

# **Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia)**

## **Set-up Period Report (August-December 2018)**

### **INTRODUCTION**

The B+HR Asia project promotes and supports the implementation of the UN Guiding Principles on Business and Human Rights in Asia through regional efforts focused on advocacy, policy development, technical advisory support, capacity building, awareness raising, innovation platforms, regional peer learning events, and South-South cooperation. As such, this 5-year, project contributes to the UNDP Asia-Pacific Regional Programme Output 2.3 Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and protect human rights (UNDP Strategic Plan 2.2.2 and 2.2.3).

Project activities are channelled towards five (5) principle outputs: 1) regional peer learning and training events that build regional momentum and inform progress on implementation of the UN Guiding Principles; 2) regional strategies in support of the advancement of National Action Plans, or similar policy frameworks, in furtherance of implementation of the UN Guiding Principles; 3) a partnership architecture bringing greater coherence to policy and advocacy efforts among actors working on a regional level on business and human rights; 4) strengthened CSOs and NHRIs that provide access to effective remedy for violations of human rights in the context of business operations and; 5) greater policy coherence and public discourse on trade and international investor agreements, and their relationship to the business and human rights agenda.

During the first months of implementation (August 2018 – December 2018), the B+HR Asia project carried out planning activities detailed below to ensure the project is established and operational while remaining engaged in substantive work to advance progress. These activities are fully aligned with the project document signed on 9 August 2018 and outlined in Annex F of the same. The following Set-up Period Report (SUP Report) is organized according to the structure and logic of the *Scope of Work outline* found in the above cited Annex. **Thus, the SUP Report is organized accordingly: Introduction, including scenario overview; Part I: Project planning and; Part II: Substantive activities.** See **Annex A**, Setup Period Workplan

#### Scenario overview

In the 5-month period covered by this report, external circumstances at both the global and regional level developed at an exciting clip, characterized by increased high level dialogue on the Business and Human Rights (B&HR) agenda and growing awareness in the region of the UN Guiding Principles on Business and Human Rights (UNGPs). The prospects of UNGPs implementation across the Asia region are trending in the right direction. Still, there have been unhappy setbacks in unlikely places, namely in Malaysia.

#### International level:

On 16 July, the Human Rights Council tabled a Zero Draft of a **UN Binding Treaty on Business and Human Rights** (B&HR Treaty). The new treaty stipulates States' duty to hold perpetrators criminally, civil and administratively liable for human rights violations in the context of transnational business activities through their domestic laws. Liability is understood as involving criminal and non-criminal sanctions. The B&HR Treaty also outlines strong compliance standards for Human Rights Due Diligence. Though the discussions on this binding treaty are still at an initial stage, the very idea of a zero draft of a binding treaty was unthinkable only a year ago. Business and Human Rights principles are clearly evolving from (mostly) voluntary standards into legally binding requirements. Importantly, the European Union strongly supports

UN efforts of adopting the Binding Treaty. The European Parliament adopted in October a resolution calling for the “UNGPs to be consistently raised by EU Representatives in dialogues with third countries”.

Consistent with its commitments to BHR, the EU has taken a very reasoned but impassioned stance on human rights through trade action. European Commissioner for Trade Anna Cecilia Malmstrom notified **Cambodia** on 5 October, that the EU was ending its preferential trade status because of the worsening of the country’s human rights record. Ms. Malmstrom also announced that a similar procedure would commence to review EU’s trade status with **Myanmar**. In the words of Ms Malmstrom: “*Our trade policy is value-based. These are not just words. We have to act when there are severe violations.*”

Unsurprisingly, the EU decision to end preferential trade status for Cambodia received large coverage in media channels across ASEAN. In fact, the decoupling came up in informal conversations the B+HR Asia Project team held with government officials. The advantages of offering cleaner and greener supply chains is clearer than ever to EU trading partners, including Thailand, Vietnam, Indonesia,

Regional level:

Complementing global and inter-regional developments, the emergence in the last year of two strong Business and Human Rights champions in Asia—Thailand and India—will likely provoke other countries in the South and SE Asia region to follow. In the second part 2018, Thailand consolidated its role as the leading B&HR champion in ASEAN by presenting an advanced draft of a National Action Plan on B&HR. The draft NAP covers the 4 main priorities identified by a baseline assessment conducted with Civil Society, and by an official visit of the UN Working Group on Business and Human Rights. The Government of Thailand will finalize consultations with all stakeholders to finetune the final text and have it approved before their chairmanship of ASEAN starts in January 2019.

In South Asia the Government of India conducted a large multi-stakeholder consultation on the new Guidelines on Responsible Business Conduct, to be adopted in November. These Guidelines arguably set high expectations for companies to comply with, among other things, the UN Guiding Principles on Business and Human Rights.

The combined factors of peer-pressure, increased awareness of the business case for BHR and the need to manage risks or lose precious trade opportunities is encouraging more countries in Asia to follow the example of Thailand and India. **Indonesia** has agreed to formally announce its commitment to the *Bogor Road Map to Business and Human Rights* developed with the help of UNDP at the 2018 Forum on Business and Human Rights in Geneva. The Road Map contemplates the drafting of a NAP on BHR by 2020. In July, the Ministry of Justice of Vietnam requested UNDP’s support to develop a similar road map to the one developed with the Government of Indonesia.

New challenges:

Setbacks were also experienced over the last 5 months. In **Malaysia**, elections resulted in a sudden and largely unexpected change in Government. While a welcome development from a democratic governance and human rights perspective, the change also led to a pause in the process to draft a National Action Plan on Business and Human Rights. However, there are strong expectations that the new Government led by the Pakatan Harapan party, will embrace the agenda given the party’s strong human rights-oriented manifesto.

The lack of a reference to the UNGPs by the Government of **Bangladesh** during the June 2018 UPR process was also disappointing. The advocacy work carried out by the project to lead to a commitment in the Business and Human Rights field was not successful this time. The setback demonstrated the need to

redouble efforts to raise awareness among government officials but also members of Civil Society which was inexplicably silent on this issue in their UPR submission to the Human Rights Council.

The regional scenario is dynamic and continues to quickly evolve. The direction of travel is towards regional uptake of the UNGPs and implementation, yet setbacks are also expected given the challenge that the B+HR agenda poses to established economic, political and social patterns. As a forecast of things to come in 2019, see **Section 3** below.

## **PART I: Project Planning**

1. *Develop a communication strategy on the objectives of B+HR Asia project and conduct outreach to all stakeholders, counterparts and partners to ensure they are aware of the scope and focus of the project in conjunction with the B+HR Lab.*

During the set-up period, a communication strategy was developed with the support and advice of an outside consultant. Key messages as well as a social-media plan and project branding strategy were detailed in the strategy and can be accessed in the attached **Annex B**, Communications Strategy. Outreach to stakeholders on the B+HR project took place over the course of the set-up period during technical exercises, scoping and advocacy missions, regional events including two AICHR events, capacity building exercises, and the B+HR Lab. Importantly, the B+HR Lab brought together 19 regional entities to learn more about the B+HR Asia project, to calibrate and coordinate approaches, and to set priorities. See **Annex S**, B+HR Lab2 Report. The project has now gained significant visibility in South and Southeast Asia. (See also **Section 2.1 in Part II**, Scoping, Advocacy and technical assistance Missions)

2. *Provide revised annual workplan and budget for January-December 2019 including clarity on anticipated funds which would be allocated to each Country Office. In conjunction with this, provide information of the number of staff at each Country Office who would be working on the B+HR programme.*

The annual workplan (AWP) and budget for January-December 2019 is provided in an updated excel sheet attached to this SUP Report, and at **Annex C**, Anticipated Allocations CO Level. Funds not disbursed to UNDP country offices (CO) during the Setup Phase, were rolled over into 2019 budget, as agreed.

The AWP also provides figures to be spent at the Country Office level per activity. Please see below. The budget figures associated with activities at the CO level are exclusive of estimated EU funding expected in June-December 2019.

The 2019 AWP includes planned allocations to country level activities in higher percentage of what is planned for the remainder of the project, or from 2020 - 2023. It is expected that with the start of the EU funded multi-country project, the Project funded by the Government of Sweden will from 2020 focus almost exclusively on Regional Activities.

In recently weeks, the UNDP Bangkok Regional Hub has agreed to provide as an in-kind contribution eighty-five percent (85%) of the Project Adviser position salary for 2019. The Project Adviser position salary is currently covered by the project budget as agreed. However, UNDP's decision should not be interpreted at this time as a commitment to provide the same amount of support for the entire project span. The ability of UNDP to keep contributing to supporting this position will have to be re-assessed on a yearly basis. At the moment, the plan is to move from 2020 towards a sharing of the costs of this post in equal parts between UNDP, the Government of Sweden and the EU. The savings in 2019 will now be allocated towards activities and increased capacity on communications. Savings will also be made to the P4 FTA that was originally

planned for, as that post will be classified in 2019 as a TA posting. (See **Section 7** below). The savings on the P4 proforma costs is estimated at 60,000 USD.

Country Offices will provide support to the implementation of the activities at country level through services offered by a focal point who will work part time on the B+HR activities in every Country Office. These focal points were established during the set-up phase. Country Offices will also offer support in terms of time spent by their Senior Managers to engage in high level Advocacy meetings and in terms of some administrative support. Such services were agreed with the Country Offices to be subject to cost-recovery of 15% of the funds disbursed at country level for programmatic activities. This solution is interim in nature since the start of the EU project should allow from 2020, the appointment of full time National Coordinators in each of the Countries in focus for the EU project. For countries of geographical overlap with the Project supported by the Government of Sweden this will result in much reduced need for Staff-costs recovery.

### *3. Provide updated project forecast*

The positive trend towards greater uptake of the UNGPs in Asia is expected to either remain stable or grow in momentum in 2019. The launch in January of the first National Action Plan (NAP) on Business and Human Rights in Asia paired with the start of the chairmanship of ASEAN will place the Government of **Thailand** more firmly at the forefront of the Responsible Business discourse in the Southeast Asia Region. The leadership of the Thai Government and its intention to prioritize B&HR as one of their areas of focus during the 12 months as chair to ASEAN will no-doubt provide further impetus and encouragement to **Indonesia** which in 2019 plans to carry out its National Baseline Assessment.

