contexts and connected to different industries around the world. They are intended to show the range of abuses, threats and attacks against defenders.

Angolan human rights and environmental defender Rafael Marques de Morais was charged in 2015 with "criminal defamation" after writing about instances of killings and torture connected to mining projects. He faced charges that could have resulted in a nine-year prison sentence.

Cambodian trade union leader Chhim Sithar was arrested in February 2023 together with other trade unionists on charges of "incitement to disturb social security" after participating in a strike against the company NagaWorld. Human rights groups alleged the charges demonstrate the closing space for civil society in Cambodia.

Honduran indigenous environmental defender Berta Cáceres, winner of the 2015 Goldman Prize for environmental defenders, was murdered in 2016 by hired hitmen. Ms Cáceres faced years of threats and surveillance over her opposition to the Agua Zarca hydropower project. A former executive of the dam company was eventually found guilty of collaboration in ordering her murder.

Colombian human and environmental rights defender Isabel Cristina Zuleta reported facing years of threats, harassment, attempted forced disappearances, and criminal charges as well as sexual violence over her opposition to hydroelectric dam projects. When reporting these attacks to authorities, she received no protection and was instead accused of promoting attacks against the dam companies.

Indian human rights defender M. Karthi was killed by police in 2018, along with ten others, at a protest against a copper mining project in Toothukudi state.





## What are 'red lines' for risks to human rights defenders?

Not all risks to human rights defenders can be fully diminished or mitigated by the business itself, especially when risks come from multiple sources outside the company's control. Countries with weak rule of law and/or armed conflict pose such severe risks to defenders.

However, Unilever will never tolerate the involvement of any of its employees, its business partners, or their third-party supply chains – in any form of threats or attacks against human rights defenders. These 'red lines' include any:

- Connection to intimidation, threats, or attacks against human rights defenders made in the name of our business, whether by staff or any third parties acting in our name.
- Involvement of a business partner or their third-party supplier in any threat, intimidation or attack against a human rights defender, including by their employees or third parties acting on their behalf or in their name.

We will swiftly and effectively investigate any reported concerns or allegations related to these red lines. We will remediate proven non-compliance in our own operations. We will address adverse impacts on human rights defenders with which we are involved either through our own operations or our business relationships.

In cases involving a business partner or their third-party supply chain, Unilever will take a principled approach to ascertain what action we believe to be the most likely way to result in a resolution that respects rights-holders. Such actions can include:

- Engagement with the business partner to agree action plans to address the issue and mitigate current and future risks.
- Concurrent suspension of the business partner relationship and engagement to agree action plans to address the issue.
- Contract termination.

Our decision will also depend on the amount of appropriate leverage that we hold within our relationship with the business partner.

In all cases, we will end engagement if the business partner is unable or unwilling to address – and, where appropriate, remediate – the issue.

If credible allegations are raised concerning business partners' own third-party supply chain, Unilever expects business partners to investigate and, when necessary, to take appropriate actions to mitigate or remediate harms to defenders. Unilever will be prepared to follow up such allegations with its business partners.

## Summary of Implementation Steps

Step  
**1**

Create a stakeholder map of human rights defenders and defender organisations.

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Step  
**2**

Identify risks to civic freedoms and human rights defenders as part of human rights due diligence.

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Step  
**3**

Reduce identified risks to human rights defenders through preventative actions.

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Step  
**4**

Act when a negative impact on a human rights defender is identified: decision steps.

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Step  
**5**

Identify appropriate forms of action.

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Step  
**6**

Identify longer-term opportunities to support human rights defenders and civic freedoms.

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Step  
**7**

Ensure access to effective remedy, including accessibility and safety of grievance mechanisms.

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## Implementation Steps

The steps below can be taken together with human rights due diligence processes, risk assessments applicable to land transactions and due diligence on prospective business partners.

This guidance offers steps to ensure that due diligence processes incorporate a particular lens of identification and mitigation of risks to human rights defenders, but the steps do not necessarily need to be undertaken as a separate process. To avoid duplicate efforts, it is preferable to integrate assessments of risks to human rights defenders with broader human rights due diligence processes. For example, identification of human rights defenders and the risk they face should as far as possible be undertaken together with other stakeholder mapping exercises and human rights risk assessments.

Certain processes and transactions are associated with higher risks to human rights defenders. In general, risks to human rights defenders should be explicitly considered together with:

- Human rights due diligence for commodities associated with higher risks, for example palm oil and sugar, including due diligence on suppliers of such commodities.
- Due diligence for land transactions (as described in the forthcoming Land Principles Implementation Guidance).
- Human rights due diligence for markets considered to be higher risk, especially related to conflict as well as repressive and/or corrupt governance.
- Water stewardship programmes for the most water-stressed areas.

Step

1

## Create a stakeholder map of human rights defenders and defender organisations

A stakeholder map of human rights defenders and the civil society organisations/NGOs working with them helps ensure that the business understands who are considered human rights defenders in the local context and the range of issues of concern to them.

It also prepares the business for potential engagement with defenders, especially to reduce any risks identified during step 2.

**This step can be carried out during other stakeholder mapping exercises, as part of human rights due diligence.** When undertaking stakeholder mapping, identify the organisations and individuals that are working as human rights defenders on issues relevant to the business.

**Business partners may map human rights defender stakeholders as part of their own risk assessments and the due diligence that they undertake to ensure compliance with the requirements of the Responsible Partner Policy.**

A stakeholder map can be simple, noting relevant individuals and organisations and the rights for which they advocate. It may also be helpful to note how identified defenders advocate for various human rights and overlapping environmental issues such as land rights.

### Identifying human rights defenders from potentially marginalised or vulnerable groups

Consider potentially marginalised groups and gender dimensions in the local context to ensure that potentially vulnerable groups are not omitted in the mapping of defenders:

- Women may be less likely to be identified as legitimate human rights defenders, especially where women are discriminated against or marginalised in law or in practice.
- Women and men may engage in different forms of activism that are not perceived as equally 'valid'.
  - Such marginalisation of women human rights defenders may also take place within their own communities. Therefore, in identifying human rights defenders, companies should be sensitive to how gender dynamics within stakeholder communities may lead to the diminishing of women's human rights activism.
- Children and young people can also be human rights defenders, acting on their own or alongside adults, but may struggle to be perceived as 'legitimate' defenders.
- Defenders from marginalised groups may similarly struggle to be seen as legitimate defenders, especially if there are gaps in legal protections (for example, where indigenous people's rights are not protected by law).

In some contexts, it may not be obvious or easy to identify human rights defenders/defender NGOs. This problem pertains especially to defenders from groups at risk of marginalisation or vulnerability. In such cases, consider engaging with one or more of the following organisations for advice:

- Local offices of global human rights NGOs such as Amnesty International and Oxfam, or local development NGOs.
- International NGOs, such as Global Witness, EarthRights International, Front Line Defenders, Oxfam, Amnesty International and Human Rights Watch.
- UN agencies, for example UNDP, UNICEF and the UN Human Rights Office (OHCHR).
- National human rights institution (if present).
- Local community and civil society leaders.

**Validate assumptions** about relevant and legitimate stakeholders through discussions with diverse sources, including with trusted NGOs and through other established relationships.

## Confidentiality

Recognise that in some contexts, a stakeholder map identifying individual human rights defenders can be a sensitive document. Some are vulnerable to retaliation in their communities if they are exposed. Some human rights defenders are targeted by governments or non-state actors because of their activism. Consider restricting access to the stakeholder map and keeping any contact information for defenders separate.

Also consider that in some countries, companies may be legally required to provide a wide range of information to governments on demand. In situations where there is a risk that authorities may demand access to files identifying human rights defenders and the company does not have legal grounds on which to deny such requests, consider whether it is safer not to identify individuals or organisations by name or other identifying characteristics. Instead, the company may identify that NGOs working on issues such as land or water are relevant stakeholders, without identifying the individual organisations or individuals.

## Disseminating understanding of human rights defenders

Once human rights defender stakeholders and their issues of focus have been identified, it is also important that relevant employees understand the importance of defenders, who they are and how they work, and the threats they face. It is essential for employees who may interact with human rights defenders to understand how these Principles apply to their work (as explained by this Guidance). Internal meetings or webinars may be useful to facilitate this understanding.



