

Summary Report
ASEAN Workshop on Strengthening the Implementation of Business and Human Rights to
Address Forced Labour and Modern Slavery and Enhance Protection Through Human
Rights Due Diligence

Grande Centre Point Lumpini, Bangkok, Thailand
13 – 14 July 2026

Opening Remarks

1. **H.E. Dr. Bhanubhatra Jittiang**, Representative of Thailand to AICHR, welcomed distinguished guests, partners, and participants to the ASEAN Workshop on Strengthening the Implementation of Business and Human Rights to Address Forced Labour and Modern Slavery and Enhance Migrant Worker Protection Through Human Rights Due Diligence, which reflected a long-standing partnership between ASEAN and Japan, aiming to transform policy into regional cooperation
2. H.E. Dr. Jittiang highlighted that the workshop was meaningful for two reasons. Firstly, it marked the 2nd consecutive year of collaborative effort between AICHR, the Ministry of Justice of Thailand, and partners to advance business and human rights (BHR) agendas, contributing to the first AICHR note in November 2025. Secondly, in line with the 10th Bangkok Business and Human Rights week, the discussion held would serve as the foundation for conversations with others in the upcoming weeks. He noted that, aside from conversation about preventive measures, he hoped to demonstrate relevancies of BHR practices to an increase in companies' competitiveness, a trusted supply chain, and strengthening the ASEAN economy. This was due to the fact that migration and human right are central to global trade, corporate risk, and investors' trust.
3. In the context of business, although the state could not transfer its role to protect human rights through effective law enforcement, worker protections, and access to remedies, businesses also need to be responsible. This could be done through identifying risks, preventing harms, and contributing to remedies when harm occurs. These duties should be extended to their supply chain as well, noted by H.E. Dr. Jittiang. As international buyers are increasingly taking BHR into consideration, responsible business practices could ensure access to markets and create a positive reputation for the companies and their nations. Hence, credible human right due diligence (HRDD) is a necessity to increase investors' confidence, reduce legal and reputational risks, and reward responsible businesses.
4. Before ending the speech, H.E. Dr. Jittiang reinforced that seeking to exploit labour to lower the cost or reduce the current standard is discouraged. ASEAN should compete on quality, reliability, responsible recruitment, transparent supply chains, and the ability to demonstrate that ASEAN economic growth is not built on forced labour or human suffering. Lastly, he hoped that the discussion could move from discussing frameworks to practical implementation and functional systems, which would strengthen state institution and increase competitiveness without sacrificing humans.
5. Similarly, **H.E. Edmund Bon Tai Soon**, Representative of Malaysia to AICHR, agreed that the goal is to become more effective through practical technical know-how in BHR gained in the workshop, which could serve as a pathway for an ASEAN responsive approach to challenges. Moreover, he highlighted the implication of ongoing civil conflicts providing a ground for forced criminality globally and exploitation. Hence, conflict and BHR are intertwined, in which the input

needs to be included to lay a common approach among multiple stakeholders though AICHR's charter body.

6. Before ending his speech, he hoped that the workshop would bring a novel pathway to the issue and avoid repeating the same dialogue seen in past AICHR recommendations compiled by artificial intelligence (AI). Coming from the representative of Malaysia, it is extremely difficult to convince all countries to agree on a common approach. Nonetheless, as a human right organization, it is AICHR's responsibility to oblige, speak the language of, and discuss about human right. He was thrilled to see human right stakeholders come together to take human right issues to another step through the question of technical input.
7. **Mr. Charles Prestidge-King**, Counsellor, Australian Embassy in Thailand, welcomed all to the workshop to address forced labour and non-slavery in ASEAN and globally. The commitment to protect human rights, he remarked, not only is the right thing to do but also serves as a foundation for sustainable growth. Hence, Australia proudly supports the initiative of the flagship program ASEAN-Australia Counter Trafficking (ASEAN-ACT). As 2026 is the 5th anniversary of the ASEAN-Australia strategic partnership, cooperation to protect human right includes the implementation of the Universal Declaration of Human Rights (UDHR) and the ASEAN Human Rights Declaration (ARHD) as key components to the action plan.
8. Forced labour and non-slavery are transnational challenges requiring a coordinated effort. Despite being a vital part of the economy, migrant workers face the highest risk and abuse. Nonetheless, the risk could be mitigated by having ethical employment practices across industries and access to grievance mechanisms and resolution. ASEAN could play a role in strengthening the standards to improve justice and protect migrant workers, although it requires partnership from all stakeholders. Specifically, the supply chain has a critical role to respond and implement changes, and meaningful progress could only come from collaboration.
9. Before ending the speech, Mr. Prestidge-King acknowledged AICHR Thailand for taking action and recognized the progress Thailand made in the legal aspect to combat forced labour and slavery practices via HRDD. The draft promotion serves as a pathway for businesses to adopt a responsible code of conduct. He vowed that Australia has continued to support the initiative through ASEAN-ACT, shared stakeholder engagement, and drafting legislation, which would strengthen migrant workers and promote BHR across the region.
10. **Mr. Kunihiko Sakai**, Director of the International Civil and Commercial Law Centre Foundation (ICCLC), Japan, offered his condolences to Her Royal Highness Princess Bajrakitiyabha of the Kingdom of Thailand. He was inspired by her determination to bring justice to the world, proven by her work as a prosecutor. He congratulated H.E. Dr. Jittiang for organizing the workshop. ICCLC, Japan International Cooperation Agency (JICA), and the embassy of Japan have been assisting with legal development across Southeast Asia from drafting to transitioning.
11. As a corporate lawyer and business executive, Mr. Sakai shared that business sentiment toward human right is needed to be understood and translated in a way that would not reduce competitiveness. This is because businesses tend to think about human rights in terms of opportunity costs. He hoped that by exploring from the perspective of survivors, businesses could grasp the importance of protecting human rights. Before stepping down from the podium, he praised several public figures for their proven commitment to protect the rule of law and wished their dedication could inspire everyone.