Thailand's launch will also encourage **Malaysia** to reaffirm its commitment to draft a NAP and re-start the 2-year process with the blessing of the new Government. The advocacy and peer-pressure support from Thailand will be critical in this case. While the new Malaysian Government showed even greater level of interest in Human Rights than the previous Government, the number of priorities the new cabinet is currently engaged with is very large and Business and Human Rights has not yet surfaced as an issue of immediate interest.

In Q1 of 2019, the UNDP B+HR Asia, the UN Resident Coordinator's Office and the AICHR Representative's Office will host an advocacy event targeting relevant Ministries to raise awareness of the UNGPs, the business case for its adoption, and the implementation plans of other countries in the region. The event will hopefully stoke a commitment from **Malaysia** to embrace a similar agenda. Even though buy-in from the government should not be difficult to achieve, a re-start of the NAP process in Putrajaya is not expected to take place before Q2 of 2019.

At the request of the Government of **Vietnam**, UNDP will provide assistance to draft a "Road Map to Business and Human Rights." This request signals one of the most important opportunities to position another ASEAN country on the same track as Indonesia and Thailand. The appointment of a clear focal point for Business and Human Rights within the Ministry of Justice and the workshop planned for March on the road-map, also evidences encouraging progress. Despite these developments, UNDP anticipates a slow and lengthy process. UNDP is investing in advocacy efforts to have Business and Human Rights as a subject in focus of the recommendations which will be presented to Vietnam during the UPR process in January. A recommendation on BHR presented and accepted by the Government of Vietnam would be a game changer and significantly facilitate project implementation in this country. A similar opportunity is available in **Cambodia** which will undergo UPR review during the same January session.

The growing Human Rights discourse in ASEAN has encouraged other countries not in focus under the B+HR project, to come forward and take initial steps towards implementation of the UNGPs. For example, the National Human Rights Commission of **Myanmar** organized a workshop on the UNGPs in October

2018 where officials from the Ministry of Economy were both present and engaged. The appetite to engage B&HR issues may be growing in Naypyidaw. Where this is the case, UNDP will do its best to feed Myanmar's interest as part of the project objective to promote an all-of ASEAN shift towards responsible business practices.

In South Asia, by far the greatest opportunity is **India's** bold commitment to Responsible Business through the new Guidelines on Economic, Social and Environmental Responsibility expected to be adopted in November 2018. The following year, 2019, will be a year dedicated to rolling out the implementation of these guidelines throughout the sub-continent. The chapter of the Guidelines related to Business and Human Rights will be developed by the Ministry of Corporate Affairs with UNDP's technical support. This effort will be boosted by financial support from the Government. The first phase of the implementation of the Guidelines will entail focus on awareness raising of all stake-holders. The year 2019 will also be the year in which India will start the National Baseline Assessment. UNDP plans to be engaged in this process as well.

The very visible move of India in the direction of embracing the UNGPs is expected to encourage the Government of **Bangladesh** and **Sri Lanka** towards implementation of the UNGPs. The year 2019 will involve awareness raising and advocacy in these two countries as any formal commitment from the side of the two Governments will not likely come before Q4. Until then, the project will work with a very active National Human Rights Commission in Dhaka and with a Private Sector in Colombo which is already very engaged and tuned into the Business and Human Rights agenda. Sri Lanka's recent political turmoil, tragic as it certainly is, may also be opportunity for the B&HR agenda. As the economy unravels under the weight of the current Constitutional crisis, the government may seek to embrace soft entry points on human rights to reassure investors. Sri Lankan supply chains remain less risk prone than Bangladesh supply chains which continue to be dogged by documented human rights and environmental rights abuses.

The project will capitalize on the opportunities offered by progress in specific countries to move the Regional Agenda forward. UNDP will help organize two sub-regional Forums on Business and Human Rights with Thailand and India. The 4th ASEAN Forum on Business and Human Rights will be organized again in Bangkok in June 2019 and provide the yearly race to the top and peer-learning/peer pressure opportunity to countries in Southeast Asia to share and compare progress. UNDP expects the Bangkok Business and Human Rights week that evolves around the B&HR ASEAN Forum to involve an even richer number of events and initiatives planned and co-organized by other UN Agencies, OECD and Civil Society organizations.

The **South-Asia Forum** on Business and Human Rights is a new bell-weather of support. Planned originally for 2020 the first gathering of Countries in the Asia Region will take place in April 2019 to respond and seize the rapidly growing momentum created by progress in India. Though likely to be smaller in size than the ASEAN Forum on B&HR, the forum will in the expectations of the organizers, create a similar rippling effect registered in ASEAN as a consequence of the Forums held in 2016, 2017 and 2018. The goal of the event will be not only to move ahead the national agendas but to create a community of practice of BHR focal points and champions in the Region.

Challenges and risks in the 12 months ahead will mostly emanate from the instability and potential change in priorities that may be the result from General Elections that will take place next year in Thailand (February), India (April) and, Indonesia (April).

4. *Provide a country-specific risks analysis. Update on outreach strategy including power analysis for each country.*

See **Annex D**, Risk and political economy analysis

5. *Revise baseline and target on the results framework.*

See **Annex E**, Baseline and targets results framework (excel sheet)

Human resources

6. *Hire technical specialists, including one long-term consultant and one BHR Specialist. Extend existing contracts as necessary.*

The B+HR Asia team is now fully in place. Focal points have been appointed at the CO level. A full-time, long term consultant has been appointed to cover South Asia and Gender Issues. There is a B&HR Specialist (TA) also in position who will cover SE Asia and Private Sector Engagement. Both will be based in Bangkok. Focal points in the 7 countries of project focus that had been made available as an in-kind contribution from UNDP COs during the inception phase, but from 2019, the project will provide for cost-recovery of time spent on B+HR Asia project.

7. *Determine the availability and deployment period of UNDP to cost share the position of Business and Human Rights Advisor in tandem with UNDP BRH staff restructuring process.*

Owing to its rapidly growing commitment to the B&HR practice area, and after careful consideration during the staff reconstruction process of the linkages of B&HR work to the SDGs, the UNDP Bangkok Regional Hub has agreed to contribute 200K USD towards the B&HR Advisor staff position in 2019. As explained above, this decision shall not be interpreted yet as a commitment to provide the same amount of support for the entire project span. The ability of UNDP to keep contributing to supporting this position will have to be re-assessed on a yearly basis. At the moment, the plan is to move from 2020 towards a sharing of the costs of this post in equal parts between UNDP, the Government of Sweden and the EU. The savings accrued on account of UNDP's contribution to the Advisor's salary will be reallocated to project activities. In other words, a large portion of the funds generously provided for by Swedish government towards the Advisor post will be utilized in 2019 to further strengthen and accelerate project objectives.

Partnerships

8. *Develop composition of Steering Boards, including the Steering Board for the Small Grants for Human Rights Defenders and the Seed Funding Scheme for Social Innovation Projects. It is envisioned that UN Environment and UN Women will be approached for participation in each respectively, as well as UNDP Country Office representatives, among others. The Advisory Board membership will also need to be formulated.*

A Special Steering Committee for Small Grants to Human Rights Defenders will be created made up of civil society and UN system advisors. The total envelop for Small Grants is estimated at 300,000 USD over 5 years (contemplates additional EU funding support). There have been tentative discussions with the following individuals about their participation on the board:

- Gam Shimlay – AIPP
- Marte Hellema – Forum Asia
- Bea Victoria – Oxfam, Fair Finance Asia
- Fredy Guayacan – ILO, Responsible Supply Chains in Asia project
- Elodie Beth – UNDP Transparency project
- Valentina Volpe – UN Women, Safe and Fair project

See **Annex F**, Fact sheet on the Special Steering Committee.

There have also been tentative discussions with influential individuals working on B&HR with the aim of providing advice to the strategic direction of the project, through the project Advisory Board. As of November 2018, the Advisory board will currently be made up of the following:

Chairperson Dante Pesce – UN Working Group on B&HR  
Dr. Seree Nonthasoot – Thailand AICHR Representative  
Dr. Aishah Bidin (Malaysia) – Commissioner SUHAKAM  
Marzuki Darusman – Chairman and Founder Foundation for International Human Rights Reporting Standards

9. *Further negotiate a Responsible Party Agreement with ASEAN CSR Network based on UNDP corporate guidelines. See Annex A.*

On 13 November, the B+HR Asia team was notified of the official decision of the Government of Sweden not to channel any further funding to ASEAN CSR Network (ACN). As a consequence, no Responsible Party Agreement will be reached with ACN. UNDP appreciates that the difficult decision to discontinue support to ACN was made only after careful considerations of the findings of an exhaustive auditing process which provided few obvious ways forward with ACN. Nevertheless, the decision will impact on the balance of activities of the B+HR Asia project and underserve UNDP's strong desire to deliver on some of the outputs linked to ACN planned actions.

Recalling UNDP's original proposal, before the Government of Sweden suggested that UNDP include ACN-driven activities into the project, UNDP had maintained a significant budget line for private sector engagement and research which was then drastically reduced to accommodate ACN's focus on this area and avoid overlap. The original project proposal also included more interaction with ASEAN bodies and ASEAN companies left to a large extent to ACN once the respective log frames were merged.

Over the course of the Setup Phase, UNDP has identified other organizations based in SE Asia to assist in research efforts (including for example the Human Rights Resource Centre based in Jakarta), however, finding an actor to substitute ACN as a convener of ASEAN companies requires further thinking. At this stage the B+HR team is exploring a relationship with the ASEAN Business Advisory Council. It is also looking to strengthen existing partnerships with the Responsible Business Alliance (RBA) based in Malaysia. Further options will be considered in the months to come in consultation with the Project Advisory Board.

10. *Consolidate partnership plan including the specific organizations, levels and type of collaboration envisioned, and whether formal relationship that have been secured or will be agreed e.g. MOU, Letter of Interest, Agreement, etc. Plan will also detail whether funds will be forwarded to these organizations, and if so, how much.*

UNDP's partnership plan is divided into first and second tiers. Those organizations that fall under the first-tier categories are those that the project team has or will approach on a formal basis with either an MOU, Letter of interest, or inter-agency agreement. Those partners that fall under the second tier will be those that UNDP engages on a regular but less formal basis, and for which written agreements are not necessary. See **Annex G**, for Partnership Plan. Among our most important partners include UN Women and ILO. See **Annex H**, Draft Joint-action Plan with ILO. See **Annex I**, Agency Agreement with UN Women.

