



# General Assembly

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## Human Rights Council

### Forty-first session

24 June–12 July 2019

Agenda item 5

### Human rights bodies and mechanisms

## Written statement\* submitted by Sikh Human Rights Group, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2019]

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\* Issued as received, in the language(s) of submission only.

GE.19-10793(E)



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## **International Legal Fund for victims of human rights abuse by Businesses**

There is a need for International Legal Fund for victims of human rights abuse by Businesses for Judicial Remedy.

The work of the Working Group on the issue of human rights and transnational corporation and other business enterprises and the Forum on Business and Human Rights is extremely commendable.

After many years, not only is there an acknowledgement that Transnational Corporations and Businesses have considerable direct and indirect effect on the enjoyment of human rights, but that they also have a duty to ensure that human rights are observed.

Human rights abuses, whether real or perceived, by very powerful institutions such as Transnational corporations cannot be addressed by individuals or even States unless there are adequate provisions to fund action against the Business enterprise.

Attention is drawn to draft document: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/DraftLBI.pdf> which in Article 8 states, Rights of Victims 1. Victims shall have the right to fair, effective and prompt access to justice and remedies in accordance with international law. Such remedies shall include, but shall not be limited to:

a) Restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims.

b) Environmental remediation and ecological restoration where applicable, including covering of expenses for relocation of victims, and replacement of community facilities

Further attention is drawn to UN resolution A/RES/60/147 ( <https://undocs.org/A/RES/60/147> ) which deals with Victims right to remedies. This is elaborated in Article VII and VIII of the (60/147) Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

VII. (a) Equal and effective access to justice

VIII. (c) Provide proper assistance to victims seeking access to justice

In the case of Business and Human Rights, this is only possible if there is an international fund for victims and funded legal aid system that will make it possible for victims to seek advice, mediation and remedy in courts. Otherwise the very impressive rights of victims and responsibilities of Business enterprises remain mostly wishes if the victims do not have the means to exercise their rights.

There are many ways to fund such a scheme. Perhaps the most obvious is for Businesses to be charged an international contribution towards this fund. That will show the good intention of the Business to respect its obligations and responsibilities as detailed elaborately in the reports and documents emerging from the work of the Forum on Business and Human Rights.

An international Fund for victims can be managed by the UN, particularly at OHCHR. Sikh Human Rights Group strongly urges States to explore setting up such as fund.

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