12. **Ms. Shamini Darshni Kaliemuthu**, Advocacy Senior Advisor, Asia Pacific, International Justice Mission (IJM), expressed appreciation to AICHR, the Ministry of Justice of Thailand, Australian and Japanese agencies, and partners and reinforced IJM's mission to support justice and continued regional conversation. In the context of ASEAN, supply chain, migration, and economic prosperity expose migrant workers to vulnerability although they are the backbone of the economy and across sectors. This is due to weak institutions enabling forced labour and slavery to be intertwined issues. To minimize the risk, collaboration, responsibility, and commitment are required.
13. Referencing United Nations Guiding Principles on Business and Human Rights (UNGPR), the government has the duty to protect human rights while businesses have the responsibility to respect migrant workers. Effective implementation needs a common commitment, not isolated effort. Therefore, regional cooperation is essential through sharing diverse perspectives grounded in reality and having a shared willingness. She outlined that a meaningful change originates from partnerships. As a closing, she remarked that IJM believes that every person deserves to live and work free from violence, coercion, and exploitation. Hence, Ms. Kaliemuthu hoped attendees would share experiences, openly examine challenges, exchange good practices, and identify practical pathways forward to enable a holistic and coordinated response.
14. **H.E. Mr. Koji Yonetani**, Ambassador of Japan to ASEAN, extended his appreciation to AICHR and AICHR Thailand for organizing the workshop, as AICHR and Japan's partnership has been ongoing since 2015 through the support of the Japan-ASEAN Integration Fund (JAIF). Their partnership is reflected through the agenda of promoting BHR and issuing a joint vision statement. Particularly, they identified BHR as a priority for cooperation in 2024, which could be reflected in two workshops hosted in Thailand and Malaysia, as both faced the issue from the perspective of HRDD.
15. Given the crucial role of migrant workers and the significant presence of Japanese companies operating in the region, Mr. Yonetani hoped that the workshop would provide an opportunity to prepare for future actions. To realized shared, sustainable, and prosperous future of ASEAN and Japan, it is essential to build capacity to protect migrant workers' violation and develop resilience supply chain.

Officiating remark

16. **Ms. Duangdao Kiatpisansakun**, Deputy Director-General of the Rights and Liberties Protection Department, Ministry of Justice of Thailand, extended her gratitude to distinguished guests, partners, and participants in the workshop. She remarked that the dialogue served as the mark of the beginning of the 2026 Bangkok Business and Human Rights Week, reflecting a commitment to implement human right in civil societies, international organizations, and private and public sectors.
17. Ms. Kiatpisansakun was thrilled to see the extension of the discussion on the issue and extended a special regard to H.E. Dr. Jittiang for his active engagement in the fruitful initiative. She noted that due diligence exists as a preventive tool to support businesses in addressing human rights violations such as slavery and forced labour. Currently, Thailand is drafting responsible business conduct for HRDD, which is at the hearing stage. She ended her speech by wishing everyone a productive and fruitful discussion.

Session 1 Setting the Scene – Migration, Business, and Human Rights in ASEAN (2026 Outlook)

18. As the moderator of the session, **Mr. Jacinto Amaral**, Assistant to the Representative of Timor-Leste to AICHR, opened the floor by highlighting the importance of migration and BHR, where international collaborative efforts are required to combat forced labour, trafficking, and slavery. He set the tone of the discussion by asking about the nuance of the issue and the operational aspect of the solution in ASEAN. Before the session began, he introduced and invited each panellist on the stage.
19. Starting with **H.E. Edmund Bon Tai Soon**, Representative of Malaysia to AICHR, he laid the context of corporate human rights in 2026. He stressed that, although 75% of the companies have a board-level review about human right issues, the problem lies upon poor topic of assessment. In fact, only 24% disclose their supply chain source, and 1 in 4 companies has regressed since their previous review, which reflect the business discourse around human right. Moreover, 90% of the 2000 fortune and listed companies globally do not meet human right standards not translate framework into implementation.
20. H.E. Soon highlighted five BHR trajectories: 1) commitment is outpacing implementation; 2) Mandatory due diligence is adopted globally; 3) ASEAN's normative architectures were able to catch up within a single summit, adopted in private and public sectors; 4) AICHR note on responsible business and human rights concern; and 5) the region is unevenly affected. He, hence, encouraged the ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment and the ASEAN Declaration on Promoting the Right to Development and the Right to Peace to be adopted widely.
21. As for the AICHR note, to address the macro level analysis, it is essential to look at the micro level in the next step, which would come from the workshop as well. Particularly, as AICHR has been receiving complaints through communication channels, it is crucial to ask about approaches to address the concerns. Moreover, he stressed that to establish regular interactions on particular issues, sharing perspectives, leanings, and expertise is advised to equalize the level playing field. The current problem is that smaller companies require more resources and know-how to adopt BHR practices, but each country has its own standards. Therefore, a common understanding of each standard and a work plan are necessary. He suggested that big companies should share their practice to raise the standards, which means providing incentives and can charge higher price for the product. Nonetheless, what is needed at the current step is a common outlook on the issue.
22. Building on H.E. Soon, **Mr. Jerome Aguila Alcantara**, Chair of ASEAN Committee on Migrant Workers (ACMW), highlighted challenges of sending and receiving countries of migrant workers and potential responses. He stressed the 2 important declarations that ground ACMW's work and ASEAN states are 1) ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted in 2007 and 2) ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers adopted in 2017. These declarations serve as a reminder that migrant workers are people and have rights that should be protected. ACMW's goal is to turn these commitments into actions, particularly focusing on the recruitment process. This includes creating checklists to detect unfair recruitment and treatment of migrant workers. The work of ACMW could serve as a benchmark for public and private sectors by empowering migrant workers and allowing ASEAN states to examine recruiters from the start of the migration journey. The guidelines from ACMW

could be a policy instrument covering the whole journey from migration to integration and sustainable returns.

