

United Nations Responsible Business and Human Rights Forum, Asia-Pacific

HARNESSING LEVERS OF CHANGE
19-22 SEPTEMBER 2022

Forum Report

WITH SUPPORT FROM



Organizers

The 2022 United Nations Responsible Business and Human Rights Forum, Asia-Pacific was organized by the following organizations:

- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- United Nations Children’s Fund (UNICEF)
- United Nations Development Programme (UNDP)
- United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
- United Nations Environment Programme (UNEP)
- United Nations Office of the High Commissioner for Human Rights (OHCHR)
- United Nations Working Group on Business and Human Rights (UNWG)

The Forum was made possible with support from the Government of Sweden, the Government of Japan, and the European Union.



Disclaimer

The views expressed in this report do not necessarily represent those of the Government of Sweden, the Government of Japan, the European Union, the United Nations, including the organizing agencies, or United Nations Member States.

Contents

About the Forum	4
Session Summaries	
• Welcome, Keynotes and Opening Plenary	8
• Turning Stones to Diamonds: Pressure points to facilitate access to remedy	11
• Translating the UNGPs into Real Change	14
• Environmental Defenders as Levers of Change: Supporting climate action and responsible business practices	16
• Regional Access to Justice and Remediation: Making it work for migrant workers	19
• Asia's Environmental Priorities and the Business and Human Rights Agenda	21
• Business, Human Rights and Displaced Persons: Enhancing access to durable solutions	23
• Combatting Informality and Spurring Formal Employment to Achieve Decent Work and Social Justice	25
• Plastic Circularity through Responsible Business Conduct: Realizing the right to a healthy environment	27
• Confronting Hate Speech and Disinformation: The role of advertising	29
• Transforming Markets through Inclusive Procurement	31
• Citizens and Consumers: The missing link	33
• Policy Developments in Japan and Their Impact on Asia	36
• Asia and the Future of Globalization: Business and Human Rights in Perspective	39
• Building Business Action Fit for Children in East Asia Pacific in the Next Decade	41
• Leveraging a Human Rights-Based Approach to Infrastructure Development in Southeast Asia	44
• Scaling Up Business Action for Net Zero: Harnessing the levers of change	46

About the Forum

The United Nations Responsible Business and Human Rights Forum is a catalyst for expanding and strengthening the business and human rights discourse in Asia.

Since 2017, governments, civil society organizations, business enterprises, national human rights institutions, industry associations, human rights defenders, trade unions, academia, the media, and regional and multilateral institutions have convened as part of an annual regional forum on business and human rights in Asia. This regional platform has proven instrumental in building momentum in Asia and fostering a race to the top for the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) and other international standards such as the ILO Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the Children's Rights and Business Principles, among many others. In 2019, the regional forum was expanded to the UN RBHR Forum.

The United Nations Responsible Business and Human Rights Forum, Asia-Pacific (UN RBHR Forum) is a space where people come together to reflect on challenges and opportunities in promoting business respect for people and the planet. It's also an opportunity to share best practices from within Asia and beyond. Through this, it has enabled meaningful South-South exchange and facilitated constructive dialogue and peer-learning among a broad alliance of stakeholders.



CONVENE

The UN RBHR Forum is the largest platform in Asia to bring together business and human rights stakeholders from across the region and beyond. As such, it has fostered partnerships and networks, facilitated the sharing of experiences and ideas, and played an important role in driving forward progress on business and human rights in Asia.



EXCHANGE

Significant achievements have been made in Asia over the last decade, and there is much that can be learned from those leading these efforts. The UN RBHR Forum creates a space for peer learning and South-South exchange of experiences and best practices in the implementation of the UNGPs.



CONNECT

The UN RBHR Forum has generated momentum for responsible business in Asia, not only by bringing together a diverse set of actors, but also by highlighting how different mandates and agendas are connected through business and human rights. This has created a culture of collective action for greater impact.



AMPLIFY

Diversity and inclusion are a core value of the UN RBHR Forum, including creating safe spaces for a range of voices, opinions, and ideas. Creating an inclusive space for different voices – in particular, voices from the ground – has helped to amplify the unique ideas, opinions and concerns of underrepresented groups and, ultimately, to build a stronger foundation for bottom-up progress.



UNRBHR FORUM 2022 Harnessing Levers of Change

The 2022 UN RBHR Forum took place in Bangkok, Thailand, from 19 to 22 September 2022 with support from Government of Sweden, the Government of Japan, and the European Union.

It was co-organized by the International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations Environment Programme (UNEP), United Nations Office of the High Commissioner for Human Rights (OHCHR), and United Nations Working Group on Business and Human Rights (UNWG).

This year, the Forum explored themes around harnessing 'levers of change' – areas of work with the potential to be catalysts for wide-ranging change in the business and human rights agenda. Sessions explored strategies that have been effective in promoting business respect for human rights and the environment and spotlighted novel approaches that can be further leveraged to accelerate progress.

The Forum also hosted safe space sessions for civil society, businesses, and governments, which continue to be a critical space for exchange.

This report highlights key insights and recommendations shared by the speakers, including expert practitioners, government representatives, business leaders, Indigenous Peoples and representatives of civil society.

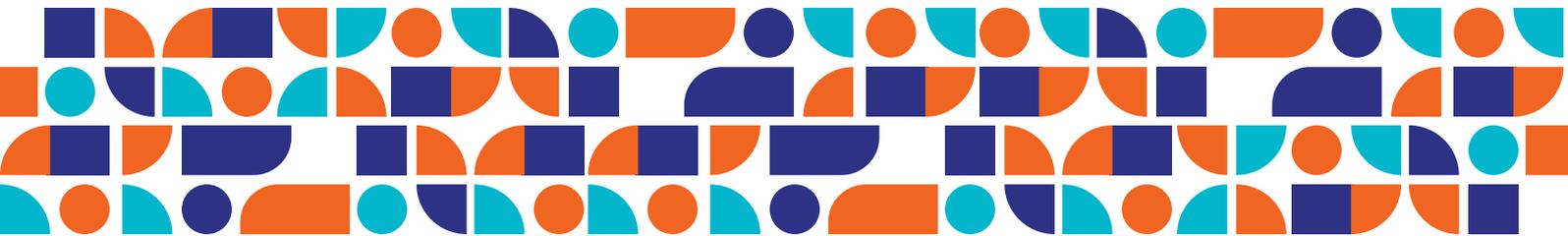
400+
attending
in person

20+
Sessions

More than
80
Speakers

Online participation of more than
850 people
from **100+** countries





Session Summaries



Welcome, Keynote and Opening Plenary

20 September | 9:00 ICT

The adoption of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in 2011 proved to be an inflection point in advancing responsible business behavior and corporate accountability. Since 2011, various governments undertaken the process of developing national action plans on business and human rights (NAPs) outlining their strategies to promote responsible business practices.

In recent years, there has also been a strong push to realize the so-called “smart mix of measures” by moving from voluntary towards mandatory initiatives, notably around human rights due diligence that can have far-reaching implications for the region. And although none of these standards, policies and legislations are perfect, they reflect the progressive evolution of responsible business concepts into more durable norms. And while the uptake of responsible business practices by businesses has been modest and uneven, in some instances shifting business attitudes can be observed.

At the same time, a degree of skepticism remains among affected rights holders and civil society actors about the real-life impact of top-down strategies and measures to promote responsible business, in effect spotlighting the need for meaningful participation of rights holders in State and business-led initiatives.

While the uptake of responsible business by a range of different actors in recent years is encouraging, much more is needed to make a difference in the daily lives of people who disproportionately face adverse impacts of business activity. In this session, panelists explored “levers of change” that may be catalysts for change in the context of business and human rights, and how they can be harnessed to strengthen corporate accountability and responsible business.

PANEL

- Pichamon Yeophantong, United Nations Working Group on Business and Human Rights
- Tomoya Obokata, United Nations Special Rapporteur on Contemporary Forms of Slavery
- H.E. Jon Åström Gröndahl, Swedish Ambassador to Thailand
- Nareeluc Pairchaiyapoom, Ministry of Justice of Thailand
- Marie Joyce Godio, Indigenous Peoples Rights International
- David R. Boyd, United Nations Special Rapporteur on Human Rights and the Environment
- Shusmita Anis, Bangladesh Employers' Federation
- Livio Sarandrea, United Nations Development Programme

KEY TAKEAWAYS

- While there is clear evidence of progress on business and human rights in Asia, **there is not enough change in the lives of rights holders, and the speed, breadth, and depth of work has not reached the desired level.** However, there are good opportunities that can be leveraged to accelerate change and using a combination of levers of change may lead to system change.
- **Multistakeholder alliances are more important than ever.** They can help address challenges faced by States in galvanizing political will and resources to dedicate to business and human rights, challenges for companies to level the playing field and achieving board leadership, and challenges from civil society organizations and others to shift action from policies on paper into implementation. To best harness multistakeholder alliances, they must be centered on and informed by the rights and needs of rights holders, and they do not diminish the State duty to protect nor the business responsibility to respect human rights.
- **Human rights defenders are at the frontline in the struggle for a better future,** but they face increasing resistance for mobilizing to protect the environment and confront climate change and speaking out to address adverse human rights of business operations. It is imperative that persecution and criminalization of human rights defenders stop, and that the contribution of human rights defenders to advancing business and human rights be recognized and celebrated.
- **Collaboration is the key to change.** Work in Asia on business and human rights has opened spaces for stakeholders to work together. Keeping these spaces as inclusive and participatory as possible is crucial, and can contribute to improving trust, building relationships, and creating an environment for mutual learning and understanding. Innovative partnerships with rights holders and civil society organizations on the ground with the knowledge and expertise can be leveraged to fill in gaps in understanding on what is needed where, when and why.



