

WORKING TOWARDS A BRIGHTER FUTURE



NEWSLETTER BROUGHT TO YOU BY THE SIKH HUMAN RIGHTS GROUP
NGO WITH SPECIAL CONSULTATIVE STATUS AT THE UNITED NATIONS

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UNITED NATIONS HUMAN RIGHTS COUNCIL IS IN SESSION IN GENEVA AND ONLINE

BY ALBERT BARSEGHYAN (GENEVA OFFICE)

The 47th session of the UN Human Rights Council, started in Geneva on **21st of June 2021** and will continue its work until **13th of July 2021**. Owing to the exceptional circumstances relating to and/or created by the Covid-19 pandemic, access to the *Human Rights and Alliance of Civilizations Room*, where HRC usually meets is currently restricted for NGOs.



(Human Rights and Alliance of Civilizations Room)



(The Assembly Hall)

UN Photo/Jean-Marc Ferré UN Photo/Jean-Marc Ferré

UN Photo/Eskinder Debebe UN Photo/Eskinder Debebe

As we are just in the middle of the UN HRCs 47th Session it's a good time to refresh our knowledge about this unique UN body, fully dedicated to the protection and promotion of human rights. Established under UN General Assembly Resolution 60/251 on the 15th of March 2006, the Human Rights Council is composed of 47 members who are elected by all UN States for a period of three years. The UN HRCs meets three times a year, notably in February/March at its Main Session, June/July and September. During these sessions, the Council considers violations of human rights and works towards the promotion and mainstreaming of human rights across its Member States. To this end, the Council serves as a forum for dialogue on human rights, make recommendations to the General Assembly in order to further strengthen international law pertaining to human rights, ensures that commitments made in UN Conferences and Summits translate into actions through Universal Periodic Review Processes (UPR), responds to human rights emergencies, reports and advises on human rights from a thematic or country-specific perspective through its Special Procedures and addresses communications submitted by individuals, groups and/or non-governmental organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations through its unique Complaints Procedure. **The HRC is a unique place where Governments, regional organizations, national human rights institutions, civil society and experts can interact with one another both formally and informally.** The presence of these multiple stakeholders sets the Council apart from other subsidiary bodies within the UN system in particular and in other international organizations, in general.

The Human Rights Council sessions' agenda includes *high-level and general segments* (in February/March), *dialogue or general debates with the High Commissioner* (Ms Michelle Bachelet of Chile. Who has held this position since 2018), *thematic and country-specific interactive dialogues (IDs) with mandate-holders and investigation bodies, urgent debates, panels and forums, UPR adoptions and decisions/conclusions including the adoption of the session report.*

Member States are very sensitive about discussions on human rights issues within their respective countries. For instance, on day two of the ongoing HRC session, Canada voiced 'grave concerns' about China's actions in Xinjiang, Hong Kong and Tibet which was rejected by the Chinese representative. Furthermore, if civil society organizations are mostly exclusively driven by human rights considerations, politics play an important role in Member States' interventions. Nevertheless, with all of its flaws the UN Human Rights Council remains a fundamental institution for the protection of human rights where SHRG is working with countries and NGOs alike in order to advance the UN 17 Sustainable Development Goals. In the next newsletter, you will read about what the UN Human Rights Council has agreed to and/or at its 47th session.

47TH SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

BY CARLOS ARBUTHNOTT (LONDON OFFICE)



SHRGs concerns with the United Nations Second Revised Draft of a binding legal instrument for TNCs

On Monday the 28th of June 2021 Mr Carlos Arbuthnott (Human Rights Officer and Project Coordinator) attended the 47th Session of the United Nations Human Rights Council (UN HRC) and made the following oral submission. Specifically, at the Ninth Session of the Forum on Business and Human Rights:

'We wholeheartedly support the formulation and enactment of a binding legal instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

*However, we are concerned with the limited phraseology of **Article 8 Subsection (4)** of the **Second Revised Draft**. In other words, we respectfully submit that the notion of criminal liability contained therein could be further strengthened by the mentioning of specific examples of sanctions and/or penalties that companies could face should they be prosecuted - such as the withdrawal of licenses by States, the termination of contracts for company projects by UN entities and States, their inclusion on a list of companies recommended for prohibitions for business and/or the freezing of company assets.*

*In regards to **Article 8 Subsection (9)** we believe that it is crucial to articulate that criminal liability is also triggered by a business activity that is categorised as war crimes, crimes against humanity, and other grave breaches of international human rights and humanitarian law. Therefore we respectfully submit, that when appropriate, States should refer cases where corporations and/or State officials are causing or contributing to war crimes, crimes against humanity, aggression, genocide, and environmental crimes to the International Criminal Court, in accordance with Rome Statute rules or an alternative international body that serves a similar function of accountability on non-State actors such as transnational corporations.*

To watch the full video please click [here](#)

Why is this important?

