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47<sup>TH</sup> SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

28 JUNE 2021

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SIKH HUMAN RIGHTS GROUP ORAL SUBMISSION RE:  
NINTH SESSION OF THE FORUM ON BUSINESS AND HUMAN RIGHTS

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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.

Thank you very much that concludes my submission...