“Despite progress on business and human rights in the region, there is still a contrast between progress on the top and reality on the ground.

We must go from words to action; implementation is key.”

Jon Åström Gröndahl, Swedish Ambassador to Thailand



- **The UN resolution recognizing the right to a clean, healthy and sustainable environment can be a catalyst for further action.** In addition to the right to clean air and water and sustainable climate, this also includes the right to access environmental information, participate in environmental decision making, and access to justice where rights are being threatened or violated. Businesses must be part of the solution, and there are ample economic opportunities created by actions to protect the environment and the climate.
- **Voluntary frameworks, including existing instruments like national action plans on business and human rights and UNGPs, have failed to hold businesses and governments accountable.** Mandatory measures are needed, but the shift from voluntary to mandatory measures must also include efforts to raise awareness among the business community that perceived ‘costs’ of responsible business conduct and implementing the UNGPs are increasingly competitive advantages in the global market. Alliances must be part of broader global push for mandatory human rights due diligence and domestic legislation to build trust and establish shared responsibility among all stakeholders involved.
- **Successful and competitive companies of the future** are those that make human rights and environmental, social and governance due diligence part of their core business.
- Alongside the hardening of norms and a softer approach through guidelines, **there may be a need to consider how to leverage modern technology** – such as block chain – to prevent and suppress modern slavery.
- **Free Prior and Informed Consent (FPIC) should be understood as a continuing process** and tied to collective rights and determination of indigenous peoples, as well as their right to consultation and inclusion. For true FPIC, it is imperative that persecution and criminalization of human rights defenders stop, and that their contribution to advancing business and human rights be recognized and celebrated.
- **Access to justice remains a common issue** for Indigenous Peoples, human rights defenders and civil society organizations working on the ground in Asia.



“Modern slavery laws have been serving as a lever of change in preventing modern slavery and promoting human due diligence, but it’s also clear that more needs to be done to enforce them effectively.”

Tomoya Obokata, UN Special Rapporteur on Modern Slavery



Turning Stones to Diamonds Pressure points to facilitate access to remedy

20 September | 11:15 ICT

Rights holders continue to face significant barriers to effectively access remedies for business-related human rights abuses. At the same time, it seems that affected rights holders are not making full use of existing, albeit imperfect, grievance mechanisms. They are either not aware of the full menu on the table, lack the capacity to choose the most suitable option(s) in a given set of circumstances, or struggle to navigate through processes of different grievance mechanisms. In addition, affected individuals and communities may not be identifying or employing all available ‘pressure points’ – which may directly or indirectly facilitate access to remedy – against corporate actors.

In short, pressure points are entry points that can trigger action on the part of business leaders to take seriously the concerns of affected rights holders and try to address these concerns in a meaningful manner. Pressure points reflect a range of different pathways to facilitate remedy – including formal, informal, national, international, institutional, and social routes – and include civil society advocacy, including social media campaigns, shareholder resolutions, strategic litigation, complaints to National Contact Points under the OECD Guidelines, and communication to United Nations special procedures, among others.

During the session, panelists shared examples and discussed how rights holders and others can employ pressure points across Asia-Pacific to facilitate access to remedy.

PANEL

- Surya Deva, Macquarie University
- Lia Mai Torres, Center for Environmental Concerns
- Pillkyu Hwang, Seoul University Law School
- Sophia Areias, Global Business Initiative on Human Rights
- Harpreet Kaur, United Nations Development Programme (Moderator)

KEY TAKEAWAYS

- **Pressure points are entry points** that, when leveraged, are likely to trigger action from business. Examples include litigation, civil society advocacy (incl. consumers) and media campaigns, investor engagement and shareholder activism, business reputation and identity, and multilateral mechanisms, among others.
- **Pressure points can complement or overlap any type of grievance mechanism** (judicial or non-judicial, State-based or non-State-based). They can be direct – for example reaching out directly to business executives – or indirect action like pressure through other stakeholders or by using judicial or non-judicial grievance mechanisms.
- **There is no blueprint** as there are different variables at hand and every company is different. Therefore, when using pressure points, one must develop a strategy and a sequence of pressure points attuned to the specific circumstances of each case.
- **Research and access to information are paramount in securing remedy.** However, information is often withheld from rights holders and their representatives. Dialogue is useful, but not always successful. Direct action – such as protests and barricades – can be instrumental in exposing the situation and attracting attention. When mainstream media does not pick up such stories, alternate and social media can fill this gap. While legal action can be useful, it is often a lengthy process and requires vast recourses, which is why it is often a means of last resort. Finally, it is important to connect, organize and ally with communities. Local, national and international organizations are hence essential in advocacy efforts. A successful campaign should try to leverage all these pressure points.
- **National Human Rights Institutions and National Contact Points have great potential in facilitating access to remedy.** However, the strength and effectiveness of the mechanisms they provide differ by case and country.



“Companies believe respecting human rights is a slow journey but making profit is never a slow journey. The power of human rights lies in the fact that every single individual’s human rights are important regardless of whether it is millions or a single person.

The human rights jurisprudence has the tools to strike the balance needed in human rights. The human rights of a single individual cannot be ignored.

Capitalism and the free market should be reimagined.”

Surya Deva, Maquarie University

- **A combination of pressure points is needed to ensure access to effective remedy.** The limitations of one pressure point should be mitigated by using other pressure points in parallel. Corporate law should be reformed to ensure transparency and so that pressure points can become more dynamic. For example, the collusion between States and businesses can limit the effectiveness of pressure points and grievance mechanisms.
- **The remediation of human rights abuses by companies leaves much to be desired.** However, companies do react to media coverage and pressure from civil society and investors, as CEOs seek to manage reputational risks. Therefore, to ensure effective remedy, direct public pressure points should be utilized. However, they can also backfire. Companies may “cut and run” (i.e. abandon business activities or projects) instead of using their ability or leverage to remedy adverse impacts.
- **Companies are changing their attitudes towards civil society,** where they are increasingly regarded as valued partners and informants in reporting on the ground realities. However, civil society should not do businesses’ dirty work on the ground and put themselves at risk.
- **When things go wrong, the power disparities are vast.** These disparities shape how grievances are dealt with and how a company’s response is perceived by others. Companies should be sensitive to these power disparities. Further, companies need to better understand the full range of possible remedies beyond monetary remediation, including apologies, guarantees of non-repetition and disciplinary measures against offenders. Finally, there should be a focus on achieving meaningful outcomes for rights holders.



“We’ve seen a change in business attitudes around civil society.

Business views civil society as a valued partner and informant to prevent and mitigate human rights risks. Civil society can offer an eye to the ground that sometimes business cannot access themselves.

But we must be very clear that civil society and human rights defenders should not do the company’s dirty work and put themselves at risk.”

Sophia Areias, Global Business Initiative on Human Rights





Translating the UNGPs into Real Change

20 September | 13:30 ICT

In 2011, the United Nations Human Rights Council (HRC) unanimously approved the United Nations Guiding Principles on Business and Human Rights (UNGPs), which provides a common understanding on States' obligations and companies' responsibilities to prevent and address the adverse human rights impacts caused by businesses.

Despite this framework, different pathways to implementing the UNGPs have unfolded at regional, national, and local levels, being shaped by stakeholders' varied interpretations of what constitute States' and businesses' respective obligations and responsibilities. For the UNGPs to engender change as envisioned in "A Roadmap for the Next Decade of Business and Human Rights", all stakeholders are required to work collaboratively to translate the UNGPs – in policy, tangible results, and linguistic terms – in ways that speak to diverse audiences and on-the-ground realities.

This session brought together a diverse panel of experts to explore to what extent there exists a common interpretation of the UNGPs in the Asia-Pacific region, identifying both good practices and challenges. Speakers discussed the opportunities for, and challenges to, leveraging context-sensitive and intersectional approaches to human rights due diligence, meaningful stakeholder engagement, and remediation.