## Stakeholder map with illustrative examples of identified stakeholders

	Human rights defender stakeholder	Main focus issues	Main forms of advocacy
Country level	NGO A	Health and safety issues in agricultural supply chains.	Media campaign highlighting workers' exposure to risk. Advocacy with government and UN.
	NGO B	Living wage issues and working conditions in factories.	Trade union organising strikes. Boycott campaigns through social media against brands that use certain factories and suppliers.
Project/ site-level	Individual C	Indigenous people's rights to governance of land.	Local community protests against land acquisition. Documenting loss of biodiversity from oil palm plantations.
	NGO D	Exposure of workers to chemicals in factories producing household goods.	Organising 'stop work' campaigns for workers. Advocacy with local government.
Commodity (e.g. palm oil and sugar supply chains)	NGO E	Women's rights and sexual harassment issues in sugar supply chain.	Trade union organising. Local community campaign around a palm oil or sugar plantation.
	Individual F	Land rights of indigenous people.	Awareness raising in community. Direct advocacy with landowner (supplier). Advocacy with local government.

Step

2

## Identify risks to civic freedoms and human rights defenders as part of human rights due diligence

As part of the impact assessment step of human rights due diligence undertaken for high-risk commodities and high-risk markets, identify explicitly whether risks to human rights defenders and civic freedoms are present.

Risks to human rights defenders and/or civic freedoms will not be present in all markets. However, the due diligence process should explicitly assess the scope of potential and actual threats to and impacts on defenders and civic freedoms, and whether such risks and impacts are salient to the business. Analysis should assess whether adverse impacts to human rights defenders are connected to the business through causation, contribution or direct linkage (as defined by the UN Guiding Principles on Business and Human Rights).

This step should include cross-functional consultation, including with:

- Global Sustainability Function (Human Rights).
- Legal/Business Integrity.
- Business Operations Sustainability.
- Communications and Corporate Affairs.

**Consult with human rights defenders during human rights due diligence and, where relevant, through dedicated conversations and consultations.**

Identifying potential and actual impacts involves undertaking direct, credible stakeholder engagement. Where possible, engage directly with defenders to understand the risks they face and their understanding of the sources of these risks.

### Valued partners

The UN Working Group on Business and Human Rights notes that companies should engage human rights defenders not only as affected stakeholders but equally as “valued partners” who possess in-depth information on the potential impacts of a project. The Working Group recommends that defenders should be consulted early and often to enhance the company’s understanding of its impacts and stakeholder perceptions.

### Cross-functional involvement at the impact assessment stage is important to:

- Draw on a wide range of expertise and relationships in identifying and assessing potential and actual impacts.
- Understand the business’s connection to the risk, including to issues such as land, responsible sourcing and water stewardship, as well as steps that may have already been taken to address risks involving defenders in different contexts.
- Identify opportunities and risks to the business (e.g. reputational risks) associated with situations and scenarios involving human rights defenders.

While it will probably not be possible to engage directly with human rights defenders in all communities and countries, consider engaging and consulting directly with defenders for high-risk commodities or markets. **In all cases, communicate an 'open door' policy to human rights defenders, ensuring that defenders know they can always approach the company with concerns.**

Stakeholder consultations with human rights defenders may be undertaken as part of broader efforts to consult with stakeholders. In some high-risk contexts, it may be relevant to conduct one-on-one discussions with defenders or dedicated consultations aimed at identifying specific risks to defenders, as described below.

When designing consultations or dialogues with defenders to understand potential and actual impacts, consider the accessibility and appropriateness of selected forms of engagement to potentially vulnerable or marginalised groups. For example:

- Dialogue with women human rights defenders may be appropriate in a format led by women themselves (possibly with female-only company representatives).
- Indigenous groups and other groups may experience language barriers and physical barriers (distance) to participation in consultations.
- Defenders from racial or ethnic minorities/ non-dominant groups may be marginalised in general consultations.

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## Consult with a broad range of sources to understand risks

Assessing the risk of threats and attacks against human rights defenders requires understanding related human rights risks and impacts, especially those associated with the 'shared space' of civic freedoms, rule of law and accountable institutions.

In addition to engaging and consulting directly with defenders, other useful sources for understanding the range of related risks can include:

- Local government actors – for example, mayors, local industry regulators and inspectors, and local legislators (although note that if local or national government actors are potentially involved in threats and attacks against defenders, caution must be taken in dialogue).
- Host country governments (as part of a broader stakeholder dialogue).

- National human rights institutions.
- Local and national NGOs and organisations working on defenders' issues.
- UN agencies and field presences (as part of a broader stakeholder dialogue).
- International think tanks, NGOs and research institutions that document restrictions to civic space and abuses against human rights defenders.
- ESG, political and security risk consultants/ advisors (as part of risk assessments).
- Business partners (as part of dialogue/ consultations about human rights risks generally).

Note for Unilever employees- Unilever employees should contact their Business Integrity Officer before engagement takes place.





## Identify 'red flags' that indicate heightened risks

Certain 'red flags', including abuses of human rights, indicate higher risks of threats and attacks against defenders. These include:

### **Undermining of civic freedoms**

- Legal restrictions on the rights to freedom of association, assembly and expression make it more dangerous for human rights defenders to operate, exposes them to criminalisation, and can make defenders the target of surveillance. These factors may prevent defenders from operating openly.

### **Weak rule of law and/or high levels of corruption**

- Corruption undermines institutional/regulatory oversight and accountability, and creates an environment of potential impunity for attacks against human rights defenders. These factors weaken institutional deterrents to violence against defenders.

### **Community conflict**

- Communities divided by political or armed conflict, or by issues related to land rights, social development, and the costs and benefits of planned development projects put human rights defenders at heightened risk. These factors may put defenders at risk of retaliation from opposing community members and/or others outside the immediate community.

### **Conflict/post-conflict settings**

- Risks to defenders coincide with conflict of low or high intensity.
- There may be low levels of government control, high levels of violence and criminality, and legacies of distrust and recrimination.

### **Inadequate FPIC processes and community consultations**

- Indigenous defenders may face higher levels of risk of violence where their right to give or deny free, prior and informed consent (FPIC) is not respected in law or in practice.
- Inadequate community consultation about the potential impacts of a planned project can contribute to community conflict and divisions and, in turn, increase the potential for threats and attacks.

### **Insecure land tenure, unresolved land conflicts or unclear land regulations**

- Conflicts about land tenure are often associated with threats to human rights defenders because land tenure is intimately associated with rights to housing, food, water and other rights.
- Where there are unresolved claims to land, the potential for conflict increases and due diligence on risks to human rights defenders should be undertaken together with risk assessments for land acquisitions.

## Disaggregating and mapping different risks for different stakeholder groups

Some individuals and groups may experience different or additional risks because of existing dynamics and patterns of discrimination and marginalisation. 'Intersectionality' refers to how discrimination based on different aspects of a person's identity – such as gender, race and ethnicity – combine to create additional, unique forms of discrimination and vulnerabilities. Impact assessment should identify such intersectional risks to defenders from potentially vulnerable groups.

Examples of different or additional risks include:

- Women defenders may be more vulnerable and exposed to gender-based violence, such as rape or sexual assault and sexual harassment.
- Gender norms may make women more vulnerable to slander and campaigns attempting to damage their reputations and discredit them in their communities, particularly where a woman defender's activism is perceived as challenging existing patriarchies and hierarchies.
- LGBTQI+ defenders may become targets of violence (including sexual violence) due to their sexual orientation or gender identity in addition to their human rights activism.
- Where LGBTQI+ rights are denied (as where same-sex relations are criminalised), LGBTQI+ defenders may be more vulnerable to 'doxing' and attempts to expose them in their communities, which can, in turn, subject them to criminalisation or violence.
- Indigenous defenders may be more vulnerable to threats and attacks where their rights are not recognised in law and may lack access to government protection and resources.
- Members of non-dominant groups may be targeted because of their race, ethnicity, religion or other identity, as well as for their activism.