23. Mr. Alcantara highlighted that the ACMW action plan allows a certain level of independence, with aspirations covering dispute mechanisms, mobility, social protection, and human resource development. Although challenges exist, the action plan with a mechanism for dialogues and a framework will enable the issue to be sorted out in the ASEAN way. He noted that currently human right practice in business is purely enforcement through regulations and punishment; the question lies with creating an incentive to integrate quality management system (QMS) from the recruiters' end.
24. He suggested a carrot-and-stick model by giving awards or recognition for companies with BHR practice while creating a standardized opportunity cost and benchmark to avoid racing to the bottom. Before ending his panel, he pointed out the use of digitalization to tackle the issue. If the practice and re-assessment could be done online, it may allow practitioners to examine due diligence practice beyond borders and easily share information and practices. This could be an approach toward the goal for businesses to recognize that having good business conduct is good business.
25. Sharing Thailand experience, **Ms. Nareeluc Pairchaiyapoom**, Director of the International Human Rights Division, Ministry of Justice of Thailand, examined the situation from a national level. In Thailand, there are several national human right plans and national action plans, in which some have already been implemented. These frameworks set guidelines for the public and private sectors on how to tackle human rights violations, particularly forced labour.
26. In terms of legal development, there are two laws in the process of drafting. Firstly, the Labour Protection Act aims to explain overall rights and welfare for formal workers. Nonetheless, challenges lay upon extending the protection to informal workers. Secondly, the Human Trafficking Law aims to prevent forced labour and promote responsible conduct through HRDD. However, there has been opposition from the sector reflected in their opposition letter. In terms of guidelines, currently, there is a Good Labour Practice (GLP), a voluntary-based framework that helps to address forced labour, discrimination, and trafficking. To increase transparency and efficiency of the implementation, Ms. Pairchaiyapoom suggested utilizing digital tools such as an e-work permit and a platform to match site visit. The latter has already been tested with 150 site visits.
27. Although the national business plan on human rights is an ongoing process to inform companies and raise awareness among the public, private, and workers through e-learning, media, and workshops, challenges exist. Particularly, due to the rotation of executives and staff, the workshops have to be repeated, although there is some progress on awareness of BHR. Ms. Pairchaiyapoom shared that the best practice that Thailand has implemented is providing assistance to migrant workers regardless of nationality. This includes legal advice, compensation, program for protection, and witness protection training. She also advised using incentives such as an award or a preferred list of procurement to encourage relevant stakeholders to become role models in the field and enable peer-to-peer learning. Before ending her deliberation, she highlighted that the current BHR development is crucial for the region to strengthen the responsibility of businesses and move toward an Organization for Economic Co-operation and Development (OECD) country.
28. **During Q&A**, questions were directed toward regional development on common guidelines, challenges of implementation, and translating declarations to practical and effective implementation. On the regional level, ASEAN nations should be incentivized to collaborate

through common issues such as transnational crime to establish a common baseline, which also serves as information on what norms should become practice. Nonetheless, to incentivize ASEAN nations to see in common is to have quality data, which is lacking. Nonetheless, what can be immediately done is to create a mechanism in ASEAN allowing each committee to deliberate together.

29. On the business level, to prevent the abuse of awards, a site visit is included in the assessment aside from news and human rights violation records. A letter of clarification will be sent if the company is suspected to be involved with abuses, which is relatively effective as companies that cannot make an explanation usually withdraw. Nonetheless, the key is to be transparent in all assessment processes. Another point is for AICHR and ACMW to collaborate on labour disputes using the existing framework. The collaboration needs to be done without diluting the core essential standards even when doing it in ASEAN's own term. It is suggested to take on the challenges, hear the recommendation, and have AICHR calibrate.

Session 2: Ethical Recruitment and Human Rights Due Diligence

30. **H.E. Anita Ashvini Wahid**, Representative of Indonesia to AICHR, opened the session by warmly introducing the panels. To guide the discussion, she asked about extending implementation beyond a checklist to uphold ethical recruitment and due diligence and strengthen the protection of migrant workers. Moreover, she probed about having preventive measures instead of reactive ones.
31. Began the deliberation by **Mr. Paul Buckley**, Policy Dialogue and Partnerships Director, ASEAN-Australian Counter Trafficking Program (ASEAN-ACT), he reflected upon three agendas: the role of ASEAN-ACT to promote ethical recruitment, risks, and regional cooperation. He noted that forced labour and trafficking are interrelated issues ranging from recruitment to employment conditions to HRDD. Particularly, recruitment is crucial but difficult to tackle due to myriad types of recruitment and each needs a different approach. Nonetheless, ethical recruitment needs to be addressed to make progress on HRDD, especially in vulnerable sectors. Mr. Buckley recommended a system-based approach relying on written laws, process, and patterns while taking into account of the context of unwritten rules to reduce exploitation of workers.
32. In terms of the role of ASEAN-ACT, the organization supports capacity and policy development, work plan, monitoring valuation, and technical assistance, all of which are interlinked and use the system-based approach. Mr. Buckley acknowledged the leadership of AICHR but hoped more ASEAN bodies are active to address forced labour and trafficking, as the solution needs to be tailored to local conditions. Nonetheless, there is a common risk associated with recruitment. Aside from different types of recruitment process, other risks include negligence of recruitment agencies and authorities, debt bondage, insufficient pre-departure training, irregular mobility practices, non-payment and substitution of contracts, and confiscation of documents. Hence, to tackle these challenges, Mr. Buckley suggested regional cooperation through a multidisciplinary workplan covering implementation, monitoring, and evaluation to support the development of common policies and standards. This includes making progress on declarations on the placement and protection of fishers and migrants in crisis. Before ending his speech, he hoped the workshop would allow for space to discuss about common standards and census on the protection of rights, as well as developing a more robust system of ethical recruitment.
33. Following the deliberation, **Ms. Sammie Ho Dumas**, Senior Director of Social Impact – Sustainability, Thai Union, shared her experience from the perspective of the business sector