PANEL

- Manja Bayang, ESCR-Net
- Pochoy Labog, Business and Human Rights Resource Centre
- Nareeluc Pairchaiyapoom, Ministry of Justice, Thailand
- Kelly Scott, Business for Social Responsibility
- Pichamon Yeophantong, United Nations Working Group on Business and Human Rights (Moderator)

KEY TAKEAWAYS

- **Understanding the UNGPs is not the problem.** The big problems include the lack of political will to implement the UNGPs on the part of the governments, the lack of awareness of the UNGPs among businesses – and for those who are aware, the attitude to find ways to go around these regulations to protect profits over human rights – and the lack of awareness among civil society actors of the UNGPs. In situations where civil society actors are aware, they face shrinking space for the democratic exercise of human rights.
- At the community level, peoples' organizations are not familiar with international frameworks. **There is a big task ahead in bringing the UNGPs down to a community level.** It is important to ensure that there is a clear understanding of the UNGPs on the ground.
- **There needs to be active dialogue between all stakeholders in order to bridge the gap in knowledge and understanding** on what it means to promote human rights and on what potential and actual adverse human rights look like.
- **How the UNGPs is communicated must be tailored to the target group.** In Thailand, this was done in the form of meetings, conferences, and seminars on the UNGPs and the National Action Plan on Business and Human Rights, as well as through infographics, brochures, and exhibitions. This year, Thailand is setting up the BHR Academy envisioned to be the knowledge hub not only in the country but in the region.
- **It is important to understand who the rights holders are and what types of discrimination they might be facing based on their multiple identities.** Each group cannot be viewed as monolithic. Hidden stakeholders must be identified.



“We need to do a better job in bringing UNGPs down to a community level because community members are those impacted by [businesses]. At the community level, peoples' organizations are not familiar with international frameworks. Most of them are battling their own struggles and are dealing with local legislations and the complexities of dealing with local administrative agencies and local laws. We need to do a better job in bringing these international frameworks to them.”

Pochoy Labog, Southeast Asia Researcher and Representative, Business and Human Rights Resource Centre



Environmental Defenders as Levers of Change

Supporting climate action and
responsible business practices

20 September | 15:00 ICT

For many years, land and environmental defenders have been at the front lines tackling the causes and impacts of climate, pollution and biodiversity crises. They have been advocates for sustainable practices and rights-based development; they also play a vital and legitimate role in holding duty bearers responsible for unsustainable practices that have resulted in violations of the rights of all people to a safe, clean, healthy and sustainable environment.

However, despite their bravery, leadership, and important role in supporting sustainable development, people working to protect the planet often risk their own lives for their advocacy and actions.

The UNGPs recognize the critical role of human rights defenders as part of the business and human rights ecosystem, and the United Nations Working Group on Business and Human Rights recently released guidance on ensuring respect for human rights defenders. The guidance unpacks for States and businesses the normative and practical implications of the UNGPs in relation to protecting and respecting the vital work of human rights defenders.

In this session, panelists explored how to increase understanding of the crucial role and contributions of environmental defenders in supporting responsible business practice and climate action, as well as recommendations for action needed to partner with, support, promote and protect environmental defenders.

PANEL

- Andy Yentriyani, National Commission on Violence Against Women, Indonesia (Komnas Perempuan)
- Wanun Permpibul. Climate Watch Thailand
- Anna Maria Oltrop. Head of Development Cooperation Section
- Pichamon Yeophantong. United Nations Working Group on Business and Human Rights
- Lia Mai Torres. Center for Environmental Concerns
- Annie Khan, Responsible Business and Human Rights Resource Center
- Georgina Lloyd, United Nations Environment Programme (Co-moderator)
- Romchact Wachirattanakornkul, UN Human Rights (OHCHR) (Co-moderator)

KEY TAKEAWAYS

Environmental human rights defenders are risking their ‘today’ for our tomorrow

- Although attacks against human rights defenders occur in every region of the world, **Latin America, Asia, and the Pacific have consistently recorded the highest number of attacks since 2015**, per a Business & Human Rights Resource Centre report. In 2021 alone, 615 attacks against HRDs were reported; most attacks occurred in India and the Philippines. In addition, the top five most dangerous sectors for HRDs were related to natural resources – with nearly 70% of attacks taking place against climate, land and environmental rights defenders. This data is just what is publically available; many attacks go unreported.
- **The Asia-Pacific region was the most dangerous region for EHRDs in business-related attacks in 2021.**
- **Indigenous defenders experience a disproportionately high level of attacks** and continue to be excluded from meaningful consultation and decision-making.
- **The three most dangerous sectors are all natural resource sectors**, including mining, agribusiness, logging and lumber or deforestation; this shows that companies and investors operating in these sectors should continue to engage in consultation and take into consideration the needs and security concerns of HRDs and communities.
- **Governments must implement UNGPs properly to prevent reprisals**, recognizing the vital role of HRDs in promoting just and sustainable development.
- To recognize the rights of defenders and ensure their protection, **we need to look at new forms of attacks and threats to them** (especially women EHRDs), while stressing the use of a rights-based approach when seeking solutions.
- **It is essential to improve and strengthen policies – or legislate where missing – for protection, access, rights and public participation of EHRDs** at local, national and international levels, as well as to have a regional, legally binding policy for business and human rights.



“Women environmental human rights defenders often face additional obstacles, risks and reprisals including sexual harassment and gender-based violence both online and offline. Women defenders, especially in rural and indigenous areas, are often at the forefront of environmental movements, but due to gender discrimination they often lack the resources, contacts and power to mitigate attacks, which frequently go unreported.”

Anna Maria Oltrop, Head, Development Cooperation Section, Embassy of Sweden



Battle for narratives

- **Demonization of environmental defenders is another brutal stigmatization** that affects livelihoods and leads to other negative impacts. The best way to counter negative perceptions of environmental defenders is to show the importance of their work and what's happening on the ground.
- **Land and environmental defenders have a crucial role** in supporting responsible business practices, climate action and just transition.

“The United Nations Working Group on Business and Human Rights has produced guidance on respect for human rights defenders in which we urged businesses to consult human rights defenders as an important “expert” resource, not only as a part of human rights due diligence processes but also recognizing the role that defenders have to play as important and well-informed watchdogs, advocates and voices for affected stakeholders.”

Pichamon Yeophantong, United Nations Working Group on Business and Human Rights





Regional Access to Justice and Remediation

Making it work for migrant workers

20 September | 16:30 ICT

Over half of the world's 25 million victims of human trafficking and slavery are found in the Asia-Pacific region. The majority are linked to the formal economy and global supply chains. The COVID-19 pandemic has exacerbated migrant workers vulnerabilities and left them at increased risk of exploitation and in limbo between legal barriers to access justice across jurisdictions. Border restrictions have also introduced new barriers to regular migration, increasing the likelihood of migrants experiencing human and labour rights abuses. Within this framework, new paradigms and innovative solutions for access to justice and remediation for migrant workers are a priority.

At the 2021 United Nations Responsible Business and Human Rights Forum, the International Organization for Migration (IOM) in partnership with The Remedy Project (TRP) launched the Operational Guidelines for Businesses on Remediation of Migrant Workers Grievances to help companies and industry groups develop voluntary programmes to remediate worker grievances, especially with regard to addressing human rights concerns of migrant workers in international supply chains.

One year on, the trend towards a more robust international ecosystem that aligns with the UNGPs continues, most recently with the European Commission's proposal for a Directive on Corporate Sustainability Due Diligence (CSDD) and its cascading effects for markets everywhere, including southeast Asia.

PANEL

- Peppi Kiviniemi-Siddiq, International Organization for Migration
- Attorney Celso Hernandez, Department of Migrant Workers
- Andrey Sawchenko, International Justice Mission
- Tony Khaw, NXP Semiconductors
- Archana Kotecha, Remedy Project (Moderator)

KEY TAKEAWAYS

- **Stakeholder engagement is essential**, in particular the centrality of migrant workers to processes, policies and discourse that affects them. Their absence from various discussion and decision-making fora speaks volumes about how much more needs to be done in this respect.
- **Collaboration between the State and the private sector and the private sector and NGOs is critical** for a healthy ecosystem of remedy. This does not detract from the fundamental role of the State to protect human rights and provide access to effective remedy.
- **There is a need to engage with the complementarity of State-based and non-State-based mechanisms** by improving referral pathways and promoting dynamic engagement between the two. This will strengthen both sets of mechanisms and make for a healthier ecosystem of remedy. Special efforts must be made to address the information, access and power asymmetries that are faced by workers across both systems.
- **Collaboration between businesses, UN agencies, NGOs/CSOs and governments is key** to raise awareness and in providing effective access to remedy for migrant workers.
- **Businesses, like NXP, are ready to form partnerships** with key stakeholders to protect and respect the rights of migrant workers.
- **Migrant workers have an important role play in scaling pathways to remedy.** They can support other rights holders in using formal systems, reflect on their experiences of work and remediation, and advocate for improvements.
- **Civil society can support migrant workers** in moving through the patchwork of State-based protection and remediation mechanisms. Increased examples of effective remediation by State-based mechanisms helps workers, strengthens systems, and builds trust.
- Beyond a consensus that migrant workers struggle to access justice in their workplaces and after return, **migrant workers' voices are still largely absent** in the dialogue as to what would serve them best.
- **Collective representation for migrant workers remains challenging**, with legal and cultural barriers often standing in the way of unionization. Other pathways to fair representation, e.g., through CSO partners, need to be explored.
- **The challenges that migrants face at the workplace are not uniform** and come as a sliding scale from minor complaints to rights infractions to forced labour and trafficking. To remedy these wrongs, a toolbox of approaches is required, from private sector-based grievance mechanisms to labour and criminal courts.
- **Civil society, together with the private sector and judicial and political actors, need to play a role** in ensuring that each level of remedy is effective and links to the other.
- **Effective dialogue and consultation with all the stakeholders and with the migrant workers themselves is crucial** in the establishment of State-based mechanisms. These must be designed with more focus and understanding of the needs of the potential users themselves, and not from the perspective of the State alone.
- **State-based mechanisms must be easily accessible to migrants** in both the destination and sending countries. Mechanisms must also present different remedies to allow migrant workers to choose what is most applicable to their cases.



