

Summary Report

AICHR-SEANF Regional Workshop: Sharing Good Practices and Effective Remedy for Migrant Workers in Business and Human Rights in ASEAN

24 September 2024, Bangkok, Thailand

Opening Session

1. **H.E. Prof. Dr. Amara Pongsapich**, the Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR), welcomed participants, highlighting her long-standing involvement with business and human rights initiatives, including the pivotal role she played in the lead-up to the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011. The speech traced the evolution of AICHR's activities since the adoption of the Guiding Principles, noting key initiatives like regional workshops and training programs aimed at integrating corporate social responsibility (CSR) with human rights practices.
2. The workshop aims to advance the implementation of the UN Guiding Principles' third pillar—access to remedies for laborers and migrant workers. Dr. Pongsapich expressed gratitude to the UNDP, the European Fund through the Danish Institute for Human Rights, and the Japanese government for their support in making the event possible.
3. **Ms. Pitikan Sithidej**, Commissioner, of the National Human Rights Commission of Thailand (NHRCT), highlighted the collaborative nature of the workshop, emphasizing the active partnership between AICHR and SEANF, which includes national human rights institutions from six Southeast Asian countries. She noted past joint efforts and the significance of this workshop in continuing those collaborations. The workshop focuses on developing effective remedies for migrant workers within the business and human rights framework in ASEAN, aligning with SEANF's strategic goals. Ms. Sithidej underscored the relevance of this topic to Thailand, which hosts approximately 2 million migrant workers contributing significantly to its economy.
4. She discussed the role of NHRIs in providing non-judicial grievance mechanisms, such as mediation, to help resolve disputes involving migrant workers' rights. Ms. Sithidej encouraged active participation and exchange of insights among the attendees to enhance the collective efforts in advancing human rights within the region.
5. **H.E. Amb. Yong Changthalangsy**, the Representative of Lao PDR and Cahir of the AICHR, noted the workshop's role in facilitating discussions on best practices and challenges in implementing the UNGPs. He emphasized the workshop's value in enhancing awareness and strengthening the implementation of these principles for the protection of migrant workers in ASEAN. His excellency highlighted AICHR's mandate to develop common approaches to human rights within ASEAN and its commitment to addressing the negative impacts of business practices on human rights.
6. Amb. Changthalangsy outlined AICHR's active projects under its 2021-2025 Five Year Work Plan, which includes 10 activities approved for 2023-2024. These activities cover

various human rights topics such as climate change, trafficking, freedom of religion, and rights of the child, aligned with efforts to address emerging human rights issues in the ASEAN region. His excellency discussed AICHR's ongoing efforts to engage with ASEAN external partners and the development of a regional framework on environmental rights, contributing to the strategic planning for the ASEAN Community Vision 2025. The goal is to integrate human rights more effectively across all ASEAN sectors, promoting comprehensive human rights practices.

7. **The representative of H.E. Mr. Rigoberto Monteiro**, Representative of Chair of SEANF, Provedore for Human Rights and Justice of Timor-Leste conveyed apologies from the Deputy Provedor for his absence and noted his intended participation in delivering the opening remarks. As the representative of the Chair of SEANF and Deputy Provedor for Good Governance at the Provedore for Human Rights and Justice of Timor-Leste, he reaffirmed the commitment to strengthening collaboration between AICHR and SEANF.
8. The focus of his remarks highlighted the dedication to promoting and protecting human rights within the region, especially concerning the protection of migrant workers and combating human trafficking.
9. **H.E. Amb. Sujiro Seam** from Mission of the European Union to ASEAN, discussed the European Union's focus on peace and prosperity through free market and democratic governance. This includes recognizing the role of migrant workers by guaranteeing fundamental freedoms, notably the freedom of movement for workers. Amb. Seam highlighted the recent adoption of the Corporate Sustainability Due Diligence Directive by the European Union, which mandates major companies to assess and mitigate their human rights and environmental impacts, with legal consequences for non-compliance.
10. The Ambassador underlined the economic ties between the EU and ASEAN, mentioning that human rights, including those of migrant workers, are integral to their discussions. This partnership includes structured human rights dialogues and specific initiatives focused on migrant workers' rights. His Excellency closed by stressing the importance of protecting the most vulnerable who had to overcome numerous challenges.
11. **H.E. Amb. Kiya Masahiko** from Mission of Japan to ASEAN, expressed his gratitude to AICHR and SEANF for organizing the workshop, highlighting Japan's support through the Japan-ASEAN Integration Fund (JAIF). His Excellency emphasized Japan's longstanding commitment to human rights in ASEAN, referencing cooperation areas identified since the ASEAN-Japan Commemorative Summit Meeting in 2013, including trafficking in persons, women's empowerment, and rights for persons with disabilities.
12. Ambassador Masahiko outlined the focus on business and human rights, noting the significance of this area for strengthening supply chains and ensuring corporate responsibility among Japanese companies in ASEAN. His Excellency stressed the importance of providing effective remedies for migrant workers, particularly in the post-pandemic context, to support the building of stronger societies and economies in the ASEAN region and concluded by expressing hope that the workshop would enhance knowledge sharing on effective remedies for migrant workers and further cooperation on business and human rights within ASEAN.

