

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

The Remedy Blueprint: Bridging Gaps, Accelerating Access

24-27 September 2024

Forum Report

WITH SUPPORT FROM



Organizers

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- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UNEP)
- UNICEF
- United Nations Office of the High Commissioner for Human Rights (OHCHR)
- UN Women
- United Nations Working Group on Business and Human Rights (UNWG)

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UN RESPONSIBLE BUSINESS AND HUMAN RIGHTS FORUM 2024

THE REMEDY BLUEPRINT

Bridging Gaps and Accelerating Access

The 2024 United Nations Responsible Business and Human Rights Forum (UNRBHR), held from 24–27 September in Bangkok, convened over 1,100 in-person participants from diverse backgrounds, reinforcing its role as a significant platform for advancing the business and human rights agenda in Asia and the Pacific. Co-organized by eight UN agencies and supported by a coalition of over 90 partners, the Forum highlighted the growing regional commitment to collaborative efforts in addressing human rights challenges in business operations.

This year's theme, "The Remedy Blueprint: Bridging gaps and accelerating access," resonated across sessions, spotlighting the systemic barriers many communities face in seeking remedy and justice, as well as the innovative pathways emerging to bridge these gaps. Discussions ranged from strengthening grievance mechanisms and integrating informal sectors into solutions, to exploring the critical role of financial institutions, development finance, and State-based mechanisms in enabling effective remedies.

By bringing together diverse voices from governments, businesses, civil society and communities across the region, the Forum created a dynamic space where ideas, solutions and perspectives converged. This diversity enriched discussions and ensured that underrepresented groups were integral to the dialogue on access to remedy. With representation from across Asia and the Pacific, the Forum's dynamic conversations reflected the collective commitment to embedding human rights at the core of responsible business practices.

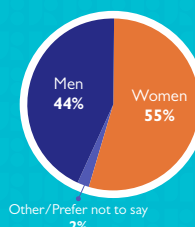
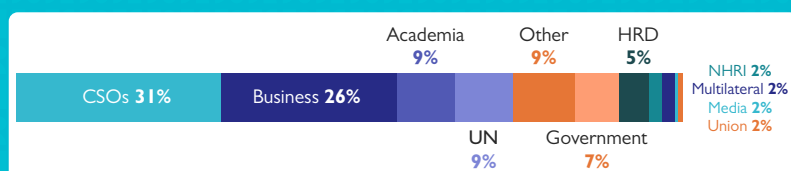


REACH AND IMPACT

The 2024 UN Responsible Business and Human Rights Forum demonstrated significant reach and impact, bringing together a large number of stakeholders across more than 60 sessions.

The Forum's influence extended well beyond the physical event, with digital monitoring revealing substantial online engagement. In the four-week period surrounding the Forum, it was mentioned more than 350 times across digital platforms, reaching more than 900,000 people and generating over 3,000 interactions. This digital footprint reflects both partner amplification and organic engagement from attendees, highlighting the Forum's success in elevating business and human rights discussions to broader public discourse while maintaining focused dialogue among key stakeholders.

More than 60 sessions
covering a wide range of topics



110+
nationalities

PARTNERSHIPS

The 2024 UN Responsible Business and Human Rights Forum showcased the power of partnerships in driving meaningful progress.

Contributions from over 90 partners - including eight UN co-organizing agencies, three development partners, and more than 80 collaborating partners (see right) - highlighted the critical collaboration needed across sectors, countries, and regions to address human rights challenges in the business sector. Partners came together during the forum to organize dynamic panels, practical workshops and consultations over the four- day event.

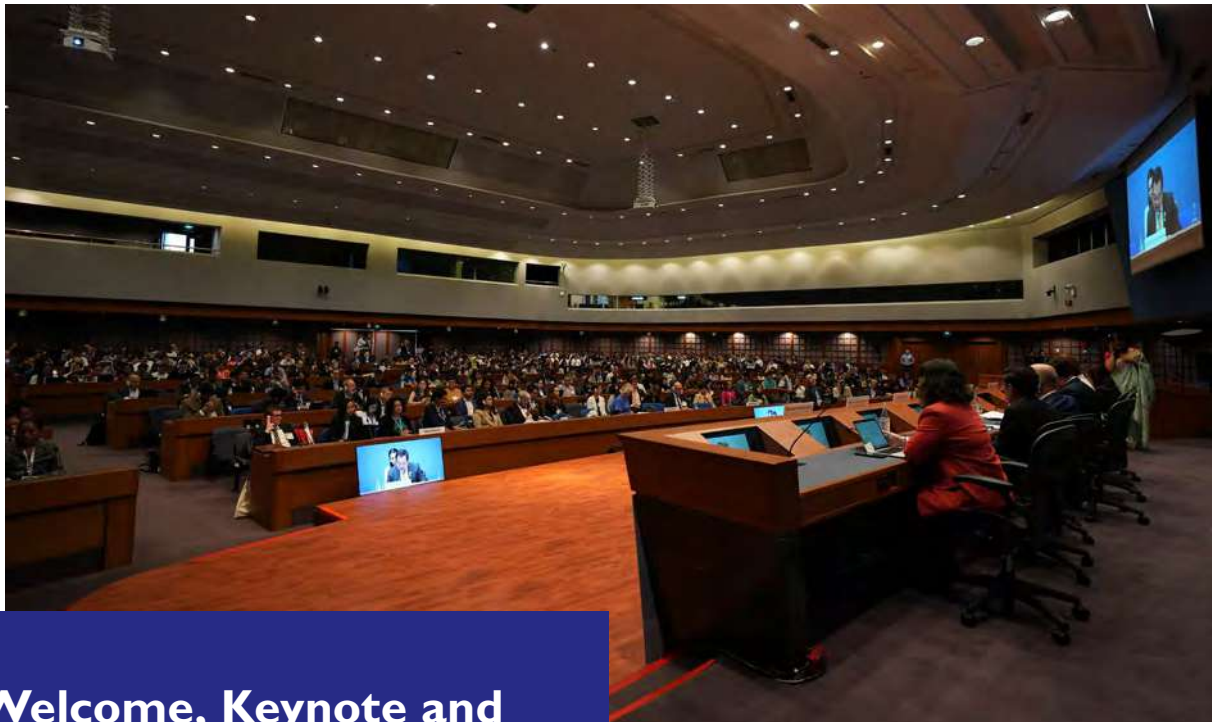
By engaging a broad range of partners, the Forum leveraged their collective expertise, expanded overall reach to engage new participants (with 70% of people attending for the first time), and mobilized the support necessary to realize its ambitious agenda. This diverse coalition enriched the Forum's discussions, ensuring the exchange of a wide range of experiences, perspectives and innovative solutions to advance access to remedy.

COLLABORATING PARTNERS





Session Summaries



Welcome, Keynote and Opening Plenary

The 6th UN Responsible Business and Human Rights Forum opened with a session exploring the complex challenges facing the Asia-Pacific region in advancing access to remedy.

Floor interventions from business, civil society, and government representatives highlighted persistent power imbalances affecting the business and human rights agenda in Asia and the Pacific. The keynote acknowledged that while the patchwork of judicial and non-judicial mechanisms remains inadequate in Asia-Pacific, there are signs of progress through innovative remedial mechanisms and constructive engagement from rights holders.

The high-level opening panel demonstrated increasing governmental engagement, featuring senior officials from Sweden, Japan, the European Union, the Netherlands, and Thailand. These leaders emphasized the importance of creating legal and policy frameworks that balance corporate responsibility with sustainable economic development.

The final multi-stakeholder discussion explored practical approaches to implementing human rights frameworks, with particular focus on SME integration and the shift toward mandatory due diligence. Participants shared concrete solutions, from infrastructure solarization to local radio outreach for marginalized communities. A youth representative provided valuable perspectives on innovation, emphasizing that effective remedies and responsible business practices require collaboration across all sectors of society.

The inaugural session highlighted a critical moment in business and human rights: as regulatory frameworks mature in Europe, attention shifts to practical implementation challenges in Asia. Yet the contrast between rights holders' urgent calls for protection and policy makers' longer-term regulatory vision underscored persistent gaps between high-level commitments and ground-level realities.



KEY TAKEAWAYS

STATE OF REMEDY IN ASIA-PACIFIC

- The region faces a critical gap between existing mechanisms and rights holders' needs, and current judicial and non-judicial approaches remain inadequate
- Innovative remedial mechanisms are emerging through government and private sector initiatives, though implementation challenges persist
- There's growing recognition that remedy approaches must be tailored to local contexts, moving away from one-size-fits-all solutions

RIGHTS HOLDERS' URGENT CHALLENGES

- Indigenous communities and human rights defenders face criminalization and reprisals when seeking remedies, highlighting the ongoing power imbalances in current systems
- Limited access to legal support create substantial barriers for affected communities
- Rights holders emphasized the need to move beyond tokenistic participation to meaningful involvement in designing remedy mechanisms

CORPORATE ACCOUNTABILITY FRAMEWORK

- The EU's Corporate Sustainability Due Diligence Directive represents a shift toward mandatory requirements, while emphasizing support over punishment
- Implementation challenges for SMEs require particular attention, with concerns about verification costs and capacity building needs
- Focus must be placed on maintaining business engagement while improving standards, rather than driving companies out of challenging markets



This is not a new normal; this is a fierce world. Remedies are a right, and businesses must act now.

Rajasurang Wongkrasaemongkol
Youth Representative

“

Thailand became the first country in Asia to create a NAP which set out the responsibility of government to protect its citizens, mandate state enterprises and businesses to respect human rights in their operation.

Pol.Col. Tawee Sodsong,
Minister of Justice, Ministry of Justice, Government of Thailand



ROLE OF NATIONAL GOVERNMENTS

- Thailand's experience as the first Asian country to develop a National Action Plan provides insights into implementation challenges and opportunities
- Governments must balance business facilitation with human rights protection, particularly in establishing specialized judicial mechanisms
- Cross-border cooperation emerges as crucial for effective remedy implementation, especially in complex supply chains

IMPLEMENTATION SUPPORT

- EU and member states are developing comprehensive support mechanisms, particularly focused on SME capacity building and technical assistance
- It was recognized that maintaining international competitiveness requires coordinated implementation of standards
- Speakers emphasized the need to prevent market disengagement through practical support rather than purely regulatory approaches

WAY FORWARD

- Success requires better coordination between judicial and non-judicial mechanisms, with meaningful participation from rights holders
- Focus on innovative approaches to remedy while ensuring accessibility and effectiveness for affected communities
- Growing recognition that business and human rights frameworks must address both immediate remedy needs and longer-term systemic changes



“We see across the region progress being made despite challenges. We see innovative remedial mechanisms coming into place, spearheaded by government and certainly by the private sector itself.

Pichamon Yeophantang
Member, UN Working Group on
Business and Human Rights



“There is no responsible business without good legal systems, an open civil society, and proper access to remedy for those adversely affected by business operations.”

Anna Hammargren
Ambassador of Sweden to Thailand



“A critical feature of the directive [CS3D] is its provision for civil liability, which empowers victims of corporate harm to seek legal remedy.

Sara Razagoli
Head of the Delegation of the
European Union to Thailand



“This legislation [CS3D] requires companies to support their business partners in the value chain, especially SMEs, to raise production standards and address living wages and incomes.

Michiel Sweers
Vice-Minister for Foreign Economic
Relations, Government of
Netherlands



“Ensuring access to effective remedy should be central to building trust between businesses and the communities they serve.

Tatsushi Nishioka
Deputy Chief of Mission,
Embassy of Japan in Thailand



Access to Remedy in the Energy Transition Sector

Regional scan of the 'right' pathway to the just transition

Climate change poses a significant threat to humanity and human rights. The Global Stocktake from COP28 emphasizes the urgent need to reduce greenhouse gas emissions. However, the shift to low-emission technologies can negatively impact human rights. A real situation was shared by an Indigenous woman community leader from Indonesia who fights for her ancestral land as it is devastated by mining for nickel, which is a critical element used in electric vehicle batteries and other green technologies. Another challenge is that monopolized power manufacturers and other systemic issues persist in the energy transition. A representative from Business and Human Rights Resource Centre presented a recent report showing that Indigenous Peoples, land, and environmental human rights defenders are disproportionately harmed, and labor rights violations are frequent. Findings from the report Renewable Energy & Human Rights Benchmark 2023 also included the necessity of a rapid transition, an acknowledgment of some progress being made in adopting human rights policies while noting that significant risks still have not been addressed.