Asia's Environmental Priorities and the Business and Human Rights Agenda

21 September | 9:00 ICT

The scale, severity and sources of Asia's environmental challenges are both shocking and largely undisputed. Forty-nine of the top 50 cities most impacted by air pollution are found in the region. Globally, 42% of deaths due to unsafe or inadequate supply of water occur in Asia. With a long and low-lying coastline, Asia is also considered to be among the most vulnerable regions to climate change. The World Bank forecasts that nearly 50 million will have been displaced in the Asia-Pacific region by 2050. In some settings, Asia's manufacturing, agriculture, transportation and extractives industries, among others, are having devastating impacts on the lives, livelihoods and human rights of millions of people. Obstacles to addressing these challenges are both formidable and longstanding.

Across the region, a lack of systematized data collection processes and sharing protocols have slowed the pace of progress towards solutions. In many contexts, resources and capacities are not leveraged to enforce environmental laws and regulations. Elsewhere, political will is sapped by economic imperatives, bureaucratic inertia, and powerful lobbying efforts.

In October of 2021, the Human Rights Council recognized a clean, healthy, and sustainable environment as a human right. What might the creation of this right mean for Asia, especially where environmental safeguards are already written into national constitutions? What application do voluntary principles play in promoting better environmental stewardship by business, when inflation is spiking, and supply chain disruptions are closing factories? What are the key policy approaches governments should take, fully aware of the tradeoffs of action versus inaction?

PANEL

- Diane Archer, SEI Asia
- Weenarin Lulitanonda, Thailand Clean Air Network
- Surya Deva, Macquarie University
- Matthew Baird, Asian Research Institute for Environmental Law
- Sean Lees, United Nations Development Programme (Moderator)

KEY TAKEAWAYS

Environment and human rights defenders

- **We need to protect EHRDs** who are often on the frontlines of fighting for the rights of affected and vulnerable populations such as indigenous communities. Without them, there is limited space for discussions between impacted communities, governments, and businesses alike.

Mandatory standards

- **Compliance with norms and standards on environmental protections is vital**; so is holding culpable entities accountable for their impacts on the environment. We need to take a mixed approach to incentives for businesses, ranging from prosecution of companies and industries most culpable for environmental damage, and tax incentives for those that have adhered to their duty of care in this regard.
- **It is important to also consider informal workers and their right to earn a living.** There is a need for governments to consider measured frameworks that also increase the visibility of the informal sector in Asia, amplifying their voice in the solution space, and increase their awareness of key issues and priorities as they relate to climate policy.

Compliance and enforcement

- **There is a need for wide-scale measurement of a well-being index** so that decisions around operations that impact the environment are supported by data driven policy making and responses.
- **Mandatory measures are needed to set a standard for compliance;** examples of the ‘polluter pays’ principle were provided. However, these need to be matched with voluntary measures that may be non-binding such as the UNGPs, but that set the aspiration.



“In order to achieve inclusive, resilient and sustainable cities, we need to focus our attention on increasing awareness of climate risks among the most vulnerable populations”

Diane Archer, Stockholm Environment Institute



Business, Human Rights and Displaced Persons

Enhancing access to durable solutions

21 September | 9:00 ICT

The Asia-Pacific region hosts some of the countries with the highest number of displaced persons. By the end of 2021, of the 89.3 million people who were forcibly displaced due to conflict or violence worldwide, a total of 10.6 million people were from Asia-Pacific countries. By the end of 2020, there were a total of 40.5 million new displacements of which 30 million were the result of weather-related hazards such as storms and floods. The region also accounted for over half of the total number of new disaster-induced displacements being the most disaster-prone region.

The right to work and access to labour markets are key for displaced persons to become self-reliant, rebuilding their lives and securing their dignity. Despite the efforts of governments, businesses, international organizations, and non-governmental organizations to facilitate access to employment for displaced persons, they remain one of the most vulnerable populations to exploitation. This situation has worsened due to additional challenges presented by the COVID-19 pandemic, climate change, and continuing war and unrest. Without a regular pathway for employment, large numbers of displaced persons are given limited options but to work in the informal sectors, which increases their exposure to exploitative conditions.

The nexus between business, human rights, and displacement is complex. While the primary duty and responsibility for providing humanitarian assistance to displaced persons lies with national authorities, private sector actors can play a transversal role in advancing protection, contributing to peace, and achieving prosperity. This in turn will ensure the 2030 Agenda for Sustainable Development Goals principle of “leave no one behind” and promotes sustainable livelihoods for all.

PANEL

- Damla Buyuktasgin, UNHCR
- Sung In Marshall, adidas
- Rachel Beck, Talent Beyond Boundaries
- Farooq Ahmed, Bangladesh Employers Federation
- Geertrui Lanneau, International Organization for Migration (Moderator)

KEY TAKEAWAYS

- **The private sector can be empowered to play a transversal role in facilitating regular labour migration pathways** for migrants, including displaced persons, increasing individuals' and communities' resilience to environmental and man-made events.
- While not a barrier to participation in formal labour markets per se, **a key aspect for adidas in responsibly employing labour migrants in its supply chain has been ensuring fair and ethical recruitment** and highlighting the specific risks or vulnerabilities of labour migrants within the adidas Workplace Standards and Employment Guidelines to ensure suppliers are aware of the ways in which they may need to adapt their regular business practices to ensure protection of these groups.
- **adidas has implemented several policies and processes in its supply chain to address risks of exploitation.** This includes: commitment to a Zero Fees Policy, building capacity across the supply chain to address risks in employment of migrant workers, and integration of migrant workers into existing systems, including by offering worker surveys and access to internal grievance mechanisms in native languages.
- **Solutions must be complementary and collaborative,** representing a wide range of options to ensure the broadest possible uptake. It is also important to consider the agency of displaced people, empowering them to make their own decisions about the pathway that best fits their individual circumstances.



“Through our partnership with the IOM, we have strengthened our global program to protect migrant workers and ensure no worker pays for a job.

This underscores the point that while we have made progress as a company in being a responsible employer of migrant workers, we can be much more impactful together in collaboration with other businesses, organizations such as the IOM, and affected stakeholders – including migrant workers themselves.”

Sung In Marshall, Senior Manager, Human Rights & Development Partnerships, adidas



Combating Informality and Spurring Formal Employment to Achieve Decent Work and Social Justice

21 September | 10:45 ICT

The large presence of the informal economy in the Asia-Pacific region leaves informal workers with little to no access to social protection systems and employment protection. Workers in the informal economy are more likely to face challenges when it comes to accessing labour rights and decent working conditions. During big economic shocks like the one posed by the COVID-19 pandemic, these businesses face harder conditions than formal businesses, partly because they lack access to social protection for their workers, access to formal lines of credit, access to services provided by governments as part of recovery packages. Rapid economic growth in the region before the pandemic didn't translate into formalization of the majority of businesses, leaving many workers in the margins of development and social progress.

This session discussed challenges for businesses operating in the informal economy to respect human rights and labour rights as called for in international instruments and national legislation. It looked at initiatives and strategies that governments, the private sector and workers organizations have developed or are putting in place as part of the recovery measures in the aftermath of the COVID-19 crisis, and how these implicitly or explicitly promote formalization as a way to make the economy more competitive, improve the workers' access to better working conditions and enlarge the coverage of services to businesses currently in the informal economy. It also highlighted experiences of companies and discuss potential solutions to address these challenges, including initiatives that make companies more aware of their social and environmental vulnerabilities when operating in the informal economy and help them address these challenges.