focusing on fisheries. Two points were raised. Firstly, aligning with ethical recruitment, Thai Union hire internal employees who are migrant workers. The company has implemented direct payment and hiring to ensure the highest level of compliance. The reason is that if Thai Union has already paid for the fee, migrant workers should not be paying the fee again. Thai Union is able to do this because it consolidates agent partnerships in the countries of origin. Aside from ethical recruitment, the company also gives priority to trust building through a due diligence process, grievance mechanisms, and surveys with partner from civil society organizations (CSOs). These approaches are implemented to ensure risk mitigation, a worker-centric approach, and a safer environment for workers.

34. Secondly, Thai Union also examines suppliers who hire migrant workers. Currently, the list of new partnerships has been announced, which are International Transport Workers' Federation (ITF) labour union and vessel owners. The company will work with their affiliate to ensure the livelihood of migrant workers and to establish a de facto grievance mechanism partner. Moreover, Ms. Dumas highlighted the company's dedication to address debt bondage through market mechanism by challenging the assumption of the cost burden to have an ethical supply chain. The initiative is funded by Walmart Foundation, and Thai Union is exploring the ideas and possibilities of addressing the issue.
35. Lastly, **Mr. Gideon Cauton**, Investigation & Law Enforcement Development Senior Advisor, APAC, International Justice Mission, shared IJM's work and actionable steps as well as challenges. He began by illustrating the common journey of migrant workers, where they usually face vulnerabilities in exploitative situations such as debt, confiscation of documents, and fear of reporting. Throughout IJM's work, as a global human rights organization, he emphasized that violence persists when the local system fails to protect the workers. Hence, capacity building and accountability mechanisms are highly encouraged. Mr. Cauton noted that forced labour is not just a human right concern but also a market concern highlighted by H.E. Dr. Jittiang earlier. Although ASEAN is making progress in ethical recruitment and providing channel of remedies, exploitation continues, especially in fisheries, finance, cross-border mobility, and domestic work. Crucially, the beginning of the exploitation chain often comes from paying an excessive fee for recruitment agencies.
36. Mr. Cauton recommended having an effective HRDD, which means asking who the recruiters are, whether the fee is charged, whether a written contract exists, and how a violation, if it occurs, would be addressed. He gave a case study from Sea Food Taskforce, where it aims to improve transparency, traceability, and accountability. The organization brings major retailers together to enhance risk assessment, build capacity, grievance mechanism and mediation. The crucial part is showing possibilities and shared responsibilities despite concern about competitiveness. Although transparency has been in the discussion in the business sector for many years, it is imperative to follow-up on the efforts companies make. He suggested that HRDD must move beyond compliance and disclosure to changes in business decisions, recruitment practices, and the ability of migrant workers to raise concerns. Companies need to act on what they know to ensure that migrant workers are treated with dignity.
37. **During the Q&A session**, questions were directed at the role of ASEAN in the issue and welfare of a hidden vulnerable group such as children. On the macro level, ASEAN could be the lead in establishing norms of ethical business in the region. Particularly, providing welfare should not be seen as an externality. A few things that could be done immediately include encouraging law

enforcement and providing incentives for businesses to follow through. This is because the cost of non-compliant is not less than complying with the ethics, although it is a field that needs more exploration. Moreover, ASEAN could assist in building coalition between private and civil society across sectors. The panel remarked that all these are possible if there is sufficient political commitment.

38. Expanding on the welfare for children of migrant workers, addressing the issue needs to begin at the recruitment process, particularly the contract. HRDD would be proven effective when the conditions of vulnerable groups are taken into consideration. Another potential approach is to provide microfinance loan to ensure that financial needs meet with realities of migrant worker's families, as usual cycle of payment is insufficient. Nonetheless, to have effective implementation of any approach, it is crucial to know the local context, local regulations, and on-ground reality, including welfare and access to education. Hence, the important thing is inclusivity of all people, including youth and women. The panels suggested offering childcare support, so the children do not have to be at the workplace with their caregivers. Moreover, the children need to be able to access local community schools when they are of age, ensure that they are documented, and properly taken care of.

Session 3 Corporate Accountability and Supply Chain Transparency

39. The moderator of the session, H.E. Amb. Nguyen Trung Thanh, Representative of Viet Nam to AICHR, began the session by contextualizing how products move globally and end with the people, which set the tone for recognizing shared responsibility and risk among stakeholders. He highlighted the importance of transparency, resilience, and responsible supply chains as a foundation of sustainable economic growth while protecting human right, aligning with the ASEAN community vision 2025. Although progress has been made, so much remains to be achieved. Hence, the discussion will focus on identifying the current position, looking into future aspiration, and examining what must be done to reach the goal.
40. **Ms. Narisa Siamchai**, Global Supplier Monitoring Manager at HP Inc., articulated how advanced technology could be integrated into the global supply chain. She highlighted that transparency is the key to detecting risk in the supply chain and workers' vulnerabilities, which is necessities if one wants to understand the supply chain map and assign priorities. Ms. Siamchai pointed out the case of responsible recruitment at HP where risks on a national and supplier level are drawn. Nonetheless, she noted that to ensure effectiveness, there needs to be a combination of tools. Moreover, aside from the supply side, workers need to be able to cooperate through channels such as interviews, surveys, and grievance mechanisms. Nonetheless, it is impossible to address every issue; hence, priority is given to common risks.
41. After identifying the risks, a risk mitigation mechanism would be examined. This includes working with partners and monitoring the changes over time through feedback from workers. This way, accountability is shared with relevant stakeholders. The key is to use a combination of tools to identify risks, have a mitigation plan, and measure success through workers. Ms. Siamchai outlined that the most successful work done comes from the inclusivity of suppliers in the company's journey to BHR. Nonetheless, there is no one-size-fits-all solution. Companies are not on the same level playing field. Therefore, to reduce the burdens, there should be a way to equalize the level of the playing field and standards across ASEAN.