The UN Special Rapporteur on climate change noted that access to remedies is crucial to correct and prevent further harm, and these must be co-developed with affected human rights holders, supporting UNGPs. International human rights law should ensure access to remedies, prioritizing the protection of the most vulnerable. Both states and businesses must respect human rights and actively address power imbalances.

PANEL

- Elisa Morgera, UN Special Rapporteur on Climate Change and Human Rights
- Annie Khan, Business and Human Rights Resources Centre
- Nurhayati Jumadi, Indigenous woman community leader, Indonesia
- Ahmad Rafay Alam, Pakistan Climate Change Council
- Romchat Wachirarattanakornkul, UN Office of the High Commissioner on Human Rights (moderator)
- Pichamon Yeophantong, UN Working Group on Business and Human Rights

KEY TAKEAWAYS

- A rapid transformation of global energy systems is crucial to tackling the climate crisis, focusing on shared prosperity, corporate human rights due diligence, and fair negotiations with communities.
- A just transition demands the meaningful participation of impacted vulnerable communities, including Indigenous Peoples, persons with disabilities, older persons, children, and marginalized communities, at every stage.
- A true just transition must empower these communities by ensuring their rights, particularly the right to free, prior, and informed consent, are respected. Indigenous Peoples must be recognized not just as stakeholders but as rights holders.
- Transitioning to clean energy is not just about changing technology—it's about overcoming monopolies, corporate capture, and outdated policies that still favor fossil fuels.
- Companies must bridge the gap between policy and practice to ensure a just transition. There is a need for effective remedies and the guarantee of non-repetition, particularly for Indigenous Peoples and communities closely tied to nature.



Access to remedies is crucial because clearly if we are going the wrong way about either our ineffective efforts to mitigate climate change, but also the choice and the modalities of our climate response measures, we need to stop and reset. Access to remedies provide us that essential pillar to be better able to understand what we need to do and must do to fulfill the other two pillars of the UN Guiding Principles. How states need to comply with their obligations to protect human rights and particularly the human rights of the most vulnerable and how business need to play their part to be responsible to respect human rights.

Elisa Morgera

UN Special Rapporteur on Climate Change and Human Rights



Effective Remediation and Sustained Compliance in the World of Work

The session examined the rise in individual and collective labor disputes, especially in Asia and the Pacific, due to changing labor markets, high migration, increased rights protections, and evolving work forms. It emphasized the critical need for robust tripartite labor mechanisms to ensure access to remedies and maintain sound industrial relations.

The session included two rounds with panelists focusing on challenges and opportunities, followed by an open plenary discussion. Panelists discussed the effectiveness of State-based judicial and non-judicial grievance mechanisms, highlighting successful examples of implementation. The complementary role of labor inspectorates was also emphasized, particularly in using dialogue and proactive compliance interventions to enhance access to remedies.

Key challenges identified included limited resources, capacity constraints, and the need for mechanisms that workers trust, particularly in regions with weak governance and low union density. The session highlighted the most successful mechanisms, such as Korea's rapid dispute resolution model and Indonesia's transparent grievance processes, and explored ways labor inspectors could adapt to evolving work environments to improve compliance and access to justice. The discussion reinforced the importance of collaboration between governments, employers, workers, and inspectorates to overcome systemic barriers to effective remediation.

PANEL

- Eun Chul Kim, National Labour Relations Commission of Korea
- Cicilia Tri Sulistyawati, The Employers' Association of Indonesia (APINDO)
- Veasna Nuon, Union Aid Abroad – APHEDA Cambodia
- Valkyrie Hanson, International Labour Organization, Decent Work Technical Support Team
- Githa Roelans, International Labour Organization (moderator)

KEY TAKEAWAYS

- Labour disputes are growing due to gaps in enforcement and governance, gender discrimination, precarious contracts, and a lack of accessible and trusted dispute mechanisms, particularly in regions with weak union presence.
- Balancing international standards with local working practices poses challenges, as does ensuring mechanisms reflect workers' input, especially when brands operate through intermediaries without direct worker consultation.
- Labour inspectorates struggle with limited resources and capacity, often focusing more on prevention and enforcement rather than remediation, and lacking tools to adequately address compliance issues across sectors.
- Best practices were highlighted from Korea, where they handle over 21,000 cases within 60 days with a focus on fairness, reliability, and accessibility, even for platform workers, providing a model for effective dispute resolution.
- In Indonesia, management's commitment, risk mapping, regular training, and transparent grievance mechanisms in local languages build trust and encourage workers to engage in dispute processes.
- Cambodia emphasizes the co-design of dispute remedies with worker representatives and collective bargaining as key to addressing compliance issues, with brands acting as incentives. There's a need for inspectorates to work with other agencies to tackle systemic compliance barriers and improve enforcement.



Involving worker representatives in co-designing remedy mechanisms is crucial for addressing challenges and building trust in the process

Veasna Nuon

Union Aid Abroad – APHEDA Cambodia



Strategic Pressure Points

Complementary pathways to justice

The session explored various “pressure points” available to rightsholders, emphasizing the importance of rebalancing power in corporate accountability. While Pillar III of the UNGPs envisions formal mechanisms for remedy, speakers highlighted broader strategies that can compel corporations to address human rights concerns. Key tactics discussed included strategic litigation, where legal proceedings or even the threat of litigation prompt companies to respond to human rights claims and may lead to settlements or reforms.

Grassroots advocacy, often driven by civil society organizations, plays a significant role in raising awareness and pushing for accountability, pressuring companies and governments to address ongoing human rights issues. Additionally, shareholder activism emerged as a powerful tool, enabling investors to hold corporations accountable through voting, proposing impact assessments, engaging directly with companies, or divesting when engagement fails. These combined strategies underscore the importance of using diverse tools to drive corporate accountability, encouraging companies to provide remedies and uphold human rights standards.

PANEL

- Surya Deva, UN Special Rapporteur on the Right to Development
- Ghislaine Nadaud, Robeco
- Oliver Holland, Leigh Day
- Rana Sengupta, Mine Labour Protection Campaign Trust
- Aparna Basnyat, UNDP Asia-Pacific (moderator)

KEY TAKEAWAYS

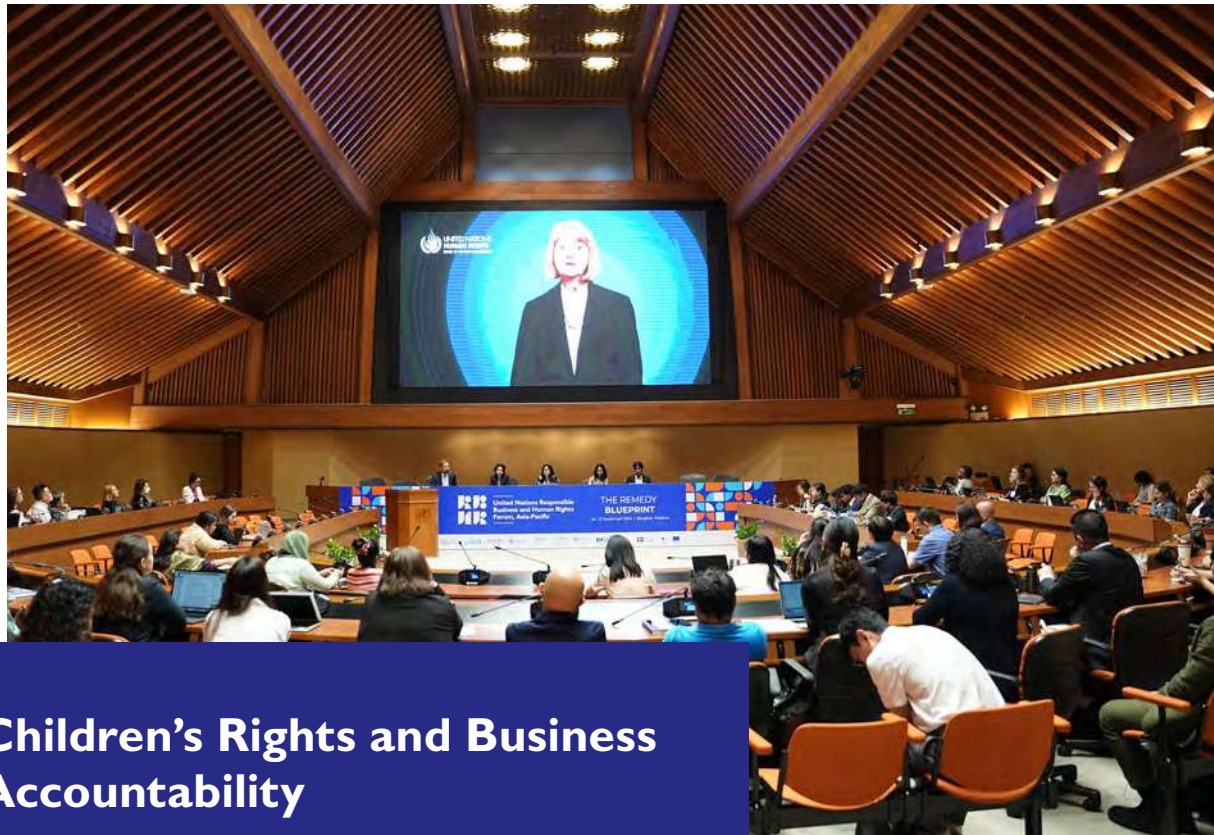
- **Leveraging Pressure Points:** Beyond formal mechanisms, a range of pressure points – financial, operational, reputational, and regulatory – can be effectively used to hold companies accountable for human rights impacts.
- **Strategic Litigation:** Legal proceedings offer multiple avenues for remedy beyond the final ruling, including pre-trial settlements, media exposure, and deterrence. The commencement of litigation alone often pressures companies to negotiate and provide remedies.
- **Civil Society Advocacy:** Civil society plays a critical role in sustained advocacy, as seen in Rajasthan's mining sector case. This advocacy is crucial for ensuring corporate accountability and influencing policy shifts, such as the Corporate Sustainability Due Diligence Directive.
- **Shareholder Activism:** Investors are increasingly using shareholder proposals, voting, and divestment strategies to push for human rights compliance. Collaborations between research and investment teams strengthen this engagement, especially on key issues like due diligence in high-risk areas.
- **Combined Tactics for Corporate Change:** Mapping out a multifaceted strategy that combines litigation, advocacy, and shareholder pressure can be instrumental in influencing corporate behavior and bringing companies to the negotiating table.
- **Need for Regulatory Support:** While pressure points are effective, regulatory frameworks are essential to reinforce and sustain shareholder activism and other forms of corporate accountability.



Litigation raises awareness and may lead companies to improve their supply chain practices, even if they continue to fight the case in court.

Oliver Holland

Leigh Day



Children's Rights and Business Accountability

Access to Remedy Demystified

The Committee on the Rights of the Child's 27th General Comment (GC27) is dedicated to Children's Rights to Access to Justice and Effective Remedies. UNICEF has engaged in a set of consultations to gather comments and provide feedback for GC27 on the basis of challenges and existing good practices in the context of child rights and business and the Children's Rights and Business Principles.

This consultation engaged a panel of experts in business and human rights as well as a member of UNICEF's Regional Young People's Action Team. The consultation emphasized the impact business activities have on children's lives, the difficulty children face in accessing remedies, the importance of ensuring children are involved in designing grievance mechanisms, and the challenges businesses and the state face in relation to access to remedy for children in the business sector.

It produced several key recommendations, including ensuring that businesses facilitate the implementation of human rights due diligence and remediation throughout their supply chains, states holistically address child rights violations, children are meaningfully involved in designing grievance mechanisms and have access to a variety of different types of mechanisms, remediation is tailored to individual cases, and the civic space is such that children can safely express harms caused to them by business activities.