Session 1 - Current Global Trend in UNGPs on Access to Effective Remedy and Regional Implementation Progress.

13. **H.E. Prof. Dr. Amara Pongsapich**, Representative of Thailand to the AICHR, moderated the session.
14. **Dr. Pichamon Yeophantong** from the UN Working Group on Business and Human Rights, emphasized the UN Working Group's commitment to developing a thematic report on migrant workers for the General Assembly. This report aims to highlight both positive practices and challenges to inform global migration regimes and access to effective remedies for workers at risk of business-related human rights abuses.
15. As a member of the UN Working Group on Business and Human Rights, Dr. Yeophantong outlined the group's role in promoting, disseminating, and implementing the UN Guiding Principles on Business and Human Rights through activities like country visits, thematic reports, and annual forums. She highlighted a significant shift towards mandatory human rights due diligence measures in business operations. This "mandatory wave" reflects changing expectations from stakeholders, including rights holders, investors, and financiers, necessitating businesses to address human rights abuses linked to their activities.
16. Dr. Yeophantong stressed the growing focus on Pillar 3 of the UN Guiding Principles, which deals with access to remedies. She noted the increasing role of investors in ensuring that businesses address human rights abuses and the potential of new mechanisms to improve access to justice and remediation for rights holders like migrant workers. She concluded with a call for strengthened protection systems for migrant workers, emphasizing that safeguarding their labor rights is fundamentally about protecting human rights.
17. **Mr. Shoichi Hara**, from Japan's Ministry of Justice and also a judge, addressed the ongoing human rights and labor issues in Japan, focusing on the growing challenges among migrant workers and various discriminatory practices within the workforce. He highlighted the sharp increase in migrant workers in Japan, which has grown from under 500,000 a decade ago to over 2,000,000, underscoring the urgency in addressing their rights and well-being.
18. Mr. Hara discussed Japan's alignment with the UNGPs, mentioning the first National Action Plan (2020-2025) and the recent guidelines for respecting human rights in supply chains introduced by Japan's Ministry of Economy, Trade, and Industry. Mr. Hara explains access to remedy and dispute resolution mechanisms in Japan that has two mechanisms: The Prefectural Labor Bureau provides a three-part dispute resolution mechanism that includes general consultations, advice and guidance, and mediation, handling over a million cases annually. And Labor Tribunal System, introduced in 2004, offers a quick resolution process involving mediation and, if needed, transitioning to a formal decision which can become final if unchallenged within two weeks. Mr. Hara emphasized the need for enhanced accessibility of these mechanisms for migrant workers, suggesting government support, labor union involvement, and legal aid to ensure fair and effective resolution of labor disputes.