### Do human rights defenders feel comfortable sharing concerns with the company?

**Consider whether holding dedicated group and one-on-one consultations with human rights defenders may be needed in addition to existing stakeholder consultation processes in order to understand defenders' views and their concerns and risks. Defenders from potentially vulnerable or marginalised groups may be uncomfortable with sharing their concerns in wider group settings. Consider whether it is appropriate to hold dedicated discussions with individuals or small groups of human rights defenders from particular groups in order to fully understand their perspectives. For example, women human rights defenders may feel more comfortable discussing their experiences and the risks they face in women-only settings. In some contexts, women may be socially expected to defer to men and mixed-gender consultations could therefore marginalise women's experiences.**

## Mapping risks

Existing human rights due diligence tools can be used to map risks to human rights defenders. An example is provided on page 27.

## Prioritise risks based on severity

When risks are identified, they should be prioritised based on their severity.

Risks to human rights defenders can be prioritised together with other human rights risks and impacts, based on their severity and likelihood. The severity of risks refers to the scale, scope and irremediable character of the risk or impact. However, risks to defenders that involve loss of life, security and liberty of the person, and risks of violence should always be considered severe and must compel an immediate, urgent response.



## Example of risk mapping

Impact statement	Who is affected?	Who is causing the impact?	Underlying drivers	Severity and Irremediability
<p><b>Indigenous activists have received death threats in connection with their opposition to a planned palm oil plantation</b></p>	<p>Indigenous defenders and their families.</p>	<p>It is believed that the threats come from community members who are pro-project.</p>	<p>The project enjoys support among some local communities due to job prospects, but indigenous communities are strongly opposed as they claim title to the land and argue FPIC has not been given.</p> <p>There are weak legal protections for indigenous rights; government frequently labels indigenous activists “anti-development”.</p>	<p><b>SEVERE:</b> death threats are made against defenders and against family members.</p> <p>If risks materialise, irremediable potential loss of life.</p>
<p><b>Supplier's workers have been arrested on charges of causing public disturbance after organising a non-violent strike</b></p>	<p>Factory workers, particularly trade union organisers.</p>	<p>Government authorities (police and judiciary); supplier is not considered to have collaborated with police.</p>	<p>The government of country X is engaged in an organised campaign against trade unions as part of a general crackdown on all forms of protest that can be seen as opposing the government's development agenda.</p>	<p><b>MODERATELY SEVERE:</b> workers are not mistreated in detention but are at risk of imprisonment on false charges.</p>

Step

3

## Reduce identified risks to defenders through preventative actions

If due diligence identifies salient risks to human rights defenders that are linked to our business, the business needs to identify and implement actions to prevent and mitigate these risks.

**This step focuses on responses that are aimed at preventing risks from materialising. Step 4 discusses options for responses in which a risk has already materialised, such as when a defender has been threatened or attacked.**

Appropriate responses depend on the specific context and should be developed in consultation with potentially affected defenders, other human rights defenders and civil society organisations/NGOs. Consultation with home and host country governments may also be useful.

To determine appropriate responses to identified risks:

- Consult directly with human rights defenders if at all possible:
  - Understanding human rights defenders' perspectives on the actions that could be most helpful to reduce risks should be attempted wherever possible.
- Maintain an open-door policy to defenders and other stakeholders to raise concerns about all types of human rights risks:
  - An open-door policy can form part of an 'early warning' system to monitor risks of adverse impacts on human rights defenders and is one of the effective ways to reduce risks to defenders.
- Seek to understand appropriate responses to reduce risk through engagement with human rights defenders' representatives, such as NGOs and civil society organisations, where it is not possible to consult directly with defenders.

### What is irremediability?

'Irremediability' is a concept that is found in the UN Guiding Principles on Business and Human Rights to help identify the severity of a human rights harm. The irremediability of an adverse human rights impact refers to the extent to which it is possible to restore those affected to the situation they were in before the impact. Loss of life is by its nature an irremediable impact, but bodily harm and other threats can also be irremediable. For some other threats, it may be possible to restore the person to the situation they were in before – for example, a lawsuit can be withdrawn and compensation granted, undoing the effects of the impact.

### Considerations for consulting with human rights defenders on risk mitigation

- Offer confidentiality measures – for example, the potential to engage with defenders through secure communication channels.
- Choose carefully the locations for in-person meetings (if necessary) to ensure that defenders are not exposed to further risk.
- Take care to understand whether some defenders are at risk of being excluded from consultations – for example, women or indigenous defenders.

## A combination of responses may be relevant to reduce risks. Examples of responses that can be taken individually or together include:

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### **Train employees on the rights of defenders**

- Conduct targeted training to ensure that employees are aware of the Principles in support of Human Rights Defenders and that they understand who defenders are, their rights, and why their work is important.
- Emphasise absolute non-tolerance for threats and attacks against defenders.
- Train employees on engaging with human rights defenders in an environment of dignity and respect.
- Consider aspects of training and be sensitive to age, sexual and gender orientation, disability, race and ethnicity, religion, Indigenous status and other potential sources of vulnerability or marginalisation.

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### **Emphasise non-tolerance for threats and attacks to business partners and offer training**

- Encourage business partners to develop their own policies on human rights defenders and procedures to implement these policies – for example, encourage business partners to develop training for employees who may interact with defenders.
- If risks to defenders have been identified in connection with a particular business partner or a business partner's industry or area of operation, request information on how the business partner will address these risks.
  - If risks are severe, request the business partner to communicate regularly on the action it takes to address the risks.
- Offer training to business partners in high-risk circumstances to ensure they are aware of the business's commitment to human rights defenders and understand who defenders are and the risks they face.
- Consider aspects of vulnerability and marginalisation in the training (as above).

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### **Develop communication channels for defenders**

- Establish secure communications channels for defenders to raise issues in high-risk situations.
    - For example, a dedicated contact person for human rights defenders or a direct chat number on a secure phone/chat service (such as Signal or WhatsApp) – such measures should be considered in consultation with IT and Legal, especially if there is a risk that governments could demand that the company provides communications logs.
  - Consider information security protocols, including safe storage of information concerning defenders, their identities, and work.
  - Refer human rights defenders to information about ways to protect their security online through different digital communications tools.
    - For example, [Front Line Defenders](#) has a list of resources and links to security toolkits: [Access Now has developed a digital security helpline](#) that can provide defenders with both preventative security practices and emergency assistance.
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**Ensure FPIC is obtained where relevant**

- Seek FPIC with indigenous people prior to the start of any project that may affect their right to self-determination, including projects that may affect their lands, culture and livelihoods, understanding that failure to do so may pose critical risks to human rights defenders and undermine the social license of the business to operate.

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**Respect social dialogue and trade union rights**

- Consistent respect for labour rights and trade unions can help reduce risks to human rights defenders.
- Engage consistently with trade unions and other workers' representatives in a spirit of mutual respect and co-operation.
- Register respect for labour rights in other engagements with government and industry peers as well as in multi-stakeholder initiatives and industry organisations.

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**Engage proactively with stakeholders**

- Raise concerns about risks to human rights defenders in interactions with host country government and local governments.
- Share concerns and ask for advice and support from home country government foreign ministries/embassies.

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**Engage the community**

- Use community stakeholder consultations to communicate the Principles on Human Rights Defenders and communicate the business's absolute non-tolerance for threats and attacks against human rights defenders.
  - Identify opportunities to demonstrate support for the work of defenders, emphasising that the company is always willing to listen to concerns.
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## 'Early Warning' Indicators of Heightening Risks

Where risks to human rights defenders are significant, it may be useful to establish 'early warning' indicators that help identify when risks to defenders are intensifying. Such indicators of heightening risks can include:

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### Monitoring changes to the legal environment:

- Criminalisation of some forms of protests or restrictions on certain types of speech can indicate that threats become more imminent.
- Laws targeting NGOs that are critical of governments – for example, designating certain NGOs as 'foreign agents' or restricting their funding, can indicate a higher risk of attacks and threats including criminalisation.
- Restrictions to the right to freedom of assembly can indicate higher risks to human rights defenders of criminalisation, as well as physical violence from law enforcement.