PANEL

- Ann Skelton, Committee on the Rights of the Child (video)
- Surya Deva, UN Special Rapporteur on the Right to Development (video)
- Ariff bin Amir, Young People's Action Team, Malaysia
- Archana Kotecha, The Remedy Project
- Reshma Nair, Herbert Smith Freehills
- Riri Siti O. Malikah, The Centre for CRB
- Romain Sibille, UNICEF (moderator)

KEY TAKEAWAYS

- Business activities have a profound impact on children's lives, both directly and indirectly. Therefore, access to grievance mechanisms in the context of business activities is particularly important for children.
- Children, especially those in vulnerable situations, may face unique challenges in enforcing their rights, including a lack of information about their rights and how to enforce them.
- Stakeholder engagement must include children.
- Businesses face a variety of challenges upholding children's rights. Challenges were noted in ensuring that children's rights are upheld by subsidiaries at the local level where there may be less competency and control. Additional challenges were noted related to funding human rights due diligence and remediation efforts across all levels of the supply chain.
- Remediation is a key aspect of prevention. If it is done the right way, the business is less likely to have the same issue again.
- Different types of grievance mechanisms may be effective in different contexts, and states and businesses must be creative and responsive to local needs in designing grievance mechanisms.



The beauty of remedy is that it doesn't come in any kind of package or structure. Remedy is only remedy when it is customized to the people it is meant to serve.

Ariff bin Amir Ali

*Representative from UNICEF's Regional
Young People's Action Team*



Justice in a Mobile World

Removing barriers to remedy for migrant workers

The panel explored the multi-faceted and significant barriers migrant workers face in accessing remedies for business-related human rights abuses across the Asia-Pacific region. Key barriers identified include lengthy legal processes, distrust in grievance mechanisms, fear of retaliation, and limited awareness of their rights, all contributing to cycles of debt and vulnerability. To address these concerns, the panel called for comprehensive policy reforms in immigration enforcement, supply chains, recruitment practices, and labor laws to enhance worker protections.

Panelists emphasized the importance of stronger collaboration among governments, businesses, and civil society organizations. Central to this effort is the co-design of solutions with input from workers and stakeholders, promoting greater transparency, innovation, and inclusive representation in decision-making. Practical recommendations included consolidating grievance mechanisms into a unified system and investing in capacity-building initiatives to improve compliance and supplier management.

Australia's recent Workplace Justice Visa was highlighted as a promising example of progress, enabling migrant workers to remain in the country while seeking justice without fear of deportation or financial strain, therefore empowering them to pursue remedies for exploitation.

PANEL

- Archana Kotecha, The Remedy Project
- Mahendra Pandey, Global Migrant Workers Network
- Joanna Sylwester, Amazon
- Cressida McGarrigan, Australian Department of Home Affairs
- Peppi Kiviniemi-Siddiq, International Organization for Migration (moderator)

KEY TAKEAWAYS

- Panelists emphasized the urgent need for enhanced state regulations and improved transparency to increase accountability and effectiveness in remediation processes within complex supply chains. Effective remediation necessitates close collaboration with suppliers to strengthen management systems including guidance on reimbursement calculations and the development of remediation plans.
- There is a significant disparity between international labor standards and local laws in producing countries. While international standards provide a framework for ethical labor practices and recruitment, many local laws fall short of these benchmarks, often resulting in compliance with only local regulations. Addressing this gap is key to ensure that migrant workers' rights are protected under international standards.
- The reflection on Australia's Workplace Justice Visa underscores that diversity of ideas, experiences, and contexts is essential for successful project development. Engaging a range of stakeholders—including CSOs, government members, labor law experts, and advocacy groups—are key to navigating complex processes. Ongoing co-design and continuous evaluation are critical for adapting initiatives to varying contexts.
- Panelists emphasized the critical need to actively involve migrant workers in data collection, research processes, and feedback mechanisms to ensure their perspectives are recognized and valued. This approach shifts the narrative from viewing migrant workers solely as victims to actively engaging them in generating practical ideas and solutions, ultimately fostering more meaningful support and initiatives.
- Additionally, many enterprises demonstrate a limited demand for human rights awareness, resulting in suppliers being unaware of their obligations. To address this gap, panelists advocated for comprehensive industry training and direct engagement with experts, aiming to enhance compliance and elevate industry standards.



What has been very impactful for us in creating and maintaining labor standards and human rights policies, is we try to regularly consult with industry experts working directly with affected rights holders to ensure we are not just following industry best practices and aligning with international standards, but that our guidelines and the programs we develop are supporting the lived realities of migrant workers.

Joanna Sylwester

Amazon



Enhancing Access to Remedy for Indigenous Migrants Workers in Asia

The session addressed the unique challenges faced by Indigenous migrant workers, whose experiences are often underrepresented in the business and human rights field. The discussion focused on three key areas: (1) the challenges and opportunities faced by Indigenous migrant workers, particularly when migrating from their ancestral lands; (2) the adequacy of protections at the national level and within corporate policies to safeguard their rights; and (3) recommendations to improve the protection and respect of Indigenous migrant workers' rights, especially in remediation processes. By shedding light on these critical issues, the session highlighted the urgent need for more inclusive policies and stronger safeguards to ensure that the rights of Indigenous migrant workers are fully respected and upheld.

PANEL

- Lai Besana, Filipino Migrant Workers' Union
- Paul Sein Twa, Karen Environmental Social Action Network
- Pichamon Yeophantong, UN Working Group on Business and Human Rights
- Pia Oberoi, UN Office of the High Commissioner on Human Rights (moderator)

KEY TAKEAWAYS

- Many Indigenous migrant workers experience statelessness, resulting in precarious living conditions and vulnerabilities in host countries, often leading to informal and underpaid work.
- The reasons for indigenous migrant workers' migration include push factors such as oppression, lack of opportunities, and climate change, as well as pull factors like the hope for better livelihoods and the ability to send remittances home.
- Indigenous migrant workers, particularly women, face heightened risks due to their cultural identity and the intersection of various forms of persecution.
- There is a significant lack of legal protections and clear frameworks at the national level, making it essential to engage also with businesses to address these issues.
- The unique challenges faced by Indigenous migrant workers need to be recognized and addressed effectively.



It will be important for governments to acknowledge the problems we face as Indigenous peoples back home and implement policies that protect our rights, allowing us to speak freely about our issues both as migrant workers and as Indigenous peoples... As a Lumad, we are worth more than the woven clothes and beads we wear. As a migrant worker, we are worth more than the remittances we send or the economic contributions we make.

Lai Besana

Indigenous migrant worker

SPOTLIGHT SESSIONS

DAY I

This year, the Forum introduced Spotlight Sessions. These sessions offered a unique opportunity for focused, 30-minute conversations with leading experts and practitioners in their fields. These interview-style discussions included deep dives into pressing topics surrounding business, human rights, and access to remedy and offered space for audiences to engage directly with experts shaping discussions on business and human rights in the Asia-Pacific region.

Bhopal's Unfinished Business: The 40-year struggle for accountability

In this spotlight session, prominent Indian lawyer and human rights advocate Indira Jaising reflects on the 1984 Bhopal gas tragedy's legacy and ongoing implications. She discusses how the disaster, which killed thousands and affected generations, exposed critical gaps in corporate accountability and access to remedy. The conversation explores issues of parent company liability, environmental remediation, and the continued challenges facing survivors and their descendants, while highlighting the importance of maintaining vigilance and remembering such disasters.

Key Points:

- The disaster highlighted problems with corporate structures allowing companies to evade responsibility through subsidiaries and asset sales
- Lack of adequate remediation for groundwater contamination and toxic waste continues 40 years later
- Settlement process denied victims agency and failed to account for intergenerational health impacts
- Vigilant civil society action remains crucial for enforcing protective regulations and preventing similar disasters

Remedy across Mandates: A conversation with UN Special Procedures

In this spotlight session, four UN Special Rapporteurs discuss their mandates and approaches to facilitating access to remedy in business-related human rights cases. The panelists shared experiences from their work, including successful interventions in Japan and Canada, while highlighting key challenges such as limited resources and low response rates from governments and companies. They emphasized the importance of coordination between mandate holders and creative approaches to achieving impact beyond formal communications.

Key Points:

- Special Procedures can use multiple tools including communications, bilateral meetings, press releases and country visits to promote remedy
- Only about 40% of governments and companies respond to formal communications from mandate holders
- Mandate holders increasingly coordinate across portfolios to strengthen their impact
- Need for greater resources and support to make special procedures more effective





Bridging Rights and Responsibilities

Tackling plastic pollution together with the informal sector

Plastic pollution poses a significant threat to the environment, human rights, and the economy, particularly in the Asia-Pacific region - a major producer and consumer of plastic products.

Businesses play a crucial role in mitigating plastic pollution through sustainable practices, innovation, and stakeholder collaboration. Recently adopted Extended Producers Responsibility (EPR) laws and policies in the Asia-Pacific region will enforce the 'Polluters Pay Principle' and require plastic manufacturers to be responsible for plastic waste separate collection and recycling. This is currently largely carried out by informal waste work forces, who face several challenges related to human rights.

This session aimed to integrate human rights considerations while developing sustainable solutions to combat plastic pollution. The session specifically looked at the recommendations from a new UNEP report on Extended Producer Responsibility (EPR) and how to include the informal waste sector. The session also explored the right of groups in vulnerable situations to access remedy for damage caused by the plastic sector and how this is linked to the inclusion and participation of informal workers.

PANEL

- Krishna Ayyakanna, International Waste Pickers Alliance
- Vivekand Sistla, Unilever
- Salisa (Yam) Traipipitsiriwat, Environmental Justice Foundation
- Francesca Monteverchi, UN Environment Programme (moderator)

KEY TAKEAWAYS

- The just transition in relation to plastic waste management is gaining momentum.
- Including the informal waste sector is crucial in ensuring a just transition to sustainable plastic waste management in Asia-Pacific.
- Informal waste pickers can play an important role in Extended Producer Responsibility laws, especially since they already carry out waste management.
- Waste pickers are the unrecognized heroes of waste management in Asia.
- Associations and cooperatives of informal waste pickers seem to be a strong instrument to address human right gaps, provide a just transition, and work towards the goals of the EPR targets.
- Extended Producer Responsibility schemes should be aligned with international human rights and legally binding.
- Downstream solutions such as recycling are not enough to combat the plastic waste crisis. The informal sector should be empowered to contribute to upstream solutions to reduce plastic waste.
- Access to remedy for communities affected by plastics pollution should be ensured across the region.



As informal waste pickers we need acknowledgement for our work but social mobility is not enough, we also need economic mobility.

Krishna Ayyakanna
International Waste Pickers Alliance



Safe Workplaces. Better Business. Thriving Societies.

Addressing sexual harassment and violence against women in the world of work

The Gender Dimensions of the UN Guiding Principles on Business and Human Rights make clear the responsibilities of both States and businesses in preventing, combating and remediating instances of sexual harassment at work. Companies must implement and operationalize robust policies and practices to prevent and address sexual harassment, as well as putting in place gender-responsive grievance mechanisms that account for the systemic nature of harassment. However, these essential duties are often neglected, resulting in a fragmented application of these fundamental principles.

This session brought together public and private stakeholders to unpack the drivers and challenges in creating safe workplaces that prevent, address and provide remedy to sexual harassment. Taking a case study approach to examine the textile industry in India and corporate Malaysia, key drivers explored include strong multi-stakeholder collaboration, clear guidance on developing and implementing policies and procedures, and consistent and widespread awareness raising to shift organizational norms. Challenges to be addressed include limited capacity by governments to enforce policy, business resistance to adopt comprehensive measures, and deep-rooted social norms that normalize harassment and also stigmatize reporting. Further, effective reporting mechanisms and supportive environments for victims are often underdeveloped, especially in vulnerable industries like textile and hospitality.

The session underscored the need to develop robust policies and mechanisms to sensitize employees at all levels and create psychological safety for reporting, as well as highlighted the transformative power of public-private partnerships for driving impact at scale.

PANEL

- Jayashree Muralidharan, Department of Social Welfare and Women's Empowerment, Government of Tamil Nadu, India
- Sundar Senthilnathan, H&M
- Anita Selvaraju, Ascott International Management Malaysia
- Liza Liew, LeadWomen
- Jamshed Kazi, UN Women (moderator)

KEY TAKEAWAYS

- A key challenge is getting companies on board to enforce stronger sexual harassment policies and overcoming the resistance from business to address the issue head on given the sensitivity. New anti-harassment laws can address this resistance, encouraging companies to adopt preventive measures rather than reactive responses.
- Strict monitoring and enforcement of implementation is needed to prevent policies and acts from becoming mere box-ticking exercises. The pathway to full compliance with existing legislation also requires whole-of-government, cross-ministry approaches and industry-specific incentivization.
- Promoting inclusive environments in the workplace can start early through awareness raising programs for young people in schools, colleges, and universities such as gender sensitivity trainings.
- Confidentiality and trust are essential. Employers and CEOs must take ownership. Excluding direct supervisors, and in some cases HR, from the reporting process in corporates can ensure a confidential, unbiased, and trustworthy system. Government-established tribunals, as well as internal and local committees, can enhance trust beyond what solely internal corporate systems provide.
- Building safe infrastructure and integrating work benefits is one of the key solutions. This includes accessible and secure housing options, reliable transportation, and flexible work arrangements to support women's safety both in and outside the workplace.
- Fear of retaliation and historical breaches of anonymity prevent many women from reporting. Putting in place anonymous and free reporting platforms coupled with a time-bound accountability and escalation matrix for resolution can encourage more reporting and ensure incidents are addressed efficiently.