42. **Ms. Poramintorn Vongtrirat**, Human Rights Manager, Mars Petcare, shared how Mars Petcare implements ethical sourcing and HRDD by highlighting shared responsibility. She noted that, at Mars, the way the company works with the supplier is how the practice is shaped. Illustrated by complying with different legal standards across nations, Mars mapped out those who are new to HRDD and steps in to increase their understanding of the issue and establish grievance mechanisms. Moreover, to identify risks, the company relies on the testimony of workers using technology to access them. She remarked that human rights need collaboration to solve shared problems systematically. In the case of Mars' suppliers that are considered high risk to human rights violations, she highlighted that stakeholders need to work together to drive real change. Particularly, to move suppliers beyond compliance, moving toward increasing their understanding of HRDD, which requires consultancy, policy recommendations, and collaboration.
43. Ms. Vongtrirat suggested that the government could play a role to harmonize the expectations of businesses toward more responsible business conduct. From the point of view of Mars, the company desires to move the whole industry and create mutual responsibility. This would enable a change in conversation and bring like-minded companies to change the norms in the industry. The keys are having awareness and commitment to collaborate and establish synergies. If ASEAN work together to create a common ground on HRDD, it will reduce duplicating requests and equalize the level playing field. Having regulations is a good start because it means suppliers will now see the necessity to meet HRDD. Nonetheless, to make HRDD effective, ASEAN needs to enhance the capability of suppliers, so they have sufficient support to catch up with expectations. Hence, having a platform to share tools and practices of HRDD is recommended to make HRDD successful in ASEAN.
44. Agreeingly, **Mr. David John Welsh**, Country Director, Solidarity Centre Thailand, articulated the common HRDD guideline in the region, outlined from twenty years of experience. He mentioned that HRDD and supply chain law serve as a ground for how human right should work and that progress is seen. For example, in Thailand, there are negotiations with the European Union (EU), efforts to meet OECD standards, and domestic initiatives. Nonetheless, what is missing is effective implementation and consequences, particularly tangible penalties in case of violations. In fact, oftentimes, real accountability is not visible even when there is an international system in place. Therefore, it is suggested to implement fear and mandate HRDD to be complied.
45. The sustainable path needs to be beyond legal victories. If transnational actors are made to fear and be concerned about their liability, an increase in pace and effort to improve supply chains would be unrecognizable, and so that is a necessity. This includes not just their reputational risk, but their actual liability for what was going on in their supply chains. Hence, there needs to be an implementation of respect to the rule of migrant workers here if they want to invest in ASEAN. Therefore, ASEAN can step in to equalize the play field and unify practice in the region. To ensure multi-national corporations (MNCs) is serious about HRDD, liability needs to be attached with civil and criminal punishment throughout ASEAN so they cannot escape the regulations by moving funds elsewhere.
46. **During the Q&A session**, participants raised questions about the existing model in the region to address the issue. The panel pointed that although trade agreements exist, they have never been sufficiently utilized. Despite being perceived as the race to the bottom by unions, trade agreement could be a tool to pressure and hold MNCs accountable. In this sense, liability is not only about reputation.

Workshop: Strengthening Business Protection for Migrant Workers

47. Facilitated by **Assoc. Prof. Dr. Andika Ab. Wahab**, National University of Malaysia, and **Ms. Umavathni Vathanagathan**, Assistant to the Representative of Malaysia to AICHR, the workshop is simulated based on real scenarios. The participants were divided into groups of stakeholders: 1) Government of Country of Origin 2) Government of Country of Destination 3) Business 4) NGOs and Community Representatives and 5) Experts. They needed to respond to common human rights violations faced by migrant workers in their journeys. The objective is to equip participants to understand the complexity, dynamics, and interconnectedness between regional labour migration, human rights protection, and corporate response in addressing labour exploitation. It was expected that participants could identify human right violations, formulate remedies, accountability, and justice, and evaluate practical challenges. The underlying principle is to encourage multiple stakeholders to interact and get feedback from one another, using the provided HRDD related framework as a reference. The input gained from this session is expected to be in the AICHR note.
48. **Group 1 — Government of Country of Origin:** The indicators for human rights violations are deceptive recruitment or contract, excessive recruitment fees, and restricted freedom of movement via document confiscation. Meanwhile, the right-based remediation strategies are to investigate sanctions using community-driven tools, provide legal and consular protection, and coordinate with the government from country of destination to protect migrant workers. Nonetheless, the challenge lies in having access to evidence, fear of retaliation, and jurisdiction limitations. When asked about preventive measures, the group responded with using sanction, raising awareness, and introduce ethical concerns. Expanding on the point, they suggested that there should be an MOU with the destination country, an anonymous reporting mechanism, licensing, and a travel ban of the employer to the country of origin in case of violation.
49. **Group2 — Government of Country of Destination:** The human rights risk identification is document confiscation, providing misleading information, having a language barrier, and unmet LIO/ UNGP/ International Covenant on Economic, Social and Cultural Rights (ICESCR) standards. To address these issues, there needs to be implementation to utilize e-work permit, conduct labour inspection, provide access to grievance mechanism and assistant centers, and coordinate with the country of origin to ensure ethical recruitment. Nonetheless, challenges are access to legal rights and a compliant system, fear of retaliation, lack of political commitment and bilateral cooperation with the sending country, and legal liability. Particularly, the group suggested that an initiative of solidarity reliability may be considered to provide an institution for migrant workers to pursue legal charges even the migrant workers may not extend their stay in the country. This is to ensure that there is a mechanism that corresponds to the nature of their mobility.
50. **Group 3 — Business Sector:** The group identified risks toward informal relations between companies and recruiting agents, recruitment fees, document retention, and overworking. Therefore, the business sector suggested that there needs to encourage written contracts in local languages, grievance mechanisms, not keeping workers' documentation without their consent, and no excessive working hours. Moreover, workers should not be punished if they refuse to work overtime. To enable these, the group suggested establishing a support network for migrant workers including CSO lawyers and worker unions. Nevertheless, a few challenges remain, from limited human rights resources among smaller companies to a lack of recruitment agency due diligence.