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### Monitoring changes to the media landscape:

- Self-censorship or the disappearance of speech critical of government actors.
- Increased frequency of phrases targeting or discriminating against certain groups.

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### Consulting with civil society/NGOs on a regular basis on risks to defenders:

- Establish a regular, proactive dialogue with local, national and/or international organisations that have knowledge of human rights defender issues.

See also step 4, on page 32, for actions where a risk has materialised, and a human rights defender has been adversely impacted.

Step

4

## Act when an adverse impact on a human rights defender is identified: decision steps

An adverse impact occurs where a risk materialises: that is, a threat or an attack is made against a human rights defender.

**The business may receive information from stakeholders that a defender is under threat, or a defender may directly approach the business through a grievance mechanism or other channels. When such a situation occurs, a decision needs to be taken on whether to respond and, if so, how.**

**Evaluating appropriate responses to an actual impact forms part of the human rights due diligence process of the UN Guiding Principles (UNGPs) on Business and Human Rights and should be undertaken in accordance with internal processes for responding to adverse human rights impacts.**

Where the business is made aware that a defender is being threatened or that an attack has occurred, it is necessary to understand whether the business has a responsibility to respond:

- If the business is directly linked to the adverse impact or has caused or contributed to it in some way, a response is always required and remediation may apply (see Step 2 above, and further discussion below), in line with the requirements of the UNGPs.
- If the business does not have a direct link to the impact, a decision should still be made on whether a response is warranted.

### Example scenarios

- **Scenario A:** An NGO working in the area where a sugar supplier plans to expand a plantation approaches the business with information that a human rights defender who opposes the expansion has had her home broken into and threatening letters have been left at her home and workplace.
- **Scenario B:** A staff member of an NGO that advocates for the rights of indigenous people to self-determination and the right to control their ancestral lands has been arrested for allegedly inciting violence at a protest. Human rights groups believe the charges are spurious and point to instances where human rights defenders have been mistreated in prison. The defender in question does not advocate specifically on issues in the area where the business or its suppliers operate, although other indigenous groups are present near sites where the business sources raw materials.



This evaluation should involve cross-functional discussion and decision-making, including:

- **Global human rights** to advise and guide the response in alignment with Unilever's human rights strategy, these Principles and global standards and frameworks.
- **Legal** to understand potential legal responsibilities, including under applicable due diligence regimes.
- **Communications and Corporate Affairs** to understand potential impacts on stakeholder relationships, including with regulators, home and host country governments and to plan for potential public or private communications around the issue and responses to interested stakeholders.
- **Business Operations Sustainability and Procurement** to understand the relationship with the business partner (if a business partner is involved).
- **Other functions** as relevant to the situation.

**Questions that may be asked to help determine responsibility to respond, include:**

- Are any of the business's own employees involved in this impact?
- Are any actions or omission of the business perceived to have caused or contributed to this impact?
  - For example, is there a failure to obtain FPIC in a situation where it should have been obtained that has contributed to conflict with defenders and communities?
  - For example, can a failure to conduct due diligence on a business partner involved in attacks against defenders be said to have contributed to the impact occurring?
- Is there a direct link with our business operations, products or services through a business partner or their third-party supply chain?
  - If the impact involves a business partner, such as a first-tier supplier, customer or distributor, a direct link to the business is indicated.
  - If the issue involves the business partner's own third-party supply chain, a direct link is indicated if the incident took place in the context of a commodity, product or service that Unilever sources.
- Do stakeholders' perceptions of the business's link to or involvement in impact align with our own assessment?

## Acting when there is a direct link between the impact and the business

**If it is determined that there is a direct link between an adverse impact on a human rights defender and the business, for example, where a first-tier supplier is involved, there is always a responsibility to respond in order to try to mitigate the impact. Depending on the link, remediation may also apply (see Step 6).**

Relevant actions include:

- Develop contingent action plans to prevent or mitigate the risk or impact.
- Identify forms of leverage and influence to deploy in situations where the company and its business partners have a responsibility or opportunity to support or protect defenders.
- Establish a plan for verifying business partners' implementation of contingent action plans.
- Determine whether there is a responsibility to provide access to remedy.

### Example scenarios

**Scenario A:** In this scenario, a Unilever business partner is involved, indicating a 'direct link' to the business and a responsibility to seek to prevent or mitigate the action in line with the requirements of the UNGPs. Relevant actions in this situation include:

- Follow procedures to investigate whether the business partner is in breach of the Responsible Partner Policy (RPP).
- Identify and assess action already taken by the business partner to address the issue or situation – for example, by investigating the source of the threats and acting against any offending staff members.
- Engage with the business partner if the situation has not been adequately addressed to agree on an action plan to address the risk and, if necessary, to remediate the situation.
- Encourage the business partner to engage with local civil society and local government, if the perpetrators of the attack are not clear, to inform what community-level actions may help prevent or diminish the risk of recurrence.
- If there is a failure to rectify the situation, consider whether the business partner is in breach of the RPP.

**Scenario B:** In this scenario, a direct link with the business is not indicated and therefore the business does not have a responsibility to seek to prevent or mitigate it. However, there may still be a case for acting, in line with the steps outlined on page 35.

## Steps to determine appropriate actions include:

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### Is the issue caused by one of the business's own actions or actions taken by an employee?

- Follow internal procedures for investigating conduct of an employee to determine whether there has been a breach of the code of conduct.
  - An employee who is found to have engaged in threats or attacks against a defender is in violation of the code of conduct and there are grounds for dismissal.
- Consider convening a cross-functional task force to oversee mitigation of the impact.
- Consult with the affected defender on the actions that are appropriate to mitigate the impact.
- Refer the situation to relevant grievance mechanisms with the consent of the affected defender and/or encourage the defender to file a complaint.

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### Is the issue caused by a first-tier business partner?

- Follow internal procedures for investigating a possible breach of the RPP.
- Consult with the business partner to ensure that the business partner establishes a plan for immediate mitigation and remediation of the issue if the business partner is confirmed to have been engaged in a threat or complicit in an attack.
- Set milestones and a plan for reporting on implementation, signed at the highest level of the business partner's leadership.
- Consider termination of the relationship if the business partner does not sufficiently mitigate the issue according to the action plan and it continues to be in breach of the RPP.

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### Is the issue caused by a business partner's third-party value chain?

- Ask the business partner to follow up the issue with its third-party suppliers or business partners.
- Request the business partner to commit to a time-bound action plan to follow up and verify that their supplier/business partner has taken appropriate steps to mitigate the issue.
- Encourage the affected defender/s to file a complaint with relevant judicial or non-judicial grievance mechanisms (if it is possible to consult with the defender or their representatives).
- Consider whether the defender needs support in being able to access available grievance mechanisms – for example, consider whether it would be appropriate to offer financial support for legal expenses or assistance to connect with NGOs that may be able to provide legal advice and support.

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### Is the issue serious enough that it could involve criminal conduct?

- Consult Legal on whether criminal conduct may be involved.
- In consultation with Legal, consider referring the situation to law enforcement – with the consent of the affected defender – if there are grounds for suspecting criminal conduct; follow internal processes for investigating the conduct of the relevant staff member.
- Consider whether the defender requires support to access judicial or other available grievance mechanisms – this support could include financial assistance for legal representation, potentially through NGO intermediaries.



## Case example

A land rights activist, Ms A, has protested against the dumping of industrial waste and encroachment on community-held agricultural lands by a manufacturing plant. Ms A and her colleagues allege that industrial waste dumping is affecting the fertility of the community's lands as well as lake and groundwater, damaging their livelihoods and access to water as a human right.

Ms A receives several notes warning her of possible attacks by persons acting on behalf of the manufacturing plant. She notifies the local authorities, although it does not appear that any protective actions are taken.

As she returns home from work, Ms A is attacked by a group of assailants, who beat her and attack her with a knife. Ms A is left by the assailants and later taken to the hospital by community members. Ms A identifies some of the attackers as workers from the manufacturing plant. Local police only superficially investigate the incident and do not identify any suspects, despite Ms A's recognition of some of her assailants.