To support the implementation of the Indian Prevention of Sexual Harassment (POSH) Act statewide and across various stakeholders, we've made it a cross-government issue, ensuring the Department of Labor, MSMEs, Industries, and Higher Education are all sensitized and mandated to take action.

Jayashree Muralidharan

Department of Social Welfare and Women's Empowerment, Government of Tamil Nadu



From Compliance to Influence

Redefining Asia-Pacific's engagement with mandatory due diligence

The session featured a debate on the Corporate Sustainability Due Diligence Directive (CS3D), highlighting arguments both for and against its effectiveness in promoting responsible business practices. Proponents argued that the Directive offers a robust framework to foster sustainability, ethical business conduct, and accountability, encouraging companies to adopt responsible practices. They emphasized that the CS3D could act as a catalyst for innovation and collaboration, providing a unified standard that enhances ESG efforts and sustainability across communities, particularly in Asia, where it could inspire significant positive change.

Conversely, critics voiced concerns about the Directive's top-down approach, noting that it risks imposing a Global-North-led agenda on the Global South, which could face increased pressure without adequate support or representation. They highlighted the limited consultation with stakeholders from regions like Asia, with only a small percentage of input from these regions. Concerns were also raised about the potential negative impacts on civil society organizations, small and medium enterprises, and the supply chain's lower tiers, which may face heightened financial and liability risks. Furthermore, critics argued that excluding the financial sector from CS3D weakens its potential leverage, while the Directive's requirements may divert resources away from shared responsibilities and human rights protections.

- Ralf Sauer, European Commission
- Pradeep Narayanan, Partners in Change
- Hayley Whatarau, Enodo Rights
- Puvan Selvanathan, Blue Number
- Anita Ramasastry, University of Washington
- Justine Nolan, University of New South Wales (moderator)

KEY TAKEAWAYS

- **Potential for Knowledge and Compliance:** CS3D aims to enhance corporate understanding of sustainability requirements and ensure compliance with clear standards, fostering responsible business practices.
- **Opportunities for Access to Remedy:** While the Directive holds potential, improvements are needed to strengthen provisions for access to remedy, ensuring more direct support for affected individuals and communities.
- **High Standards and Burdens:** Some critics argue that CS3D's standards may be too rigorous and burdensome, especially for smaller businesses within global supply chains, creating challenges in implementation.
- **Alignment with UNGPs Needed:** There is concern that the Directive's technicalities might misalign with the United Nations Guiding Principles on Business and Human Rights (UNGPs), underscoring a need for clearer alignment and practical guidelines.
- **Importance of Collaborative Efforts:** For CS3D to succeed, collaboration across value chains is essential, particularly in supporting small and medium enterprises in areas such as human rights and labor standards.
- **Enhancing Consultation and Innovation:** Greater proactive engagement with diverse stakeholders and leveraging technology for data collection and solution development could strengthen the Directive's effectiveness and inclusivity.



We in this region have a responsibility to show the rest of the world how it should work here. We shouldn't be obliged to run things just as they are done in other parts of the world.

Hayley Whatarau

Enodo Rights



A Safe and Healthy Working Environment

How to get there?

This session examined challenges and good practices in promoting safe and healthy working environment for all workers and sectors, especially for vulnerable groups, including migrant and informal workers.

A safe and healthy working environment is one of the five fundamental principles and rights at work (FPRW). However, nearly 3 million people die of work-related accidents and diseases. Even the workplace is safe and healthy, it doesn't mean that workers enjoy decent work conditions. We have to address all other elements of FPRW. OSH can be a good entry point to address other principles of FPRW, given that safety concerns everyone.

The four speakers, representing the government, employers' workers' and civil society organization and ILO resource person shared cases of OSH violations, i.e., fishing industry in Thailand affecting migrant workers, and the explosion at the Aricell plant in Seoul, South Korea that killed at least 22 people in June 2024. Speakers identified challenges and good practices on the access to OSH services and remedy mechanisms.

The interactive session featured a short clip of a working environment of migrant workers on a fishing vessel in Thailand, where participants identified safety and health hazards, and measures to address the hazards.

PANEL

- Yuka Ujita, International Labour Organization
- Kun Sambath, Department of Employment and Manpower at the Ministry of Labour and Vocational Training
- Rhodora B. Snyder, Employers' Confederation of the Philippines
- Phenpiccha Jankomol, Human Rights and Development Foundation

KEY TAKEAWAYS

- Prevention and remediation should work together in a virtuous cycle.
- Key challenges that impede access to OSH services and effective remedy mechanisms include: non-compliance on safety regulations, disguised employment relationship, lack of corporate social responsibility, i.e., outsourcing of risks to smaller suppliers in the lower tiers of the supply (Republic of Korea), lack of good safety trainings for migrant fishers, complicated process hindering workers' access to compensation and support (Thailand).
- Good practices include: improving labour inspection in the fisheries sector, proper law enforcement, and ratification of the ILO's Work in Fishing Convention No. 188, 2007 (C188) in Thailand; employer's organization in the Philippines conducting mandatory OSH trainings for MSMEs, as per OSH Law of 2018, development of self-assessment checklist to perform due diligence in their employment practices with their suppliers and business partners (Philippines); bringing supportive services to migrant workers at community level (Cambodia, Philippines)



Sending and receiving countries should work together on the remediation procedures in the case of violation of rights of migrant workers. Coordination and engagement with the community is important.

Kun Sambath

Department of Employment and Manpower, Ministry of Labour and Vocational Training, Cambodia



A Transition also “Just” for Children?

Risks and opportunities

A just transition away from production and use of fossil fuel must not only be environmentally sustainable but also inclusive and just. Children are a particularly vulnerable group and must have their rights protected during this transition. This session aimed to identify the risks and opportunities faced by children in the context of the “just transition”, and to highlight the actions that States and businesses need to take to comply with their respective duties and responsibilities under international human rights law.

The session engaged a panel of experts in business and human rights as well as a member of UNICEF’s Regional Young People’s Action Team. It highlighted a crucial but often overlooked fact: children are not just passive bystanders in the climate crisis—they are key stakeholders. The session made it clear that meaningful participation of children, especially those from marginalized groups, is vital. Children are particularly vulnerable to the adverse effects of climate change and energy sector shifts, and their rights must be safeguarded throughout the transition.

PANEL

- Pichamon Yeophantong, UN Working Group on Business and Human Rights
- Tran Lan Nhi, Young People's Action Team, Viet Nam
- Anithra Varia, Business and Human Rights Resources Center
- Maria Pia Bianchetti, UNICEF (moderator)

KEY TAKEAWAYS

- Marginalized communities have been disadvantaged in the energy transition, including through limited access to decision making and cultural and spiritual erosion through the destruction of the land of Indigenous Peoples.
- Obtaining free, prior, and informed consent is critical.
- Children's rights are directly connected with the rights of their caregivers and communities, and it can create a domino effect when the rights of any are violated.
- Children are key stakeholders in a just transition, and their participation is critical. Child participation must go beyond tokenism and take place throughout processes, not as a validation at the end. It must also take into consideration the diversity of children and the need to utilize solutions that are not one-size-fits-all.
- Participation processes must be transparent, and children must be informed about how their voices are used and what the outcome is.
- Children must be provided with information that is child-friendly and age-appropriate.



I want to spotlight intersectionality – those at greatest risk of an energy transition that is far from just or sustainable. These are the stakeholders and rights holder groups we should be paying immense attention to.

Pichamon Yeophantong

UN Working Group on Business and Human Rights

SPOTLIGHT SESSIONS

DAY 2

Critical Metrics: Leveraging benchmarking to advance access to remedy

In this spotlight session, Namit Agarwal from the World Benchmarking Alliance discusses how benchmarking can be used as a tool to advance access to remedy and corporate accountability. The discussion explores how benchmarks serve multiple purposes - from providing companies with roadmaps for improvement to giving civil society evidence for advocacy. While many companies have grievance mechanisms in place, the session highlights significant gaps in stakeholder engagement and effective implementation, with only 5% of companies demonstrating meaningful engagement with rights holders.

Key Points:

- Only 5% of companies demonstrate engagement with stakeholders and rights holders in designing grievance mechanisms, despite 91% having some form of mechanism in place
- Benchmarks aim to move beyond mere compliance checklists toward measuring quality of implementation and stakeholder engagement
- Civil society can use benchmark data for policy advocacy, campaigning, and conducting local assessments
- Public disclosure and transparency are critical aspects of effective benchmarking, enabling stakeholder scrutiny and accountability
- The field needs to shift focus from processes to measuring actual outcomes and impact on rights holders



Navigating Remedy in Conflict Contexts

In this spotlight session, Vicky Bowman, director of the Myanmar Center for Responsible Business, discusses business operations in Myanmar before and after the 2021 military coup. She explores how companies navigate human rights challenges in conflict situations, particularly focusing on the decision to stay or exit. The conversation highlights the importance of established grievance mechanisms, community relationships, and proper planning for potential exits, while examining the complex implications of corporate departures on local communities.

Key Points:

- Companies with pre-existing grievance mechanisms and community relationships were better positioned to continue operations post-coup
- Corporate exits often result in either job losses or replacement by less responsible businesses, potentially causing more harm than good
- Myanmar's situation differs from other conflict contexts like Russia-Ukraine, with local populations generally preferring companies to stay and maintain essential services
- Heightened human rights due diligence and exit planning should be considered even during stable periods





Building a Path to Effective Remedy in the Financial Sector

Human rights and environmental issues are becoming a core consideration for financial institutions (FIs). FIs can play an important role in mitigating and adapting to the triple planetary crisis of biodiversity loss, pollution and climate change and are increasingly investing in the environment, including in the transition to renewable energy. However, for these efforts to contribute to sustainable development, FIs must avoid causing or contributing to negative impacts on human rights. FIs can enhance their positive impact on society by leveraging their influence with clients/investees to promote respect for human rights and enable access to remedy.

This session shed light on how financial institutions strengthening social, human rights and environmental frameworks can play a key role in improving access to remedy. It included reflections on the main practical challenges, as well as leading practices for financial institutions in enabling access to remedy. The session also spotlighted the UNEP FI Human Rights Guidance Tool for the Financial Sector as a useful tool for financial institutions.

PANEL

- Akihiro Ueda, Japan Center for Engagement and Remedy on Business and Human Rights (JaCER)
- Masayo Ogawa, Business and Human Rights Policy Office, Ministry of Economy, Trade and Industry of Japan
- Aaron Pedrosa, Philippine Movement for Climate Justice
- Wora Sukrarorek, Earth Rights
- Magdalena Garcia Elorrio, UNEP Financial Initiative (moderator)

KEY TAKEAWAYS

- The Asia Pacific region is vested by the large-scale investments. Land grabbing, forced resettlement, and environmental and health impacts are common amongst the investment projects in the Asia Pacific region.
- There are some practical challenges for the financial sector in implementing access to remediation mechanisms, such as regulations on confidentiality and data protection, as well as understanding the scope and content of meaningful engagement.
- Remedy is not just about effective grievance mechanisms (OGM). It requires a broader “remedy ecosystem”—this includes laws, policies, institutions, mechanisms, actors, and the relationships between them, all of which influence whether people receive remedies for human rights-related harm.
- Significant gaps remain in access to remedy, particularly in the Asia Pacific region, where many individuals face difficulties in accessing justice. Systemic and structural changes are needed in the available mechanisms to improve effectivity and in the type of commitments of the IFIs regarding remediation.
- The Government of Japan has taken proactive steps to promote respect for human rights across businesses, including the financial sector, through initiatives such as the National Action Plan on Business and Human Rights, guidelines on respecting human rights in supply chains, and collaboration with investors. These efforts aim to prevent adverse human rights impacts and encourage companies to ensure access to remedy.
- Despite progress, challenges remain in translating policy into practical actions, especially for smaller businesses. In this context, financial institutions can play a crucial role in ensuring access to remedy, not only by respecting human rights in their operations, but also leveraging their influence.
- Remedies must be accessible specifically to the alleged victim of the human rights violation. Remedies centered on the principles that adverse impacts from project operations and activities on individuals, communities, workers, and the environment should be remediated.



