



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

United Nations Economic Commission for Europe
Palais des Nations, 8-14 avenue de la Paix
CH - 1211 Geneva 10, Switzerland
Email: Aarhus-EnvDefenders@un.org

Michel Forst
UN Special Rapporteur on environmental defenders under the Aarhus Convention
Statement in support of the adoption of the European Union Directive on Corporate Sustainability Due Diligence

As the draft European Union Directive on Corporate Sustainability Due Diligence (CSDDD or the Directive) is awaiting approval at the end of this week, I use this opportunity, in my capacity as UN Special Rapporteur on environmental defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), to reiterate the pivotal importance of the Directive and to call on all Member States to support its adoption.

As I highlighted in my [letter to the Ambassadors of all European Union Member States dated 6 September 2023](#), the CSDDD has the potential to be a milestone Directive, showing a clear commitment by the European Union and its Member States to human rights and the promotion of sustainable business practices. In times where trust in public institutions is wavering, the European Union could stand out as a leader on the protection of human rights and thereby send a strong message to both the public and corporate actors as well as to non-Member States.

The CSDDD provides a ground-breaking opportunity to protect those at risk from business activities. It makes it possible for victims of corporate abuse to hold companies accountable for harmful activities; that is, not just the company's own business activities, but also those of its subsidiaries, suppliers and others in their value chain. As I have seen under my mandate, all too often multinational corporations avoid accountability for the acts of their business partners in third countries or take advantage of insufficient, half-hearted due diligence. The difference that the Directive can make to those adversely affected by business activities is thus immeasurable. It will mean that companies, and their host States, can no longer ignore the adverse human rights and environmental impacts caused by those companies and their subsidiaries and partners in the value chain. And if they do, the Directive will provide stakeholders with long-needed redress mechanisms and a system of sanctions.

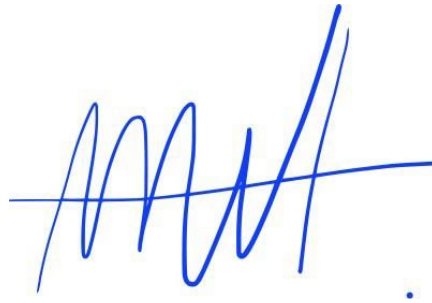
As I pointed out in my letter of 6 September 2023, I urge Member States to ensure the final text of the Directive expressly includes environmental defenders in the group of relevant stakeholders and as rights-holders in complaints mechanisms and that Annex, Part II, of the Directive expressly includes both the Aarhus Convention as a whole, and in particular articles 4, 6 and 9, as well as, separately, article 3 (8) of the Convention, which is the basis of my mandate as Special Rapporteur. Being at the forefront of raising awareness about the adverse human rights and environmental impacts caused by corporate wrongdoing, environmental defenders are at constant risk of reprisals and other forms of intimidation for their vital work. A failure to include environmental defenders expressly as a standalone group and to include article 3 (8) of the Aarhus Convention in the Annex, Part II, of the Directive would

be a significant shortcoming and would overlook the vital role played by environmental defenders in holding corporate actors to account.

To the Member States of the European Union,

At this critical juncture of the negotiations, I urge you not to miss this opportunity to adopt a strongly worded Directive and to show true leadership at a time when democratic values and human rights are increasingly under threat.

Please accept the assurances of my highest consideration.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Michel Forst

UN Special Rapporteur on environmental defenders under the Aarhus Convention

15 February 2024