19. **Mr. Daniel Morris**, Senior Advisor at the Danish Institute for Human Rights, emphasized the importance of states adopting a balanced approach to implementing the UNGPs. This approach should include both mandatory measures like human rights due diligence legislation and softer measures such as national action plans. He discussed significant legislative developments within the EU, particularly the Corporate Sustainability Due Diligence Directive (CSDDD) which mandates large companies to conduct human rights and environmental due diligence. This directive affects not only EU companies but also non-EU companies that are part of the supply chains of EU businesses. The directive establishes a civil liability regime for human rights violations, appoints supervisory authorities to monitor and enforce compliance, and requires companies to establish grievance mechanisms. These measures are designed to ensure that companies address and mitigate negative impacts on human rights and the environment.
20. Mr. Morris highlighted the EU Regulation on Prohibiting Products Made with Forced Labour, which prohibits the entry of such products into the EU market. This regulation complements the CSDDD by encouraging businesses to scrutinize their supply chains for forced labor practices. He pointed out the need for coherent and effective National Action Plans in ASEAN countries. These plans should address gaps in human rights protections and ensure that they provide for the actual implementation of access to effective remedies, including both state and non-state redress mechanisms.
21. Mr. Morris concluded by stressing the need for continued dialogue and cooperation among international and regional stakeholders to ensure that human rights due diligence measures are effectively implemented and tailored to the specific needs of different regions.

Session 2 - State-based judicial and non-judicial mechanisms.

22. **H.E. Wahyuningrum**, the representative of Indonesia to the AICHR, moderated the session.
23. **Assoc. Prof. Saowanee Kaewchulakarn** from the International Commission of Jurists defined Strategic Lawsuits Against Public Participation (SLAPP) as lawsuits aimed at suppressing public engagement by using legal means to intimidate and silence critics. Common targets include human rights defenders, activists, academics, and union members. SLAPP cases typically mimic ordinary lawsuits but are distinguished by their intent to shift the public debate to the legal arena, often involving defamation claims and other legal accusations to discourage public participation.
24. The speaker highlighted specific cases in Thailand and noted a significant increase in SLAPP lawsuits from 1997 to 2022, particularly involving businesses in sectors like mining and poultry, where the majority of cases are criminal. During the COVID-19 pandemic, the use of SLAPP by businesses increased against migrant workers who sought justice for wrongful layoffs, illustrating the broader implications of SLAPP on freedom of speech and workers' rights. The Thai Ministry of Justice, specifically through the Rights and Liberties Protection Department, is actively working on developing anti-SLAPP legislation to better balance freedom of expression and access to justice, aiming to protect individuals from meritless legal actions used to silence them.

25. **Prof. Tomoya Obokata** discussed his role as UN Special Rapporteur on contemporary forms of slavery, highlighting his focus on forced labour, child labour, debt bondage, and sexual exploitation, particularly among migrant workers. He reported that the Asia-Pacific region holds the highest number of individuals in forced labour, with migrant workers being especially vulnerable to exploitation in various sectors including agriculture, fishing, construction, and domestic work. A growing concern is trafficking for forced criminality, where victims are often educated young adults coerced into online fraud and scamming within sophisticated criminal networks.
26. Prof. Obokata urged ASEAN states to ratify and enforce international labour and human rights standards, extend labour protections to all migrant workers, and ensure equitable access to social security. He emphasized the importance of ensuring migrant workers have easy access to information about their rights, even in remote areas, and recommended that states provide free legal aid and interpreter services to facilitate access to justice. He suggested that pathways to permanent residency should be considered for exploited migrant workers to help prevent repeated cycles of temporary and insecure work status. Prof. Obokata called for a cooperative effort among governments, civil societies, and international organizations to establish effective non-judicial mechanisms like online platforms and hotlines to support migrant workers' rights and access to remedies.
27. **Pochoy P. Labog**, the Southeast Asia Researcher represents the Business and Human Rights Resource Centre, which tracks the human rights impacts of over 10,000 companies globally. The centre emphasizes issues related to natural resources, labour, and technology, particularly the impacts on migrant workers. From January to June 2024, the centre documented 78 cases involving ASEAN countries out of a global total of 324. These cases were categorized by the workers' country of origin and destination, highlighting prevalent human rights violations in sectors like manufacturing, agriculture, fishing, and construction.
28. The research identified a significant accountability gap; only 33 of the 78 cases named the involved companies. This reflects transparency issues and workers' fears of reprisal. The majority of violations were related to unfair recruitment practices and poor employment standards, such as wage theft and long working hours. Despite three-quarters of the companies claiming to have grievance mechanisms, only 18% showed evidence of their use by workers, suggesting a distrust in these processes. Additionally, few companies disclosed the outcomes of the remedies provided.
29. The presentation highlighted successful remediation efforts, such as HP and Woolworths Group, which reimbursed recruitment fees and addressed debt bondage in their supply chains. It was recommended that companies establish clear policies on labor rights issues, ensure transparency in remedy outcomes, and engage with workers to develop meaningful remedies.