11. *Develop a Memorandum of Understanding with UNW on the implementation of research project, and costing of expertise related to gender lens on UNGP.*

UNDP and UN Women have met on two occasions during the Setup phase period and have agreed to put resources together to develop a multi-country study in Asia on the cost of violence to Asian businesses and what these same businesses can do to mitigate violence both in the workplace, and in the domestic sphere.

See **Annex T**, TOR: Multi-Country Study on the Economic Impact of Tackling Violence Against Women. UN Women is currently reviewing the TOR and Agency Agreement. An MOU with UN Women is forthcoming that will detail joint work on the research study, and other areas of cooperation, including costing of expertise related to gender lens on UNGP.

#### Donor relations

12. *Develop document with the EU to detail the scope and focus of their support to the B+HR program. Hold tripartite consultations with the Government of Sweden and EU to ensure coherency and complementarity of the two support packages.*

In July, a tripartite discussion was held at UNDP offices in Bangkok with representatives of the Swedish Embassy and the EU Delegation to discuss coordination of the respective contributions to the B+HR Asia program. During this discussion, the criticality of ensuring complementarity but also coherency of objectives was agreed. The Government of Sweden stressed the importance for the project to Pursue poverty alleviation, human rights and development while focusing mostly on regional work. The EU agreed to complement this effort by providing resources for Country Level intervention. It also expressed an interest in pursuing opportunities of value-based trade between EU and Asian countries and to focus on Awareness Raising and Remedies. Before the adoption of the EU contribution, the three parties agreed to jointly design an umbrella concept that would detail the complementarity of the two initiatives. It was also agreed that regular coordination would be pursued to ensure transparency and confidence between partners, as well as to identify ways of leveraging the relationship to its maximum benefit.

A Concept Note was jointly formulated by UNDP and the EU and has won the support of key stakeholders in Brussels and several important EU Delegations in the region. See **Annex J**, EU Concept Note, for a clearer picture of the scope and focus of support the EU envisions.

13. *Produce end of inception period report for SIDA*

See **Annex K**, Scoping Report.

#### Country Office engagement

14. *Negotiate with Country Offices a Work Plan of activities to be implemented at the CO level in the following 12 months based on resources available at this stage for intervention at National Level.*

A work plan of activities has been negotiated with all seven (7) countries and the resources to be committed have been provided for in the budget. See attached excel sheet to this report, and **Annex C**, Anticipated Allocations, a screen shot of which is provided below.



*Anticipated funds which would be allocated to each Country Office, aligned with B+HR Asia project outputs.*

	THAILAND	INDONESIA	MALAYSIA	VIETNAM	SRI LANKA	BANGLADESH	INDIA
2.3.2 Host eight (8) consultations and/or eight (8) validations on finalized NAPs and other strategic materials with stakeholders at national and regional levels	\$ 18,000.00	\$ 20,000.00	\$ 10,000.00	\$ 15,000.00			\$ 20,000.00
2.5 Develop and implement ten (10) capacity building, and strategic planning initiatives on NAP processes and best practices tailored to government, NHRIs, and business	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 15,000.00	\$ 25,000.00	\$ 30,000.00
2.6 Develop and implement with partners thirty (30) awareness raising events at the regional and national levels on the UNGPs targeting communities impacted by business operations, private sector actors, CSOs, women, migrants and Jggs	\$ 10,000.00	\$ 14,000.00	\$ 17,000.00	\$ 14,000.00	\$ 20,000.00	\$ 20,000.00	\$ 25,000.00
4.2.1 Fifteen (15) awareness raising sessions conducted with partners in seven (7) countries on business and human rights targeted towards women, migrants, IPs and other vulnerable groups	\$ 6,500.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 6,500.00
4.2.2 One (1) training module produced and distributed for purposes of awareness raising efforts				\$ 5,000.00			
4.4 Conduct country-level trainings on UNGPs and responsible business focused on private sector firms and state-owned enterprises	\$ 10,000.00				\$ 5,000.00	\$ 5,000.00	
	\$ 69,500.00	\$ 74,000.00	\$ 67,000.00	\$ 69,000.00	\$ 50,000.00	\$ 62,000.00	\$ 81,500.00

**15. Develop country specific risks and update outreach strategy including power analysis for each country.**

See **Annex D**, Risk and Political Economy Analysis. This Annex cited above, provides in one view, a power analysis, risk analysis and mitigation strategy, the latter of which serves as an outreach strategy.

**16. Finalize scoping and piloting phase of India to take a final decision by the end of the year whether the Country will be in focus for the rest of the program. Explore possibility of China engagement.**

Encouraged by the decision taken in February by the Government of India to revise its National Voluntary Guidelines on Economic Social and Environmental Responsibility and adopt a much more ambitious policy framework for Responsible Business Conduct, the B+HR team dedicated large part of its advocacy efforts during the set-up phase to feeding this initial interest and explore the opportunity to turn this country into a much needed B+HR champion in South Asia.

Leveraging on joint and coordinated work of the UNDP offices in Delhi and Bangkok, with precious support of Prof Surya Deva (Vice Chairperson of the UNWG on Business and Human Rights), several meetings were held with the leadership of the Ministry of Corporate Affairs (MCA), namely the Secretary Injeti Srinivas and the Joint Secretary G.K. Singh. The Secretary and Joint Secretary met in October with the UNDP Country Director and the B+HR Business and Human Rights Advisor and unequivocally committed to take forward the Business and Human Rights Agenda through a 3-step process. The three milestones to be reached include: 1) Adoption of the revised Guidelines on Responsible Business Conduct to include a dedicated chapter on the implementation of the UNGPs by November 2018; 2) Drafting of a National Baseline Assessment on BHR by Q1 of 2020 and 3) adoption of a NAP by end of 2020.

Mr. Srinivas specifically requested UNDP's technical support to roll out the UNGPs through-out the subcontinent and to help the MCA in "capturing the linkages between the Business and Human Rights and the 2030 Agenda". In August, the MCA requested UNDP to provide technical inputs into the National Guidelines which were also posted on the MCA website for public consultations purposes. The call for inputs resulted in 750+ contributions from CSOs, members of the Academia and Private Sector.

The MCA and the NHRC of India have also communicated their interest in hosting in Delhi a Regional Forum on Business and Human Rights in South Asia. The B+HR project looked very favourably at this idea and has already informally agreed with the UNWG on Business and Human Rights to co-organize such event in March or April 2019.

Importantly, Mr Srinvas and his Deputy have agreed to travel to Geneva to the Annual Forum on Business and Human Rights (26-28 November) to present the new Guidelines and formalize their commitment to the 3-step Road Map to NAP in India.

Based on the above-mentioned progress and current high level of commitment from the Government of India, the B+HR Team is now firm in its believe that India should be a country in focus of the Project. In contrast, given the level of attention that moving a BHR Agenda in India required and will require in the months to come, the team decided to postpone to Q3-Q4 of 2019 any plan to explore engagement of China.

## **PART II. Substantive activities**

In addition to these setup activities, UNDP accomplished the following substantive activities over the period August to December. These activities are linked directly to activity lines in the proposed project document.

- *1.1.2 Develop video and social media communication products.*

Various stakeholders at the AICHR Interregional Dialogue articulated the need to link the Business and Human Rights agenda to the 2030 Agenda for Sustainable Development. In light of this message, the B+HR Unit has produced a communication product that helps to explain this relationship. This infographics video will be used at future regional dialogues and other events, as well as to be posted online on UNDP's website.

Additionally, UNDP produced two videos highlighting the role of civil society and human rights defenders within the Business and Human Rights agenda in Thailand. These videos, featuring an in-depth interview with Sor Rattanamanee Polkla, was used for the 2018 Responsible Business Forum and will be featured in future UNDP events.

UNDP has also commenced work on a longer, documentary-style video highlighting the journey of developing the Thai NAP. This video, expected to be between 5-8 minutes long, will be produced for peer-learning purposes. The B+HR unit envisages using this video to encourage other governments in the region to adopt similar NAP processes. The video will also complement the NAP development booklet produced by the UN Working Group on Business and Human Rights. This project is running at this time with a delivery day in February of 2019. See **Annex L**, TOR Thailand NAP Film.

- *1.2.1 Regional Training on Business and Human Rights for CSOs (with AICHR)*

*Continuing with our work with AICHR, develop in partnership with ASEAN Chair, one regional training on Business and Human Rights for CSOs.*

During the Setup Period, AICHR was unable or unwilling to commit to a multi-day training on B&HR as it did in 2017. This year, UNDP participated instead as a panellist on a session on B&HR during an AICHR CSO Symposium, 13-15 October. At this symposium, UNDP highlighted new directions under the B&HR agenda, focusing on private sector uptake and ways in which CSOs might partner with a widening group of unfamiliar human rights champions. See **Annex M**, AICHR Symposium Concept note.

On 15-16 November, the B+HR Unit organized with ANGO and Land Rights International, in cooperation with the OHCHR, an event titled, "Land Rights as Human Rights." Over 40 participants from regional CSOs and NHRIs were briefed on the UNGPs. The participants presented their own plans on how to leverage the Business and Human Rights momentum in the region to advance the Land Rights Agenda. A full report on the event will be prepared and submitted before the end of the year.

- *1.3.1 Co-host event at the Responsible Business Forum.*

*UNDP Asia-Pacific is co-hosting the Responsible Business Forum in Singapore in October this year. This conference will provide a platform for businesses and UNDP to create partnerships around potential solutions in pursuit of sustainable development.*

The 3<sup>rd</sup> annual Responsible Business Forum (RBF) hosted by UNDP Bangkok Regional Hub in October was attended by 300 participants from an array of businesses representing a wide range of industries in the region. Significantly, B+HR Asia's internal lobbying within UNDP provided an opening for Business and Human Rights to be presented as one of five "themes" alongside more traditional sustainability topics such as, climate action, circular economy, and urbanization. The B+HR Unit's efforts to bring human rights to the table resulted in stronger awareness of the importance of Human Rights considerations among leading private sector actors, the further mainstreaming of human rights due diligence practice among sustainability professionals, and a closer association of the UNDP brand with human rights advocacy. This was achieved also due to the high-level participation of the Chairperson of the UNWG on Business and Human Rights. Furthermore, private sector participation in the human rights workstream helped to create new partnerships with UNDP at the regional and CO levels. See **Annex N**, RBF Report.