PANEL

- Sumi Dhanarajan, Forum for the Future
- Tran Thi Lan Anh Ms. Tran Thi Lan Anh, Vietnam Chamber of Industry and Commerce
- Shusuke Oyobe, International Labour Organization
- Karina Perida-Trayvilla, Bureau of Workers with Special Concerns, Phillipines
- Syed Mohammad Fahimuddin Pasha, ITUC-Asia Pacific
- Graeme Buckley, International Labour Organization (Moderator)

KEY TAKEAWAYS

- Formalization not only broadens the tax base and boosts national productivity, **it also improves the prospect that workers have access to good working conditions in which labour rights are respected.**
- **Workers under informal employment have limited or no access to social protection and other fundamental labour standards.** Formalization of employment and business is not only a good strategy from the perspective of labour rights and human rights, it also has a positive impact on productivity, competitiveness and the broadening of the tax base for governments, something of critical relevance when governments have to implement recovery measures in the aftermath of the COVID-19 crisis.
- **The session discussed the roles of States, social partners (employers and workers) and other relevant stakeholders in establishing an enabling environment to move towards formality and therefore improve working conditions and access to social protection, as well as to achieve a more inclusive development and ultimately social justice.**



“The majority of workers in Asia are in informal employment. The Asia-Pacific region’s policymakers must implement integrated and coordinated approaches to tackle informality and advance decent work and international labour standards among workers in the Asia Pacific region.”

Graeme Buckley, Director of the ILO Decent Work Technical Support Team for East and South-East Asia and the Pacific and ILO Country Office for Thailand, Cambodia and Lao People’s Democratic Republic



Plastic Circularity through Responsible Business Conduct

Realizing the right to a healthy environment

21 September | 10:45 ICT

Plastic waste and pollution are threatening ecosystems and livelihoods across Southeast Asia. Increasing volumes of plastic waste have led to environmental, social and health impacts, particularly for vulnerable communities. Asia is both a hotspot for plastic pollution as well as a range of innovative measures designed to curb it. Businesses are increasingly finding innovative ways to reduce plastic waste and transition to a more resource-efficient and circular economy while new solutions are evolving to improve collection, recycling and capture of plastic waste leakage.

The protection of the environment and ecosystems contributes to the fulfilment of human rights and human well-being, including health, a safe, clean, healthy, and sustainable environment, an adequate standard of living, and decent work. In moving towards a circular value chain for plastics, business strategies should be informed by holistic assessments of social and environmental impacts across value chains, factoring in the rights and gender dimensions of both challenges and opportunities. A systemic approach to achieving more sustainable value chains can contribute to building more prosperous and resilient economies and inclusive societies.

This session shared progress on efforts to sensitize actors in the plastic value chain on a rights-based approach and discussed what actions are needed to help businesses, governments, and communities to shift away from business as usual to an inclusive circular and more sustainable and resource-efficient plastics economy.

PANEL

- Nat Atichartakarn, Trash Lucky
- Sara Seck, Dalhousie University
- Vivekanand Sistla, Unilever
- Dominic Thomson, Environmental Justice Foundation
- Orathai (Nok) Pongruktham, Thailand Environment Institute Foundation
- Naporn Popattanachai, Thammasat University
- Georgina Lloyd, United Nations Environment Programme (Moderator)

KEY TAKEAWAYS

- **Plastic waste and plastic pollution threaten a broad range of human rights**, including the right to a healthy environment, particularly for vulnerable communities, at each stage of the plastic life cycle from extraction, refinement and production to transportation, use, waste management and disposal.
- **Packaging, product design and innovative supply chain management can reduce plastic waste**, exposure to toxic chemicals and leakage to the environment and improve alignment with sustainable business practices.
- **Business supply chains need to be informed by environmental, social and health risks** and the linkages to upholding the right to a healthy environment.
- **Waste management needs to consider the rights of informal waste pickers and the disproportionate impacts on women and children** who are exposed to health, social and environmental risks and human rights harms.
- **Incentivizing sustainable waste practices and regulating corporate practice to limit plastics use in design while supporting workers**, reducing impacts on the environment and undertaking supply chain due diligence are essential actions to address the plastics problem.
- **Communities who are disproportionately impacted by plastic leakage and pollution must be supported** as they suffer environmental harms and injustices. Businesses need to connect with these impacted communities to address harms and find sustainable solutions that benefit all segments of society including women.



“Environmental protection, especially from plastic pollution ... concerns the protection of us, the protection of human rights.”

Naporn Popattanachai, Faculty of Law at Thammasat University



Confronting Hate Speech and Disinformation

The role of advertising

21 September | 13:30 ICT

Over recent years, and particularly in the context of the COVID-19 pandemic, xenophobia, racism, religious extremism, anti-migrant narratives, disinformation and other content inciting discrimination and hatred have flourished on traditional and social media platforms. At the same time, the last decade has seen a rapid evolution of advertising technology ('ad tech'), the industry that targets advertising or promoted content to internet users. A significant proportion of this spending has – often inadvertently – fueled inflammatory content intended to spark anger and fear of the “other” and made it more challenging for human rights-based messages to be heard.

There are real world consequences to such discourse, which disproportionately impacts the human rights of groups and individuals in situations of vulnerability and hinders rights-based efforts on critical issues such as addressing climate change or improving the governance of migration. There is increasing awareness at the national, regional, and global levels that advertising is a business ethics issue and that advertisers, brands and others all have a vital role to play in tackling the “economics of hate”.

A more conscious, rights-based approach by private sector and media actors along with partners in civil society, UN agencies and with governments is therefore key to harnessing the levers of change and effectively tackling the funding and spread of hate and disinformation. This will also ensure diversity and inclusion and amplify values-based messaging that can counter damaging narratives. This session featured a conversation with advertisers, companies, civil society, governments and other stakeholders around rights-based and ethical advertising practices.

PANEL

- Amir Malik, Accenture
- Pat de Brún, Amnesty International
- Ruchira Jaitly, Diageo India
- Jake Dubbins, Conscious Advertising Network
- Victoire Rio, Myanmar Internet Project
- Pia Oberoi, OHCHR (Moderator)

KEY TAKEAWAYS

- **The business model of the digital advertising industry is proliferating the spread of online actors who are monetizing the spread of hate speech and disinformation across the region with serious human rights consequences.**
- **This “economics of hate” impacts a wide range of human rights and fuels discrimination, hatred, and violence against marginalized groups such as minorities and migrants.**
- **At the same time, there are increasing opportunities for brands, advertisers, and the media to contribute to positive messaging and to ensure representation of marginalized groups.** Across the region brands are investing more in improving diversity and inclusion.
- **Advertising funds the internet, and advertisers should seek out trusted media, including at the community level, to provide evidence-based information to the public and disincentivize hate speech and disinformation, while protecting brand safety.**
- **United Nations Human Rights Office (OHCHR) is partnering with the Conscious Advertising Network (CAN), a coalition of brands, advertisers, agencies, tech providers, and civil society organizations to challenge this business model, confront hate and disinformation and promote rights-based narratives.**





Transforming Markets through Inclusive Procurement

21 September | 13:30 ICT

Globally, one in three businesses are owned by women, but women only receive an estimated 1 % of the procurement spend of large corporations. In the Asia-Pacific region, approximately 60 % of MSMEs are owned by women. However, the overwhelming majority of MSMEs owned by women are informal and/or microenterprises and struggle to scale up or survive due to gender-specific challenges in accessing finance, business skills and training, and markets. Due to the absence of sex-disaggregated data in public and private sector procurement mechanisms, the share of procurement in the Asia-Pacific cannot be precisely determined, but it is likely to reflect global trends and the overall weak position of women-owned businesses in the region.

An important vehicle to diversify public and private supply chains and stimulate gender-inclusive economic growth is gender-responsive procurement (GRP), which promotes the principles of buying from women-owned businesses and gender-responsive enterprises to enable equitable access to markets and to create more gender-responsive value chains.

The private sector has a major responsibility and role to play in boosting gender equality through inclusive procurement, and gender-responsive procurement presents an untapped opportunity to disrupt the existing inequity in market dynamics and act as a lever of transformative market change. Yet, GRP remains a nascent priority among businesses in the region.

This multi-stakeholder session brought together policy makers, corporates, entrepreneurs and international organizations in order to create a common understanding on what gender-responsive procurement is and discuss its potential as a lever of transformative market change, representing a major untapped economic opportunity for women, business, and society.

PANEL

- Gemma Edgar, DFAT
- Nusra Chankaew, Unilever
- Mrinalini Venkatachalam, WEConnect International
- Chaovalit Pakpianthakolpol, The Federation of Thai SME
- Nguyen Thi Bich Thuy, Viet Nam Ministry of Planning and Investment
- Siriporn Rathie, UN Women (Moderator)

KEY TAKEAWAYS

- **Globally, women-owned businesses receive only 1% of public and private procurement spending.** The exact share in the Asia-Pacific cannot be determined due to a severe lack of sex-disaggregated data on business ownership, but it is estimated to be similar or even lower. One key tool to rectify the lack of supplier diversity is gender-responsive procurement (GRP), the sustainable selection of services, goods, or civil works that takes into account the impact on gender equality and women's empowerment. UN Women takes a broad definition that includes buying from women-owned businesses and leveraging the potential of buying from gender-responsive enterprises, regardless of ownership.
- While there are many women entrepreneurs in the region, we see **a lack of leadership buy-in to advance GRP, limited business cases, and large gender bias** and social norms that question the ability of women-owned businesses to supply to corporations. Some persistent barriers faced by women entrepreneurs include lack of business networking opportunities and limited access to necessary skills training on procurement mechanisms.
- **Governments need to include gender-responsive procurement in their policies and processes.** In addition to upskilling women entrepreneurs and providing marketplace platforms, Viet Nam presents a good example of explicitly prioritizing women-owned enterprises in their SME law. Procurement laws need to be gender-sensitive and intentionally level the playing field to allow for more micro and small businesses to compete.
- **Support organizations, including associations of SMEs, represent voices of those in the community** and play an important role in convening dialogues between enterprises and policy makers.
- **The private sector has a key role to play in building a more equitable and inclusive society.** Key steps include collecting gender-disaggregated data, target setting, developing gender-inclusive policies, and tracking and reporting on progress.
- **UN Women is addressing structural gender equality faced by women entrepreneurs by advancing supplier diversity and gender-responsive procurement** in Thailand and Viet Nam. In partnership with the Australian Government, the WE RISE Together programme will work with governments, the private sector and women entrepreneurs to understand and overcome gender barriers, create resilient business models, and link more women-owned businesses and gender-responsive enterprises to public and private procurement schemes.