Although it is widely accepted that corporations have a responsibility to respect human rights, too many times profits are built on the back of human rights abuses. Despite laws in many countries that allow companies to be prosecuted, State Governments rarely investigate corporate wrongdoing. For example, when individuals or communities from our global society attempt to obtain justice for the human rights violations they have suffered they are often thwarted by ineffective legal systems, a lack of access to information, corruption and extremely powerful State-corporate alliances. The latter is clearly supported by the fact that transnational corporations are some of the wealthiest and most powerful entities in the world. For instance, and according to Human Rights Watch, 69 of the richest 100 entities in the world are corporations, not States. Consequently, this has allowed them to routinely escape legal accountability even when their operations have hurt workers, indigenous communities and the environment that we all share.

Therefore, the enactment of a legally binding instrument to regulate transnational corporations and other business enterprises activities is needed now more than ever!

THE AFFECT THAT THE COVID-19 PANDEMIC HAS HAD ON THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

BY JENNA LANOIL (NEW YORK OFFICE)



As we approach the 76th Session of the United Nations General Assembly (UNGA) taking place in New York this coming September, we are reminded of the overwhelming role that the COVID-19 pandemic has had on the global human rights stage.

At the start of UNGAs 76th Session heads of State will present miniature progress reports on their countries including an update on the status of the 17 United Nations Sustainable Development Goals (UN SDGs).

In 2020, the conversation understandably heavily leaned towards combatting the COVID-19 pandemic. Now a year later and with significant success in vaccine distribution, attention turns back to the UN SDGs. However, the unknown factor here is the link between the two. In other words, how has the COVID-19 pandemic changed the world and/or why has it had such devastating social and economic impacts. Nevertheless, what remains to be seen is the precise longitudinal effects that this pandemic will have on our planet and/or global population for years to come. For instance, the United Nations recently published a concerning report on the devastating affects that the COVID-19 pandemic has on SDG funding. Particularly, on developing nations where funding for SDG projects saw a vast decline.

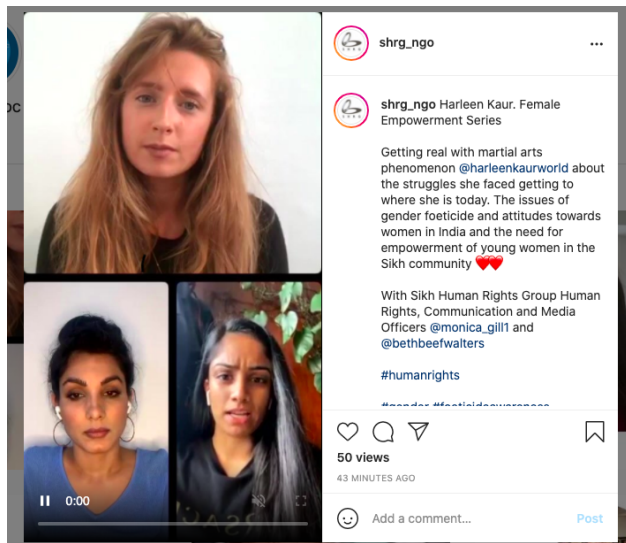
Furthermore, at the UNGAs 75th Session, reports came flooding in from nations who were on track to meet the SDGs and/or who had made great strides towards development, only to be derailed by the pandemic. Now a year later, and without complete eradication of COVID-19, the SDGs hang in the balance.

Only time will tell if achieving the the UN SDGs, by 2030, will be possible in the wake of such a catastrophic global event. However, what we can look forward to is the chance to get back on track and that will start at the UNGAs 76th Session as well as at many other international platforms...

For more information please click [here](#)

SIKH HUMAN RIGHTS GROUPS FEMALE EMPOWERMENT SERIES

BY BETHAN WALTERS (LONDON OFFICE)



We at the Sikh Human Rights Group have been taking a stronger stance on issues women continue to face around the world. Particularly, in the Sikh community. We are starting to branch out and connect with organisations such as Binti Period, Women Federation for World Peace International, transgender activists Dhananjay Chauhan in India, the Invisible Girl Project and hopefully many, many more...

Over social media we have started Instagram lives as a part of our Female Empowerment Series where we are speaking to inspiring women, predominantly from the Sikh community. The point of the Female Empowerment Series is that we are trying to raise more awareness to the ongoing issue of gender foeticide and encourage discussion on why it exists in the first place and draw the question wider on the attitude towards women in the Sikh community and the struggles they face whether through conscious or unconscious discrimination.