If a situation like this concerns a business partner, immediate action is needed. This is a situation involving severe human rights abuses. Appropriate actions may include:

- Urge the business partner to establish the facts of the situation and investigate to the extent necessary – and, in turn, take disciplinary and other actions against employees that may be found to be involved in the incident, including referring the situation and potential perpetrators to law enforcement, where relevant.
- Recognise that a business partner's involvement in a situation like this is a potential breach of the Responsible Partner Policy. The business partner is expected both to rectify the situation and report the situation to Unilever as soon as possible. Failure to do so may result in a breach of the RPP, which could ultimately result in termination of the supplier relationship.
- Meet with Ms A, or her representatives, to understand any immediate protection needs – for example, local NGOs may be able to offer temporary relocation, emergency communication channels or other protective measures.
- Meet with local law enforcement to underline the seriousness of this situation and express the business's concern that the attack may not be investigated; emphasise its non-tolerance for any form of threats, intimidation or reprisals against the human rights defender.

Longer-term actions may include:

- Develop and implement an action plan with the business partner to enforce its policy of non-tolerance for threats and attacks against human rights defenders, including, for example, through codes of conduct for staff and training on human rights defenders.
- Consider suspension or termination of the supplier relationship in accordance with the RPP if the business partner is found to have had knowledge of the attack, or in any way encouraged or facilitated the attack against Ms A, or failed to act if it knew about the potential attack and failed to report on the situation as a breach of the RPP.
- Refer Ms A to sources of support to pursue her case with available grievance mechanisms, such as local civil society groups that can provide legal advice and support.
- Review internally, where applicable, whether reprisals against human rights defenders in the market have been sufficiently identified as a risk during human rights due diligence, with the objective of strengthening further processes and local community/ stakeholder engagement.

## Identify if there is a case for supporting human rights defenders and civic freedoms

If it is determined that an impact on the human rights defender is not caused, contributed to, or directly linked to the business's operations, products or services, the business does not have a responsibility to address it under the UNGPs. That is because the impact falls outside the scope of a company's responsibility to respect human rights, given that there is no direct link between the business and the impact. However, a case may still exist for responding to support human rights defenders and civic freedoms, in line with Unilever's expressed values and these Principles which explicitly recognise that the business has an opportunity to act in support of human rights defenders and the civic freedoms on which they depend.

### Examples of situations where there may be a rationale for acting include:

- **Laws are proposed that would criminalise certain types of non-violent protest, placing human rights defenders at risk of arrest for conducting their work.**
- **The rule of law is undermined by widespread corruption of the police and the judiciary, which leads to impunity for perpetrators of attacks against human rights defenders.**
- **Protesters against a proposed law that would ban education on LGBTQI+ rights issues are arrested and reportedly mistreated while in detention.**

In cases such as in the examples above, there is no responsibility under the UNGPs to respond but there may still be a case for taking actions that can help promote and support human rights and the work of human rights defenders. See also step 5 on identifying longer-term opportunities to support a safe and enabling environment for human rights defenders.

In deciding whether to respond in such cases, it is important to evaluate the relative costs of action versus inaction. Action does not necessarily carry more risks or costs than not acting; in certain situations, inaction may pose even greater risks than action.

### To evaluate whether to act, consider the following:

- Can action influence the outcome of the situation and help support a defender's human rights?
  - For example, if a human rights defender is arbitrarily detained and a strong response from businesses can help influence the authorities' decision to release the defender, a compelling case for action may exist, especially if the chosen form of action minimises the risks of backlash to the business.
- Can the costs of action be mitigated by a certain form of action?
  - For example, engaging with a host government privately rather than publicly can reduce some risks of retaliation.
- Will inaction make the situation more difficult to manage over the long term?
  - For example, inaction may allow others to determine the narrative of the situation and give the business few options to influence perceptions. Even if it is determined that there is not a responsibility to respond, stakeholders' perceptions about the business's opportunity and responsibility may differ.
- Is there an opportunity to act together with industry peers, suppliers, civil society or other stakeholders to amplify our voice and our impact?
- Are the costs and risks of inaction outweighed by the costs and risks of action? (See table on page 38).



## Risks of actions and inaction<sup>6</sup>

Are the costs and risks of inaction outweighed by the costs and risks of action?

### Risks of action

- **Could acting expose defenders to further adverse impacts?**
- **Are there legal risks associated with action** (e.g. contravening domestic law)?
- **Does acting expose the business to risks of retaliation by governments/others?**
- **Are there reputational risks associated with responding?**
- **Are there commercial and operational risks** of retaliation from host governments, or reactions from investors to consider?
- **Are there political and reputational risks** – such as damage to relationships with host country governments and potential to strengthen or hurt relationships with employees, shareholders and consumers?

### Risks of inaction

- **Severe harm to human rights defenders and freedoms** – loss of life, injury to human rights defenders, or further erosion of civil society and the 'shared space' that also benefits business.
- **Reputational damage** – loss of support or negative perceptions by current and prospective employees, responsible shareholders, and consumers.
- **More dangerous conditions for employees** – immediate or long-term deterioration of security.
- **Loss of social license to operate** – loss of trust with domestic civil society and communities.

Actions may be more powerful when taken together with peers and other stakeholders and when actions are taken over time. See also Step 6 on longer-term actions that support a safer and more enabling environment for human rights defenders.

Step

5

## Identify appropriate forms of action

Once a decision on whether to act has been taken in Step 4, the company must identify what types of response to an adverse impact – that is, a threat or attack that is made against a defender – is most reasonable and effective.

### Identifying the appropriate action in response to actual adverse impact requires careful consideration.

- If possible, the affected defender/s should be consulted in identifying responses; however, the logistics and sensitivities of the specific impact may make this impossible.
- If so, consulting with NGO partners, home country governments, peers and other stakeholders can help validate decisions about appropriate action.

### The purpose of the action is to mitigate the impact on the defender/s as far as possible.

Where it is not possible to mitigate an impact – for example, if a defender has been subjected to physical violence – actions should aim to prevent recurrence. **Remediation may also be necessary and appropriate, if the business has in some way caused or contributed to the impact through its actions or omissions** (see Step 6 on remediation).

Responses may be more effective when undertaken together with others. However, where there is a responsibility to prevent or mitigate an issue in line with the UNGPs, action should never depend on whether others are also willing to act.

### Public or private responses?

Responses can be public or private. For example, statements and letters can be either public or private. It may be possible to engage privately, behind the scenes, with governments without publicising that such engagement has taken place. Public actions and responses are not necessarily more effective than more discrete engagement. For example, while a public letter can put pressure on the government to respond, it could also make a government less willing to make concessions to avoid being seen to cave to 'foreign' or corporate interests. In some cases, private engagement can increase the likelihood of success by allowing a government to 'save face'.

Yet there are also situations when a public response to a threat – in order to avoid an attack or otherwise to condemn an attack which has occurred – may be imperative. But it is essential to consult quickly and decisively, wherever possible, with defenders themselves and/or the local community leaders supporting them. Home country embassies can also offer timely and useful advice.

