

To: United Nations Working Group on business & human rights
From: Christopher Avery
April 16, 2018
Subject: Bayer - Human rights concerns

Dear UN Working Group,

I am concerned that the German-headquartered pharmaceutical company Bayer publicly proclaims its commitment to respecting human rights, and to implementing the United Nations Guiding Principles on Business and Human Rights — but Bayer’s continued funding of the Sean Hannity Show on Fox News through its advertising is undermining internationally-recognized human rights.

As outlined in my 23 January 2018 letter to Bayer’s CEO and Chair, the concerns are:

A. Repeated attacks by Sean Hannity on the independent press - by helping to enable this through its advertising, Bayer is failing to respect the Universal Declaration of Human Rights (Article 19) and the UN Guiding Principles on Business and Human Rights. The Sean Hannity Show is leading attacks on the foremost professional media and journalists in the United States. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression commented in October 2017 regarding attacks on the press in the U.S.: “We see a near-term and a long-term impact that is extremely negative on a free press and on freedom of expression generally in the United States.” It is important to note that the concerns raised in my January letter do not relate to Sean Hannity expressing differences of opinion with other journalists (which is part of a healthy debate in any democratic society) — rather the concern is about his repeated attacks on the fundamental legitimacy and integrity of broadcast media, press, and independent journalists in the U.S. Attacks on the press have been so harsh and so persistent that concerns have been expressed by leaders and commentators across the political spectrum, as detailed in my January letter.

B. Repeated calls by Sean Hannity for the firing of the special prosecutor investigating attempts to subvert the fairness of the 2016 U.S. election - by helping to enable this, Bayer is failing to respect the Universal Declaration of Human Rights (Article 21) and the UN Guiding Principles on Business and Human Rights.

I am bringing this to the Working Group's attention because of these specific human rights concerns relating to Bayer’s conduct, and because of the broader issues at play here, set forth in section 2 of my January letter to Bayer, “The broader U.S. and international context of these human rights concerns”.

Please see:

1. [My 23 January 2018 letter sent to Bayer’s CEO and Chair](#), and later sent to Business & Human Rights Resource Centre
2. [Bayer’s 4 March 2018 response](#) sent to Business & Human Rights Resource Centre
3. [My 6 March 2018 rejoinder to Bayer’s response](#), sent to Business & Human Rights Resource Centre (Bayer chose not to send Business & Human Rights Resource Centre a response to my rejoinder)

Note that Bayer is continuing to advertise on the Sean Hannity Show in April 2018.

As noted in my 6 March rejoinder, I found Bayer's response to these concerns very disappointing, and misleading. Bayer's response says it "runs the risk of having an occasional ad run on a network that broadcasts programming that may be seen as offensive" — but in fact Bayer has control over where it advertises (other corporations have decided to stop advertising on the Sean Hannity Show, as explained in my rejoinder), and the issue is not whether the Sean Hannity Show "may be seen as offensive", the issue is whether it is undermining human rights.

I am also bringing these concerns to the attention of others, including:

- United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- United Nations Global Compact (Bayer is a Global Compact participant)
- German Parliamentary Committee on Human Rights and Humanitarian Aid (Deutscher Bundestag ^[1] Ausschuss für Menschenrechte und Humanitäre Hilfe)
- Human rights NGOs
- NGOs focused on protecting journalists and freedom of the press
- NGOs focused on the rule of law

I want to emphasize that I am writing this in my personal capacity — I no longer have any connection with Business & Human Rights Resource Centre or with Amnesty International.

Sincerely,

Christopher Avery

Founder-Director (2002-2013), Business & Human Rights Resource Centre

Former Legal Adviser and Deputy Head of Research, Amnesty International, International Secretariat