51. **Group 4 — NGOs and Community Representatives 1:** what is considered as a violation includes paying a recruitment fee beyond a ceiling, no written contract and local translated version of the contract, no registration, detention of passport, and contract substitution. The way to address these issues suggested having the businesses comply with labour standards and sign an MOU to enable a platform for sending and receiving countries to coordinate. Nonetheless, some participants raised that, oftentimes, the content of the MOU is not known until later, which can go against advocacy sometimes. Another recommendation is to use an employer-pay model, but this needs political will.
52. **Group 5 — NGOs and Community Representatives 2:** the second group of NGOs and Community representatives indicate risks to be about violation of the ASEAN Human Rights Declaration (AHRD) and International Labour Organization (ILO) indicators, debt bondage, retention of documents, and excessive overtime. The group suggested a joint investigation of sending and receiving countries, a mandatory payment of recruitment fees and housing provision from the business. Meanwhile, ASEAN should act as a facilitator to encourage governments to implement framework and guideline documents. Additionally, a 3rd party auditor is recommended, similar to the ILO. Nonetheless, some participants raised that due to the non-interference principle, there is a limitation on addressing cross-border violation and noted that the principle should not be used to exclude cooperation between countries.
53. **Group 6 — Experts:** The experts gave comments on the workshop process and suggested that various stakeholders reach out to them more, which may reflect that their service is not a necessity. Reflecting on the workshop, there are many overlapping problems among different stakeholders. Therefore, through collaboration, all groups might be able to map out problems and solutions together. To address the passivity, the experts were advised to reach out and be active to offer solutions, as is often seen in the real world.

Fireside Chat: “Addressing Forced Labour in ASEAN: Legal Mechanics What More Can be Done Together?”

54. Moderated by **H.E. Edmund Bon Tai Soon**, Representative of Malaysia to AICHR, the fireside chat elaborated on the next steps of ASEAN and Thailand’s efforts toward BHR and reflected on the advocacy journey to establish a law regulating BHR. Invited on the stage was **Dr. Phattharaphong Saengkrai**, Faculty of Law, Thammasat University. He described the progress Thailand has made in terms of mandatory human right and environmental due diligence. Currently, he is working with the EU delegation to prepare the bill. Thailand’s legal development on BHR corresponds to international trends on guidelines such as UN guidelines, OECD, and EU law. The reason Thailand chose to reference EU law is that the law aligns with the destination market’s law.
55. What has already been completed includes preparing a proposal, organizing a regional consultation workshop with different stakeholders, and implementing feedback. The plan is expected to have a comprehensive scope of law and serve as a pragmatic guideline for states. This looks like a comprehensive due diligence law covering all aspects from environment to human right as well as guidelines that address specific issues such as child labour and forced labour.
56. Under the Thailand law, despite no mandate, companies and enterprises have a duty to respect and support HRDD. Nonetheless, challenges remain, such as hesitation to support BHR from businesses and the scope of the law. Some businesses suggested that the government should encourage businesses to voluntarily conduct HRDD. Despite opposition, from the perspective of an academic, HRDD could bring opportunities. Firstly, it offers an opportunity for the Thai government to

modernize Thai business and upgrade domestic products. Secondly, it is inevitable because the government has the duty to protect individuals from abuses by private enterprises, according to the ICESCR. Hence, ASEAN country members are encouraged to consider similar law.

57. Within ASEAN, some approaches are suggested. A targeted strategy is required to collectively address specific supply chain vulnerabilities, such as the use of forced labour within sectors reliant on migrant workers. The new EU forced labour regulation will take full effect next year, strictly banning any products associated with forced labour from entering the EU market, even if the violations are investigated and discovered outside of Europe. To facilitate these investigations and promote general business compliance, it is crucial to focus on high-risk regions like Southeast Asia, where vulnerable conditions are prevalent. A practical starting point involves building reliable databases to trace product origins, similar to the traceability methods used to monitor land plots for deforestation in the Indonesian palm oil industry.
58. Furthermore, while current drafts align well with established OECD guidelines and the UNGP, each country has its specific issues. In Thailand, for instance, Small and Medium-sized Enterprises (SMEs) constitute over 90% of the market and are the backbone of the economy. Imposing HRDD requirements exclusively on large enterprises would effectively exclude the vast majority of businesses from their regulatory duties. Unlike large, export-driven corporations that are already aware of EU market standards, most SMEs remain largely uninformed about these emerging issues. Consequently, a critical priority moving forward will be developing actionable frameworks to help SMEs transition and successfully comply with the new legal obligations without compromising their competitiveness.
59. Addressing critics who argue that HRDD is merely a political tool or a form of regional competition designed to exclude certain markets requires clarifying that this is an unfair critique. Similar to deforestation regulations, committees use HRDD to objectively assess the specific risks of each nation. While political dimensions can sometimes creep into the application of the law, which is often underscored by the fact that nations like Russia, North Korea, and Belarus rank at the bottom of these lists, assertions that these regulations function primarily as non-tariff barriers remain speculative and require empirical evidence. Nonetheless, even in the absence of the laws, every state has a duty to protect its individuals. Governments must at least consider conditions on the ground and adopt concrete measures to safeguard victims. Furthermore, to mitigate concerns, the EU's legislative efforts should ensure that the implementation of law is accompanied by capacity building, open dialogue, and mutual learning.
60. **During the Q&A session**, questions were directed toward legislative development and cooperation from stakeholders. Addressing questions about the existing ASEAN tools to draft the law, Dr. Saengkrai admitted that the law follows OECD guidelines rather than ASEAN specifics. Nonetheless, the proposed draft covers environmental issues and uses The ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment as a reference. In terms of addressing cooperation from stakeholders, one thing that is highly encouraged is building a comprehensive database with empirical evidence. The preferred information is the number of workers and migrant workers and their mobility.

