

Copenhagen, January 21, 2020

Comments to the OHCHR call

**Connecting the business and human rights and anti-corruption agendas
6 February 2020, 15:00-17:30, Room XXI, Palais des Nations, Geneva**

GLOBAL CSR has advised businesses, governments, multilateral organisations, civil society for more than 22 years on Business & Human Rights and more broadly on CSR/CR/Corporate Sustainability.

It is our opinion that companies shall manage risks of becoming involved with corrupt practices *next to* managing their risks of becoming involved with adverse impacts on human rights; confer the UN Global Compact principle 10 (i.e. next to the 6 first principles about human rights – acknowledging that the four core labour rights are indeed also human rights) and the OECD Guidelines for MNEs.

GLOBAL CSR views human rights as forming the core of ‘social sustainability’; i.e. distinct from managing risks of adverse impacts on ‘environmental sustainability’ and from managing adverse impacts on ‘economic sustainability’; where anti-corruption forms the core.

Both environmental impacts and corrupt practices may indeed lead to adverse impacts on some human rights; in which case such human rights impacts must be managed. However, it is relatively easy to establish examples where environmental impacts or corrupt practices *may not lead to* immediate or likely adverse impacts on human rights; i.e. even severe adverse impacts on environmental or economic sustainability will not be, and cannot be expected to be, identified through the company’s human rights due diligence efforts.

Hence, if a company seeks to reduce the field or scope of managing corruption risks to the instances, where the company can establish subsequent likely human rights impacts, this will, in practice, lead to a situation, where companies will not adequately manage their risk of becoming involved with corrupt practices.

GLOBAL CSR recommends the UNWG do not to seek to confuse the efforts of businesses to establish, and hopefully soon document, proper human rights due diligence systems in alignment with the UNGPs, by seeking to push the management of risks for becoming involved in corrupt practices under human rights/social sustainability due diligence.

If the UNWG insists on addressing anti-corruption, GLOBAL CSR recommends the UNWG to apply the same approach as adopted by the OECD in their OECD Guidelines for MNEs (2011). Apply the same risk management system as defined to avoid risks of adverse impacts on human rights (copied by the OECD Guidelines from the UNGPs) to the subject matter of corruption; where the scope is defined by the ‘types’ of corrupt practices described in the UN Convention against Corruption.

When implemented, the company shall with regular intervals conduct operational-level impact assessments; i.e. identify and manage risks of corrupt practices (including all elements from the UN Convention - from paying bribes, over facilitation payments to cronyism and nepotism).

Whereas grievance mechanisms can be similar, the actual remedy in case of actual impacts will change to an obligation to contact the proper authorities. This is a result of the above-mentioned fact that impacts on defined persons / groups may not be possible,

This will bring the answer to the UNWG's question: How can anti-corruption compliance and human rights due diligence be better coordinated within companies as part of an overall approach to responsible business conduct?

The UNWG, or any other party are welcome to contact GLOBAL CSR, to hear how to do it in practice and to get reference to examples of good practice.

Best regards

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