What we are hoping to do with these Instagram lives is engage in powerful discussions with inspirational women, particularly from the Sikh community and to learn more and give them a space to discuss the challenges they face in getting to where they are and talk about the wider discrimination or challenges, they have faced.

We are strong believers that 'sad and sentimental' stories are a really powerful way to get people to understand the realities people face day-to-day due to their gender, religion, race, sexual orientation etc... and for people in the world who benefit from white privilege and who are so far away from this reality they need to hear this and they need to educate themselves further.

Human Rights, Communications and Media Officers Ms Bethan Walters and Ms Monica Gill host the Instagram lives. For instance, in May we had an Instagram live with the Assistant Director, Bhagwant Kaur regarding the movie Motherhood. Motherhood is an animate movie on the 10th Gurus wife. In the interview we spoke about the dire need for movies that speak to, represent and empower young women from the Sikh community.

At the end of June, we interviewed Harleen Kaur, a 22 year old British Sikh woman, who is the British Champion in many forms of martial arts. We spoke about the struggles she had faced throughout her career, intersectional feminism, gender foeticide and the struggles women and young girls face in India today.

Please take a moment to listen to them and keep an eye out for our next event on our Instagram page shrgngo

THE REGULATION, MONITORING AND OVERSIGHT OF THE ACTIVITIES OF PRIVATE MILITARY AND SECURITY COMPANIES

BY MONICA GILL (NEW YORK OFFICE)



This month, the Sikh Human Rights Group submitted their contributions on the elements for an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (PMSC). This included our suggestions on the definitions, roles and regulations. But the question remains, why should we care?

International human rights laws regulate States and their activities, and accountability still ends up being vague. When countries hire independent militaries or security companies accountability is even more out of reach. It is often unclear which State is responsible for their actions. Why? Because a PMSC can be registered in one State, hired by another, and operate in a third. So when the human rights of civilians come into concern, who is responsible?

Mechanisms of regulation are also complicated. International bodies such as the United Nations do not have the means to enforce accountability overtly. Thus, they rely on States. The question then arises, which States? PMSC's often operate in developing nations which do not have the means necessary to hold them accountable. Additionally, the responsibilities of the registered or hiring States are always unclear. Who is responsible for gross human rights violations?

To begin with, the SHRG believes that Human Rights are non-negotiable and that whilst having this discussion it is important to keep the rights of civilians at the forefront. The SHRG also believes that since developing Nations do not have the means necessary to exercise accountability on PMSCs operating within their States, the onus of accountability then falls on the States within which the PMSC is registered or originate from. Thus, the States in which PMSCs are registered need to have robust regulations in place to license, monitor, and setup accountability mechanisms.

The SHRG has also suggested that a Working Group or another reporting and oversight committee or Special Rapporteur should be set up, whose primary responsibility is to watch the activities of PMSCs and report back to the "home state" when Human Rights or Human Rights Laws are being violated. Onus thus falls on the Home State to carry out remedial measures.

The SHRG also strongly believes that "justice delayed is justice denied". Therefore, we have suggested a timeframe of 6 months or less where a victim reports a human rights law or human rights violation and remedy is provided. The SHRG also fully understands that Human Rights violations from the past can cause generational traumas. We have strongly urged that there should be a 50-year timeframe in which victims of past abuses can step forward and ask for remedial measures.

THE REGULATION, MONITORING AND OVERSIGHT OF THE ACTIVITIES OF PRIVATE MILITARY AND SECURITY COMPANIES

BY MONICA GILL (NEW YORK OFFICE)

The SHRG has further suggested that the United Nations should have an online database of all operating/active PMSCs and the States in which they operate, are hired by and registered in. All abuses should be recorded and publicized. This will lead to greater international cooperation in blacklisting those PMSCs that disregard Human Rights.

The SHRG has strongly enforced the suggestion that where victims of sexual violence from PMSCs have had children, the PMSC should be financially responsible for raising the child. This will force the PMSC to take stricter measures on their employees who partake in sexual violence.

Again, in the process of creating these suggestions we have noted the complex dynamics within which PMSCs not only operate, but also come into existence and are hired. However, the fundamental question of “why should we care?” still remains open ended. As an NGO who is committed to promoting Sikh worldview as established by Guru Nanak, we must look at all of humanity as one. A suppression or repression of one community or portion of society is a suppression and re-repression of all of us. Therefore, we must protect the weakest amongst us at all time and speak at the slightest stroke of injustice.