- *2.1 Scoping, Advocacy and technical assistance Missions*

*A busy schedule of advocacy missions and technical assistance Missions is foreseen over the next 4-5 months given new political circumstances in Malaysia, increased readiness to undertake B&HR from Vietnam and Indonesia, and nascent but clear signals of interest in India and China.*

Advocacy missions were undertaken in India, Malaysia, and Myanmar during the set-up period. In Malaysia, the UNDP Business and Human Rights Specialist supported a workshop hosted by SUHAKAM, aimed at promoting UNGP implementation and reigniting the NAP process with new government officials. UNDP also helped to convene Thai experts at the workshop to facilitate peer-learning between Malaysian and Thai counterparts. On the side lines of this event, UNDP corralled the state-owned enterprise, Petronas, into backing a NAP on Business and Human Rights. Petronas agreed to work with SUHAKAM Commissioner Aishah Bidin to lobby the new government, stating that it was in its corporate interests to do so.

From 26-28 October, UNDP visited Myanmar after a request by the UNDP country office. This scoping mission aimed to raise awareness on Business and Human Rights with the UN Country Team and UNDP senior management within the country office. Furthermore, UNDP CO Myanmar co-hosted a "Seminar on Business and Human Rights" with the National Human Rights Commission of Myanmar on the 27th of October, for which the UNDP Business and Human Rights Unit acted as resource persons. See **Annex O**, NHRC Myanmar: Seminar on Business and Human Rights

Lastly, UNDP B+HR visited India once again at the invitation of the Ministry of Corporate Affairs on 28 September. The MCA requested UNDP's technical support in revising the National Voluntary Guidelines on CSR to better reflect the UN Guiding Principles.

From 26 to 28 November, the B+HR Unit will be very engaged in the UN Forum on Business and Human Rights in Geneva. This year the UN Working Group on Business and Human Rights has requested UNDP to lead on the organization of a twin session on “Progress in Asia.” A very rich program has been put together, and will include high-level participation from India, Indonesia, Thailand, Vietnam, Bangladesh, Pakistan and Nepal. The UNDP B+HR Unit will also be in charge of an internal meeting for South Asia’s Countries in preparation of the South Asia Forum on Business and Human Rights planned for April 2019. The Twin-session and the South Asia meeting have not taken place yet at time of writing of this report but a special report on the Geneva Session will be prepared and forwarded to the Government of Sweden in due time.

- *2.3.1 Technical support for drafting of Strategic Policy documents*

*Over the next five months, UNDP will be providing technical inputs into the design of NAPs in Thailand and Malaysia, a Road Map to Business and Human Rights in Indonesia, and National Guidelines in India.*

Between August and November, the B+HR Team prioritized provision of technical assistance work to the two, most urgent, ongoing policy-making processes: the drafting of the Thai NAP and the amending of the Indian National Guidance on Economic, Social and Environmental Responsibility.

The wish of the Government of **Thailand** to finalize its NAP before the start of its ASEAN chairmanship in January 2019 determined an acceleration of the drafting process during summer. The Zero Draft shared in May was followed on 21 August by Draft One and a few days later a Draft Two shared with the UN Family and Civil Society with a request to provide inputs in the following 3 weeks.

The B+HR Team invested a great deal of time of its Advisor and Specialist into providing extensive inputs to all sections of the NAP. It also coordinated upon request of the Ministry of Justice the drafting of a very detailed set of recommendations coming from UNWOMEN, UNHABITAT, UNICEF, IOM and ILO.

Aware of the importance to facilitate engagement of Civil Society in the NAP drafting process, on 23 August, the B+HR team co-organized with OHCHR and the National Human Rights Commission of Thailand a consultation on the Draft NAP with 200+ members of Civil Society organizations. After a presentation from the Ministry of Justice the members of Civil Society were divided into 4 groups, corresponding to the 4 main priorities in the NAP and extensive inputs were collected to be fed into subsequent versions of the NAP.

The Government of **India** approached UNDP with a similar request for technical assistance to support its efforts to finalize the Human Rights Chapter of the revised Guidelines on Economic, Social and Environmental Responsibility. The technical input was prepared by the B+HR Team with support and inputs of the Private Sector Specialist of Country Office India, in consultation with the UNWG on Business and Human Rights and delivered on 28 August. The B+HR team received in October a request to help developing an Annex of the mentioned Guidelines to highlight the connection between the indicators and targets set by the Guidelines and those of the 2030 Agenda. While the Guidelines are expected to be adopted in November the Annex on the connection with the SDGs is planned to be issued in Q2 of 2019.

The attention required by urgent processes in India and Thailand left the B+HR team with less time to dedicate to follow up to the commitments of the Government of **Indonesia** agreed in the Bogor Road Map. Advocacy efforts are being picked up again in November also as a consequence of the decision of the Deputy Coordinating Ministry of Economy to announce their road-map to NAP at the Geneva Annual Forum on Business and Human Rights.

As highlighted earlier in the report, in **Malaysia**, the change of Government that took place in May led to a reset of the Business and Human Rights discourse. After consultation with UNDP partners it has been determined that there is a need to restart the advocacy efforts to get the new Government to adopt a NAP.

As such, no technical assistance was provided to Malaysia during the set-up period and the project concentrated mainly the awareness raising required in preparation of an advocacy demarche to take place in Q1 of 2019.

- *2.3.2 Host consultations and/or validations on finalized NAPs and other strategic materials with stakeholders at national and regional levels*

*UNDP will organise and convene consultations between governments and relevant stakeholders to critique and validate NAPs or other strategic policy documents at both national and regional levels.*

See **Annex P**, for full report of the NAP consultation held in Bangkok on 20 August.

- 2.4 Preliminary work on Women's Rights Due Diligence Toolkit

*Following the recent and well-received release of the OECD Due Diligence Guidance for Responsible Business Conduct, UNDP will quickly move to ensure women's rights issues are given equal consideration by producing a complementary supplement to this product.*

The WRDD toolkit is now being reassessed as UNDP has learned that many other organizations are now also producing similar products. To ensure that the toolkit is not duplicative with other efforts, B+HR Asia carried out a mapping of tools already existing and has commissioned a White Paper on Women's Rights Due Diligence to help the project choose the best direction forward to produce the most impactful toolkit as possible. See **Annex Q**, TOR White Paper on WRDD.

- *2.6 Awareness raising and Capacity Building activities in 6 Countries (one Activity per Country)*

*UNDP B+HR will provide support in Indonesia, Malaysia, Thailand, Vietnam, Bangladesh, and Sri Lanka to feed momentum and ensure best practices on NAP implementation are considered.*

UNDP B+HR has provided support in **Malaysia, Thailand, and Vietnam** to feed momentum and ensure best practices on NAP implementation are considered. UNDP signed an agreement with SUHAKAM in March 2018 for the **Malaysian** NHRI to conduct a series of training of events in three states. The workshops, in Terengganu, Kuala Lumpur, and Johor, were held in August 2018. These workshops aimed to address a lack of awareness surrounding the UNGPs among the primary duty-bearers, namely state officials and business sector actors. Importantly, the official partnership also contained provisions for SUHAKAM to begin work on translating the UNGPs into Bahasa Malaysia.

In **Thailand**, UNDP co-hosted consultations aimed at providing recommendations to the draft Thai National Action Plan. The first, with the UN Resident Coordinator and the UN Country Team, was conducted on 20<sup>th</sup> August 2018. This consultation resulted in a comprehensive set of inputs and recommendations from UN-system entities, which UNDP collected and submitted to the Ministry of Justice. Furthermore, UNDP B+HR co-hosted, with the National Human Rights Commission of Thailand (NHRCT), a consultation with civil society from across the country on the 23<sup>rd</sup> of August. This consultation resulted in a significant number of recommendations for the NAP drafting committee. Lastly, UNDP once again co-hosted with the NHRCT, a capacity-building workshop on the 7<sup>th</sup> of November, aimed at training representatives of the Thai judiciary. Attended by over 100 judges, public prosecutors, and lawyers, the event featured a special lecture from Dr. Surya Deva on the specific duties related to Pillar 3 of the UNGPs.

In addition, on 27 September, the B+HR Unit participated in a Workshop hosted by the National Human Rights Commission of **Thailand** titled, "The Phuket Hotel and Tourism Industry Towards Corporate Respect for Human Rights." The programme showcased the success from the early adopters of the Hotel's Human Rights Due Diligence handbook produced by the NHRCT earlier this year. The event also provided an

opportunity for UNDP to reinforce messages contained in the Protect, Respect and Remedy Framework. Other countries in Asia, namely **Maldives** have expressed interest in learning from the NHRCT Pilot Project implemented by Phuket Hotel Tourism Industry Association.

UNDP B+HR continued to feed the growing momentum in **Vietnam** through its support for a training event led by the UNDP country office. This event, planned during the Set-Up period, aims to raise-awareness and build-capacity among Vietnamese SOEs for implementation of the UNGPs. UNDP B+HR will also facilitate the participation of a Thai official to support the training, given the success of the Thai SOEs training on the 5<sup>th</sup> of April. This event is planned for the 4<sup>th</sup> of December 2018. See **Annex R**, Concept Note: Training on SOEs.

For the purpose of awareness raising, but as an activity of regional scope, the B+HR Unit with the support of ALSA Thailand and the Thailand MoFA organized on 23-25 August 2018, an event to establish the Asian Youth Partnership on Business and Human Rights. Seventy participants attended from Thailand, Indonesia, Malaysia, Vietnam, Brunei, Laos, The Philippines, Myanmar and Sri Lanka were gathered in Bangkok.

Participants were give a primer on global trends on the business and human rights agenda. UNDP delivered presentations on the UNGPs and its contribution to the fulfilment of the Sustainable Development Goals (SDGs). The event included an Innovation Lab where students were divided into 10 groups, each representing one country visited by the Working Group. Each team assumed a role play of revisiting their assigned country. On the final day each team presented their findings and proposed specific solutions to persisting challenges.

- 3.1 BHR Lab

*In line with last year's event, we will design and host a partnership coordination and knowledge sharing lab to inform and shape regional dialogue on B&HR.*

See **Annex S**, Report on the B+HR Lab, held on 31 October.

