**SIKH HUMAN RIGHTS GROUP WRITTEN INPUT ON PREVENTABLE IMPACT OF CORRUPTION BY BUSINESS ON HUMAN RIGHTS, SUBMITTED TO THE 25TH SESSION OF WORKING GROUP ON BUSINESS AND HUMAN RIGHTS. 2020**

Corruption is the essential means which enables Business to erode or violate human rights directly or indirectly. We feel that addressing this is fundamental to ensuring Business respect human rights. Most countries have anti corruption mechanisms but few apply them robustly. It is through corruption that anti corruption is Business actions are frustrated. It is corruption that influences local government and national government inaction against powerful Business interests when human rights are violated directly or indirectly. It takes many form:

**AT THE LOCAL DOMESTIC LEVEL**

1. It can take the form of Business enterprise paying Government officials to ensure development in an area where a community has been in settlement for several hundred years, or an area where an indigenous people have sought to preserve their ancestral habitat, or an area where the development could lead to environmental degradation.
2. It can also be when Business enterprise pay officials to ignore health and safety considerations, child labour, working conditions, bonded labour, underpaid labour and unsafe machinery.
3. In real life it is unreasonable to expect victims to seek redress locally by bringing issues to notice of the police or through courts. Alternative structures can be set up to compliment any local possibilities of tackling Business Corruption that leads to human rights abuses. There can also be new approaches to exert pressure on local remedial institutions to act. We suggest:
4. The Working group consider listing all possible forms of human rights that may be affected through corruption and list forms of corruption
5. Encourage Governments to set up a national unit with competence to receive complaints directly and oversee local remedial process and action.
6. The OHCHR consider setting up regional officers with competence to receive direct complaints as well as regular reports from the National Unit.

While we appreciate that a UN officer is unable to interfere in any legal action, the officer can nevertheless engage with the Government with any specific complaint and write regular reports on State response. It should work in the same way as other complaint procedures do at UN.

 **TRANSNATIONALS AND CORRUPTION**

1. Transnational Corporations bribe national governments to get access to a region where settled communities resist any commercial development, mining, deforestation, disruptiveg agriculture among others. Or they may be able to set up enterprises with below minimum wages, reduced standards and compromised health and safety standards
2. Our concerns are that expecting the State to monitor such situations or the law enforcement agencies and judiciary to act is not a reasonable expectation. We suggest complimenting this with the following
3. A list of possible human rights violations as a result of corruption by TNCs
4. A document cautioning TNCs of their obligations
5. Encourage TNCs to self monitor in the first place around this list
6. A regional UN monitoring mechanism, officer/s with competency to receive concerns and with access to visit the country and the concern.
7. A more radical but effective mechanism can be for all TNC activity to register with a UN body and fill a self completed compliance certificate which can then be subject of
8. monitoring on a regular basis through self certification and which can be put on a website
9. monitoring upon receiving a complaint.

While we appreciate that such an exercise can be costly and TNCs may be reluctant to be compliant, we think that a chargeable fee for registration which will go towards funding of the UN monitoring process and a willingness by TNC to permit monitoring can be an extremely useful ‘kite’ mark approach that will enhance the reputation of a TNC. This is similar to the vehicle MOT system in UK and similar vehicle car checking systems in other countries.

We appreciate that the Working Group has the mechanism for complaint procedure. We think that this needs to be expanded through further funding, recruitment and regional officers. We think that TNCs can fund this through a fixed fee rather than donations. Any TNC which accepts such oversight will have a better reputation than those that don’t.

While we appreciate that the complaint procedure and requests for responses form culprits, both State and TNC are not enforceable yet, we hope that the Binding Agreements will make it compulsory in time for TNCs to register internationally at a well funded UN body.

We also think that the position of a special Rapporteur also be established on this to strengthen the process of reducing human rights caused by Business corruption.

Jasdev Rai

SIKH HUMAN RIGHTS GROUP