Session 4: Strengthening Regional Cooperation in Judicial and Non-Judicial Mechanisms

61. Facilitated by **H.E. Amb. Yong Chanthalangsy**, Representative of Lao PDR to AICHR, he directed the focus of the discussion by pondering about compliance with HRDD regionally and

globally. Because Southeast Asia is responsible for half of the world's migrant workers, ASEAN has to be cautious when dealing with the impact of forced labour and slavery. If ASEAN wants to continue and maintain ASEAN competitiveness, it is imperative to increase responsibility and respect for the world. Moreover, HRDD is likely to become a global standard despite coming from the EU; hence, the question of compliance was raised.

62. **Assoc. Prof. Dr. Andika Ab. Wahab**, Academic, National University of Malaysia, addressed the question of HRDD and gaps in the formal justice system by reflecting on the case study on how the absence of an operational-level grievance mechanism (OGM) disrupt business operation and increase cost. She illustrated that workers run away as a sign of protest, which prompts companies to invest in new workers. Closely examining the case, those workers have a myriad of unresolved employment issues such as low wages, unpaid compensation, and operational issues.
63. Currently, there is a mismatch between written definition and workers' expectation of justice. Although businesses can create mechanisms to facilitate the legal process, some issues will be more difficult to pass through the system. Dr. Wahab stressed that there is an ecosystem of barriers to OGM. Workers need to make a trade-off between privacy and communicating their grievances. Even if they could file a complaint, language barriers exist. Meanwhile, past working experiences may forge mistrust, which could lead to fear of retaliation. Moreover, because all complaints are mixed, it is difficult to identify which issues are priorities. Even after the process, workers may be afraid of losing income due to pending investigation, which undermines OGM.
64. Therefore, the question becomes: how can HRDD strengthen the protection of migrant workers? Depending on the design of the methodology, Dr. Wahab suggested HRDD could be done randomly and unannounced or build confidence with workers over time by having frequent site assessment. This way, HRDD could close the gap in regional collaboration. In the short run, it bridges jurisdiction barriers by bypassing territorial limitation, fostering transnational redress and grievance channels, and allowing for pooling resources and stakeholders. In the long term, HRDD could harmonize protection standards starting from the definition, drive policy alignment between member states, and establish regional baseline and early warnings.
65. **Assoc. Prof. Dr. Priya Sharma Amarjit Singh**, Head of Centre, Centre for Commercial Law & Justice, Sunway Business School, Malaysia, demonstrated the issue framing and how law and justice mechanism can be utilized to support victims. She highlighted that BHR is a transnational issue but with domestic accountability. The mismatch happens when economic integration moves faster than legal ones. Therefore, using only criminal law is not enough to regulate the global economy because the abuse is systematic and structured through commerce, from procurement to financing, investment, supply contracts, and recruitment agreements. Therefore, she suggested that if human right commitment moves from voluntary to legal enforcement, accountability exists through legal binding. The current problem is that HRDD is treated as symbolic.
66. To address the issue, Dr. Singh recommended the reframing of forced labour as a governmental risk because it could disrupt the operation via investor concern, trade disruption, and reputational damage. On the civil society side, there should be an opening pathway for victim including expanding remedies, corporate responsibility, and border access to accountability. Companies need to exercise their oversight over their supply chains and expand consequence beyond legal proceedings, such as affecting finance to create incentives for companies to change.
67. Corporate accountability plays a crucial role in complementing the law by recognizing soft law as an emerging forcing system. This approach helps to reshape expectations of conduct, with

frameworks moving responsibility beyond mere domestic compliance to encompass cross-border obligations. These frameworks define what companies should have known and done, establishing a baseline for how standards translate into day-to-day practice. Consequently, listed companies are required to disclose risks, report on their assessments, and detail how they will manage these issues. To effectively complement the law, organizations must locate evidence, identify risks, and determine the specific actions to be taken, which includes addressing subcontracting changes and enabling early intervention. The accountability could be expanded beyond the market by using a grievance mechanism to identify issues early.