## Actions may include one or a combination of responses. Example forms of action include:

<p><b>Physical protection measures – for example, relocation of a defender to a safe place/ safe house</b></p>	<ul style="list-style-type: none"> <li>■ Physical protection measures can be relevant where a defender or their family's lives or safety are threatened or attacked.</li> <li>■ It may not be possible for the business to provide protection measures directly; however, it can help identify organisations (such as Front Line Defenders and local organisations, including national human rights institutions) that can do so.</li> <li>■ <b>For example, the Roundtable on Sustainable Palm Oil</b> states that it may facilitate physical protection measures of defenders at risk by identifying organisations that can provide protections, including national human rights institutions as well as regional and international human rights mechanisms.</li> </ul>
<p><b>Public condemnation of attacks and threats</b></p>	<ul style="list-style-type: none"> <li>■ Strong public condemnations of attacks and threats against defenders can help prevent recurrence by signalling that actions will not be met with silence.</li> <li>■ <b>For example, a group of coal-producing companies in Colombia</b> (together with government and civil society actors) have developed a joint protocol to respond to threats and violence against defenders. As part of the protocol, if a threat is made against a human rights defender, companies issue public statements making clear that they condemn the violence and will not tolerate any threats or attacks made in their name or perceived 'interests'.</li> </ul>
<p><b>Community engagement</b></p>	<ul style="list-style-type: none"> <li>■ Engagement with a community may be particularly relevant where a defender is threatened or attacked by persons belonging to the community.</li> <li>■ The business may organise meetings with communities/community leaders or ask trusted NGOs to facilitate community meetings. The business can underline its non-tolerance for threats and attacks and seek to diffuse tensions. It can also communicate its 'open door policy' to defenders and all other stakeholders to raise concerns about impacts of projects.</li> </ul>
<p><b>Engagement with local law enforcement and/or human rights institutions</b></p>	<ul style="list-style-type: none"> <li>■ Raising threats and attacks against defenders with local law enforcement can be helpful if local institutions are accountable but should be sanctioned by human rights defenders. Defenders may not wish certain issues or situations to be raised with local law enforcement if they believe authorities are targeting defenders.</li> <li>■ If there is a national human rights institution (NHRI), it may be helpful to refer the issue or situation to it. Some NHRIs have mandates to investigate situations in which defenders are under attack.</li> </ul>
<p><b>Direct advocacy with host country government</b></p>	<ul style="list-style-type: none"> <li>■ Raise the issue through direct engagement where the threats or harm are associated with the host government.</li> <li>■ Elevate the issue to the most senior levels of the company; for example, senior executives may approach senior-level government officials.</li> <li>■ Intervene directly in the case of human rights defenders subjected to legal harassment or arbitrary arrests/detention, through letters/statements that directly appeal to those causing the harm to cease the actions.</li> </ul>



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**Direct advocacy with host country government**  
(continued)

- Consider the example of S Group, a Finnish retail sector company, which supported human rights defender/investigator Andy Hall through a series of defamation lawsuits in Thailand over forced labour allegations Mr Hall had made against Natural Fruits Ltd – a supplier of S Group. S Group even testified in court as a witness for his defence. Mr Hall was eventually acquitted of all charges.

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**Indirect advocacy with governments**

- Approach host country governments through home country governments/ embassies to express concern about the situation and urge cessation of the actions that are causing adverse impacts on the rights of defenders. Such an approach may add channels of access and influence to support defenders and the enabling environment of civic freedoms that is vital to the 'shared space' with business.

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**Public or private statements and letters**

- Statements and letters can underline the business's non-tolerance for threats and attacks against defenders and help bring public attention to an issue, particularly where a government is concerned in attacks against defenders.
- Statements and letters can be undertaken individually or jointly with peers and other stakeholders.
  - Individual letters allow the business to control the content and tone.
  - Joint letters may have a bigger impact by emphasising shared concerns among stakeholders and reduce the risks of backlash against the company
- **For example, Tiffany & Co** signed an open letter in 2015 to the President of Angola in support of Rafael Marques de Morais, an investigative journalist and human rights defender who faced prosecution for documenting human rights abuses in the diamond industry.
- **For example**, more than 200 multinational and domestic companies (including Unilever) signed a "Statement by Concerned Business Operating in Myanmar" following the February 2021 coup by the junta, calling for respect for the rule of law and human rights.

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**Collective advocacy through multi-stakeholder and industry platforms**

- Industry associations, chambers of commerce and multi-stakeholder platforms can engage collectively to raise concerns directly with host country governments.
  - Multi-stakeholder advocacy can underline the seriousness with which the company views the situation, reflecting the reputational and operational risks for the sector.
  - **For example, members of the Ethical Trading Initiative and the Fair Labor Association**, two multi-stakeholder initiatives focusing on responsible sourcing in the apparel sector, engaged the government of Cambodia through public letters and meetings to protest legislation that would further restrict freedom of association and against targeting of labour rights activists.
-

Step

6

## Identify longer-term opportunities to support human rights defenders and civic freedoms

Longer-term actions can be taken to support the work of human rights defenders, contribute to reducing the risks they face, and to creating a safe and enabling environment for defenders.

Such actions are optional depending on the issues and situations, problems and opportunities. But they can strengthen the shared space of the rule of law, accountable governance and civic freedoms upon which business and civil society depends. They can also reflect and reinforce Unilever's commitment to human rights, and at the same time demonstrate such support to Unilever stakeholders. These longer-term opportunities to support human rights defenders and civic freedoms can be aligned with other approaches to engage with institutions and civil society on issues of public policy and government relations. Longer-term actions can be undertaken by the business on its own but may be more effective when undertaken collectively with industry peers and other stakeholders, whether locally, regionally or globally.

Actions for consideration include support for:

- A 'rule of law' culture through engagement with local and regional chambers of commerce, the UN Global Compact Local Networks, and industry associations.
- Engagement and dialogue on human rights defender issues through multi-stakeholder and industry associations focused on responsible business practice, such as Bonsucro and the Roundtable on Sustainable Palm Oil and engagement through business platforms such as UN Global Compact Local Networks.

- Preventative efforts to avoid or mitigate environmental and human rights harm (including support for national/local laws and policies) – for example, in collaboration with civil society groups.
- Initiatives to safeguard civic freedoms, including demonstrating support for media freedom and pluralism, civic education and information, and combating disinformation – for example, through support for civil society organisations that work on these issues and engagement through business networks and platforms.
- Expressing support for the work of independent authorities and bodies (e.g. judiciary, NHRI, ombudsperson) and the civil society organisations that support their work.
- Support for measures to counter disinformation, promote digital inclusion and literacy – for example, through support for civil society organisations that work on these issues.

These actions are mostly effective when taken consistently over time, together with others.

Step  
7

## Ensure access to effective remedy, including accessibility and safety of grievance mechanisms

Human rights defenders should be able to raise concerns and grievances with the business, including in instances where they believe they have been threatened or attacked in connection with the business or its business partners.

The UN Working Group on Business and Human Rights' report on the UNGPs and human rights defenders contains recommendations for how companies should ensure that grievance mechanisms are safe and accessible for defenders, which should be consulted in the development of applicable grievance mechanisms. The goal of ensuring access to remedy through company grievance mechanisms is in line with the goals of our Human Rights Policy Statement. The RPP also requires business partners to ensure that workers have access to grievance mechanisms in line with the UN Guiding Principles and encourages, as a leading practice, that grievance mechanisms are accessible to communities.

### Establish rules of non-retaliation:

- Ensure that any company-provided grievance mechanism includes principles on non-retaliation and zero tolerance for any threats or attacks against anyone who approaches the mechanism with a complaint.
- All forms of threats and attacks against defenders/retaliation are grounds for complaint, even if the source of threats is unclear at the time the complaint is made.
- Clarify what actions will be taken if threats of retaliation are made against anyone using the mechanism.

### Leading practices to ensure that grievance mechanisms meet defenders' needs include:

It is recommended to consult and, where possible, implement these leading practices

as part of processes to establish, improve and review grievance mechanisms:

- Involve defenders directly in the design of grievance mechanisms to the extent possible by consulting human rights defenders on:
  - Forms of complaint channels preferred by defenders (physical offices, hotline, WhatsApp number, etc.).
  - Ways to maintain privacy and anonymity.
  - Security concerns when using the grievance mechanism – for example, is the process open to observation in any form? Is there a risk that government authorities can request access to certain information about the grievance mechanism that could put human rights defenders at further risk?
  - Perceived risks of retaliation and sources of this risk.
- When a human rights defender uses a company-provided grievance mechanism, encourage them to bring their own representatives (for example a lawyer or an NGO) to ensure they have access to independent advice.
  - Consider whether it is possible to provide financial support for defenders to access independent advice – for example, from independent lawyers or an NGO.
- Consider different needs of men and women
  - for example, female defenders may wish to have their cases handled exclusively by female grievance mechanism staff.

■ **Work where possible with human rights defenders and local NGOs in the development of community-led grievance mechanisms**, which allow community members to raise concerns with the company in a manner of their own choosing.

– Establish privacy and confidentiality measures, including limiting access to case files, computer security, separating identity-revealing information from other information about the case, etc.

