

WORKING TOWARDS A BRIGHTER FUTURE

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GENDER FOETICIDE

BY BETHAN WALTERS (LONDON OFFICE)



What is Gender Foeticide?

Female infanticide is the deliberate killing of newborn female children. In countries with a history of female infanticide, the modern practice of sex-selective abortion is often discussed as a closely related issue. Female infanticide is a major cause of concern in several nations such as China, India and Pakistan.

Determining Foetal Gender

Ultrasound scanning and amniocentesis were introduced as part of medical diagnostics to diagnose foetal abnormalities. Amniocentesis is an invasive technique, requiring a sample of amniotic fluid from the womb. It is usually informative at 16 – 18 weeks of pregnancy when it is safer to draw out the amniotic fluid. Fetal cells from this fluid give important Chromosomal information. It can also give information about the gender of the fetus.

Ultrasound scanning is a non-invasive technique. It gives information about fetal development and can give useful information about some forms of abnormalities. However, at 15 weeks, it can also give information about gender.

Ultrasound equipment costs some 5 - 20,00,000 rupees (11 - 45,000 US Dollars). There is a considerable demand for it in India. In fact, even small towns have a private ultrasound facilities. People access these facilities for the gender determination of the child. The law requires that the sonographer does not reveal the gender of the child. However, the official report of the sonographer does not need to reveal the gender. It could simply say that the fetus is normal while the sonographer can verbally advise the parent.

Gender Selection Abortion

Once people find out that the fetus is a female, for some, the next step is for them to have an abortion. Abortion for gender selection is against the law in India. However, the mother can pretend that she does not know the gender of the fetus and demand abortion on any of the other criteria. Even if the doctor is privy to the real reason for the abortion, the doctor can claim not to have known the reason for the abortion.

Gender Foeticide in India

Fetal foeticide based on gender selection has posed a major problem for doctors, society, the Government, and religious institutions in the Punjab and other regions of North India. In 2001 the highest seat of Sikhs, the Akal Takht at the Harmandar Sahib announced an edict forbidding any termination of pregnancy based on gender selection. The Indian State has passed legislation to deal with it, activist groups have tried hard to stop foeticide, but it continues with Punjab having almost the largest number of ultrasound facilities in India per 1000 population. The 0 - 6 years old female to male ratio has steadily fallen in Punjab and stands at 793:1000 in 2001 against the national ratio of 927:1000 female to male ratio. In 1991 this ratio was 875:1000 in Punjab. No one quite knows how this will be reversed. It poses some considerable questions about the ethics related...

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to medical opportunities and whether they should be freely available. It also requires a multi-discipline approach, that sees the problem as wider than the scope of medical ethics and brings in various civil society actors in a coordinated approach.

ARGUMENTS FOR WHY IT EXISTS

Anti-female Bias

Societies that practice female infanticide always show many other signs of bias against females.

Women are perceived as subservient because of their role as carers and homemakers, whilst men predominantly ensure the family's social and economic stability.

Family Economics

Girl babies are often killed for financial reasons.

- **Earning Power:** Men are usually the main income earners, either because they are more employable or earn higher wages for the same work, or because they are able to do more agricultural work in subsistence economies. Since male babies have greater income potential, they are less likely to be killed.
- **Potential Pensions:** In many societies, parents depend on their children to look after them in their old age. But in many of these cultures, a girl leaves her parental family and joins her husband's family when she marries. The result is that parents with sons gain extra resources for their old age, when their sons marry, while parents with daughters lose their 'potential pensions' when they marry and move away. This gives parents a strong reason to prefer male children. Some parents (particularly poor ones) who can't afford to support a large family, will kill female babies. Girls are considered a drain on family resources during their childhood without bringing economic benefits later on.
- **Dowry:** Some girl babies are killed so that the family doesn't have to pay a dowry when they get married. In Indian society, it is tradition for the parents of the bride to give a dowry to the groom and his family. The dowry consists of large amounts of money and valuable goods. For families with several daughters, this can be a serious financial burden.

Government Policy

Governmental policies have also increased female infanticide as an unpredicted side-effect. For example, when the Chinese Government introduced a One Child per Family Policy there was a surge in female infanticide. Families needed to have a son because of their higher earning potential, so a girl baby was an economic disaster for them, and there was a strong motive to ensure that girl babies did not survive.