The financial sector occupies a unique position in the business and human rights agenda. Financial institutions offer a diverse range services of loans to a vast number of companies, and their operations are subject to heightened scrutiny. However, financial institutions also have the potential to drive positive change through their support of corporate initiatives.

Akihiro Ueda

Japan Center for Engagement and Remedy on Business and Human Rights (JaCER)



Use of Digital Technology in Access to Justice across Borders

The session explored both the challenges and effective practices of digital technology in enabling migrant workers to access remedies and justice across borders. The discussion highlighted the importance of digital technology, such as AI, translation software, and online legal platforms in empowering migrant workers by facilitating their navigation through complex legal systems. While the pandemic has accelerated digital transformation in courts, these advancements have not been equitably distributed, and much progress is needed to ensure that technology truly benefits migrant workers. Key issues, including privacy concerns, financial constraints, limited or nonexistent cross-border legal representation frameworks, and a lack of awareness of rights, continue to pose significant barriers to effectively access remedies.

To effectively leverage technology for justice, the panel underlined the need for enhanced privacy measures, targeted support systems, and political will to implement better frameworks that provide financial assistance and legal representation to migrant workers.

PANEL

- Gabril Faal, GK Partners
- Rebecca Napier-Moore, International Labour Organization
- William Gois, Migrant Forum in Asia
- Yuko Tomita, International Organization for Migration (moderator)

KEY TAKEAWAYS

- Panelists emphasized the need to establish solid legal frameworks that permit complaints without physical presence. While technology can confirm identities, concerns about security and user-friendliness must be addressed.
- Existing ILO recommendations seek to address issues pertaining to cross-border labor litigation and data protection for workers. Recommendation 151 on Migrant Workers (Supplementary Provisions) emphasizes equal treatment with nationals, including legal and remuneration rights regardless of legal status. While the recommendation provides guidance, implementation varies significantly among countries, resulting in inconsistencies in practice.
- Despite technological innovations, services for migrant workers remain outdated, highlighting a need for improved systems of financial assistance, better administrative processes, and greater involvement of recruitment agencies to help resolve their cases, especially in situations involving contract abandonment and repatriation.
- Participants addressed the drawbacks of technology, as migrant workers lack access to necessary systems and infrastructure, and the current support services face insufficient manpower and funding, impacting the quality of legal advice and service delivery. Access to justice should ultimately begin at the grassroots level, tackling issues like non-payment for overtime and abuse.
- Challenges in accessing justice for migrant workers arise not only from the receiving state but are equally influenced by the deploying state. Emphasis on the importance of bilateral agreements and MoUs between the parties involved is needed to address these challenges effectively.
- Although platforms have been established under commercial and trade law to facilitate legal tools and support migrant workers, the success of these initiatives is hindered by a lack of political will and a systemic structure that does not promote workers' agency. There is a need for a comprehensive approach to address multiple grievances related to wage theft and other issues.



What has been very impactful for us in creating and maintaining labor standards and human rights policies, is we try to regularly consult with industry experts working directly with affected rights holders to ensure we are not just following industry best practices and aligning with international standards, but that our guidelines and the programs we develop are supporting the lived realities of migrant workers.

Joanna Sylwester
Amazon



We Wanted Workers but Human Beings Came

Reforming temporary labour migration to make remedy a reality

Millions of people migrate within or from the Asia-Pacific region each year to take fixed-term, low-wage jobs in fields like agriculture, construction, care work, and the service industry through temporary labour migration programmes (TLMPs). While these programmes are designed to be short-term, in reality many workers undertake repeated migrations, even for their entire (working) lives. Although TLMPs are a dominant feature of the region's labour migration, they lack adequate human rights protection due to their systemic deficits such as embedded discrimination, unequal power balance between employers and employees, and restrictions on various rights and freedoms.

Access to effective remedy and justice for migrant workers under TLMPs is limited, especially for human rights violations occurring outside the workplace. Not only TLMPs lead to a “permanent temporariness” of migrant workers that prevents them from accessing their rights and being treated as members of society, but also they require migrant workers to leave families and communities behind, impacting their rights, health and well-being, particularly child development. There is an urgent need to shift from an extractive mindset that commodifies migrant workers. Centring migrant workers and their families, meaningful partnerships need to be built among all relevant actors such as governments, businesses, civil society to incorporate human rights standards in labour migration pathways, including in bilateral agreements and MOUs.

PANEL

- Rasika Jayasuriya, Migration Policy and Human Rights Consultant
- Tomoya Obokata, UN Special Rapporteur on contemporary forms of slavery
- Stephanie Chok, Humanitarian Organization for Migration Economics
- James Cockayne, Office of the NSW Anti-Slavery Commissioner
- Pia Oberoi, Office of the High Commissioner on Human Rights

KEY TAKEAWAYS

- Temporary labour migration programmes (TLMPs) are extractive in nature, and there are systemic gaps in the protection of labour and human rights of migrant workers. TLMPs may be temporary, but the human rights of migrant workers and their families are permanent.
- TLMPs commodify migrant workers rather than recognizing them as human beings with rights and freedoms, and discrimination based on race, class, gender, and nationality is embedded in their design and practice.
- TLMPs restrict migrant workers' right to family life and the right to found a family. It results in family separation and negative impacts on well-being and healthy development of children of migrant parents who are left behind.
- Access to remedy and justice for migrant workers under TLMPs is limited due to their temporary status, unequal relationship with employers and other systemic and practical hurdles. Redress for human rights violations occurred outside workplace is particularly challenging.
- There is an urgent need to incorporate human rights standards in labour migration pathways, including bilateral agreements and MOUs, with multilateral and multistakeholder approaches that ensure meaningful engagement among governments and businesses, migrants and their families, communities, and civil society.



While labour migration discourse and agreements now at least acknowledge inherent risks to the rights of migrant workers as workers, their rights as parents have been largely ignored and as have the independent rights of their children.

Rasika Jayasuriya

*Migration, Policy and Human Rights
Consultant*



From the Ground Up

Media as a Catalyst to Accelerate Remedy

The session explored the media's influential role in the Business and Human Rights (BHR) agenda as a catalyst, observer, and active participant in promoting corporate accountability. Participants discussed how media coverage not only raises awareness but can also drive action on human rights abuses within supply chains, as seen in reporting on exploitative labor practices in Maharashtra's sugar industry. The session highlighted the complex dynamics journalists navigate, including corporate influence and newsroom politics, to publish BHR stories that speak truth to power. By giving voice to affected communities, media can help bring attention to issues of access to remedy, mobilize multistakeholder action, and expand corporate responsibility beyond direct suppliers to broader supply chain impacts. The session underscored that media stories often serve as a powerful public platform, drawing awareness to human rights issues and acting as a catalyst for collaborative efforts towards remedy.

PANEL

- Sarinee Achavanuntakul, ThaiPublica
- Abhijeet Gurjar, Independent Visual Journalist
- Francesca Regalado, Nikkei Asia
- Salil Tripathi, Institute for Human Rights and Business (moderator)
- Sagita Adesywi United Nations Development Programme (moderator)

KEY TAKEAWAYS

- **Journalists as Potential Human Rights Defenders:** While some journalists act as human rights defenders (HRDs), the panel agreed that not all journalists fit this role, as motivations may vary between storytelling and advocacy. However, those covering BHR issues often face similar challenges as HRDs.
- **Vital Role of Media in Community Empowerment:** Media serves as a critical platform for communities to share their stories and gain credibility, with examples from Thailand and India showing how communities rely on various media channels to stay informed and voice concerns, often trusting journalists to ethically represent them.
- **Navigating Media Ethics and Corporate Influence:** Journalists in Southeast Asia face ethical challenges, particularly where media organizations are corporate-owned, affecting the narrative around BHR stories. Questions of media ownership and corporate influence can blur the line between genuine reporting and sponsored content.
- **Growing Threat of SLAPP Suits:** Journalists reporting on human rights abuses are increasingly targeted by SLAPP (Strategic Litigation Against Public Participation) lawsuits, which are also extended to media outlets, CSOs, and sometimes even retweeting individuals. Promoting Anti-SLAPP policies within companies and fostering international collaborations are suggested as protective measures.
- **Media's Ethical Duty and Trust-Building:** Building trust with communities is fundamental for journalists, who are often seen as credible conduits for affected groups. This involves ethical considerations, such as respecting the integrity of images and maintaining source confidentiality.
- **Need for Distinct Labeling of Sponsored Content:** Clear labeling of pro-business or sponsored stories was recommended to help readers distinguish between advertisements and authentic BHR reporting, underscoring the need for transparency in media practices.



Publishing stories is not a guarantee that there will be remedy for affected communities, but at the very least, it represents the beginning of the remedy journey for many.

Sarinee Achavanuntakul
ThaiPublica



Advancing Remedy and Responsible Business through Development Finance and Co-operation

The session explored the crucial role of development finance and co-operation in promoting responsible business conduct in line with international standards on business and human rights. It highlighted how development finance institutions (DFIs) can enhance access to justice and remedy by integrating human rights due diligence in their operations and partnerships.

PANEL

- Froukje Boele, OECD Centre for Responsible Business Conduct
- Julius Thaler, Asian Infrastructure Investment Bank
- Prabindra Shakya, Human Rights Activist
- Pichamon Yeophantong, UN Working Group on Business and Human Rights (moderator)

KEY TAKEAWAYS

- There are critical issues regarding the operations of DFIs, particularly concerning the effectiveness of grievance mechanisms and the accessibility of remedies for affected communities.
- Indigenous Peoples, often marginalized in development finance, require direct access to resources and opportunities to implement their energy initiatives, highlighting the need for better recognition and adherence to Free, Prior, and Informed Consent (FPIC) principles by DFIs.
- Effective project-level grievance mechanisms, particularly in DFIs, are vital for resolving issues locally and providing timely remedies, preventing conflicts from escalating to higher levels of intervention.
- Strengthening links between development cooperation and responsible business conduct (RBC) is crucial for ensuring that financial resources are utilized efficiently and ethically, benefiting all stakeholders involved.

SPOTLIGHT SESSIONS

DAY 3

A Bottom-Up Perspective on Remedy

In this spotlight session, Robie Halip of the Right Energy Partnership with Indigenous Peoples discusses the challenges Indigenous Peoples face in accessing remedy for business-related human rights violations. She emphasizes the systemic issues of non-recognition of collective rights and the lack of culturally appropriate grievance mechanisms. The discussion highlights the particular barriers faced by indigenous women and youth, and the importance of meaningful engagement between Indigenous Peoples, businesses, and states.

Key Points:

- Non-recognition of Indigenous Peoples' collective rights and right to development remains a core barrier to effective remedy
- Grievance mechanisms must be culturally appropriate and gender-responsive, incorporating traditional justice systems
- Indigenous women face specific challenges including lack of participation in decision-making and safe spaces to report violations
- Business engagement should focus on prevention through proper free, prior, and informed consent processes rather than just remediation of past harms
- Community unity and strength in asserting rights is often more effective than formal grievance mechanisms alone



Remedy and NAPs: Paper into practice

In this spotlight session, Timotheus Felder-Roussety, Social Counsellor bei Auswärtiges Amt (Federal Foreign Office), Germany, discusses Germany's journey from voluntary National Action Plan commitments to mandatory supply chain due diligence legislation. The conversation explores how Germany's approach evolved through stakeholder engagement and monitoring, leading to the 2023 Supply Chain Act and its interface with the new EU Corporate Sustainability Due Diligence Directive. The discussion highlights mechanisms for implementation, remediation, and support for businesses across global supply chains.