Session 3 - Non-state-based, non-judicial grievance mechanisms.

30. **H.E. Sonita Long**, an Alternate Representative of Cambodia to the AICHR, moderated the session.
31. **Ms. An Nisaa Yovani** from Obviously Sustainable presented a baseline study focused

on the human rights performance of corporations in Indonesia, Malaysia, the Philippines, and Thailand. The study assesses how these nations adopt and implement the UNGPs, with a focus on shifting from reactive compliance to proactive and preventive human rights practices. The study is grounded in the three pillars of the UNGPs: the state duty to protect, the corporate responsibility to respect, and access to remedy. These principles guide the advocacy work of governments, civil society, and international organizations to enhance human rights safeguards within businesses.

32. The regional overview utilized eight indicators from the World Benchmarking Alliance, revealing that: 39.8% of firms have publicly accessible policies on human rights. 52.5% detail their internal grievance mechanisms. 43.2% have mechanisms for external stakeholders. Only 22.8% commit to the International Labour Organization's fundamental rights, and fewer extend these commitments to their business relationships. 13.6% describe processes for identifying human rights risks. 7.6% address significant human rights challenges. Country-specific insights include Indonesia: Evaluated 21 companies; 46.6% mention grievance mechanisms for workers. Malaysia: 17 companies assessed, showing relatively higher commitment to human rights. Philippines: 19 companies were evaluated, with commitment levels significantly below the regional average. Thailand: 25 companies studied; 60% publicly commit to human rights and 36% adhere to ILO standards internally.
33. The study recommended that governments develop and enforce comprehensive National Action Plans, integrate UNGPs with international standards, facilitate stakeholder engagement, and support vulnerable groups. And for businesses to Align practices with national strategies and UNGPs, adopt enhanced human rights due diligence processes, ensure transparent reporting, and consider cultural and contextual adaptations in human rights efforts.
34. Ms. Yovani's presentation was complemented by a panel discussion titled "NHRIs Activities on Efforts to Promote Remedy in ASEAN Region," where National Human Rights Institutions (NHRIs) from the region responded by sharing their activities and efforts to promote effective remedies for human rights violations within ASEAN.
35. **Commissioner Anis Hidayah from KOMNAS-HAM Indonesia** shares that Komnas-HAM focuses on improving effective remedies for migrant workers as one of its nine priority areas, handling about 5,000 annual complaints involving various stakeholders, with a significant number related to human trafficking and labor issues. The Commissioner emphasized the increasing trend of human trafficking connected to online scams in Southeast Asia, affecting over 3,000 Indonesians across ASEAN countries from 2020 to 2024, reflecting the changing dynamics of regional human trafficking.
36. Indonesia has implemented robust regulations to protect migrant workers, including laws on human trafficking and the protection of migrant workers, with enhancements since 2019 such as the inclusion of severe abuses under national security schemes. Despite progress in anti-trafficking policies, challenges remain, particularly in victim rehabilitation. Komnas-HAM recommended stronger integration and social protection programs, alongside new initiatives for human rights assessments in government and corporate sectors to support migrant workers more effectively.
37. **Commissioner Ragunath Kesavan from SUHAKAM Malaysia** outlined that Malaysia

faces significant challenges in protecting migrant workers, with an estimated 2.2 million undocumented workers and a total population of 1.2 to 3.5 million migrant workers. In recent years, Malaysia has enhanced protections for migrant workers, driven by international standards set by entities like the EU and the US. SUHAKAM has worked with companies and civil society organizations to raise awareness and ensure compliance with human rights standards.