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Caste

Some female infants are killed because they are regarded as being lower in the caste hierarchy than males.

Sikh Human Rights Groups Involvement

We believe that Indian communities, cultural and religious organisations are very important in leading social change. They can complement legal and State policies.

SGPC President led a conference and acknowledged two facts:

- People don't have money to educate all children, so girls suffer; and
- People don't have money to pay big dowries, so they commit foeticide.

Therefore, the SGPC President:

- Announced a policy of free education for girls in SGPC schools;
- SGPC provides 10,000 rupees to go directly towards the females marital obligations;
- We have continued to engage religious individuals; and
- Started a small movement where religious individuals are asked to raise the issue with a couple of talks by some eminent people.

This is a project we have a strong team tackling. We are currently looking into Sikh history to see where this bias came from, looking at other countries who are guilty of gender foeticide and their legal and social response to try to eradicate it, and reaching out to women who hold a high status in the Sikh community regarding ways they believe this should be addressed.



ENVIRONMENTAL POLICY AND THE NEED FOR INTERNATIONAL COOPERATION

BY IVAN LORENCI DE FRANCISCO (GENEVA OFFICE)



Global warming is the increase in the average temperature on the earth's surface over time. Some of the ways human beings are speeding up this giant are through transportation, heat, and the burning of fossil fuels which produce the highest percentage of carbon dioxide. Despite having been addressed for a considerably good time now and despite there being answers on what to do to combat and control global warming, it continues to grow at an alarming rate, and we continue to face its negative effects. Therefore, it is time that we decide on more effective ways to curb its growth and later reduce it. One of the ways to achieve a permanent solution is by improving international cooperation. Especially, when it comes to the formulation, enactment and enforcement of international environmental policy.

Improving international co-operation in the formulation, enactment and enforcement of environmental policy will introduce deep changes that will help ease emissions. Some of the deep changes that can be achieved through international cooperation are decarbonisation technologies and techniques that reduce the emission of carbon dioxides such as advocating the use of renewable sources of energy, carbon capture storage, fuel switching, and efficiency gains. It is through international co-operation that State Governments will be enabled to adopt these changes since many Sates may need some additional economic support.

International cooperation will increase participation in climate agreements. If many State Governments participate in the agreements it may improve their entire economic performance by allowing lower-cost emissions reduction and reducing leakage. In addition, an international agreement has higher chances of achieving the determination of emission reduction compared to when individual State Governments operate on their own. International agreements later become policies that enable State Governments to work together when it comes curbing the many issue surrounding global warming. Besides, international cooperation is important since it will help share the cost of reducing emissions.



HOLDING TRANSNATIONAL CORPORATIONS TO ACCOUNT FOR THEIR HUMAN RIGHTS ABUSES

BY CARLOS ARBUTHNOTT (LONDON OFFICE)



Sikh Human Rights Groups Objectives

- **Prevention:** All transnational corporations and other businesses enterprises should be required by law to take steps to identify, prevent and address human rights abuses (known as due diligence). However, we believe that this MUST go beyond merely a tick box exercise.
- **Accountability:** Transnational corporations and other businesses enterprises must be held to account for their ongoing human rights abuses across the globe.
- **Remedy:** People whose rights have been abused by transnational corporations and other businesses enterprises must be able to access justice and effective remedies.
- **Protect Rights Beyond Borders:** Transnational corporations operate across borders, so the law must also operate across borders to protect people's rights.
- **International Accountability:** Establish an independent body, an international judicial body or otherwise to hold transnational corporations and other businesses enterprises to account for their ongoing human rights violations.

There is no doubt that globalisation has changed the world we live in and/or presents new and complex challenges for the protection of human rights. For instance, economic players, especially transnational companies and other businesses enterprises that operate across national borders, have gained unprecedented and unregulated power and influence across the globe.

Companies have an enormous impact upon people's lives and the communities in which they operate. Therefore, whilst this may sometimes be a positive impact – jobs created, the emergence of new technology that improves lives and investment in the community – which in turn translates into real benefits for those who live there – in Sikh Human Rights Groups (SHRGs) opinion millions of adults and children around the world suffer abuses as workers engaged in obtaining raw materials, toiling on farms, and making products for the global market.