Key Points:

- Germany's transition from voluntary NAP to mandatory law was driven by low corporate compliance rates (only 20%) with NAP obligations
- The German Supply Chain Act includes a supervisory body (BAFA) to monitor compliance and handle complaints, with growing engagement from companies
- The law has led to establishment of help desks and support networks across Asia to assist businesses, particularly SMEs, in meeting due diligence requirements
- Effective stakeholder engagement and consultation remain critical for successful implementation of both national and regional frameworks





Collaborating Partner Session Summaries

Legal Remedies

An evolving landscape

Session Partners: D Sy Law and Norton Rose Fulbright



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There are two interesting spaces to watch out for when resolving international BHR disputes: the emergence of an international public policy recognizing corporate responsibility for human rights and the environment under international investment law, and the increased politicization of human rights and its impacts on dispute risk mitigation and resolution practices, including the avenues of remedies made available to those affected by adverse human rights and environmental impacts.

Mevelyn Ong

Norton Rose Fulbright

This panel examined how the UNGPs' vision of remedy for adverse human rights impacts has been translated from theory into actual legal practice. Bringing viewpoints from a legal practitioner and also from a company level, the panel first considered how operational-level grievance mechanisms are being designed, and what are some of the common issues that are arising in their implementation. The panel then highlighted how disputes that could not be resolved through enterprise-level mechanisms have been litigated, arbitrated or mediated, noting the advantages and challenges of each of these avenues of remedies. The panel subsequently discussed the implications of the EU's Corporate Sustainability Directive for the Asia-Pacific region, and its remedial and liability framework. The panel further outlined how internal corporate policies and procedures, commercial contracts and international investment agreements and treaties may be drafted in different ways in the future in order to better align remedial and dispute resolution mechanisms with the aspirations of the UNGPs.

KEY TAKEAWAYS

- It is critical for corporates, investors, developers and funders to engage on ESG and Human Rights upfront with all stakeholders, and to create a credible framework to prevent, report and address ESG and human rights violations upfront. Avenues for legal remedies have evolved and diversified – providing victims with a broader range of options to seek remedial outcomes – domestically and internationally. Litigation NGOs have in that respect been critical in fostering innovative judicial options. In the year marking 10 years since the Rana Plaza disaster, the new CS3D creates new positive, preemptive obligations for European companies' international operations (and, by implication, their local partners, affiliates and subcontractors). Compliance with the Directive is however not exclusive of outstanding judicial risks for corporates – including, increasingly, criminal law exposure. Preventive initiatives must evidently be prioritized.
- A strong tone from the top is crucial for promoting and ensuring access to effective remedies. This requires setting measurable targets, regularly monitoring outcomes, and fostering leadership within operations and across the supply chain. By leveraging technology and innovation, business can further enhance access to remedies.
- Aside from litigation, arbitration can help resolve a myriad of business and human rights disputes, including B2B supply chain disputes, investor-state disputes and mass rightsholder disputes, but there are also limits to the jurisdiction of the arbitral tribunal, to the types of claims that can be brought, and to the extent of relief that can be granted. Mediation should also not be overlooked.
- Judicial determinations seldom provide a holistic remedy as described in the UNGPs, but can provide an important safety net. Internal grievance mechanisms by contrast, can provide a swifter, more bespoke remedy that is more responsive to rights holders' needs. When they work, they can prevent significant impacts but there needs to be trust and good faith on all sides.

Business Action for Justice

Mobilising support for national compensation schemes for survivors of slavery

Session Partners: Anti-Slavery Australia



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An national compensation scheme would complement, rather than complicate, business operations by ensuring that survivors of modern slavery have access to fair and timely compensation, while businesses can continue to fulfill their existing obligations under the UNGPs.

Jennifer Burn
Anti-Slavery Australia

Anti-Slavery Australia’s panel discussion on business advocacy for national compensation schemes for victim-survivors of modern slavery emphasised Principle 25 of the UN Guiding Principles on Business and Human Rights. Prof. Jennifer Burn AM, Director of Anti-Slavery Australia, introduced the Justice for All project, advocating for a national compensation scheme in Australia and announced the launch of a joint business statement of support for the scheme.

Moderated by Anti-Slavery Australia’s Policy Officer, Lauren Dale, the discussion underscored the role of businesses in advancing access to effective State-based remedy, including compensation schemes, stressing the need for cross-sector collaboration among businesses, governments, and civil society. The panel explored barriers to accessing compensation in the Asia-Pacific region, using the Thai fishing industry as a case study.

The panel featured insights from Dornnapha Sukkree, Co-founder and Executive Director of MAST Human, who emphasised the importance of non-judicial processes, such as effective grievance mechanisms, in improving access to compensation. Robyn Parkin, Head of Sustainability at Ethical Partners Funds Management, discussed the crucial role of investor engagement in this advocacy, particularly the contributions of groups like Investors Against Slavery and Trafficking. Cate Sumner, Senior Legal Adviser at ASEAN-ACT, highlighted the significant challenges survivors face across the ASEAN region in securing effective remedies.

KEY TAKEAWAYS

- Under UNGP 25, States have a duty to ensure that those affected by business-related human rights abuses have access to effective remedy.
- The extensive experience of the panel in working with and providing legal advice and assistance to victims and survivors of modern slavery has demonstrated a clear need for better access to remedy.
- The current mechanisms for obtaining enforceable remedies, including compensation, present significant challenges.
- We know that within the Asia-Pacific courts are largely not the way that people access remedy for crimes of slavery.
- The panel believe it’s time for better access to remedy through establishment of mechanisms like a National Compensation Scheme to ensure that victim-survivors of modern slavery receive the support they deserve.
- Specifically, Anti-Slavery Australia encourage Australian businesses to recognise the gaps in existing State mechanisms that leave survivors of modern slavery without effective remedies and sign a Joint Statement of Support for a National Compensation Scheme

Bridging Commerce and Rights Advocacy

What business associations bring to rights advocacy

Session Partners: Digital Governance Asia, APAC GATES, RBH, Eurocham Thailand, Eurocham Cambodia Responsible Business Hub, Labor Solutions



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My call to action is for civil society to join my chamber's sustainability efforts.

Matt Grose

Eurocham Thailand

Experts at the session from civil society organizations, human rights consultancies and chambers of commerce shared their experience of working with these associations, noting that they play an important role in communicating with government on behalf of business, while at the same time playing a role in galvanizing CSR, ESG and human rights related public interest activities for businesses.

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If you want to prioritize human rights issues with business associations, reach out to leaders, or join the organizations. They are driven by the needs of their members.

Seth Hays

Digital Governance Asia

KEY TAKEAWAYS

- Chambers of Commerce and international business associations can play a more active role in the responsible business and human rights discussion.
- Civil Society and Chambers of Commerce should regularly communicate with each other on priorities in human rights to find areas for cooperation.
- Future RBHR Forums should invite more business chamber committees dedicated to sustainability, ESG and other public interest concerns.
- Further research and convening on a regular basis should be done at a cross-border level to bring business chambers and civil society together, such as regular online surveys of issues, and webinars to share best practices.

Grassroots Women's Initiatives to Interrogate Corporate Accountability

Session Partner: Asia Pacific Forum on Women, Law and Development (APWLD)



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Today's labour migration is a business, with more businesses getting involved in facilitating international labour migration. With the implementation of neoliberal policies, the role of the private sector is increasingly dominant in the lives of migrant workers throughout their migration journey—from when they decide to leave their home country, during their work overseas, and until they return home.

Dewi Amelia Eka Putri
Asia Pacific Mission for Migrants

The manifestations of corporate capture continue to undermine State democracies and State sovereignty – preventing States from making progressive decisions to respect, protect and promote their citizens and the land. The increasing influence and interference of corporations in setting public policies and presenting legislation has a detrimental impact on human rights as profit making is prioritised over human rights without any form of accountability. This will continue if States do not move to end the influence of corporations on decisions related to our human rights and public living. The session focused on exposing the current system's failures, dominated by corporate hegemony, and sharing cases from different Asian and Pacific countries on labour, agriculture, and the public sector. The session focused on the following topics:

1. Corporate Capture and Food sovereignty/ security
2. Corporations and militarism
3. Corporate capture and labour and migrant rights and
4. Corporate capture: privatisation in public services and debt crisis

APWLD members exposed the corporation by bringing stories from different members working to hold the corporation accountable.

KEY TAKEAWAYS

- Implement people-centered programs to ensure people's access to public services including water, energy and other essential utilities. Invest in public infrastructure for water and energy development and government-run utilities, explore alternatives such as community-owned cooperatives to ensure affordability and reliability. Implement regulations to control the pricing of essential services like water and electricity provided by private corporations
- Increase state subsidy and improve opportunities for education. Increase government funding for public schools to improve infrastructure and provide necessary equipment to reduce the burden of additional expenses on parents and teachers. Expand the capacity of state universities and colleges to accommodate more students to reduce reliance on expensive private educational institutions.
- While bilateral agreements between host and home country governments may contain provisions on the protection of migrant workers' rights as well as existing international frameworks like the Global Compact for Safe, Orderly and Regular Migration, the enforcement of these provisions is utmost essential. The implementation and domestication of these international conventions needs to be implemented by the governments.

Worker Grievance Mechanisms and Access to Remedy in Asia

Lessons from selected supply chains

Session Partners: Change Alliance and LRQA



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Trust and constructive engagement are crucial to ensuring the success of access to remedy and grievance redressal mechanisms.

Archana Shukla Mukherjee
Change Alliance

Change Alliance and LRQA co-hosted a side session at the UN Responsible Business and Human Rights Forum. Panelists included Dr. Archana Shukla Mukherjee, Johnson Topno, Savitri Restrepo, and Suzari Saaid, moderated by Nawin Santikarn and opening remarks by Chitranka Banerjee. The session focused on improving grievance mechanisms in Asian supply chains, particularly for migrant and informal workers facing labor rights violations. It highlighted gaps in international frameworks and the need for adaptation to regional socio-economic realities.

KEY TAKEAWAYS

- Companies are expanding grievance mechanisms to include external platforms.
- Businesses must extend duty of care to indirect suppliers in deeper tiers of supply chains.
- Inconsistent legislation across jurisdictions creates confusion.
- Effective mechanisms require diverse stakeholder involvement.
- Mistrust exists between businesses and civil society, requiring trust-building.
- Grievance mechanisms should address broader community issues.

Navigating Global Norms

Collaborative compliance strategies in Southeast Asia

Session Partners: Center for International Private Enterprise and Solidarity Center



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To create systems that realistically address the problem of forced labor, there must be political will on both sides – labor and business.

David John Welsh
Solidarity Center

The session focused on how global business, local suppliers, labor organizations, and governments in Southeast Asia can productively work together on supply chain compliance in the new era of global norms. CIPE's CIPE Anti-Corruption and Governance Center Deputy Director Michele Crymes moderated the session and shared the stage with Anita Ramasastry of Sustainable International Development LL.M., David John Welsh, Country Director of Solidarity Center Thailand, and Tony Khaw, Director of CSR and Human Rights Sustainability Office at NXP. Crymes introduced the CIPE-SC joint initiatives in the Cambodian garment sector, Ramasastry shared the legal impacts of these new regulations on local communities, Welsh discussed labor's successes in advocating for the social components of the new regulations, and Khaw provided strategies that businesses can implement when preparing for the enforcement timelines.

KEY TAKEAWAYS

- Multistakeholder collaboration is key but it cannot be simply one-off dialogues and discussions with limited follow up.
- The key to successful multistakeholder collaboration and sustaining the crucial relationships is to co-create action plans that ensure accountability from all key stakeholders. This allows for coordinated timelines and action plans that empower each actor individually while supporting the group's efforts towards regulations.
- Collaboration with labor organizations can more effectively identify abuses and help global businesses make confidence choices to mitigate abuse in their supply chains.

Innovative Tools and Approaches for Businesses and Civil Society to Effectively Remedy Child Labour and Sexual Exploitation

Session Partners: Thailand Hotline Foundation (representing the Down to Zero Alliance in collaboration with ECPAT International), The Global March Against Child Labour, The Centre for Child Rights and Business (representing the MY Voice Initiative in collaboration with Social Accountability International), The Remedy Project



The session explored innovative approaches, programmes, and tools that brands, retailers, CSOs, governments, and worker communities are using to address child labour and sexual exploitation across various sectors. The objective was to examine practical, multistakeholder strategies for scaling and integrating these solutions, with a focus on leveraging what already works instead of reinventing the wheel. By discussing regulatory impacts, sector-wide collaboration, and the inclusion of small-and-medium enterprises and communities, this session will highlight opportunities to enhance child-rights-centred approaches to remediation. Special attention was given to analysing the efficacy of existing grievance mechanisms and practical approaches to overcoming barriers to access to remedy for children in Asia Pacific.