38. Many migrant workers face exploitation upon arrival due to unclear recruitment processes. SUHAKAM proposed the creation of a single recruitment agency, employer-borne recruitment fees, and a national social insurance scheme to address these issues. Despite the scale of the problem, only 120 complaints were reported between 2020 and 2024. Underreporting remains a significant issue due to fears of deportation, language barriers, and reprisals.
39. SUHAKAM is developing a multilingual web portal to help migrant workers securely file complaints and access information. Additionally, Malaysian courts have begun recognizing undocumented workers' rights to claim compensation, marking a shift in legal interpretations. SUHAKAM is pushing for online hearings for migrant workers to pursue cases remotely, especially for those who have returned to their home countries. This system, successfully implemented during the COVID-19 pandemic, is seen as a key improvement in access to justice. The Commission is advocating for a structured National Action Plan within ASEAN, with clear targets and milestones, to ensure that international standards for migrant worker protections are actively implemented.
40. **Commissioner Monina Arevalo-Zenarosa from Commission on Human Rights of the Philippines (CHRP)** highlighted the CHRP four main mandates: protecting human rights through investigations and legal services, promoting human rights education, advocating for policies aligned with international human rights standards, and preventing risks that lead to human rights violations. CHRP actively promotes UNGPs across sectors, engaging stakeholders to integrate these principles into operations, and incorporating them into the Philippine National Action Plan on Human Rights. CHRP addresses the rights of migrant workers, ensuring the Philippine government honors international commitments like the International Convention on Migrant Workers.
41. CHRP urges ASEAN member states to implement National Action Plans that align with UNGPs, addressing issues like human trafficking and modern slavery. They also participate in international forums to advocate for migrant rights. CHRP conducts national inquiries into human rights violations, including those related to climate change and indigenous peoples' rights, to inform policy and close protection gaps. CHRP is working to establish a regional NHRI cooperation mechanism to tackle transboundary human rights issues, enhancing accountability and remedy for human rights violations across borders.
42. **Ms. Rattikul Chansuriya from the National Human Rights Commission of Thailand (NHRCT)** highlighted NHRCT efforts in promoting and protecting human rights in business, collaborating with the Securities Exchange Commission, academic institutions, and the UN Global Compact Network Thailand. They address business-related human rights impacts, such as discrimination, industrial pollution, and human rights defender harassment. In 2022, NHRC T received 31 complaints regarding business and human

rights, mainly involving mining, hydropower projects, and other business impacts. NHRCT recommended governmental actions to resolve these issues and advocated for policy changes to prevent future violations.

43. Ms. Chansuriya shared that NHRCT promotes business practices respecting human rights through collaborations, such as with the Small and Medium Enterprise Development Bank of Thailand, providing incentives like reduced fees for SMEs engaged in clean finance projects. They also established partnerships to enhance the implementation of the UN Guiding Principles. NHRCT functions as a non-judicial grievance mechanism, monitoring the rights of migrant workers. Challenges include a lack of protection under labor laws, human rights violations, and inadequate legal frameworks for undocumented workers. NHRCT recommended improving legal protections and access to social security and healthcare for migrant workers.
44. She furthered that NHRCT pushed for regulatory amendments to allow migrant workers representation in the Social Security Board and better integration into the Social Security system. The Bangkok Metropolitan Administration partially implemented NHRC T's recommendations to enhance migrant worker healthcare access and provide free compulsory education for their children. NHRCT remains committed to advocating for businesses to respect human rights and protecting migrant workers, aiming to promote human rights practices in Thailand and across ASEAN.

Session 4 - Case studies and Good Practices on Implementation of Effective Remedy, Migration, Business and Human Rights in ASEAN.