HOLDING TRANSNATIONAL CORPORATIONS TO ACCOUNT FOR THEIR HUMAN RIGHTS ABUSES

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The crux of the issue lies in the fact that they are often at the bottom of the global supply chains, for everything from everyday goods like groceries to luxury items like jewellery and designer clothing that ends up in stores worldwide. For instance, and as recorded by Human Rights Watch in 2013 over 1,100 workers died and 2,000 workers were injured when the Rana Plaza building, which housed five garment factories, collapsed in Dhaka (Bangladesh). Since then, some progress has been made in making factories safer in Bangladesh, but to date the State Government has failed to enact any sustainable reforms. However, it is extremely important to remember that this is a worldwide issue and/or is by no means solely limited to Bangladesh.

United Nations Member State Governments have a responsibility to protect human rights. However, in SHRGs opinion many State Governments are failing to do this, especially when it comes to company operations – whether because of lack of capacity, dependence on the company as an investor or outright corruption. Therefore, this has led to many companies operating across national borders to become involved in severe human rights abuses, such as forced labour and/or forcibly relocating communities from their lands. Unsurprisingly, abuses are particularly severe in the extractive industries, where companies are racing against one another to mine scarce and valuable resources. This in turn leads to traditional livelihoods, such as farming, being destroyed as the farmers land becomes contaminated and their water supplies polluted.

Furthermore, there is no doubt that this impact can be particularly severe for Indigenous Peoples because their way of life and/or their identity is often closely related to their lands. For example, affected communities are frequently denied access to information about the impact of company operations, which in turn means that they are excluded from participating in decisions that affect their lives, lands and livelihoods.

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 supported by the fact that transnational corporations are some of the wealthiest and most powerful entities in the world – according to Human Rights Watch 69 of the richest 100 entities in the world are corporations, not States – therefore this has allowed them to escape legal accountability even when their operations have hurt workers, indigenous communities and the environment that we all share.

The **UN Guiding Principles on Business and Human Rights (UNGPs)** provide voluntary guidelines for companies on their human rights responsibilities, but they aren't enforceable. Whilst, industry driven voluntary standards and certification schemes, which have grown in recent years, can be useful they are clearly not sufficient to tackle the rising trend in severe human rights violations being committed by transnational corporations on an annual basis. In other words, it is an indisputable fact that the large majority of transnational corporations will only act to prevent and remedy human rights violations that they have caused, either directly or indirectly, when they are required to do so by law – whether by domestic or international legislation it matters not. Furthermore, the **UNGPs** and/or the universal standards contained within them clearly do not encompass key human rights and environmental issues in transnational corporations supply chains, and the systems for monitoring compliance with these voluntary standards are clearly failing to rectify the issues. Once again the latter is demonstrated by the fact that auditors had inspected the Rana Plaza factories only a few months before their eventual collapse.

HOLDING TRANSNATIONAL CORPORATIONS TO ACCOUNT FOR THEIR HUMAN RIGHTS ABUSES

BY CARLOS ARBUTHNOTT (LONDON OFFICE)

Therefore, the era in which voluntary initiatives were the only way to encourage companies to respect human rights is starting to give way to the recognition that new, legally enforceable laws and the establishment of a cross-jurisdictional international UN Working Group, judicial body or otherwise is the only way in which we as a global society will push transnational corporations towards respecting human rights and addressing human rights violations that they have caused. For instance, and although debates vary by country, the overall trend is promising for the workers and communities that are part of the transnational corporate supply chains. Increasingly, State legislatures are acknowledging that transnational corporations need to take human rights – including the freedom from unsafe working conditions and forced labour – into account and are enacting domestic laws that require them to do so. For instance, and over the last decade France, the Netherlands, Australia and the UK have all passed domestic laws regarding corporate human rights abuses. However, a large majority of these laws are failing to gain momentum in terms of widely accepted industry standards and/or adequate preventative measures. For instance, the UK and Australian Governments merely require companies to be transparent about their supply chains and report any actions they may have taken to address issues like forced or child labour, but the current legislation does not actually require them to prevent or remedy these issues. Furthermore, neither country has penalties in place for companies who do not comply with the law.