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To provide remedy is to reinstate the rights that have been violated.

Ines Kaempfer

The Centre for Child Rights and Business

KEY TAKEAWAYS

- The session highlighted the critical need for effective access to remedy in addressing child labor and human rights violations through ongoing engagement with affected communities. Participants emphasized the importance of transparent, context-specific grievance systems, as opposed to one-size-fits-all solutions. While compliance with human rights regulations is necessary, the discussion pointed to the significance of a bottom-up, community-led approach for achieving impact through multistakeholder collaboration. Involving businesses, governments, civil society, children, youth, and workers is essential for designing and implementing effective remedy systems.
- It also emphasized the need for stronger collaboration between businesses and online platforms to protect children and remove harmful content, supported by necessary legal reforms. Transparency, enforceable agreements, and community-specific solutions were highlighted as crucial for improving remediation efforts. Furthermore, pension funds and financial institutions were recognized as having a pivotal role in driving change by prioritizing ESG factors and encouraging companies to make progress on these issues.
- The session also underscored the urgency of creating an equitable supply chain, noting that the cost of remedy is often overlooked during purchase price negotiations. For a sustainable remedial program, accounting for and fairly distributing these costs is essential.
- A significant challenge identified was the disconnect between businesses and informal workers, who are frequently excluded from formal compliance systems, allowing child labor and other violations to persist unchecked. Informal workers, especially in agriculture and small-scale industries, often lack access to grievance mechanisms, further exacerbating their vulnerability.
- Finally, data-driven approaches—such as Child Labour Monitoring Systems (CLMS) and the Area-Based Approach (ABA)—were recognized as crucial for identifying violations and tailoring responses to local contexts, ensuring fair outcomes for marginalized workers.

Transforming Labour Conditions Through Worker Voice, Partnership and Innovation

Session Partner: Issara Institute



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To effectively implement HRDD and remediate issues raised by the workers, it is important for businesses to work with independent CSOs so workers can raise their voices with confidence without fear of reprisals by their employers.

Wai Lin Phyo

Worker Representative, Samut Sakhon, Thailand

Issara Institute and Inclusive Labour Monitoring (ILM) Action Network partners held a session titled “Transforming Labor Conditions through Worker Voice, Partnership and Innovation.” The session delved into this transformative and impactful model, with panelists sharing on-the-ground perspectives and insights on their work and the benefits of civil society and business working together. The session objectives were to:

- Demonstrate how the ILM system is identifying and addressing labor risks and violations, supporting workers in accessing remedies in a safeguarded way, and driving improvements within businesses and in the global supply chains.
- Inspire businesses to connect directly with the voices of workers and communities in their supply chains via a partnership with CSOs, as a means for strengthening HREDD action and achieving more sustainable supply chains.

Session panelists and ILM Action Network members included (i) a foreign migrant worker and worker mobilizer currently employed in the construction sector in Thailand; (ii) a Myanmar trade union leader from Solidarity of Trade Union Myanmar (STUM); (iii) a progressive Myanmar recruitment agency implementing zero fees recruitment for migrant workers - International Focus (IF); and (iv) a leading garment manufacturing business (TAL Apparel) utilizing worker voice to support responsible recruitment and good working conditions.

KEY TAKEAWAYS

- To effectively implement HRDD and remediate issues raised by workers, it is important for businesses to work with independent civil society organizations (CSOs). These organizations are trusted by workers and can provide safeguards so that workers are able to raise their voices with confidence and without fear of reprisals.
- The ILM Action Network receives 10-20,000 calls and messages from workers per month and has enabled over 150,000 workers to receive remediation. To get to the root causes of issues and successfully strengthen business practices/systems requires connecting key parties - buyers, employers, recruitment agencies, CSOs, and workers - on a common platform. This is a strength of the ILM system. See www.workervoices.org
- Many recruitment agencies have a genuine commitment and willingness to recruit ethically yet struggle with a high percentage of employers simply selecting the lowest cost agency and not properly vetting/engaging. The ILM Action Network is helping to bring partnerships, transparency and accountability for businesses and other stakeholders engaging in ethical recruitment.
- For businesses it's important to engage with the CSOs not only because it is the right thing to do, but because there is a business case with direct impact on business profitability and operations.

From Silence to Solutions

Elevating worker voices and increasing supply chain transparency in the electronics and garment sector in Asia

Session Partners: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and SOMO Center for Research on Multinational Corporations



Workers' active posting on social media enables CSOs to link labour violations in supplier factories with international brands, even in restrictive internet environments.

Aidan Chau

China Labour Bulletin

Led by Tanida Disbayut, panellists in the session shared concrete examples how worker voices can be strengthened within due diligence processes while seeking remedy for corporate-related labour rights abuses.

While Christina Rogers from ILO and Munysovann from focused their contributions around the effectiveness of worker grievance mechanisms and social dialogue, SOMO and CLB discussed how social media platforms and other online channels be leveraged to amplify workers' voices.

Aidan Chau shared insights how China Labour Bulletin captures worker stories from within China and thereby makes available key insights into the labour rights abuses Chinese workers in international supply chains experience to both companies and civil society stakeholders.

Joshua Rosenzweig from SOMO elaborated on the human rights due diligence measures international companies should implement to ensure they respect workers' human rights in their supply chains, especially in the context of supplier shifts and relocation of production.

KEY TAKEAWAYS

- Workers' active postings on social media platforms enable CSOs to link labour violation cases in supplier factories with international brands, even in a more restrictive internet environment like China
- The risks associated with shifting supply chains are foreseeable with meaningful due diligence and preventable with changes in brand policy and practice focused on responsible exit, among other things.
- Workers' representation, especially women's participation, needs to be proactively ensured in the process of design and implementation of grievance mechanisms and access to remedy
- Effective social dialogue with the concerned stakeholders is a powerful tool and leads to a better solution for grievance mechanisms and enhances the industrial relations at the workplace
- Grievance mechanism and access to remedy require investment in long-term processes of dialogue and real worker representation and worker's voice to make them work
- A robust grievance mechanism means all parties trust and use it without fear of retaliation in place

Thailand's Application to the OECD

Exploring responsibilities and opportunities under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

Session Partners: OECD Watch, Manushya Foundation, Community Empowerment and Social Justice Network, Asia Indigenous Peoples Network on Extractive Industries and Energy



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Villagers have lost trust in local and national authorities. They wish to discuss directly with the real decision makers.

Rasa Taokaew

Manushya Foundation

The expert panel in this session exchanged thoughts on how Thailand's application for accession to the OECD can be leveraged by civil society to demand major domestic legislative reforms and bring remedy for victims of corporate-related human rights abuses a step closer. Countries seeking OECD accession are to align national legislation and policies to OECD standards. With OECD memberships comes the requirement for a country to adhere to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and establish a “National Contact Point for Responsible Business Conduct” (NCP) to promote good business practices and help resolve complaints over alleged corporate violations of human rights and environmental expectations. The OECD accession processes of Thailand, Indonesia, and other states hence constitutes an important opportunity to compel concrete reform in the member candidates to ensure corporate accountability and access to remedy. During the session panelists shared how aligning existing national legislation covering inter alia human rights, labour rights and the environment with OECD standards, developing national due diligence legislation and setting up a solid National Contact Point (NCP) to handle complaints, could advance corporate accountability in Thailand and the wider Asia-Pacific region.

KEY TAKEAWAYS

- The OECD accession processes is a key opportunity to compel concrete reform in the candidate member states to ensure corporate accountability and access to remedy.
- Currently Thailand lacks a strong legal framework ensuring corporate accountability and access to justice. This was illustrated with the case of Phichit villagers in central Thailand who have been facing the negative human rights and environmental impacts of gold mining for more than two decades and are still fighting to get justice.
- Thailand's application to the OECD is an opportunity for the country to improve its framework. This must be done through meaningful engagement with civil society.
- Civil society from the Asia region shared real life case examples to offer guidance on how the OECD Guidelines has the potential to help communities realise remedy for corporate harm, and shape legal and policy reform on corporate accountability.
- National due diligence legislation that is fully in line with the OECD Guidelines can be an effective way to ensure policy coherence in acceding member states.
- For civil society seeking more information on the process of OECD Accession, OECD Watch has developed a short guide that explains the accession roadmap and identifies potential leverage moments for civil society.

Workplace Sexual Harassment

The role of businesses in furthering feminist justice

Session Partner: One Future Collective



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A lot of our ideas of justice are individual-centric [...] but we don't address the systemic enablement of those [violent] actions. The person's actions are situated within a specific context, and the system is enabling and sustaining that kind of violence over time.

Anvita Walia

One Future Collective

Sexual harassment in the workplace can result in severe physical and psychological consequences for individuals, leading to a violation of rights and an erosion of the sense of dignity and belonging experienced by survivors. Workplaces are accountable for ensuring the safety, security, and well-being of their employees. Although organizations in India are increasingly adopting policies against sexual harassment, these frameworks frequently fall short of addressing the issue effectively.

This is because traditional theories of justice and legal responses to violence tend to uphold masculinist hegemony, adopt a universalist approach, and remain rooted in carceral logics. This limits their ability to truly serve survivors and their communities. Moreover, existing frameworks are primarily designed to protect able-bodied, oppressor-caste cis-women, disproportionately discriminating against marginalized communities among both survivors and perpetrators of violence.

This calls for a reconceptualisation of justice that is power-critical, intersectional, trauma-informed, and survivor-centric—one that seeks to dismantle structural oppression and integrate an ethic of care into the practice of justice. In the session, we presented our conceptual framework ‘Tapestry of Feminist Justice’ and shared our findings from a research study undertaken by our founder Vandita Morarka and supported by our team, that examined the implementation and effectiveness of the Prevention of Sexual Harassment (PoSH) Act 2013 in formal workplaces in India.

KEY TAKEAWAYS

- Sexual harassment is not an isolated, individual-centric issue but a systemic challenge. Workplaces hold a crucial responsibility to ensure the safety, security, and well-being of employees by preventing harassment and providing adequate grievance redressal mechanisms for survivors.
- Existing legal frameworks uphold patriarchal, capitalist, and carceral logics and fail to address the systemic roots of violence, which necessitates a radical reconceptualisation of justice.
- The conceptual framework of feminist justice presented during the session reframes the idea of justice to be intersectional, trauma-informed, and survivor-centric, emphasizing the dismantling of power structures and incorporating an ethic of care, healing, and restoration into the pursuit of justice.
- While the PoSH Act 2013 has resulted in several feminist successes when implemented in formal urban workplaces in India, its application also reveals significant gaps and barriers when assessed through the lens of feminist justice.
- There exist certain strategic opportunities to strengthen the implementation of the PoSH Act and improve outcomes for survivors and their communities, including better enforcement of the legal framework, amplifying worker voices and organizing efforts, leveraging public narratives, and enhancing compliance measures.
- Although certain challenges in addressing workplace sexual harassment resonate across countries and sectors, specific contexts present unique issues that demand tailored approaches for effectively applying the framework of feminist justice.

Remedying the Harm Indigenous Peoples' perspectives on access to remedies and justice

Session Partners: Coalition for Human Rights in Development, Asia Indigenous Peoples Pact, Zero Tolerance Initiative, Right Energy Partnership for Indigenous Peoples, Indigenous Peoples Rights International, Asia Indigenous Peoples Network on Extractive Industries and Energy, Lawyers' Association for Human Rights of Nepalese Indigenous Peoples



Indigenous communities and Indigenous Peoples Human Rights Defenders (IPHHRDs) in Asia face reprisals while protecting land and the environment. Global supply chains, including those in the agricultural sector, extractive industries, conservation, tourism and the push for sustainable energy sources exacerbate risks of violations, including economic, social and environmental damage. Violation of the right to free, prior and informed consent, the lack of the right to self-determination, and criminalisation of IPs and IPHRDs in Asian countries have contributed to shrinking spaces for participation.

Access to remedy IPs and IPHRDs is limited. Lawyers are co-opted by companies, legal cases and complaints against states, certifying companies or International Financial Institutions (IFIs) are pending or come too late with too little remedy. The cost and loss is disproportionately bore by women, but access to remedy and justice is non-existent.

IPs have traditional knowledge, strategies and experience to address causes, adaptation, mitigations, and solutions to climate change. There are concrete examples of IP community-led energy projects in Malaysia, and Nepal.

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Issues of land related disputes and extractive projects put indigenous women in distress physically and emotionally. The cost and loss is disproportionately bore by women, but access to remedy and justice is non-existent.