- 4.3.1 Instantiate study to be done with UNW

Working with UN Women, UNDP B+HR will assist in the development of a multi-country study on the impact of business operations on women, and the positive impact on business of ending violence against women. **Annex T**, TOR: Multi-Country Study on the Economic Impact of Tackling Violence Against Women.

- 5.1.2 Develop think piece on BRI

*UNDP B+HR Asia has been working with students from City University Hong Kong to develop specific think pieces to help frame priorities and issues involving Special Economic Zones and the Belt and Road Initiative. One think piece will be delivered in November.*

UNDP's engagement with the students at City University provided for reflection on the significance of research on SEZs and BRI. UNDP has decided to build on the work already done by students and engage with a researcher to develop a think piece about the human rights priorities around Special Economic Zones. Research is now in process. The piece will be the first in a series of research products that UNDP issues as a part of an emerging thought leadership strategy. The research piece is expected to be delivered in January 2019. See **Annex U**, TOR: Research on SEZ.

## ANNEX A.

### Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia)

#### Set-up Period Workplan

(August-January 2019)

During the first months of implementation (August 2018 – January 2019), the project will carry out the following tasks to ensure the project is established and operational. An indicative timeline is provided below to clarify order of delivery. Some timings are estimates only, as they are dependent on external factors including degree of partnership engagement and availability of key stakeholders.

#### Project planning

1. Develop a communication strategy on the objectives of B+HR Asia program and conduct outreach to all stakeholders, counterparts and partners to ensure they are aware of the scope and focus of the project in conjunction with the B+HR Lab. October.
2. Provide revised annual workplan and budget for January-December 2019 including clarity on anticipated funds which would be allocated to each Country Office. In conjunction with this, provide information of the number of staff at each Country Office who would be working on the B+HR programme. November.
3. Provide updated project forecast. November.
4. Provide a country-specific risks analysis. Update on outreach strategy including power analysis for each country. November.
5. Revised baselines and targets on the results framework. November.

#### Human resources

6. Hire technical specialists, including one long-term consultant and one BHR Specialist. Extend existing contracts as necessary. August to October.
7. Determine the availability and deployment period of UNDP to cost share the position of Business and Human Rights Advisor in tandem with UNDP BRH staff restructuring process. December.

#### Partnerships

8. Develop composition of Steering Boards, including the Steering Board for the Small Grants for Human Rights Defenders and the Seed Funding Scheme for Social Innovation Projects. It is envisioned that UN Environment and UN Women will be approached for participation in each respectively, as well as UNDP Country Office representatives, among others. The Advisory Board membership will also need to be formulated. December.
9. Further negotiate a Responsible Party Agreement with ASEAN CSR Network based on UNDP corporate guidelines. See Annex A.
10. Consolidate partnership plan including the specific organizations, levels and type of collaboration envisioned, and whether formal relationship that have been secured or will be agreed e.g. MOU, Letter of Interest, Agreement, etc. Plan will also detail whether funds will be forwarded to these organizations, and if so, how much. November.
11. Develop a Memorandum of Understanding with UNW on the implementation of research project, and costing of expertise related to gender lens on UNGP. November.

#### Donor relations

12. Develop document with the EU to detail the scope and focus of their support to the B+HR program. Hold tripartite consultations with the Government of Sweden and EU to ensure coherency and complementarity of the two support packages. July to November.

13. Produce end of inception period report for SIDA. August.

Country Office engagement

14. Negotiate with Country Offices a Work Plan of activities to be implemented at the CO level in the following 12 months based on resources available at this stage for intervention at National Level. Develop a Risk log for each of package of intervention at National level based on specific Country scenarios. August to November.

15. Develop country specific risks and update outreach strategy including power analysis for each country. November.

16. Finalize scoping and piloting phase of India to take a final decision by the end of the year whether the Country will be in focus for the rest of the program. Explore possibility of China engagement. July to December.

Indicative project setup workplan – July to December 2018		
Type of deliverable	Task	Dates in 2018
Donor relations	Develop document with the EU to detail the scope and focus of their support to the B+HR program. Hold tripartite consultations with the Government of Sweden and EU to ensure coherency and complementarity of the two support packages.	July to November
Country Office engagement	Finalize scoping and piloting phase of India to take a final decision by the end of the year whether the Country will be in focus for the rest of the program. Explore possibility of China engagement.	July to December
Donor relations	Produce end of inception period report for SIDA.	August
Human resources	Hire technical specialists, including one long-term consultant and one BHR Specialist. Extend existing contracts as necessary.	August to October
Country Office engagement	Negotiate with Country Offices a Work Plan of activities to be implemented at the CO level in the following 12 months based on resources available at this stage for intervention at National Level. Develop a Risk log for each of package of intervention at National level based on specific Country scenarios.	August to November
Project planning	Develop a communication strategy on the objectives of B+HR Asia program and conduct outreach to all stakeholders, counterparts and partners to ensure they are aware of the scope and focus of the project in conjunction with the B+HR Lab.	October
Partnerships	Develop a Memorandum of Understanding with UNW on the implementation of research project, and costing of expertise related to gender lens on UNGP.	October
Project planning	Revised detailed annual workplan and budget for January-December 2019 including clarity on anticipated funds which would be allocated to each Country Office. Information of the number of staff at each Country Office who would be working on the B+HR programme should be identified.	November
Project planning	Updated project forecast.	November
Project planning	Country specific risks and update on outreach strategy including political-economy analysis for each country.	November
Project planning	Revised baseline and target on the results framework.	November
Partnerships	Further negotiate a Responsible Party Agreement with ASEAN CSR Network based on UNDP corporate guidelines. <u>See Annex A.</u>	November
Partnerships	Consolidated partnership plan including the specific organizations, levels and type of collaboration envisioned, and whether formal relationship that have been secured or will be agreed e.g. MOU, Letter of Interest, Agreement, etc. Plan will	November



	also detail whether funds will be forwarded to these organizations, and if so, how much.	
Human Resources	Determine the availability and deployment period of UNDP to cost share the position of Business and Human Rights Advisor in tandem with UNDP BRH staff restructuring process.	December
Partnerships	Conduct outreach for composition of ad hoc Steering Committees, including the Steering Committee for the Small Grants for Human Rights Defenders and the Seed Funding Scheme for Social Innovation Projects. It is envisioned that UN Environment and UN Women will be approached for participation in each respectively, as well as UNDP Country Office representatives, among others.	December

**In addition to these setup activities, UNDP plans on accomplishing the following substantive activities over the period August to December. These activities are linked directly to activity lines in the proposed project document.**

- 1.1.2 Develop video and social media communication products.

Various stakeholders at the AICHR Dialogue articulated the need to link the Business and Human Rights agenda to the 2030 Agenda for Sustainable Development. In light of this message, UNDP B+HR will produce communication products that help explain the relationship. This video will be used at future regional dialogues and other events, as well as be posted online on UNDP's website.

- 1.2.1 RBF

UNDP Asia-Pacific is co-hosting the Responsible Business Forum in Singapore in October this year. This conference will provide a platform for businesses and UNDP to create partnerships around potential solutions in pursuit of sustainable development. UNDP B+HR Asia has worked to ensure that Human Rights was included as one of five themes. UNDP B+HR will participate in a Stakeholder Advisory Group meeting in August in the lead up to the main event. At this meeting, UNDP will discuss priority issues while pitching proposals for action to various business leaders in attendance. Potential partnerships will be managed by the Country Office. One proposal in the conceptual phase involves working with women tea workers in Bangladesh.

- 1.3.1 UN Forum on Business and Human Rights

UNDP Asia-Pacific will host panel discussions at the UN Forum on Progress in Asia showcasing the roll out of NAPs and other strategic policy pathways in development. UNDP will help set the agenda and use its convening power to ensure high level and practice-level engagement are evenly balanced.

- 2.1 Scoping, Advocacy and technical assistance Missions

A busy schedule of advocacy missions is foreseen over the next 4-5 months given new political circumstances in Malaysia, increased readiness to undertake B&HR from Vietnam and Indonesia, and nascent but clear signals of interest in India and China.

- 2.3.1 Technical support for drafting of Strategic Policy documents

Over the next five months, UNDP will be providing technical inputs into the design of NAPs in Thailand and Malaysia, a Road Map to Business and Human Rights in Indonesia, and National Guidelines in India.

- 2.3.2 Host consultations and/or validations on finalized NAPs and other strategic materials with stakeholders at national and regional levels

UNDP will organise and convene consultations between governments and relevant stakeholders to critique and validate NAPs or other strategic policy documents at both national and regional levels.

- 2.4 Preliminary work on WRDD Toolkit

Following the recent and well-received release of the OECD Due Diligence Guidance for Responsible Business Conduct, UNDP will quickly move to ensure women's rights issues are given equal consideration by producing a complementary supplement to this product.

- 2.6 Awareness raising and Capacity Building activities in 6 Countries (one Activity per Country)

UNDP B+HR will provide support in Indonesia, Malaysia, Thailand, Vietnam, Bangladesh, and Sri Lanka to feed momentum and ensure best practices on NAP implementation are considered.

- 3.1 BHR Lab

In line with last year's event, we will design and host a partnership coordination and knowledge sharing labs to inform and shape regional dialogue on B&HR.

- 4.3.1 Initiate study to be done with UNW

Working with UN Women, UNDP B+HR will assist in the development of a multi-country study on the impact of business operations on women, and the positive impact on business of ending violence against women.

- 5.1.2 Develop think piece on BRI

UNDP B+HR has been working with students from City University Hong Kong to develop specific think pieces with Thomson Reuters to help frame priorities and issues involving Special Economic Zones and the Belt and Road Initiative. One think piece will be delivered in November.

### **Reporting and Deliverables:**

A Report on activities completed and a summary of progress and in the set-up period will be submitted within November 2018. The report will include also the following deliverables, found under "Project Planning" heading:

- 1) A detailed partnerships plan;
- 2) A revised detailed annual workplan and budget for the period January-December 2019 which will include clarity on funds which would be allocated to each Country Office;
- 3) An updated project forecast and
- 4) A country specific risks and power analyses for each country in which B+HR will intend to be operational
- 5) A revised results framework (baselines and targets)

Release of the second funding installment of the 1<sup>st</sup> year of B+HR will be triggered by the completion of the above mentioned 5 deliverables

## **ANNEX B.**

### **Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships**

#### **(PROVISIONAL) COMMUNICATIONS STRATEGY 2019-2021**

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## KEY AUDIENCES

The following key audiences will be targeted in seven priority countries: Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Viet Nam.

