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Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Call for inputs

Connecting the business and human rights and anti-corruption agendas

The Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR), have recognized that corruption significantly undermines the enjoyment of human rights. Recognizing that State actors and businesses may engage in corrupt activities, in its report to the 44th session of the Human Rights Council (June 2020), the Working Group on Business and Human Rights will seek to clarify how corruption involving the private sector impacts rights holders in terms of corruption being linked to, causing or contributing to human rights abuses. The report will also examine what measures and good practice can be taken by States, business and civil society to address corruption when it does negatively impact human rights in the context of business related activity, with respect to both prevention of negative impacts as well as in providing access to effective remedy.

The report will also examine how the business and human rights agenda, articulated in the UN Guiding Principles on Business and Human Rights, and anti-corruption efforts, relate to each other. It will demonstrate how measures to drive responsible business practice along these two dimensions can reinforce each other to ensure policy coherence, and consider what this implies for government, civil society and business action. For example, States may need to address the human rights impacts of corruption by business actors, when deciding whether to provide a business with government support such as trade finance or the award of a concession. Similarly, there may be areas of policy reform that will promote stronger respect for human rights as well as prevent corruption. For example, reform of public procurement processes may benefit rights holders as well as preventing corrupt bidding.

The Working Group's report will address how the anti-corruption field can be further strengthened and aligned with the "Protect, Respect and Remedy" pillars of the UN Guiding Principles. It will consider how to better integrate human rights due diligence in

anti-corruption and anti-bribery measures, moving from a risk- to-business to a risk-to-people approach. The Working Group's report will propose recommendations to States, business and civil society to address these manifestations, including in such areas as improved policy coherence, enhanced human rights due diligence, and measures to strengthen access to remedy.

The Working Group requests written inputs from all stakeholders to inform the drafting of the report to the Human Rights Council by 1 March 2020. Please email all responses to wg-business@ohchr.org. (Please indicate "CALL FOR INPUT – Connecting the BHR and anti-corruption" in the subject line.)

Unless informed otherwise, OHCHR will post the responses received on the [Working Group's website](#).

For guidance please see the questions below.

1. What are the key areas where corruption causes, contributes or is linked to human rights abuses and negative impacts for right holders? Are there key sectors or key areas where corruption leads to human rights abuses with a business nexus (For example in particular actors or in specific areas such as large-scale land acquisitions or government procurement)?
2. Given the areas discussed in the question above, what are the ways States should address the issue of corruption which has a connection to business-related human rights abuses? For example, how can States address the twin duties of both promoting anti-corruption as well as implementation of the UN Guiding Principles through their national action plans, anti-corruption strategies, and overall desire for policy coherence in areas such as responsible business conduct, trade and investment promotion, access to justice, etc.?
3. Are there areas where States should extend existing anti-corruption policy and regulations to encompass requirements for businesses to also respect human rights (e.g. in extending export credit and other forms of trade and investment support, in providing government procurement contract)?
4. How can anti-corruption compliance and human rights due diligence be better coordinated within companies as part of an overall approach to responsible business conduct? What are examples of good practice?
5. How does corruption and corrupt activities impact the ability of victims to seek access to an effective remedy (both judicial and non-judicial)? What measures can States and companies take to address these challenges?
6. Are there ways in which victims of business and human rights related abuses used anti-corruption mechanisms to seek remedies for human rights abuses?
7. Are there areas where there should be greater policy alignment, in terms of seeking reforms, that will benefit both the business and human rights and anti-corruption agendas such as in areas including public procurement, whistleblower protection, beneficial ownership reform, conflict of interest legislation for public officials and legislators, etc.
8. How can/should states, private sector and civil society work to better coordinate anti-corruption and business and human rights agendas to prevent harms along both dimensions through collective action, multi-stakeholder platforms.

9. What role should international financial institutions, and investors play in exerting leverage to ensure both prevention of corruption but also business respect for human rights?
10. How can United Nations bodies such as OHCHR and the UN Office on Drugs and Crime, work more closely together to address the human rights impacts of corruption?