Jennevie Cornelio

Leader of the Teduray people in southern Philippines

KEY TAKEAWAYS

In forwarding a remedy, the panel urged States, Businesses, Corporation and UN Agencies for immediate:

- Recognition of IPs identity, their role as custodians of ancestral domain, their right to self-determination;
- Recognition Indigenous Peoples justice systems as an instrument to access to justice and dispute resolution;
- Implementation of international human rights and environmental instruments, such as the UNDRIP, the Paris Agreement, the Convention on Biological Diversity (CBD), the UN Convention on Climate Change (UNFCCC);
- Creation of legally binding human rights system in Asia (similar to the European Court of Human Rights and Inter-American Court of Human Rights);
- Adoption of zero tolerance policies on reprisals against IPHRDs throughout their supply and value chains, with provisions to suspend operations when reprisals are reported;
- Suspension/withdrawal investments when there are complaints of harmful impacts on Indigenous Peoples and their lands, territories, waters and resources or reprisals against defenders;
- Provision of flexible financial and technical support to indigenous-led climate mitigation and adaptation initiatives and indigenous-led energy and development solutions.

AICHR-SEANF Regional Workshop

Sharing good practices and effective remedy for migrant workers in business and human rights in ASEAN

Session Partners: ASEAN Intergovernmental Commission on Human Rights, South East Asia National Human Rights Institutions Forum, Danish Institute for Human Rights, Mission of Japan to ASEAN, UN Development Programme



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Access to remedy is a human right. ASEAN must adopt systems that ensure accountability and justice across borders.

Tulika Bansal

Danish Institute for Human Rights

The AICHR-SEANF Regional Workshop, held on 24 September 2024 in Bangkok, brought together stakeholders from across Southeast Asia to discuss effective remedies for migrant workers. Representatives from AICHR, SEANF, national human rights institutions, and international organizations presented strategies and challenges in implementing the UN Guiding Principles on Business and Human Rights (UNGPs), particularly focusing on migrant workers. Key topics included state obligations under Pillar 3 of the UNGPs, which emphasizes access to effective remedies, regional collaborations for remedy, and initiatives promoting responsible business conduct.

Discussions highlighted the need for robust regulatory frameworks, non-judicial grievance mechanisms, and corporate accountability. ASEAN's unique regional dynamics, including transboundary human rights impacts, underscored the workshop's call for a unified approach to protect migrant worker rights. Collaborative examples, such as Japan's corporate accountability measures and EU's Corporate Sustainability Due Diligence Directive, illustrated evolving practices and standards that can be adapted to the ASEAN context. The event emphasized dialogue, shared learning, and capacity-building among stakeholders, creating a foundation for enhanced protections for migrant workers in ASEAN.

KEY TAKEAWAYS

- **Strengthening Regional Cooperation:** AICHR and SEANF emphasized the importance of regional collaborations to enhance human rights protections for migrant workers across ASEAN.
- **Focus on Effective Remedy:** Under UNGPs Pillar 3, both state and corporate actors were called upon to ensure access to effective remedies for business-related human rights abuses.
- **Non-Judicial Mechanisms:** Non-state remedies, such as corporate grievance mechanisms and mediation services, are essential, particularly for migrant workers facing language and legal barriers.
- **Role of National Human Rights Institutions (NHRIs):** NHRIs are crucial in addressing migrant rights issues, providing non-judicial redress and advocating for policy improvements.
- **Corporate Due Diligence:** Japan's National Action Plan and the EU's Due Diligence Directive offer models for mandatory corporate accountability that ASEAN could adapt.
- **Transboundary Impact of Business Practices:** ASEAN's unique challenges require a collective approach to addressing human rights impacts that cross borders.
- **Empowering Migrant Workers:** The need to increase migrant worker awareness of their rights and access to information and legal support was underscored.

Survivor-Centred Remediation

Utilizing remedies during the initial reporting and complaint stage

Session Partner: Fair Future



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Women often fear reporting violations due to retaliation, stigma, and lack of trust in grievance systems. Businesses must shift their view of remedies from being mere final outcomes to tools that provide immediate support, ensuring a safe and empowering process that encourages victims to come forward.

Natasha Latiff

Fair Future

Most victims of business and human rights-related violations are unlikely to report their violations, especially if they are women and marginalised. Those who do report violations are likely to end up retracting their grievances due to fear of retaliation. This workshop explored how businesses may use remedies to create a safe, informed and just environment for victims to report and follow through with their grievances by redefining the role of remedies as tools that support victims through the grievance process instead of mere final outcomes.

Participants explored and identified the complex and intersecting factors that deter victims from reporting violations, including social, cultural and psychological factors. Through the exploration of a case study of a business-related sexual and gender-based violation, participants learned to develop remedies for immediate relief and protection through an intersectional, gender-competent and trauma-informed lens.

By the end of the workshop, participants gained an interdisciplinary, survivor-centred framework for addressing human rights violations, particularly those related to sexual and gender-based violence, aligning business response with international best practices on access to remedy.

KEY TAKEAWAYS

- **Importance of Initial Remedies:** Stakeholders should prioritise initial remedies, which are crucial in providing immediate relief and protection, preventing and mitigating risks, and building trust and rapport with victims and other affected persons. They thereby help to maintain the victim's engagement with the process and reduce their likelihood of withdrawal.
- **Understanding the Victim Intersectionally:** In order to develop holistic remedies that appropriately address the victim's needs, they must be understood intersectionally. Investigators can do this by asking specific and in-depth questions in order to understand the victim's circumstances and potential barriers to reporting violations.
- **Nature of Remedies:** Remedies should be intersectional and holistic. Discrimination and violence against women are inextricably linked to other factors that increase their vulnerability and hence prevent them from accessing grievance mechanisms and going through the remediation process. Thus, investigators must have an understanding of these vulnerabilities and record and explain how they compound and intersect. Remedies should also be holistic in that they address both the victim's immediate and long-term needs.
- **Knowing the Victim's Rights:** Investigators should be aware of human rights enshrined in international human rights instruments to understand how their experiences may amount to a violation of these rights.

Multistakeholder consultation on children's rights to access to justice and effective remedies in the context of business activities

Session Partners: ASEAN Intergovernmental Commission on Human Rights, South East Asia National Human Rights Institutions Forum, Danish Institute for Human Rights, Mission of Japan to ASEAN, UN Development Programme



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Access to remedy is a human right. ASEAN must adopt systems that ensure accountability and justice across borders.

Tulika Bansal

Danish Institute for Human Rights

The upcoming Committee on the Rights of the Child's 27th General Comment (GC27) is dedicated to Children's Rights to Access to Justice and Effective Remedies. UNICEF has engaged in a set of consultations to gather comments and provide feedback for GC27 on the basis of challenges and existing good practices in the context of child rights and business and the CRBPs.

This multistakeholder consultation engaged a diverse group of stakeholders including those from academia, CSOs, independent institutions, legal professionals, UN entities, and children and young persons. Drawing from these diverse backgrounds, the consultation highlighted the vast impacts business activities have on children's lives, the diversity of children impacted, and the need for businesses to be proactive, rather than reactive, around children's rights.

It produced several key recommendations, including ensuring that legal and policy frameworks mandate businesses to undertake human rights due diligence that incorporates children's rights and child-rights impact assessments, grievance mechanisms are adequately funded and impartial, grievance mechanisms are accessible and effective and take into consideration the diversity of children including those in vulnerable situations, children are meaningfully involved in designing grievance mechanisms, and effective safeguards exist such that children can engage with mechanisms without fear of retaliation.

KEY TAKEAWAYS

Several themes were reiterated throughout the consultation and informed the key overall takeaways:

- Children's rights are interrelated and interdependent. Ensuring that children have access to justice and effective remedies requires protection of all their rights.
- Access to information is critical in ensuring that children have access to justice and remedies.
- Children are not a homogenous group. Access to justice and effective remedies must take into consideration the diversity of children and pay particular attention to intersecting vulnerabilities.
- Human rights due diligence must include children's rights, and child rights impact assessments must be conducted. Businesses must consider the full spectrum of children's rights that may be impacted by their activities, paying particular attention to rights violations that may be less visible.
- Businesses must not only consider the harms they are directly responsible for but also indirect harms to children and harms in which they are complicit.
- Businesses must be proactive around child rights, particularly regarding the role business plays in climate change. Climate change has an exacerbated effect on children, and child rights-based proactive responses by businesses therefore necessarily must include efforts to be carbon neutral and curb harmful environmental impacts.

Effective Access to Remedy in Practice

Lessons learnt from operating a grievance mechanism

Session Partners: Fair Wear, Japan Center for Engagement and Remedy on Business and Human Rights, Roundtable on Sustainable Palm Oil, Global Compact Network Japan



In this session, Fair Wear, RSPO and JaCER provided an overview of their grievance mechanisms, and main lessons learnt from operating these. After introducing the main steps of the process, they also presented some data on the types of complaints received over the years

Reflecting on key learnings and best practices, the focus was put on questions of accessibility and legitimacy, and on fostering collaboration to advance effective access to remedy for the rights-holders.

KEY TAKEAWAYS

- While operating in different sectors, the session highlighted the how all grievance mechanisms implemented the effectiveness criteria from the UNGPs. As such the session focused on elements on accessibility, legitimacy, predictability as well as collaboration.
- Fair Wear highlighted the importance of accessibility. To implement accessibility, Fair Wear's confidential helplines are open to rights-holders and their representatives, and directly operated by complaints handlers based in country and speaking the main common local languages.
- Fair Wear stressed that operating a grievance mechanism needs to be part a fully integrated HRDD approach, and for remediation to also look a prevention. Assessments and training can provide a broader picture and help mitigate the risk of the issue re-occurring.
- RSPO discussed the importance of building trust with the rights-holders and their representatives, in order to ensure legitimacy of the processes. RSPO explained that they provide access to remedy to rights-holders backed by data.
- Finally, JaCER reflected on the challenges arising from the sensitive nature of the issues dealt with in grievance mechanisms, and from the need for timely delivery of remedy.
- JaCER highlighted the importance of collaboration between organisations operating grievance mechanisms, not only to enhance remedy, but also to share knowledge and and strengthen alignment. Fair Wear, RSPO and JaCER uniformly agreed to continue sharing and learning from each other after the Forum.

Business Caucus on Human Rights and Responsible Business Conduct

Session Partners: International Organisation of Employers



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Panels emphasized collaboration and peer learning, with Q&A sessions enabling participants to discuss practical approaches and the private sector's role in addressing regional human rights challenges.

The Business Caucus on Human Rights and Responsible Business Conduct provided a dedicated safe-space platform for private sector representatives in the Asia-Pacific region to discuss key issues related to human rights and responsible business conduct. Organized by the International Organisation of Employers (IOE), this session facilitated peer-to-peer exchanges and practical learning, focusing on challenges and progress in implementing the UN Guiding Principles on Business and Human Rights (UNGPs).

The caucus began with keynote insights from UN Working Group member Ms. Pichamon Yeophantong, followed by two panel discussions. The first panel addressed how responsible business practices can promote formalisation in the informal economy and improve access to remedy for informal workers. The second panel explored sector-specific remediation strategies, with companies sharing experiences on operational grievance mechanisms (OGMs), the integration of human rights due diligence processes and how technology can support access to remedy. Both panels emphasized collaboration and peer learning, with Q&A sessions enabling participants to discuss practical approaches and the private sector's role in addressing regional human rights challenges.

KEY TAKEAWAYS

- **Safe space for dialogue:** the caucus provided a secure environment for private sector participants to openly discuss human rights and responsible business conduct challenges in Asia-Pacific
- **Peer learning and practical exchange:** the session facilitated knowledge sharing, with examples of corporate practices aimed at supporting access to remedy
- **Promoting formalisation:** the panel discussions emphasized the importance of responsible business conduct in encouraging formalisation within the informal economy and ensuring access to remedy for informal workers
- **Collaborative support needed:** businesses highlighted the need for government support to facilitate access to effective remedies, particularly for informal sectors
- **Operational grievance mechanisms (OGMs):** Participants shared successful sector-specific OGMs, with discussions on how these align with broader human rights due diligence efforts, how regulatory changes are shaping OGMs in the region and the way in which technology can facilitate access to remedy



For more:

Visit the website of the United Nations Responsible Business and Human Rights Forum at www.rbhrforum.com.

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