“This is not about prioritizing one gender over another, but if you are excluding a third of the world’s businesses, you are definitely not finding the best supplier for your organization”

Mrinalini Venkatachalam, Regional Director, Southeast Asia and Oceania at WEConnect International



Citizens and Consumers

The missing link

21 September | 15:15 ICT

It is widely acknowledged that civil society organizations, human rights defenders and journalists play indispensable roles in exposing business-related human rights abuses in society. Once awareness about business and human rights issues has been raised, they can be instrumental in pushing governments and businesses to address business and human rights issues.

The architect of the UNGPs, the late John Ruggie, argued that the failure of businesses to meet their responsibility to respect human rights can subject them to “the courts of public opinion”. Indeed, consumer scrutiny can harm a company’s reputation and jeopardize its social license to operate. Moreover, consumer behaviour can also influence corporate financial performance; in some instances responsible consumption could help strengthen the business case to respect human rights.

A business case to respect human rights might not always exist or lead to changes in business practices, for example, if a business is not consumer-facing or if consumers do not take human rights performance into account when purchasing products or services. In those instances, citizens and others can have a key role in incentivizing governments to protect human rights and advocating for the development and enforcement of business and human rights legislation.

Against this background, the session discussed how to build impactful social movements across the Asia-Pacific region to promote business respect for human rights.

PANEL

- Shubhabrata Roy, BIAS Pvt. Ltd.
- Sumi Dhanarajan, Forum for the Future
- Stefania Perna, Thomson Reuters Foundation
- Kevin Lehmann, United Nations Development Programme (Moderator)

KEY TAKEAWAYS

- **A social movement often emerges when there is a grievance that seems unfair, unequitable and dangerous to society.** This causes a resistance and the need to act. They are often collective enterprises. The individuals and organizations part of this movement are bound by a shared world view and ideology. Social movements ensure sustained continuous action to ensure change. Therefore, they frame the concerns and the actions needed.
- **Social movements are critical to define the relationship between business and human rights** and why individuals and society should care about exploitative business actions. The anti-sweatshop movement pioneered this challenge to business. Another example was the movement against the practices of the extractive industry, which brought the concept of free prior and informed consent to the forefront. However, as a movement, we should question whether the role of social movements has been diluted as the business and human rights field has become highly technical due to the influence of technocrats and policy makers.
- **Can we reach a tipping point where citizens and consumers start to become more aware of the urgent need for responsible business, and take action into their own hands?** Across Asia, we are confronted with shrinking civic space. Until citizens feel safe to raise concerns about business practices, there is a tight lock between businesses and governments. New forms of social movements are emerging, though time will tell if they will last. Moreover, we are facing new and uncertain challenges every day, including those relating to climate change. Society needs to build social movements that can work and thrive in situations of uncertainty.
- **In building social movements, a healthy media system that utilizes independent and reliable information that is free from bias is crucial.** However, information is often complemented by opinion pieces, which can lead to disinformation. Therefore, reporting should focus on identifying circumstances on the ground and suggesting specific solutions to problems faced by rights holders.



“The business case for human rights is the wrong starting point. ‘There is a need for businesses to respect human rights, because otherwise they should not be part of a society’ would have been the right foundation.”

Sumi Dhanarajan, Forum for the Future



- **Consumers have a key role to play in promoting more responsible business practices.** Research with youth in Asia indicates that over 90% of youth regard sustainability as an important topic. However, these attitudes often do not yet translate into action. Moreover, youth often perceive sustainability or responsible business as issues related to the environment; social issues such as exploitative labour practices are often left out of the picture. Hence, solutions need to be put forward to address these gaps.
- Asked whether consumers can help create a business case for human rights, one panelist argued that profit maximization is often prioritized in part due to the short average tenure of CEOs. However, **a company's chances of survival in the long-term depends on whether they conduct their business in an ethical, responsible, and sustainable manner.** If, for example, CEO tenures would be increased, they might have a stronger financial case to implement responsible business practices and respond to consumer pressures.
- Another panelist, however, argued that the business case rhetoric is the wrong starting point. **Ensuring responsible business must be based in values. Businesses need to respect human rights because they are a part of society:** their license to operate should be contingent on respecting people and the planet. There must be a shift from a compliance-based to a purpose-based approach to human rights. However, realizing this shift is difficult in the current economic growth-centric model.



“At the end of the day, there is no grey line when it comes to human rights. It is either black or white. If you need to exploit resources – natural resources or labour – to give a price advantage, it is illegitimate if not illegal.”

Shubhabrata Roy, BIAS Pvt. Ltd.



Policy Developments in Japan and Their Impact on Asia

22 September | 9:00 ICT

The business and human rights discourse in Asia has been evolving rapidly over the last 10 years, and more prominently in the last five as a consequence of three main factors: a) the setting of international standards and increasing levels of awareness around them; b) pressure from consumers and investors and c) policy and normative changes set by trading partners of Asian countries that have triggered the need for these countries to show access to supply chains that are respectful of people and the planet.

In Asia, policies in the form of National Action Plans on Business and Human Rights began to emerge in 2018. To date three such plans were adopted, with four more in the works. The Government of Japan signaled its strong interest in promoting responsible business practices by being the second country in Asia – after Thailand – to adopt a National Action Plan on Business and Human Rights. This commitment, expressed in 2020, was followed by the decision to adopt cross-industry guidelines for businesses to respect human rights in supply chains.

The publishing of the guidelines is likely to become a strong lever of change within the business and human rights discourse in Asia for at least two reasons: 1) It will set expectations of responsible conduct not only for Japanese companies but also, indirectly, for companies that are part of their supply chains in Asia; and 2) It is likely to inspire other countries in the region to adopt similar guidelines.

During the session, the panel discussed the likely impacts that policy evolution in Japan, one of the largest investors in the region, will have on the rest of Asia.

PANEL

- Gen Nakatani, Special Advisor to the Prime Minister of Japan for international human rights issues, Government of Japan
- Matsui Hiroki, Ministry of Foreign Affairs of Japan
- Masao Seki, Keidanren
- Dinna Prapto Raharja, The Foundation for International Human Rights Reporting Standards
- Ruenvadee Suwanmongkol, Securities and Exchange Commission, Thailand
- Anita Ramasastry, University of Washington School of Law
- Livio Sarandrea, United Nations Development Programme (Moderator)

KEY TAKEAWAYS

Policy developments in Japan on Business and Human Rights

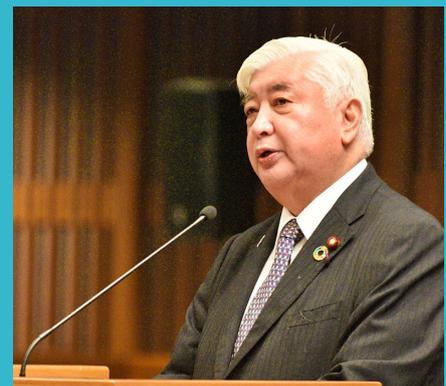
- **Following the NAP in 2020, the Government of Japan adopted “Guidelines on Respecting Human Rights in Responsible Supply Chains” in September 2022.** The Guidelines – which are in line with the UNGPs and other international standards related to responsible business conduct, including OECD Guidelines and ILO MNE Declaration – are the first of their kind in Asia for businesses to respect human rights in supply chains.
- **The Guidelines are not mandatory;** however, the government clearly stated their expectation that companies operating in Japan regardless of size or sector will follow the guidelines to ensure respect for human rights as provided in the UNGPs.
- Stakeholder dialogue should be made mandatory as it’s critical to identify human rights abuses and violations on the ground.
- **Grievance mechanisms for companies to provide access to remedy is missing** in the Guidelines, thus there is space for further alignment with the UNGPs.

Key points related to operation of Japanese businesses in the region

- **Japanese companies have been building the capacity of their suppliers; however, large gaps remain when it comes to using their leverage to deal with human rights issues.** Gender equality, occupational health, and safety are common issues among companies and their suppliers and partners in Asia.