Nevertheless, a ray of hope may be found within the French legal system. France's **Duty of Vigilance Law 2017** is the broadest and most rigorous regulation currently in effect. For example, it not only requires companies to identify and prevent both human rights and environmental impacts in their supply chains, but this applies equally to them as it does to companies that they control directly and to those with which they work. Companies in France published their first 'vigilance plans' under this new law in 2018. Failing to comply can result in lawsuits. For instance, in October 2019 the first legal action under the new duty of vigilance law was filed. Therefore, in SHRGs opinion laws like the one in France, with requirements for company action, consequences when they fail to follow through, and a way for workers to hold companies accountable, opens the door for greater protections for workers and our environment.

SHRG believes that there is clearly a long way to go but above all else State Governments need to seriously consider and/or reconsider their position when it comes to enacting policies and laws that change the way that transnational corporations and other businesses enterprises as a whole deal with human rights in their global operations, going beyond transparency and reporting to requirements to identify human rights risks in corporate supply chains and to take positive actions to prevent them. Only then will we see a fair, just and equitable global society and/or an international expectation for responsible behaviour for transnational corporations and other businesses enterprises starting to emerge. The COVID-19 pandemic has caused change for us all so let us ride this wave to affect the change that we would all like to see at an international, national regional level but especially for those who are struggling to survive in our mines, factories and fields.



TRANSNATIONAL CORPORATIONS CONTRACT FARMING AND THE STRIKING SIMILARITIES TO THE ONGOING FARMER'S PROTEST IN INDIA

BY JENNA LANOIL (NEW YORK OFFICE)



The Sikh Human Rights Group (SHRG) has been monitoring Transnational Corporations (TNC's) and their continued human rights abuses. A subset of TNC's is Agribusiness, which are businesses that deal in farming, mining, oil, logging, and other agricultural practices. The problem with agribusiness, beyond the extremely exploitive labour and practices and environmental degradation is the increased movement towards globalisation. TNCs put pressure on small farms and agribusiness by essentially locking down contracts in vast regions of the world and putting a stranglehold on farmland and denying access to competition. This is known as contract-farming. Under these contracts small farms agree to deliver to the latter a quantity of farm outputs at an agreed price, quality standard, delivery date and other specifications. TNCs benefit because it allows better control over product specifications and supply than spot markets. In exchange farmers receive predictable incomes, access to markets, and TNC support in areas such as credit and know-how.

The issues with contract farming begin to emerge when small farms grow dependent on TNCs for success, just as the TNCs want them to be. Sound familiar? The attempt to regulate and control small farms is deeply connected to the situation taking place in India. As the Farmer's Protest reaches its seventh month, farmer's continue to speak out against the Three Farm Laws passed by the Indian Central Government that will allow private companies, like TNCs, to exploit the agricultural sector in India by tipping the balance of supply and demand in favour of profit for these companies. TNCs have a stake in agribusiness in more than 110 countries. They drive up prices for farmers to contract their land while lowering costs to consumers, keeping small farmers indebted to the corporations. As we continue to watch the ongoing Farmer's Protest it is extremely important to note that what is happening in India, can and will happen around the world if we do not regulate TNCs. Currently there is no mechanism for enforcement in place and because of that lack of accountability this situation has become the norm.

Consequently, we are calling upon the international community and the human rights regime to continue their support of the Farmer's Protest and to work together to end the push for globalisation in the agricultural sector.

UNITED NATIONS: 21ST SESSION OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT (17 MAY 2021)

BY CARLOS ARBUTHNOTT (LONDON OFFICE)



On Monday the 17th of May 2021 the Sikh Human Rights Group (SHRG) attended the 21st Session of the United Nations Intergovernmental Working Group on the Right to Development.

The purpose of the 21st Session was to:

- Draft a legally binding instrument on the Right to Development;
- Review the progress made in the implementation of the Right to Development;
- Hold an Interactive Dialogue with the Chair of the Expert Mechanism on the Right to Development and the Special Rapporteur on the Right to Development; and to
- Consider contributions made by States and stakeholders towards the implementation of the Right to Development including in the context of national implementation of the 17 United Nations Sustainable Development Goals (SDGs).

Mr Carlos Arbuthnott (Human Rights Officer and Project Coordinator) made the following oral submission during the Interactive Dialogue with the Chair of the Expert Mechanism on the Right to Development and the Special Rapporteur on the Right to Development (Agenda Item 4.2):

'Thank you very much Mr Chair Rapporteur...