1. Government ministries
2. Business community (initial two-year priority on CSR-savvy, multinational and state-owned businesses)
3. Civil society organizations
4. National human rights institutions (NHRIs)
5. UN colleagues (UNDP HQ, regional office and country offices; other UN agencies)
6. Global thought leaders on business and human rights principles

## COMMUNICATIONS GOALS

1. *Business + human rights leader*  
UNDP is viewed as a leader in building support for implementation of the UNGPs in Asia by persuading target audiences that human rights are good for people, planet, businesses and nations alike.
2. *Convener of influencers*  
UNDP is known as the go-to convener of human rights influencers within target audience groups in Asia to drive collaborative action for the promotion of the UNGPs and human rights.
3. *Impactful language*  
Clear, positive language is established illustrating the link between the SDGs, UNGPs, business operations, government policies and how upholding human rights benefits all; this language is increasingly understood, discussed openly, promoted and adopted by target audiences.
4. *Internal awareness*  
The Business + Human Rights team's work is increasingly understood by UN colleagues and promoted by leadership of UNDP and the wider UN system.

## COMMUNICATIONS OBJECTIVES

Objectives The following actionable objectives will help reach the above goals:		Goal mapping			
		1	2	3	4
<b>A</b>	Raise awareness and build capacity among key audiences for a better understanding of how implementing the UNGPs can help fulfill commitments to SDGs, and UNDP's leading role in helping businesses and governments achieve win-win results	X			
<b>B</b>	Clarify UNDP's unique position as the only steward in Asia of every UNGP, which collectively crosscut all aspects of human rights	X	X		
<b>C</b>	Shift the discourse from outdated CSR constructs to progressive 'business + human rights' principles	X		X	X
<b>D</b>	Convene business, government and human rights stakeholders (activists, CSOs, NHRIs) in various ways to bring together the thought leaders, the already committed institutions, and potential agents of change	X	X		X
<b>E</b>	Encourage and expand open dialogues on business + human rights principles in target countries	X	X	X	X
<b>F</b>	Develop a toolkit of content and materials that breaks down the UNGPs and their links to the SDGs--and UNDP's value add--in easily digestible, conveyable (oral) and shareable (digital) formats	X	X	X	X
<b>G</b>	Share success stories, bringing in human voices as often as possible, to illustrate relevance and demystify the journey toward UNGP implementation; include voices of both those whose rights are impacted and those whose actions advance human rights	X	X		X
<b>H</b>	Utilize digital platforms to disseminate key messages and content	X	X	X	X
<b>I</b>	Engage national, regional and global media to raise awareness of business + human rights principles and UNDP's work in this area, key initiatives, major events and newsworthy milestones among target audiences	X	X	X	X
<b>J</b>	Leverage opportunities to promote the B+HR team's work externally and internally (via UNDP and other UN agency forums)	X	X	X	X
<b>K</b>	Refresh branding for a more professional and distinguished look and feel, while fluid enough to resonate with a range of audiences	X			X

## TACTICS

The following tactics will be the means of implementation for the above objectives, which support this communications strategy's overarching goals.

### Toolkit

A robust toolkit composed of a variety of materials and content will ensure UNDP B+HR has the right resources for a range of use cases. Content will be developed in consultation with key stakeholders' input for maximum assurance of usefulness.

### Key messages

Key messages that resonate with all the B+HR team's varying target audiences are core to meeting this communications strategy's goal and objectives. A set of key messages will be developed for use across communications, including an overarching message and messages tailored to each specific audience.

Draft key messages should be tested with representatives from each target audience to validate the messages are clear and understood by those who they are intended for. This can be done in an informal capacity, through stakeholder interviews/surveys or via formal focus groups. Given that strong key messages are so important to the B+HR team's success, investing in a message testing exercise of some form will deliver value.

### Branding

- Logo and 'look and feel'  
A refresh of the existing logo and an overall 'look and feel' will be developed to present a more professional, recognizable and distinguished look for the Business + Human Rights team.
- Brand guide  
A brand guide will be developed to provide suggested uses for the logo, fonts, colors, etc. across communications products.

### Collateral

A suite of informational materials will be developed based on key messages to provide the B+HR team with multiple options and formats to share the team's work, UNDP's leadership and convening role in Asia, and the link between the UNGPs and SDGs. Materials will be available digitally and/or in print, as shown below.

Materials should include contact info, especially social media handles, whenever possible.

To humanize the somewhat academic nature of this project, whenever possible include the voices of individuals in content: both those whose rights are impacted and those whose actions are helping advance human rights.

<b>Print only</b>	
<b>Tabletop display</b>	<a href="#">Tabletop displays</a> can provide more detailed information than a roll-up banner. They are placed on top of a table at events to provide attendees information about UNDP B+HR work. They can be used in place of a person staffing a table, if well designed and used in combination with other materials at the table. This should be produced if the team has enough outreach opportunities to justify its cost, noting that it must be carried alongside any other materials to events.
<b>Tablecloth</b>	Noting the same caveat above, a tablecloth for outreach tables helps brand the initiative.
<b>Giveaways</b>	Branded notepads, post-it notes and pens are always useful and will likely be picked up by event attendees, if giveaways are desired. Recycled materials should be used in alignment with UNDP's sustainability principles. A more elaborate and costly option could be to highlight different UNGPs on post-it and notepad pages. A calendar doing the same could also be developed, but it should be high quality (in design and material) and used with VIP stakeholders, due to cost of production.
<b>Roll-up banner</b>	For use at events beside a podium, outreach table, outside a conference room, etc., <a href="#">roll-up banners</a> help brand the initiative.
<b>Other event products</b>	As needed, other products can be developed to brand events, including panel table <a href="#">banners</a> , podium banners, posters, <a href="#">media wall</a> (if UNDP B+HR is hosting the event), etc.
<b>Digital and print</b>	
<b>Updated project brief</b>	This overview document will serve as a high-level explanation of the B+HR team's work. It will be based on the current project brief, but revised for brevity, clarity and visual appeal.
<b>Audience-specific fact sheets and case studies</b>	Tailored to different audiences to provide additional details, anecdotes and evidence relevant to specific interests, these could accompany the project brief. For example, a government-specific fact sheet could have talking points, key messages and statistics making the case for policy change.  Case studies could also be included within these fact sheets, pending length and availability, or they could be developed separately.
<b>UNGP + SDG map</b>	With an emphasis on visual design, each guiding principle can be visualized and briefly explained, illustrating a link to the corresponding SDG. The purpose of this high-level document is to break down the

	<p>UNGPs in a simple format with limited text to show a variety of audiences how the UNGPs dovetail the SDGs. For example, the piece could be an infographic with a set of icons for each UNGP, showing connections to the SDG icons.</p>
<b>Digital</b>	
<b>Infographics for social media</b>	<ul style="list-style-type: none"> <li>• A series of infographics presenting data that support the value of sustainable business practices, policies, etc. can be used across social media platforms.</li> <li>• A series of graphics that individually break down each UNGP for social media.</li> </ul>
<b>Multimedia case studies</b>	<p>To showcase major success stories and partners' journeys in implementing responsible business practices and business + human rights policies, multimedia platforms like <a href="#">Shorthand</a> or <a href="#">Exposure</a> can be leveraged to present images, graphics, videos and text in an engaging format for use in website, social media, e-news, etc. These can be hosted on UNDP's website for integration with <a href="#">UNDP AP's blog</a>.</p>
<b>Videos</b>	<p>For use in presentations, on social media, web, e-news, multimedia stories and other digital platforms:</p> <ul style="list-style-type: none"> <li>• High-quality <i>storytelling videos</i> (like the one currently under development documenting Thailand's journey in implementing the UNGPs).</li> <li>• <i>Shorter video clips</i> from events, etc.</li> <li>• An <i>explainer video</i>--either a <a href="#">motion graphic</a> or an <a href="#">animation</a>--is a great way to break down the UNGPs in a fun way. This video would differ from <a href="#">other UNGP explainer videos</a> in that it should highlight UNDP's unique role, key messaging (making the case that human rights are good for all), and the clear link to fulfilling the SDGs.</li> </ul>
<b>Blogs</b>	<p>Op-ed style content, case studies, explanatory pieces, milestones, event previews and recaps, and other longer-form written content can be developed as blog posts and shared on UNDP AP's <a href="#">blog</a> or <a href="#">Medium</a> channel. This is a great way to build a library of content elaborating on specific aspects of B+HR, which can be shared with particular audiences as needed. Blogs will also be shared across digital platforms (social media, e-news, web, etc.).</p> <p><a href="#">Guest blogs</a> can also be written for third-party sites such as other UN agencies, CSOs, NHRIs, businesses and industry associations to expand awareness to those publications' audiences.</p>
<b>Email marketing</b>	<p><i>External: (lower priority, if staff capacity or content is limited)</i> A semi-regular e-newsletter can be disseminated to keep interested parties apprised of information worth sharing: B+HR news,</p>



	<p>milestones, upcoming events and event recaps, blogs and other resources, stories, videos, announcements like new partnerships, etc. A newsletter can remind committed stakeholders of the B+HR team’s work, but it should only be initiated if regular, noteworthy content is anticipated. “Will our target audience want to take time from their busy day to read this?” is a question that should be considered before sending an e-newsletter. Monthly distribution via free email marketing services like <a href="#">MailChimp</a> is common for advocacy e-newsletters, but every second month or even quarterly distribution may be more realistic in this case.</p> <p>An e-newsletter template can be designed, if an e-newsletter is initiated, for consistency in ‘look and feel’ across products.</p> <p><i>Internal:</i> As applicable, consider sending an email distribution to staff at UNDP with high-quality stories, videos, op-eds and other appropriate content--especially those that highlight recent major events such as the UN Forum on Business and Human Rights and content that is slightly tailored to staff. This helps keep colleagues informed of the B+HR team’s work, especially if sent in a timely fashion so colleagues are among the first to know of new developments.</p>
<p><b>Digital assets for events</b></p>	<p>As needed, digital assets will be produced to amplify UNDP B+HR’s presence at events:</p> <ul style="list-style-type: none"> <li>● A new template for PowerPoint presentations will be created with engaging yet clean aesthetics. <a href="#">Innovative presentation tools</a> can also be explored to bring the B+HR story and the UNGPs to life, or to present particular case studies.</li> <li>● <a href="#">Digital backdrops</a> to display branding during talks and panels.</li> </ul>

## Digital platforms

### Website

The website will be reassessed from a copy and design perspective to align with key messages, to present the most important high-level information clearly and concisely, to highlight the team’s best communications products, and to feature compelling visual elements throughout.