45. **Ms. Tulika Bansal**, from the Danish Institute of Human Rights, moderated the session.
46. **Ms. Tulika Bansal** discussed the concept of access to remedy as a fundamental human right, supported by international law, including UNGPs. Both states and companies have roles in ensuring effective remedies, which include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Transboundary human rights impact often crosses national borders, particularly in environmental issues like pollution, as well as migrant worker exploitation. International law allows, but does not mandate, states to regulate businesses' overseas activities.
47. The first case study is from Pak Beng Dam Project (Laos/Thailand): Thai villagers were affected by irregular water levels and ecosystem damage due to a dam project developed in Laos by a Thai company. The NHRCT recommended energy agencies consider these human rights impacts. The second case study is about Transboundary Haze Pollution (Malaysia): SUHAKAM responded to pollution causing health and economic damage, advocating for stronger environmental laws and corporate accountability. The third case study is on ANZ Bank and Phnom Penh Sugar Company (Cambodia/Australia): Australian National Contact Point mediated between displaced Cambodian communities and ANZ Bank, leading to compensation and improved lending practices. The fourth case study is Migrant Fishers (Thailand/ASEAN): Initiatives like the Ship to Shore Rights Program aim to address forced labor and human trafficking in the fishing industry.
48. Cross-border cases face legal and practical barriers, including jurisdiction issues and limited cooperation. Vulnerable groups like migrant workers often struggle to access remedies due to language barriers and fear of reprisals. Stronger regulatory frameworks

and regional cooperation are essential to ensuring justice in these cases.

49. Following Ms. Tulika Bansal's presentation, the session continued with a discussion titled **"Sharing Good Practices on Implementation of Effective Remedy,"** where panelists shared insights on practical approaches and successful strategies for ensuring access to effective remedies, focusing on transboundary human rights impacts and corporate accountability in the ASEAN region.
50. **Ms. Anastasia Vynnychenko**, Head of Office/Senior Programme Manager (Migration, Business and Human Rights), IOM Vietnam, emphasized the essential contributions of migrant workers to sustainable economic growth and their role in supporting families through remittances. However, these benefits are only achievable when workers' rights are respected, highlighting the need for dignified migration. Migrant workers face systemic challenges, with the Asia-Pacific region hosting a large portion of the world's migrant population. Vulnerabilities are exacerbated by forced labor, wage violations, and restrictions such as single-employer permits, limited social security access, and prohibitions on unionizing.
51. She highlighted examples like Thailand's Migrant Worker Employment Protection Act, which provides a legal framework for addressing grievances, and the Philippines' regulations on recruitment practices. These mechanisms ensure fair treatment and justice for migrant workers. IOM helps companies conduct labour migration mapping to identify exploitation and root causes of abuse. Corporate remedies often include repayment of fees or wages, with independent third-party monitoring being a key practice for ensuring compliance with labour standards. Effective protection of migrant workers requires joint efforts between governments, businesses, and civil society to create sustainable solutions.
52. **Dr. Netithorn Praditsarn** Deputy Secretary-General of Global Compact Network Thailand, emphasized that while significant progress has been made on Pillars 1 (protect) and 2 (respect) of the UNGPs, the next challenge lies in effectively implementing grievance mechanisms under Pillar 3. In Thailand, the focus is now on the operationalization of these mechanisms, particularly in the seafood sector where many migrant workers are involved. Dr. Praditsarn highlighted key principles for successful grievance mechanisms: legitimacy, accessibility, predictability, rights compatibility, and transparency. He stressed the importance of operational-level grievance mechanisms that engage all stakeholders, including SMEs in the supply chain, and ensure they are tailored to the needs of migrant workers.
53. He shared that Thai seafood companies have committed to transparent and accessible grievance processes, providing multilingual materials and setting up anonymous hotlines and SMS systems. These mechanisms ensure migrant workers feel safe reporting grievances without fear of retaliation. Platforms like worker welfare committees engage underrepresented groups, offering an alternative to labor unions. Additionally, businesses must work closely with suppliers to incentivize them to establish their grievance mechanisms, while ensuring these processes are affordable for smaller enterprises. Partnering with civil society organizations and third-party channels enhances trust in grievance mechanisms, benefiting both migrant workers and businesses. Dr. Praditsarn concluded by emphasizing the need for continued collaboration to further strengthen

these systems.