– Consider whether there is a risk that governments may be able to demand access to information from the grievance mechanism that could place defenders at further risk. If there are no legal grounds to refuse to provide such information, consider whether it may be more appropriate to refer the situation to external grievance channels in order to maintain the anonymity and safety of human rights defenders.

## A source of continuous learning

Grievance mechanisms, as conceived by the UNGPs, are a source of “continuous learning” for the business on how well existing systems address human rights risks. Low use of a grievance mechanism where defender-related risks are salient does not necessarily indicate success in addressing these risks but could equally indicate that human rights defenders do not trust the mechanism to provide effective remedy.

The business should monitor cases submitted through grievance mechanisms to identify “patterns of abuse against human rights defenders that may emerge (including threats against those using the grievance mechanism).”<sup>7</sup> Conclusions should be communicated within the market/business unit and to the Global Head of Sustainability (Human Rights).

## Reporting and tracking implementation and grievances – how will impact be measured?

Grievance mechanisms should log incidents that involve human rights defenders, whether brought by defenders themselves or other parties. That can help the business understand trends in risks to human rights defenders and the extent to which such risks are alleged to involve Unilever’s operations, products or services.

An absence of incidents involving human rights defenders does not necessarily imply that no such incidents exist. It could also indicate a lack of trust in the grievance mechanism or a lack of understanding or awareness of the process among human rights defenders.

Success in implementation is generally reflected in an absence of incidents, so it can be difficult to define and establish relevant metrics. It may be difficult to identify whether the absence of incidents is specifically linked to preventative actions. However, grievance mechanisms may offer some insight into whether human rights defenders trust the business and its grievance mechanism. The types of incidents brought, if any, may provide indications of the extent to which risk mitigation actions are effective.

<sup>7</sup> UN Working Group Guidance on Human Rights Defenders, 2021

## Measuring impact

Measuring the impact on Human Rights Defenders and of this implementation guidance presents unusual challenges. That is due to the complexity and sensitivity of the issues and contexts that the company and its business partners may face and the range of actions to take, from preventive due diligence to reactive remedy. Moreover, determining a crisis response proportionate to the severity of the situation – above all, to an active threat to or attack on a defender – may be the most challenging to the business.

Success can be defined primarily by the absence of incidents where the company or business partner has been involved – however unintentionally or inadvertently – with an adverse impact on a human rights defender. Where a risk does not become an impact, it may be difficult to identify what would have happened in the absence of actions taken consistent with this guidance.

Nevertheless, while it may be difficult to measure outputs, it is possible to measure inputs, that is, the extent to which actions are taken in response to identified risks.

## These inputs can be measured as follows

Inputs	Metrics
<b>Identification of risk</b>	<ul style="list-style-type: none"> <li>■ The percentage of human rights due diligence processes for high-risk commodities or markets that explicitly consider risks to human rights defenders as part of risk assessment.</li> <li>■ The percentage of stakeholder consultations (as part of due diligence) that involve human rights defenders.</li> <li>■ The percentage of human rights due diligence processes that assess differentiated risks to human rights defenders on basis of intersectional vulnerabilities.</li> </ul>
<b>Response to identified risks</b>	<ul style="list-style-type: none"> <li>■ The percentage of identified risks to human rights defenders that were addressed through preventative actions.</li> </ul>
<b>Business partner communication</b>	<ul style="list-style-type: none"> <li>■ The percentage of high-risk business partners (market/commodity) that have received information related to issues and situations which may pose threats to defenders.</li> <li>■ The extent to which high-risk business partners (market/commodity) communicate that they have taken actions to implement this guidance.</li> <li>■ The extent to which business partners that were involved with an adverse impact on a human rights defender successfully addressed the situation/implemented agreed action plans within timeline.</li> </ul>
<b>Grievance mechanisms</b>	<ul style="list-style-type: none"> <li>■ Number of grievance mechanism complaints that involve impacts to a human rights defender (whether brought by human rights defenders or other stakeholders).</li> </ul>

While outputs may be more difficult to attribute to these Principles and implementation of this guidance, it is nevertheless critical to track outputs as far as possible. Relevant measures may include:

- Incidents where it is established that an adverse impact on a human rights defender took place and where a direct link/contribution from the company is established.
- Allegations that the business has been involved in an adverse impact on a human rights defender, even if there was no link to the business.
- Actions taken in support of human rights defenders when there is an active threat or in immediate reaction to an attack.
- Actions taken to support a safe and enabling environment for human rights defenders in the market – for example, through engagement with UN Global Compact Local Networks, industry associations (such as the Roundtable on Sustainable Palm Oil or the Consumer Goods Forum), or by raising the issue with peers in relevant industry forums.

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**The most critical reflection of success for Unilever and its business partners in bringing to life this implementation guidance in support of Human Rights Defenders can be crystallised in affirmative answers to these two fundamental questions:**

1. Did the company and/or its business partner(s) take all reasonable due diligence and stakeholder engagement steps to identify and diminish risks and threats, and when necessary, act to avert attacks and help ensure access to remedy when they occur?
2. Is the company and its business partner(s) not only never complicit in threats to or attacks on defenders, but also willing to take reasonable steps – individually and collectively with other actors – to support a safe enabling environment for their vital work?

The complexity and sensitivity of some issues or situations may not only elude measurement or assessment of impact, but also pose even more fundamental dilemmas and hard choices for the company and/or business partners. Such dilemmas and choices may

relate to whether engagement and dialogue with a defender and/or local community is even possible – or to whether support for a defender or community may put the company or a business partner at risk of conflict with a host country government.

## Addressing dilemmas

This section identifies and responds to some of the dilemmas that may be encountered in addressing risks to human rights defenders.

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### **What to do if defenders who are trusted in their community refuse dialogue with us?**

Some human rights defenders may not be open to dialogue. One reason may be that they believe that there is no possibility of a positive dialogue, because of a lack of trust in the company's personnel or intermediaries. Moreover, they may believe that interaction with the company can expose them to further risks of retaliation from the company or backlash in the community. Another reason, held by some indigenous community defenders, is that they reject the model of economic development and commercial activity that they may feel erodes their cultural identity and traditional economy.

Where defenders are not open to dialogue, it is still important to maintain an open-door policy where they may be encouraged to engage in the future. The open-door policy can be communicated directly or through trusted NGOs, local leaders or other intermediaries. Inviting engagement through local NGOs or other local institutions, such as a local office of a national human rights institution, is also an option that can help build trust over time.

Where defenders are not open to dialogue, validating assumptions about risks to them or the issues they advocate on through NGOs, national human rights institutions, think tanks, universities or other trusted institutions may be useful.

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### **Under what circumstances do we need to condition or curtail engagement or dialogue with a human rights defender or group of defenders?**

Human rights defenders conduct their activities non-violently. A person that engages in threats

or attacks against employees or workers of the business or its business partner is not a defender, even if their stated goals are in service of human rights. If a defender starts to engage in violence, they lose their legitimate defender status and it is appropriate to withdraw from any engagement.

In other cases, it can sometimes be unclear whether a defender has legitimacy in the community they claim to represent. If concerns are raised about whether a defender is indeed legitimate, careful due diligence is needed, relying on relationships with and information from trusted NGOs/civil society partners, local leaders (community, local government, religious leaders), national human rights institutions, media, home/host government counterparts, and other sources. However, even if there is reasonable doubt about whether a defender enjoys legitimacy in their community, any decision to curtail engagement should still consider the potential reputational risks of doing so.

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### **How do we avoid risks of contributing to further conflicts within communities where human rights defenders and parts of communities are divided?**

If a community is deeply divided on an issue; for example, on a proposed land acquisition by the business or a business partner, defenders may be exposed to threats and attacks from within communities or from other groups that are not linked to the business or business partner. These attacks could stem from deep divisions within a community about the desired path of development, and different perspectives of the human rights impacts and the social development benefits of a certain project.