68. Nevertheless, there are several limits, including structural limitations, where there is no direct compensation to victims, and limited accessibility serving as the main challenge. The current system also lacks binding mechanisms and heavily depends on self-reporting. To address these issues, there is a need to link disclosure to liability and connect remedies directly to addressing the harm. To make dispute resolution more sustainable, it must be recognized that while many mechanisms exist on paper, migrant workers often cannot access them. The focus must be on designing a system that workers can use. Effective solutions include providing anonymous and confidential reporting, legal aid, NGO partnerships, safe authority reporting, and firewalls between labour enforcement and immigration authorities. Furthermore, workplace-level grievance mechanisms must be strengthened. While company-level mechanisms are the first line of remedy, many fail in practice because workers lack trust in them, causing accessibility to collapse. These systems must be impartial, provide timely and real outcomes, maintain transparency, and remain worker-centred, recognizing that trust is built upon experience.
69. Dr. Singh highlighted that cross-border coordination is also essential because migrant workers move, yet the oversight system remains fragmented. Addressing this fragmentation requires referral pathways to human rights institutions, shared oversight of recruitment agencies, the integration of civil society, and the use of trusted intermediaries for support. Dedicated support is needed to enable these initiatives. Leveraging technology can be useful in this regard, but only if designed inclusively to create accessibility for isolated workers, prioritizing digital access, literacy, and accountability. Key takeaways from these challenges emphasize that commercial law is part of the solution and that while policies and disclosures matter, they must actively prevent harm. Above all, access to justice must be fundamentally worker-centred. Dr. Singh calls to action to strengthen integration, build strong cross-border coordination, and establish a worker-centred system. Finally, a book on combating modern slavery from a global perspective, published by Springer, was introduced to attendees for further reference.
70. Moving to macro analysis, **Ms. Sumitha Kishna**, Executive Committee, Lawyers Beyond Borders, outlined the national justice system and its inefficiency to address the transitional nature of labour migration due to its lengthy proceedings. She stressed that structural barriers present throughout migration cycles, compounded by an over-reliance on the government, make migrants lack awareness of their rights or the support available to them. Pre-departure programs often result in ineffective awareness-raising, as workers may sign up but fail to pay attention or attend. The system also suffers from fragmented accountability, which means it cannot adequately address systemic abuses. To improve this, there is a need to strengthen relevant corporate stakeholders by moving beyond basic consultation and dialogue to establishing referral systems, information-sharing practices, mediation, effective remedies, and legal aid.

71. Ms. Kishna recommended AICHR to play a role in facilitating regional dialogue regarding emerging migration trends, such as digital recruitment, online scams, and trafficking. Addressing these issues requires proactively taking a regulatory approach by bringing stakeholders together. In addition, good practices are highly encouraged. This includes cooperation among national human right institutions through MOU and relevant stakeholders, dialogues among civil society, AICHR, and the Ministry of Foreign Affairs (MFA), and collaboration among lawyers in the region. Nonetheless, limitations lie with the jurisdiction issues and lack of resources. Despite these challenges, she suggested that exploring regional cooperation and finding a common framework on legal aid and resolution are among things that could be done immediately.
72. **During the Q&A session**, questions were directed at combating transnational crime and the role of business associations to increase cross-border HRDD collaboration. To address online scams, given the current situation in Malaysia as an example, the panel advised stakeholders to collectively do a profiling and deliver messages to the right group of audience. Moreover, studies are highly recommended to be conducted to understand factors that compel victims to be trapped in the cycle. In addition, money and financial institutions play a crucial role in the scene; hence, these institutions are encouraged to take an initiative. Another solution is to work with consular offices to manage the issue and see where ASEAN could step up to provide standards or guidelines and connect with the victim's family to aid legal justice proceedings.
73. To increase the pace of cross-border collaboration on HRDD, there are certain roles the business association is suggested to take. In fact, the association could translate HRDD into operational signals, develop common risk indicators, and share typologies such as risk profiling, the companies' role, and information sharing. In collaboration with the business association, ASEAN could step in to convene HRDD with business communities. This includes reskilling and upskilling of staff and conducting social audits. Otherwise, AICHR could provide a guideline that business can use as a reference to set a standard. Despite being voluntary, the guideline can be a crucial progress preparing for the next step.

Final Reflection and Looking Forward: Conversation with the ASEAN Economic Pillar (AEC)

74. Moderated by **H.E. Dr. Bhanubhatra Jittiang**, the session aimed to converge understanding about BHR between the private and public sectors through the perspective of economics. **Ms. Marie Sherylyn D. Aquia**, the Director of the DTI–Bureau of International Trade Relations, Department of Trade and Industry in Philippines, Chair of the ASEAN Senior Economic Officials (SEOM), reflected on how ASEAN and business sector could cooperate to address BHR. As a participant listening to sessions throughout the workshop, Ms. Aquia reflected that the experience allowed her to see an opportunity to cooperate through BHR, which aligns with an objective of the AEC. Hence, she outlined that it is possible to mainstream the issue of forced labour through accountability and strategic goals. She highlighted that ASEAN has an advantage of being the third largest source of labour, who will become high-skilled by 2030, which could be leveraged. Therefore, she suggested that stakeholders work with business sectors, as they are the one implementing the HRDD and monitoring.
75. Another point Ms. Aquia raised is capacity building, which can be an area of cooperation. This includes sharing methodologies, competencies, risk assessment practices, databases, and frameworks. She expressed her appreciation of ASEAN member who joined the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) because their labour chapter is

already the highest of standards existed until now. Unfortunately, there are still a lot of improvements for ASEAN to do to reach CPTPP standards due to challenges while negotiating on certain trade measures. Ms. Aquia ended the session by offering to provide a soft guideline to be implemented domestically.

Closing Remarks and Next Steps

76. **H.E. Bolivar L. Bao**, an Acting Chair and Alternate Representative of the Philippines to AICHR, expressed his warm regards on the success of the workshop and appreciated all stakeholders involved in the dialogue. He stressed the importance of BHR as the foundation for sustainable growth and integration, which should be the priority. Over two days, participants explored pressing issues, ethical recruitment, due diligence, preventive measures, building trust, and identifying vulnerabilities in the region. To address the issue, a collaborative effort from all stakeholders is needed, he remarked. As the challenges are complex, closer regional cooperation and effective implementation are encouraged to ensure no one is left behind. An effective juridical and non-juridical approach aims to increase regional trust. He affirmed that BHR must remain an integral part of the regional agenda guided by ASEAN cooperation and consensus. The key to make ASEAN triumph in human right and human dignity is to gather insights, forge partnerships, and deepen regional collaboration. Lastly, H.E. Bao extended his regards to the organizers, partners, and participants for making the dialogue happen and active contribution.