54. **Mr. Kenichi Shishido**, Special Advisor to the President, of JICA, highlighted JICA's relatively new focus on human rights and migrant worker protection, a priority area introduced around five years ago. JICA works with Asian countries to build capacity through knowledge-sharing and technical cooperation programs. In 2020, JICA launched the JP Mirai Initiative, which has grown to nearly 800 members, including private companies, recruitment agencies, NGOs, and other stakeholders. The initiative focuses on supporting migrant workers by providing information services and developing grievance mechanisms.
55. Furthermore, JICA, in collaboration with major companies, established a grievance mechanism that allows 26,000 migrant workers in supply chains to report issues anonymously via a QR code-linked app. The system ensures privacy protection and resolves human rights risks. JICA is working to reduce high recruitment fees, particularly in the Vietnam-Japan labor corridor, by developing new mechanisms that use smart technologies to improve transparency and reduce exploitation throughout the recruitment process. Mr. Shishido emphasized JICA's collaboration with the private sector to sustain and expand migrant worker protection efforts, ensuring long-term success in protecting human rights.

Session 5 - The Business and Environmental Rights and the Challenges of Future Remedy Programmes

56. **H.E. Mr. Edmund Bon Tai Soon**, Representative of Malaysia to the AICHR, moderated the session.
57. **Ms. Mina Kobayashi**, Attorney, Japan Center for Engagement and Remedy on Business and Human Rights (JaCER), introduced her organisation, a non-state, non-judicial grievance mechanism established in 2020, aimed at improving access to remedy through engagement. JaCER handles grievances related to responsible business conduct and has 50 member companies. It works by analysing complaints, offering recommendations to companies, and helping them take corrective actions while building their capacity to address future grievances. She shared a positive case where JaCER facilitated direct communication between human rights defenders and a company in Malaysia regarding forced labor. This case highlighted how JaCER could build trust and open dialogue between stakeholders, showing the potential for engagement and collaborative resolution. A major challenge is the lack of collective action among companies, particularly in supply chain-related grievances like forced labor. Companies are hesitant to share information or synchronize policies and timelines, reducing the potential impact of coordinated responses. She also pointed out that systemic issues like migrant worker exploitation require state involvement to address root causes effectively.
58. Although JaCER has not yet received grievances specifically on environmental rights, Ms. Kobayashi emphasized the growing importance of corporate responsibility in this area, especially concerning Indigenous peoples' rights. She underscored the significance of free, prior, and informed consent (FPIC) as a preventive measure to protect environmental rights, as Indigenous communities are key guardians of biodiversity. Ms. Kobayashi recommended that ASEAN states reconfirm their commitment to addressing

migrant worker issues, sharing grievance information, and working collectively. She also suggested that JaCER cooperates with ASEAN, AICHR, human rights defenders, and businesses to share grievances and experiences to promote effective remedies across the region.