Impact of Japan’s business and human rights policy developments in Asia

- Given the considerable investment volume and size of Japanese supply chains in the region, **human rights due diligence by Japanese companies will provide an impetus to promote sustainable and responsible business practices** by businesses in Asian countries.
- Given Japan’s leading role in the region, **the Guidelines can serve as an opportunity for Asian countries to promote their own business and human rights initiatives,** improving the human rights situation as a result.
- **Japan’s leadership is vital to promote business and human rights,** as well as responsible business practices, among G7 countries, where there is strong commitment but that is taking different forms.



“The formulation of the Japanese guidelines is truly a major policy development in Japan. By introducing human rights due diligence, we hope to provide an opportunity to see how this will benefit society, businesses, and economies.”-

Gen Nakatani, Special Advisor to the Prime Minister of Japan on International Human Rights Issues



Going forward for implementation of the Guidelines and the UNGPs

- **The Government of Japan is keen to support the development of policy instruments similar to the Guidelines** in the region to raise awareness on human rights due diligence and level the playing field in the region.
- **Multistakeholder initiatives are essential.** They are particularly important in addressing systematic issues (e.g., gender equality, occupational health and safety) that companies may not resolve on their own.
- **Dialogue with key stakeholders, including the Government of Japan, should be emphasized** during the implementation of the guidelines.
- **Collaboration between companies and CSOs is a key element** to promote business respect for human rights and the application of the guidelines.
- **Japanese companies are advised to formulate handbooks for management to improve respect for human rights** and to use ingenuity when developing initiatives aligned with the Guidelines. Companies also need to proactively act upon human rights risks, as they are diverse depending on factors such as industry, size, country, and region.
- **Ensuring the Guidelines are leveraged and translated into positive impacts in Asia requires** (i) commitments of all stakeholders in Japan, especially the continued commitment of the Government of Japan, (ii) identification of gaps and potential adverse human rights impacts for next steps, and (iii) paying attention to good business practices and the role of consumers.

Keidanren is expected to promote good business practices in G7 countries as a leading business association.

- **Good practices from Thailand were shared,** including: (i) Human rights need to be promoted as a part of sustainable finance in the capital market; (ii) ESG regulations applied to listed companies should include disclosure requirements not only on financial information, but also human rights issues and other relevant sustainability topics such as environment and CO2 emissions.



“Stakeholder dialogue is not only with workers and communities but all rights holders affected by business operation. And it should be key and mandatory”

Anita Ramasastry, University of Washington



Asia and the Future of Globalization

Business and Human Rights in Perspective

22 September | 10:45 ICT

In recent years, the pace and enthusiasm for economic integration has been tempered by a reassessment of the costs and benefits of globalization. Business leaders are far more cognizant of the operational risks posed by just-in-time production and longtail supply chains. Neo-liberal policy experts are far less confident that open markets will lead to stronger levels of international cooperation, respect for human rights and environmental stewardship. Transparency, resilience, and security are suddenly the leading features of a new chapter in global economic history. Yet, the implications for Asia, which has benefited enormously from globalization, are not well-understood.

In this moment, Business and Human Rights (BHR) champions are playing a larger role in shaping the direction of international trade and investment policy. Legislators, investors and consumers are joining advocates calling for greater respect for the environment, labor rights and land rights in global supply chains. But have BHR champions been fully cognizant of the costs their agenda imposes on Asian business, especially in the face of rising inflation, mass redundancies and a scarcity of essential goods in multiple regions? Or is the wider and deeper embrace of BHR principles the very thing that will drive new levels of growth, and save globalization, if indeed it is worth saving?

During the session, speakers assessed the implications of responsible business practice in Asia's supply chains. How might Asia be shaped – in both positive and negative terms – by new proposals from multiple markets limiting entry to products involving forced labor, deforestation risks or fast-fashion production techniques? What challenges, financial and otherwise, might environmental and human rights due diligence place on Asian businesses still reeling from COVID-19 lockdowns? How will a redesign of globalization be informed, if at all, by greater levels of respect for human rights and the environment, and what are the tradeoffs?

PANEL

- Phang Oy Cheng, KPMG
- Joyce Chau, amfori
- Namit Agarwal, World Benchmarking Alliance
- Seree Nonthasoot, UN Committee on Economic, Social and Cultural Rights
- Stephen Olson, Hirinch Foundation
- Sean Lees, United Nations Development Programme (Moderator)

KEY TAKEAWAYS

Shifts in attitudes on trade and the role of business in society

- **There has been a fundamental change in the ways in which international trade is perceived.** By-and-large, there is a growing awareness of the non-economic impacts of trade (social, environmental, cultural) and to human rights. These risks should be considered in the design and adoption of trade agreements. This should include strong accountability mechanisms backed by adequate funding.

There is a need for greater policy coherence

- **Countries in the global south are increasingly gaining larger market share on the world stage.** This has come with human rights and sustainability tradeoffs that need to be strongly considered. Mechanisms such as mandatory disclosure of ESG and human rights due diligence practices have emerged as good first steps.
- **However, the lack of policy coherence on sustainability and human rights standards has had unintended consequences** for businesses operating as part of global supply chains.

Shifts in power dynamics between Global North and Global South:

- **There is increasing awareness of the shift in power dynamics between the Global South and the Global North.** However, whether these shifts will result in greater awareness of human rights responsibilities is not yet certain. The panel posited another frame of understanding and/or deconstructing power dynamics, one which looks at amplifying voices of those impacted by business operations as opposed to geographic classifications.



“What we need is a shift towards more accountability and transparency in line with global standards. We need a shift in how business models are designed and implemented.”

Namit Agarwal, World Benchmarking Alliance



Building Business Action Fit for Children in East Asia Pacific in the Next Decade

22 September | 10:45 ICT

In 2012, UNICEF, the United Nations Global Compact and Save the Children developed the Children's Rights and Business Principles (CRBPs) in consultation with children, businesses, investors, governments, civil society, trade unions, national human rights institutions, and United Nations entities. The CRBPs take a practical approach to laying out the implications of the Convention on the Rights of the Child (CRC) for the business world – business institutions, government policymakers, investors, and other business stakeholders – and the relationships between them.

In a region that is home to the biggest supply chains globally, to fast-growing economies with high resource intensity and polluting industries, and to an exponential growth of new technologies and communication platforms, children are faced with multiple challenges posed by the climate crisis, environmental degradation, online violence and rising inequities.

The business world is making progress on integrating children's rights, but there's still a long way to go. In the last 10 years, the general awareness of child labour as an important issue for business and government increased in East Asia Pacific, but recognition of business impacts on the full spectrum of rights defined in the CRC has been limited. Voluntary action by businesses to assess impact across all aspects of operations, establish saliency, and change practices to address the most challenging issues for children have timidly emerged in the region, integrated into wider action for human rights and sustainability. This session discussed the link between children's rights and sustainability and what is still needed in wider policy and practice for children with preventing and mitigating business adverse impact to go hand in hand with outcomes for children in health, nutrition, education, protection and participation.

PANEL

- Anita Ramasastry, University of Washington School of Law
- Luhur Budijarso, Indonesian Association for Child-Friendly Company
- Philip Ling Oon Hun, Digi Telecommunications Sdn Bhd
- Undrakh Lkhagva, International Women's Federation of Commerce and Industry
- Ida Margarita Hyllested, UNICEF in East Asia and the Pacific (Moderator)

KEY TAKEAWAYS

- **For 10 years, the Children's Rights and Business Principles (CRBPs) gained traction with businesses in East Asia Pacific.** Although business contributions to education, health and economic prosperity have produced advances in children's well-being and survival, evidence has demonstrated that business conduct is not necessarily protecting children.
- **With technology, children remain at risk of exploitation and abuse online;** their data are often harvested without informed consent, and algorithms mold online experiences in hidden ways. Marketing and advertising of unhealthy foods contribute to rapidly rising levels of childhood overweight and obesity, leading to lifelong health consequences. Widespread gender-based stereotyping in advertising and marketing are limiting learning achievements and economic opportunities and increasing acts of gender-based violence. The climate crisis is creating environmental, economic, and social shocks to health, nutrition, education, protection and child participation in the region, threatening children's survival.
- **Children's rights have yet to be placed at the heart of responsible business conduct in the region.** The CRBPs helped generate awareness around the impacts caused by practices such as working terms and conditions, safety and health, products and services, marketing and advertising, security, and land acquisition and use. They include the impact of business on the environment and on parents and caregivers. Still, the current recognition of business impact on the full spectrum of rights defined in the CRC is limited in the region, with a focus on child labour.