The Sikh Human Rights Group whole heartedly welcomes and supports the enactment of **Articles 15 and 17** of the **Draft Convention on the Right to Development**. Particularly, **Article 15, Subsection (1)**, which provides that:

'States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.'

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BY CARLOS ARBUTHNOTT (LONDON OFFICE)

and **Article 17, Subsection (2)**, which provides that:

'State Parties shall consult and cooperate in good faith with the indigenous and tribal peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.'

Theoretically, the right to development and the right to environment are at loggerheads. However, at the centre of both of these rights is the concept of sustainable development. Therefore, it is extremely important that States and developers are compelled to consider environmental issues when implementing development projects.

Consequently, we would like to respectfully remind the international community that almost all cultures, civilizations and community belief systems have some concept of the human relationship with the environment based on a deep understanding, reverence and experience. In fact some civilizations have environmental concepts that date back to over 6000 years ago.

However, what has occurred amongst prominent environmental organisations and agencies is the gradual marginalisation of the wisdoms that cultures and community belief systems carry about human relationships with nature and which were embedded in traditions, customs, festivals and outlooks.

Therefore, it is respectfully submitted that it is only when people rediscover the reverence for nature, biodiversity, and other life forms in their own way, through their own customs, beliefs and cultures that our global population as a whole will act with greater passion for the protection of our environment, take ownership of their development and move away from what is currently found under the prevailing utilitarian, legalistic and rationalistic approach.

The **Centre in Indigenous Knowledge Systems** in South Africa and the **Nishan-E-Sikhi Project** in Punjab India, both affiliates of ours, have vast experience in this field. Therefore, we will be willing to offer our expertise to assist with the recognition and proactive human rights based inclusion policies for indigenous communities. Particularly, when it comes to achieving the Right to Development and/or the UN Sustainable Development Goals by 2030.'



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BY BETHAN WALTERS (LONDON OFFICE)



On Monday the 17th of May 2021 the Sikh Human Rights Group (SHRG) attended the 21st Session of the United Nations Intergovernmental Working Group on the Right to Development.

Ms Bethan Walters (Human Rights, Communications and Media Officer) made the following oral submission during the Interactive Dialogue with the Chair of the Expert Mechanism on the Right to Development and the Special Rapporteur on the Right to Development (Agenda Item 4.3).

The main purpose of her submission was to ensure that the language adopted by the United Nations Declarations and Conventions was inclusive and representative of all, reiterating that you cannot expect an effective outcome from this Convention if it fails to speak to all cultures and communities.

'To reiterate my colleague on item 4.2, the Sikh Human Rights Group wholeheartedly supports the enactment of the Draft Convention as we believe that it is absolutely necessary, within the current climate, to uphold the right to development.

SHRG believes that there is a tendency amongst many humans to seek universal uniformity in ethics, in political order and in worldviews. It is also evident amongst the international human rights community and prominent international organisations and agencies who are striving to protect human rights. In other words, there is a tendency especially amongst the latter towards adopting universal language - especially when it comes to acknowledging, comprehending and describing diversity. Consequently, there is a limited prism from which the many issues surrounding diversity can be redressed.

Where we believe the Draft Convention could be advanced is by ensuring that the language adopted is pluralistic rather than universalist. SHRG believes that this will better encompass all cultures and groups of peoples all over the world. In other words, we fear that if the legalistic language stays the same in Conventions and Declarations enacted and imposed by the United Nations then none or very little progress will be made.

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BY BETHAN WALTERS (LONDON OFFICE)

Therefore, we need to start listening to the cultures from all corners of the globe and start to recognise how different they all are. For instance, indigenous peoples in Africa have a very different relationship with issues surrounding diversity compared to those living in cities in Europe. Therefore, the convention cannot only speak to one culture and one group of peoples, it needs to use language that speaks to the entire planet. As Sri Lanka stated [during their oral submission], we cannot leave anyone behind. We fear that if the United Nations continue to use universalist language then we will leave people, cultures and voices behind. We also stand with the statement made by the Women Federation for World Peace International, the right to development is more than just a right, but a hope to life for certain communities around the globe, we therefore need to ensure the language adapted by the United Nations is inclusive of all.

To further advance the right to development we all need to be motivated to change. However, in order to do so we need to recognise that what motivates each State, and each culture is entirely different. Therefore, if we start to adopt more pluralistic language, then we believe that this will help tackle the many issues surrounding diversity.'