59. **Mr. Sompong Srakaew**, CEO of the Labour Protection Network (LPN), introduced the organization, which was founded in 2004 to improve access to fundamental rights for migrant workers, and help integrate them into society. LPN focuses on providing information, emergency response, and educational assistance, particularly in the seafood industry. Among others, LPN has collaborated with the local company, Thai Union, for over 15 years to protect children from becoming laborers and help them transition into schools. LPN also partners with CPF to provide training for migrant workers, having trained 15,000 workers in various provinces to empower them and reduce abuse. Their projects include offering hotline services and conducting training to assist workers in returning to their home countries.
60. Recently, LPN has adopted a new training model specifically targeting Myanmar migrant workers, who have become a primary focus due to their growing numbers. LPN works with volunteer communities to report abuses, especially child labour. According to the Ministry of Labor, there are around 3 million registered Myanmar migrant workers in Thailand. LPN's reporting mechanism has received between 5,000 and 6,000 cases and has supported over 30,000 migrant workers in returning home. The organization provides language training in Thai, Japanese, and Korean to help workers integrate. LPN also assists workers in understanding their legal rights and offers shelter for abused workers, providing safety and protection during their settlement process. Mr. Srakaew shared that LPN employs a bottom-up approach to amplify workers' voices and emphasizes the importance of reporting abuse. Mr. Srakaew concluded by expressing hope that LPN, along with government and business sector collaboration, can continue to improve migrant workers' rights and create a better future for them.
61. **Ms. Aparna Basnyat**, Programme Adviser from UNDP, shared findings from two recent surveys. Both businesses and ASEAN judges identified air pollution as the most pressing environmental issue in the region. This highlights the urgent need for environmental justice in addressing pollution, climate change, and biodiversity loss, especially for marginalized communities. Ms. Basnyat emphasized the importance of recognizing the right to a healthy environment as a human right. This right complements the UNGPs, addressing both substantive and procedural rights such as participation, access to information, and justice. Strengthening accountability for businesses regarding environmental impacts is a priority.
62. UNDP has developed a strategy with three key approaches: Legal and Policy Frameworks: Ensuring that countries have robust regulations protecting the right to a healthy environment. National Action Plans, like Thailand's, integrate environmental and human rights concerns into business operations. Human Rights Due Diligence: Encouraging businesses to incorporate environmental factors into their due diligence. UNDP will soon release a toolkit for businesses on this topic. Institutional Strengthening: Building the capacity of legal, regulatory, and oversight institutions, including national human rights bodies, to handle environmental justice cases.

63. UNDP is working to empower vulnerable communities, such as indigenous peoples and those affected by environmental harm, through legal aid and public interest litigation. This approach seeks to provide access to justice for marginalized groups and enable them to seek remedies. Ms. Basnyat emphasized that beyond judicial approaches, there are various mechanisms to seek justice, including non-judicial mechanisms, regulatory bodies, and grassroots efforts like responsible consumption and shareholder activism. She will expand on these strategies in future sessions.

Closing Session

64. **Mr. Kunihiro Sakai**, Director of the International Civil and Commercial Law Center (ICC) Foundation, Japan, introduced the ICC Foundation's role in promoting the rule of law and judicial reforms across Asia, highlighting his experience as a former president of Japan's Ministry of Justice and a current board member of Honda, where he drafted Honda's human rights policy. He presented projections showing that by 2050, global population dynamics will shift, with India surpassing China as the most populous country. Industrialized nations, including Japan and Thailand, face significant aging populations and labour shortages, increasing the urgency of automation and migration policies.
65. Mr. Sakai discussed the concept of the "population bonus"—a period when a country's working-age population outnumbers its dependents—and how many ASEAN countries are nearing the end of this phase. Thailand, for instance, will lose its population bonus by 2031, while Japan already passed this stage in 2005. Migration was emphasized as a critical component of sustainable development, with global migration increasing significantly. Countries like Japan and the EU with aging populations need foreign workers to address labour shortages, and policies must be developed to ensure the fair treatment of migrant workers.
66. Mr. Sakai stressed that immigration policies should not focus solely on labour needs but also on social integration to ensure peaceful coexistence and avoid social unrest. He cited Germany's political shifts as a cautionary example of the consequences of inadequate migrant integration. Highlighting Sajid Javid's rise to political leadership in the UK as a success story of integration, Mr. Sakai emphasized that the true success of an immigration policy lies in how well migrants integrate and contribute to their host countries. He concluded by reiterating that migration is about more than just labour; it involves respecting human dignity. He called for cooperation, understanding, and social integration as keys to addressing global demographic and migration challenges.
67. **H.E. Prof. Dr. Amara Pongsapich** expressed sincere thanks to UNDP, the Japanese Government, and the European Union for their support in making the regional workshop possible. She noted the valuable insights gained from the sessions, highlighting the progress made across various sectors in terms of effective remedies and increased public awareness of business and human rights. Despite the advancements, Prof. Dr. Amara emphasized that there is still much work ahead in creating a more equitable and sustainable society. She concluded by thanking all participants for their involvement, stressing the importance of collective efforts in advancing the business and human rights movement.