- **Developments in policy and practice on the part of business and governments in the region were presented:** a) the Indonesia Association for Child-Friendly Companies (APSAI) certification programme; the International Women's Federation of Commerce and Industry in Mongolia championing initiative on human rights due diligence with a child rights lens; and c) business leadership such as Digi Telecommunications Malaysia's voluntary action have inspired sectors.
- **But progress is slow in making children's rights visible** in mechanisms and measures supporting or requiring responsible business conduct in East Asia Pacific.
- **In setting out key actions for the next decade, experts and practitioners discussed the following:** a) Preventing adverse business impact on children will not solve all challenges to children's well-being and survival but can significantly reduce the depth of challenges they face today; b) Taking benefit of existing business and human rights measures to embed the rights of children is necessary to avoid standalone initiatives or duplicated efforts; c) More impactful forms of ESG analysis are needed to shape business voluntary action and at scale; d) Public policy and legislation for business needs to be designed with the lens of the CRC; e) The important evolution of NAPs with the lens on the rights of children have created enabling conditions for mHRDD mechanisms to take shape in the region. Still, civil society and children's participation – as well as effective access to remedy – have not been adequately secured; f) Systemic action to address adverse business impacts on children can only be effective if the voices and perspectives of children are considered and if there is complementary action by all stakeholders and an open dialogue among them.



Leveraging a Human Rights-Based Approach to Infrastructure Development in Southeast Asia

22 September | 13:30 ICT

Southeast Asia has been witnessing a surge in large-scale infrastructure development, including hydropower dams, power plants, reclamation projects, roads, and bridges. But rather than catalysing development by offering new socioeconomic opportunities, infrastructure development in Southeast Asia can – and often has – resulted in significant adverse impacts on human rights and environmental sustainability. A number of challenges continue to hinder the equitable distribution of benefits from infrastructure projects. These include the lack of equal and meaningful participation of relevant stakeholders, particularly groups at heightened risk of business-related human rights abuses such as Indigenous Peoples, women, and persons with disabilities; the lack of transparency and accountability in development-related decision making that affects communities and the environment; the failure to meet social, environmental and governance standards; and attacks against environmental and human rights defenders.

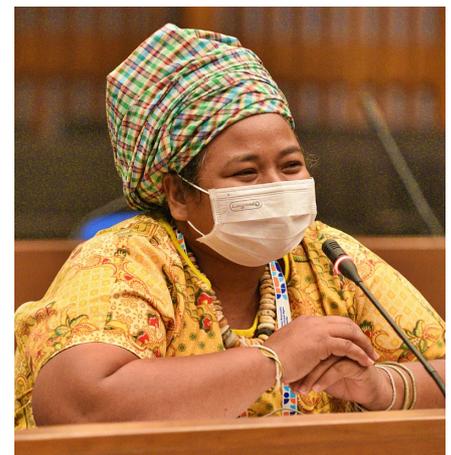
This session examined the diverse pathways that have proved either successful or unsuccessful in reconciling infrastructure development with the protection of human rights in Southeast Asia, as well as the role that different stakeholder groups have in this regard. Panelists discussed the challenges, good practices, and lessons learned in preventing and tackling business-related human rights abuses in the region's infrastructure sector, and they reflected on how to ensure access to remedy and the ways in which existing regulatory frameworks could be reformed in order to address implementation gaps and work towards a human rights-based approach to infrastructure development in Southeast Asia.

PANEL

- Carlo Manalansan, International Accountability Project
- Nang Won Lee, Chiang Mai University
- Katia Chirizzi, UN Human Rights (OHCHR)
- Anna Griffin, Transparency International
- Robert Vaughan, United Nations Working Group on Business and Human Rights (Moderator)

KEY TAKEAWAYS

- **A human rights-based approach to infrastructure development entails access to information and meaningful participation of affected communities.** True and meaningful participation requires legal awareness and empowerment.
- **Integration of human rights-based principles in development processes** – and with the full and effective participation of marginalized groups and vulnerable sectors in the design of the project even before funding is decided – should bring benefits to the community and will be more sensitive to the needs and context of the impacted community. FPIC is not just a mere procedural measure but should be viewed as a right that is linked Indigenous Peoples' rights to land, resources, and self-determination.
- **To improve access to remedy, it is important to push for an enabling environment where CSOs, human rights defenders, and communities could freely exercise their right to free speech, association, and assembly.** To do this, communities must push the government to review and scrap repressive policies and laws that prevent human rights defenders from doing their work. Governments should stop weaponizing the law against human and environmental human rights defenders active in advocacy around infrastructure development projects.
- **Rights holders' barriers to access to remedy can be overcome in the infrastructure sector through capacity development and institutional reforms.** Even the most well-designed grievance mechanisms cannot function effectively unless they rely on robust laws and institutions and a political environment that supports the rule of law and accountable governance. To be effective, the grievance mechanism needs to be part of a broader effort to ensure that the various parts of the national accountability structure, especially the judiciary, can function as a shield.
- **Any meaningful grievance mechanism must provide effective remedies and redress for victims of abuse.**
- **Supporting a human rights-based approach to infrastructure development and preventing business-related human rights abuses in Southeast Asia also requires stronger and more rigorous human rights due diligence across the board,** including possibly using as reference recent instruments such as the EU Directive on corporate sustainability due diligence.





Scaling Up Business Action for Net Zero: Harnessing the levers of change

22 September | 13:30 ICT

At the United Nations Climate Change Conference in Glasgow (COP26), world leaders expressed concern that human activities had already caused approximately 1.1 °C of global warming, with the impacts now being felt in every region. Drastic action and deep reductions in greenhouse gas emissions across sectors and regions would be required to meet the target of limiting global warming to 1.5°C. According to the Intergovernmental Panel on Climate Change (IPCC), reaching the Paris Agreement goal of limiting global temperature rise to 1.5 degrees, and thus preventing the worst impacts of climate change, will require carbon dioxide (CO₂) emissions to stop rising around 2025, reduce by around 50% by 2030 and reach net-zero by 2050.

Achieving these goals will require dramatic reductions in greenhouse gas emissions in all sectors, ranging from how energy is generated and used to how goods and services are produced, how transport operates, and how buildings are built, heated, and cooled. It will require changes in industrial processes, in particular in hard-to-abate sectors like cement, steel, and chemicals.

Achieving such change will require collective action by government, civil society, and the private sector. During this session, panelists discussed these issues and aimed to answer the question of how to achieve the changes needed to meet net zero.

PANEL

- Asif Ibrahim, Newage Group of Industries
- Srikantha Yathip, Government Pension Fund Thailand
- Suzanne Cheung, Coca Cola Hong Kong
- Alberto Carrillo Pineda, Science Based Targets initiative
- Katinka Weinberger, United Nations Economic and Social Commission for Asia and the Pacific (Moderator)

KEY TAKEAWAYS

Decarbonizing supply chains is key

- **Significant emissions reductions in the private sector requires scaling up action to decarbonize supply chains and reduce Scope 3 emissions.** Private sector entities are aware of the challenges involved in decarbonizing geographically diverse supply chains; increased support to suppliers will be needed, especially to small and medium sized companies that may not have the capacity or funding.

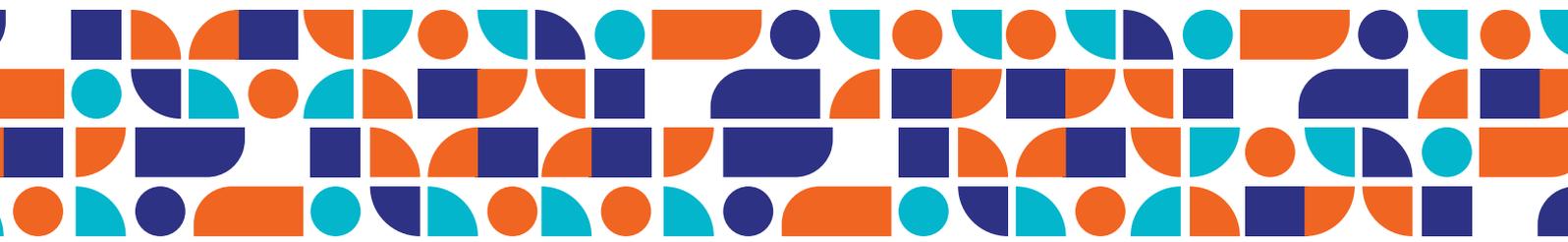
Adoption of science-based emissions reductions targets

- **Science-based emissions targets are key to translating private sector ambition into appropriate outcomes and actions.** There is a need to build capacities in the private sector on setting such targets, especially among small and medium enterprises which form the backbone of the private sector. This will also facilitate sustainable investments, including from large-scale investors such as pension funds.

Government policy support and regulations

- **Companies are willing to participate in efforts to decarbonize and reduce plastics waste, but stress that clear guidance and regulation from governments is required.** With decisive government action to enforce minimum standards, companies will be more willing to take significant investments on environmental and social matters with assurance that they will not be disadvantaged in a competitive market.





For more:

Visit the United Nations Responsible Business and Human Rights Forum, Asia-Pacific website at www.rbhrforum.com.

Session recordings can be viewed on the UN Responsible Business and Human Rights Forum [YouTube page](#).

The Forum was made possible with support from the Government of Sweden, the Government of Japan, and the European Union.

WITH SUPPORT FROM



From the People of Japan



European Union