**Example scenario:**

**A business is made aware that threats are made against a defender opposing a business operation. Investigation reveals that the most likely source of threats come from community members and project workers who believe that the defenders are obstructionist and 'anti-development'. Workers at the project are worried about losing their jobs if the project does not go ahead. Responses to these threats should aim at reducing tensions within the community, while also considering whether more urgent measures are needed to protect the defenders at risk. Responses can include more community engagement, in which the business stresses that it wants to hear critical voices, and where it communicates its non-tolerance for threats and attacks. Responses can also include engagement with community leaders to stress the importance of respecting the views of human rights defenders who are critical of the project.**

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**What do we do in situations where host governments, law enforcement and other authorities collude in or perpetrate attacks against defenders?**

In some cases, human rights defenders are targeted and harassed or attacked by government-linked agents. There is a range of such situations, from restricting NGOs' access to foreign funding or labelling NGOs or individuals as "foreign agents" to imprisoning defenders due to their non-violent activism.

Where the company or a business partner has an existing relationship with law enforcement – for example, where public security forces provide security for a project – the company should communicate its policy on human rights defenders and discuss its non-tolerance for any threats and attacks. It should explicitly address risks to human rights defenders through applicable memoranda of understanding or agreements. Rules of engagement should also address non-tolerance for any threats or attacks against defenders. The company can set up regular dialogues with security forces

to discuss risks and escalate the issue through chains of command where necessary. Initiatives such as the Voluntary Principles on Security and Human Rights provide guidance – and a potential platform for co-ordination and action.

Where there is no existing relationship with law enforcement and other perpetrators of attacks, there are still options available, as discussed in steps 4 and 5 of this guidance. Careful consideration of whether and how to act is necessary. Acting to support or protect human rights defenders in collaboration with other stakeholders can often lessen the risks of retaliation or backlash against the company.

**Example scenario:**

**In some situations, companies have been successful in advocating directly with governments, privately and behind the scenes, that specific individuals or groups targeted by the government need protection, and that any attacks against them would be considered damaging by the business as well as by international public opinion. The company should be prepared to communicate how seriously it takes the specific issue or situation, that it is aware of specific threats made against identified individuals, and that it is in the government's own interest to refrain from any further threats or attacks. Private interventions can yield results where public engagement could risk a backlash from the government and/or public opinion. Yet at the same time, public silence may risk harsh criticism from local, national and/or international stakeholders. Careful consideration should be given to the form of action – especially private or public – and consultation undertaken where possible with home country foreign ministries and embassies as well as with defenders and their NGO allies.**



# Guidance to business partners

## Implementation of the Responsible Partner Policy

Unilever business partners are expected to respect the rights of human rights defenders in line with the RPP. Preventing retaliation in any form against human rights defenders is integral to meeting the mandatory requirements in the RPP.

- The RPP states that: "There is zero tolerance of any abuse, threats, intimidation or reprisals against human rights defenders."

The RPP further identifies as leading practice: "Strategic Lawsuits Against Public Participation (SLAPPs) used to silence human rights and environmental defenders and civil society organisations that support affected rights-holders in legitimate activism are not engaged in."

Likewise, the People & Nature Policy states that:

- "We strongly support dialogue and open communication channels enabling all voices to be heard, including those of independent expert stakeholders and rights-holders and their representatives. We are committed to engaging and consulting openly and constructively with human rights defenders (HRDs). We acknowledge that

HRDs are vulnerable to attacks resulting from restrictive legislation, stigmatisation and the silencing of dissent. We condemn any threats, intimidation or reprisals against HRDs."

It is vital that business partners identify risks of threats or attacks against human rights defenders and take active steps to address such risks in order to ensure that they are not involved with any abuse, threats, intimidation or reprisals.

Business partners are expected to comply with the requirements on Human Rights Defenders in the Responsible Partner Policy. This implementation guidance offers practical steps to ensure compliance. However, business partners may also adapt their existing processes and risk mitigation systems to identify and address risks to defenders.

Business partners should further **cascade equivalent expectations** within their own supply chains by carrying out human rights and environmental due diligence which includes assessment of risks to human rights defenders.

**To this end, we expect our business partners that potentially interact with human rights defenders to implement this guidance or equivalent measures and to cascade equivalent expectations in their third-party supply chain to:**

## **1. Commit to absolute non-tolerance for any form of attacks, whether physical or otherwise, against human rights defenders, including those advocating on issues that are linked to the business partners' business operations.**

Business partners should ensure that relevant employees/workers:

- Demonstrate familiarity with how the business partner's commitments to respect the rights of defenders align with key standards and frameworks such as the UN Guiding Principles on Business and Human Rights.

- Understand who defenders are and why their work is important.

Business partners should consider developing training on their commitments, the work that defenders do and ways in which defenders may be vulnerable to attacks, adapted to their specific national and local context.

## **2. Integrate risks to human rights defenders in their own risk assessments or due diligence systems**

Business partners should explicitly identify and address risks to human rights defenders as part of their own risk assessment processes/due diligence to ensure compliance with the RPP. This risk assessment should cover their entire internal corporate group operations as well as third-party supply chains.

This implementation guidance offers practical advice on how to do so. While identification of risks to defenders can be integrated into existing processes, business partners should:

- Consult with NGOs/civil society, media sources and other sources of information to understand risks to defenders in the applicable context.

- Consult with defenders where possible to understand the risks they face.

- Identify risks to defenders, including risks of retaliation, which are linked to the business partner's operations, products and services (for example, in connection with land acquisitions, land use, environmental impacts and working conditions at manufacturing sites).

- Evaluate the severity of the risks as part of overall due diligence.

### 3. Implement plans to address identified risks, in collaboration with Unilever where relevant

If risks to human rights defenders are identified or adverse impacts occur, business partners need to act immediately to reduce these risks or mitigate and redress actual impacts. They should:

- Develop a time-bound, monitored plan for addressing risks to defenders.
  - Where a potential breach of the RPP is identified, the plan for remedying the situation should be communicated to Unilever without delay. In the case of severe risks, sign-off on the plan by Unilever may be necessary.

- Progress on the plan should be assessed and communicated periodically.
- For business partners, in certain situations, especially where risks are severe, Unilever may advise on and sign off on a plan to prevent or mitigate the issue.
- If the risk is present in a business partner's own third-party supply chain, Unilever may advise and engage on how to address the issue with the sub-supplier in question.

### 4. Ensure that grievance mechanisms are safe and accessible for all users, including for human rights defenders

Business partners should have in place their own grievance channels that enable affected stakeholders – including human rights defenders – to raise concerns directly. To ensure that grievance mechanisms are safe and accessible to defenders, business partners should look to the actions in this guidance to understand the measures that may be needed to ensure that human rights defenders are able to avail themselves of existing grievance mechanisms.

In addition, business partners should:

- Use the grievance mechanism as a source of continuous learning to inform the business partner's own due diligence processes with respect to human rights defenders and the risks they face.
- Ensure that accessing a business partner grievance mechanism does not preclude access to other remedy mechanisms, including the courts.

## Annex: Frameworks and standards

**Unilever's Principles in support for Human Rights Defenders are anchored in the UN Guiding Principles on Business and Human Rights (UNGPs)** and the international human rights standards to which they refer.

**There are two main, complementary and mutually reinforcing frameworks** (both consistent with the UNGPs) that address business responsibilities related to human rights defenders:

- Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders (2018) provides an analytical and operational decision framework for companies to determine whether, and if so how, to support defenders and civic freedoms, anchored in the normative responsibility and discretionary opportunity to react to threats and attacks.
- The UN Working Group on Business and Human Rights, The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders (2021) advises states and companies on preventing and addressing adverse human rights impacts to defenders with an emphasis on due diligence and remedy.

The implementation guidance is anchored in these two frameworks and is furthermore based on and informed by the relevant international declarations and frameworks applicable to human rights defenders, including:

- The UN Declaration on Human Rights Defenders
- The UN Declaration on the Rights of Indigenous Peoples (which informs, among others, the understanding of FPIC and indigenous people's rights to self-determination)
- The work of the UN Special Rapporteur on the situation of human rights defenders
- The work of the UN Special Rapporteur on human rights and the environment
- The OECD guidance on due diligence for responsible business conduct, developed to support the implementation of the OECD Guidelines for Multinational Enterprises