To stand out from other initiatives in the responsible business arena, it is worth exploring ways to improve search engine optimization (SEO) to increase the likelihood that UNDP B+HR appears in online search results. Simple measures can be taken (such as those outlined in UNDP’s #ExtremeLives communications strategy), or a formal analysis can be conducted by an external SEO consultant with tailored recommendations for UNDP B+HR’s website.

## Social media

Having a presence on a few social media platforms where target audiences are most likely spending time will help drive awareness and spark dialogue on UNDP's leading role in implementing the UNGPs in Asia, links to the SDGs, and business and human rights dialogue. It's better to be more active on fewer networks than vice versa; [this guide](#) provides excellent guidance for establishing and maintaining social media profiles.

A monthly content calendar should be developed ahead of each month so the social media manager consistently has content to post. Having a high-level overview will also help balance the types of content shared throughout the month. The content calendar can be a rough guide; to keep the pages timely, new news stories or other new items can be shared instead of, or in addition to, planned posts from the content calendar.

Generally following the rule of thirds,  $\frac{1}{3}$  of content shared should promote the B+HR team's work,  $\frac{1}{3}$  should share partners' work and  $\frac{1}{3}$  should share relevant news, resources and other content.

Examples of content to share on social media:

- Promotion of upcoming events, live updates from events, and recaps and photos from recent events
- Graphics (quotes, data visualizations, UNGP icons, etc.)
- Videos
- News stories/op-eds
- Blog posts
- Multimedia stories, e.g. [Shorthand](#) or [Exposure](#)
- Announcements and milestones
- Resources

## Twitter

Twitter is one of the [leading social media networks](#) among journalists, and it is increasingly common for [governments](#) and CSOs to be active on Twitter as well. In fact many use Twitter instead of Facebook due to higher engagement rates, partially due to the platform's [open nature, targeting abilities](#) and the inherent culture of interactivity, such as tagging influencers without having a personal connection to them.

A dedicated UNDP B+HR Twitter handle is recommended to maintain a 'seat at the business and human rights table,' to stay updated on and add to relevant conversations, and to clarify and underscore UNDP's unique role. And [live tweeting](#) during conferences and events will be particularly important for B+HR to connect with those already engaged in business and human rights discussions.

## LinkedIn

As the most commonly used social network for professionals, LinkedIn is also increasingly used for B2B marketing, [particularly in Southeast Asia](#). A UNDP B+HR LinkedIn page is recommended to establish and maintain connections with the business community primarily, but also professionals working within other target audience groups. Provide helpful, relevant

content and consider targeted paid advertising campaigns to Asia-based, CSR-oriented businesses, UNGC members, employees of governments and CSOs, and NHRI members.

A [LinkedIn group](#) will help connect people who are already engaged in this space and expand the network to potential advocates, who can be personally invited via the platform. Groups can be used to test concepts or pilot projects, provide and seek expertise, share information and start conversations with other like-minded individuals. Group admins can send weekly email digests of B+HR's LinkedIn activity to group members.

### Facebook

*Recommendation: Provide content for UNDP in Asia and the Pacific's Facebook page*

Provide regular content for UNDP AP's Facebook page instead of creating a dedicated Facebook page for UNDP B+HR. The content frequency should be discussed with the communications team, but sharing content at least 1-2 times per week will help visitors with a particular interest in B+HR find related posts. Facebook content should be selective to [maximize engagement](#) and expand posts' reach.

*Alternative option: Create a dedicated UNDP B+HR Facebook page*

Having a presence on Facebook requires a fair amount of time to organize content and it will not likely grow a significant following as it is becoming increasingly difficult to reach audiences organically on Facebook due to its algorithm. That said, an absence from the [world's most popular social media platform](#) (629 million monthly active users in the Asia-Pacific region) is potentially a lost opportunity to connect with supporters, including policymakers and [world leaders](#).

While a UNDP B+HR Facebook page may not have a large following, if managed thoughtfully it can be used to stay in touch with people who become aware of UNDP's B+HR work through other means such as conferences or meetings and want to know more. Likewise, partners that are on Facebook may 'tag' B+HR in their posts, which helps gain followers and raise awareness, but this cannot be done if UNDP B+HR is not on Facebook.

For these reasons, a dedicated UNDP B+HR Facebook page will likely bring some value to the team's objectives, but regular, best practice maintenance requires commitment and Facebook will likely see less engagement than Twitter.

### Medium

Leverage UNDP in Asia and the Pacific's existing [Medium](#) profile to share case studies, event recaps, op-eds or other blog-style content. Include visual elements such as still photos, infographics or videos as often as possible.

### Yammer

Utilize Yammer to share noteworthy updates and new content with UN colleagues, as culturally applicable.

## Stakeholder engagement

Engaging stakeholders will help expand, renew and maintain awareness of B+HR to new and existing audiences. In addition to being used as advisors and sounding boards, stakeholders often serve as champions of an initiative, helping to promote it within their spheres of influence.

Stakeholders can include technical advisory committee members, people who have shown commitment to business and human rights principles, people the team has met with, event audiences, staff and partners. The following tactics leverage relationships with stakeholders while simultaneously solidifying and expanding awareness.

### Focus groups

Focus groups will help test concepts ranging from key messages to programmatic strategy. They serve communications goals because when people are asked for their opinions, they tend to be more invested in the outcome of a project and could become ambassadors for its success. Focus groups can be informally conducted at UNDP offices with close connections, or they can be formally curated and facilitated by a firm.

### Salon dinners and side events

Consider hosting a salon dinner or other side events at relevant conferences and forums.

- Salon dinners are a great way to engage target audiences' high-level influencers and build a support-base and network for B+HR in various contexts, depending on the main event focus. Small, thoughtfully selected groups of influencers already attending events can be invited to a dinner during the evening of a multi-day forum. The gathering can be lightly programmed around a particular theme, question, speaker, etc. The group size can vary from an intimate dinner party (~10-15) to a slightly larger cocktail party (less than 50). Salon dinners can be an alternative to a focus group, if structured in a way that produces meaningful, on-point discussion around particular themes, and takeaways are captured.
- Pre- or post-conference capacity building sessions/workshops can be offered to event delegates to offer target audiences guidance and troubleshooting on implementation of the UNGPs.
- Partnering with an organization such as News Deeply to co-host a [“Deeply Dialogues” live programme](#) or a [“Deeply Talks” virtual programme](#) can add a dimension of external journalist credibility to a side event and dramatically expand awareness to the media organization's network. This is a [sponsored](#) engagement that UNDP would need to secure or allocate funding for.
- For key announcements, such as a country's commitment to the UNGPs, a media event can be held at relevant events to celebrate the achievement and encourage [media coverage](#).

## Webinars and brown-bags

- *Internal (UNDP staff)*  
Engage all staff (global, regional and country offices) by hosting a webinar, or host brown-bags for regional and country office staff to provide an overview of the B+HR team's work and guidance on how to incorporate business and human rights principles within colleagues' work. This will help introduce the team and demystify its work with internal audiences, and it can be used to collect input, challenges and perceived disconnects from staff.
- *External (existing and prospective partners)*  
Webinars can also be used for small groups as a learning tool to share success stories with others who are interested in following a similar path. For example, thoughtfully selected government officials and/or CSOs and NHRIs could be invited to learn and ask questions about Thailand's commitment to and process for developing business and human rights policies. Or business leaders and sustainability industry association members could come together for a similar presentation and dialogue about how to implement the UNGPs within their operations. In addition to raising awareness, this can help establish a pool of potential advocates of the team's work.

## Outreach and education

UNDP B+HR team members will continue to participate in meetings, speaking opportunities and conferences to network and increase awareness of UNDP's leading role in facilitating understanding and ownership of the UNGPs in Asia,.

### Speaking engagements

Strategically forecast (annually or quarterly) high-value speaking opportunities and leverage speaking opportunities as they arise to raise awareness of UNDP B+HR and the UNGPs. Speaking engagements can be quite time-intensive between preparation, travel and follow up, so purposefully assessing speaking opportunities with high return on investment potential using a set of predefined criteria will help ensure the team seeks and accepts engagements that work toward achieving communications and programmatic goals.

Questions to help assess the value of speaking engagements:

- Does the speaking engagement reach target audiences and specifically people who have the power to influence or implement UNGPs within their realm of work?
- Does the event have strong networking opportunities with people who can carry the initiative's work forward (e.g. policy makers, potential partners, journalists)?
- Are there opportunities for additional activities alongside the speaking engagement, like an outreach table, side events that position UNDP as a convener of influencers, media engagements, sponsorships, etc.?

## Outreach tables

Outreach tables at events facilitate discussion and networking with event attendees.

Outreach table slots can usually be purchased at a discounted non-profit rate; or they are sometimes included within sponsorship packages; or they sometimes come free-of-charge for event speakers. Display materials at the table from the [collateral list](#) above, as applicable to the event's focus. Collect email addresses on an optional sign-up form at the table, to be used for potential e-newsletter distribution in the future.

## Sponsorship

Sponsoring events and awards comes with branding opportunities like visual displays, speaking engagements, outreach tables, material distribution, social media and blog content, admission tickets and other benefits. Consider sponsoring key events; sometimes non-profit sponsorship rates are available. See above News Deeply [side event](#) example.

## Networking

- Join, participate in and cross-promote UNDP B+HR content within relevant networks, such as regional industry, human rights and sustainability associations (e.g. Global Compact Local Networks) in target countries and local chambers of commerce.
- Leverage relationships with partners willing to promote their work toward UNGPs in publications and other UNDP B+HR content, e.g. social media ads, blog posts or op-eds, co-branded videos and success stories.

## Capacity building course

Designing and co-facilitating a capacity building course in partnership with an institution geared to host it will help achieve all communications goals in this strategy, with particular emphasis on expanding awareness to the co-facilitating partner's network.

The course could be a combination of information and practical guidance and exercises, providing an introduction to the UNGPs and how they link to the SDGs, and how adopting the UNGPs benefits businesses, governments and people alike. Including hands-on activities and examples will add appeal to professionals who are tasked with or interested in implementing human rights and responsible business practices or policy change.

For example:

- An online course with a partner such as [+ACUMEN](#), a non-profit that provides free and low-cost online courses on a range of topics related to social impact. +ACUMEN often [partners](#) with organizations to build and facilitate these courses. This would have a global reach.
- An online or in-person course with partners such as [PublicAffairs Asia](#) and a regional or national NHRI or CSO in Asia. This would especially demonstrate UNDP's role as a convener of influencers.

## Media engagement

Media coverage will be an important part of achieving all communications goals in this strategy, since shifting the discourse from outdated CSR models to win-win business and human rights principles will depend on reaching the right people, and many of them. The following tactics will help secure media coverage.

### Media outreach and publications

Identify publications and journalists covering topics related to business, sustainability, public-private partnerships, policy, sustainable development, human rights, etc. Social media, particularly Twitter, is a great way to find, learn the focus of, and engage with journalists.

Also leverage UNDP's existing media contacts at national, regional and global media outlets or organizations that produce media content with thematic overlaps such as the World Economic Forum, Financial Times ([Asia Pacific](#)), [+Acumen Journal](#) or [CSR Asia Weekly](#).

Many event organizers will release a media delegate list in advance of events, usually to event sponsors, speakers and side-event facilitators. Use this list to identify a handful of journalists and reach out to these journalists in advance for an informal chat. Even if there is no newsworthy information to pitch, it helps expand your network of media contacts for future pitches.

### Op-eds

The intended shift in discourse can be positioned as an innovative turn for the business community and governments alike. CSR is well defined and understood, and outside the human rights world, generally respected. So this new frontier of responsible business practices, which steers away from traditional CSR concepts, rocks the boat and provides food for thought: an excellent entry point for an op-ed (e.g. [this example](#) or [this one](#)) or a pitch to a journalist.

Identify which businesses and governments are doing this well in Asia (e.g. Thai Union and increasingly Thailand?), and use these as examples to illustrate what success looks like. Emphasizing good examples falls in line with UNDP B+HR's positive messaging approach to encourage best practices, but mentions of 'what not to do' can help solidify why this matters.

A consultant opinion editor can be contracted to commission and edit content, suggest placement, and pitch high quality op-eds to third party publications in target countries as well as in regional and global publications.

### Piggyback opportunities

Leverage major news events as the hook for an op-ed or media story that ties UNDP B+HR's narrative to the media discourse around the news event.

### Partnership op-eds

Partnering with other organizations in writing an op-ed underscores UNDP's role as a convener of influencers in this space. A South-South piece can be written by a government



taking steps toward UNGP implementation to encourage other countries to follow suit. A similar B2B piece could be produced as well.

### Media events

To encourage media coverage of key announcements or milestones such as a country’s commitment to the UNGPs, [a media side event](#) celebrating the achievement can be organized for invited publications and journalists at a regionally and thematically applicable event.

### Guest blogs

Writing a guest blog post for partner organizations, other UN agencies, CSOs, NHRIs, businesses and industry associations gets UNDP B+HR’s messaging in front of new audiences. Consider approaching organizations for guest blog post opportunities.

## METRICS OF SUCCESS

Metric	Target (2021)	Goals	Objectives
<b>Toolkit</b>			
Key messages are tested, finessed and used across materials		All	A,B,C,E,F,G,H,I,J,K
% change in post-evaluation knowledge and attitude survey among target audiences	50%	All	A,B,C,E,F,G,H,I,J,K
Refreshed branding is developed and used consistently across platforms and materials		1,3,4	A,B,E,F,H,I,J,K
<b>Collateral</b>			
Collateral are created and updated as needed		All	A,B,C,E,F,G,H,I,J,K
# of infographics or other social media products created	24, focus spread across target countries	All	A,B,C,E,F,G,H,I,J,K
# of multimedia case	2, on 2 different	All	A,B,C,E,F,G,H,I,J,K



# UNDP Business + Human Rights communications strategy

Timeframe: 2019 - 2021

studies produced	countries		
# of views on videos <ul style="list-style-type: none"> <li>• Storytelling</li> <li>• Social clips</li> <li>• Explainer</li> </ul>	1,000 each 100 each 1,000	All	A,B,C,E,F,G,H,I,J,K
# of blogs produced	12 (8 UNDP channels, 4 guest channels)	All	A,B,C,D,E,F,G,H,I,J, K
# of external newsletters sent	12	All	A,B,C,E,F,G,H,I,J,K
Open rate	20%		
# of internal 'newsletter' style distributions	6	3,4	A,B,C,E,F,G,H,J,K
<b>Digital platforms</b>			
Website is reworked to enhance copy, design and SEO		All	A,B,C,D,E,F,G,H,I,J, K
# of web visitors	5% increase per quarter since baseline (Nov 2018), with a relatively even distribution across target countries	All	A,B,C,D,E,F,G,H,I,J, K
# of Twitter followers	1,000	All	A,B,C,E,G,H,I,J,K
# of combined likes and retweets on average	10	All	A,B,C,E,G,H,I,J,K
# of tweets	5 per week on average	All	A,B,C,E,G,H,I,J,K
# of followers on LinkedIn	200	All	A,B,C,E,G,H,I,J,K
# of updates on LinkedIn	2 per month on average	All	A,B,C,E,G,H,I,J,K
# of LinkedIn group members	100	All	A,B,C,E,G,H,I,J,K
# of updates provided to UNDP AP Facebook	2 per month on average	All	A,B,C,E,G,H,I,J,K

# of comments and/or likes on Facebook content posted to UNDP AP	10 per post, on average	All	A,B,C,E,G,H,I,J,K
Yammer		3,4	A,B,C,E,F,G,H,J,K
<b>Stakeholder engagement</b>			
# of side events	2, in different countries	All	A,B,C,D,E,F,G,H,I,J,K
# of internal webinars or brown-bags held	8: 1 in each target country and 1 global or regional	3,4	A,B,C,E,F,G,H,J,K
# of external webinars held	1	1,2,3	A,B,C,D,E,F,G,H,I,J,K
# of convenings of stakeholders held	8	All	A,B,C,D,E,F,I,J,K
# of target countries that are at least in initial talks with UNDP B+HR, or using B+HR discourse in public remarks	7 (all target countries)	1,2,3	A,B,C,D,E,F,G,I,J,K
<b>Outreach and education</b>			
# of speaking engagements	8	All	A,B,C,D,E,F,G,H,I,J,K
# of outreach tables	4	All	A,B,C,E,F,G,I,J,K
# of capacity building courses held	1	1,2,3	A,B,C,D,E,F,G,H,J,K
# of mentions in UNDP or other UN agency leaders' remarks	4	1,3,4	A,B,C,D,E,F,G,H,I,J,K
<b>Media engagement</b>			
# of media mentions	4	All	A,B,C,E,F,G,H,I,J
# of op-eds published	2	All	A,B,C,D,E,F,G,H,I,J

## ANNEX C.

*Anticipated funds which would be allocated to each Country Office, aligned with B+HR Asia project outputs.*

	THAILAND	INDONESIA	MALAYSIA	VIETNAM	SRI LANKA	BANGLADESH	INDIA
2.3.2 Host eight (8) consultations and/or eight (8) validations on finalized NAPs and other strategic materials with stakeholders at national and regional levels	\$ 18,000.00	\$ 20,000.00	\$ 10,000.00	\$ 15,000.00			\$ 20,000.00
2.5 Develop and implement ten (10) capacity building, and strategic planning initiatives on NAP processes and best practices tailored to government, NHRIs, and business	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 15,000.00	\$ 25,000.00	\$ 30,000.00
2.6 Develop and implement with partners thirty (30) awareness raising events at the regional and national levels on the UNGPs targeting communities impacted by business operations, private sector actors, CSOs, women, migrants and Ips	\$ 10,000.00	\$ 14,000.00	\$ 17,000.00	\$ 14,000.00	\$ 20,000.00	\$ 20,000.00	\$ 25,000.00
4.2.1 Fifteen (15) awareness raising sessions conducted with partners in seven (7) countries on business and human rights targeted towards women, migrants, IPs and other vulnerable groups	\$ 6,500.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 6,500.00
4.2.2 One (1) training module produced and distributed for purposes of awareness raising efforts				\$ 5,000.00			
4.4 Conduct country-level trainings on UNGPs and responsible business focused on private sector firms and state-owned enterprises	\$ 10,000.00				\$ 5,000.00	\$ 5,000.00	
	\$ 69,500.00	\$ 74,000.00	\$ 67,000.00	\$ 69,000.00	\$ 50,000.00	\$ 62,000.00	\$ 81,500.00

## ANNEX D.

### Risk and political-economy analysis

The following chart is provided as an analytical tool for accessing risk and political economy considerations, with a view to regular updates as scenarios evolve.

Bangladesh		
Political-economy considerations	Risks	Mitigating factors
Impact and influence of Rana Plaza event on economy and political environment is waning. “Sustainability Compact” and other measures are viewed as adequate to resolving consumer concerns. Govt <i>not</i> now actively seeking to implement UNGPs through NAP. However, Govt recently accepted UPR recommendations many of which fit under B&HR heading	Elections upcoming – may not be ideal time to introduce whole-of-govt NAP approach. Post National Election violence and associated political instability may generate unfavourable situation for project activities.	The Project will observe the political situation closely in connection with UNDSS and regular communication Country Office. Some of the events may be rescheduled and alternative work might be introduced.
	Luke warm reception of UNGPs from the government turns to outright indifference. UPR recommendations accepted by MoFA may be ignored in practice by other ministries	UNDP CO will work with NHRC to heighten awareness and ensure progress on UPR recommendations. India embrace of the UNGPs may raise interest by the government
Rivals on low cost end of Ready-Made Garment industry are catching up quickly (Viet Nam); Bangladesh may need to change its business plan towards higher value-add, less risk model	Low willingness of business community to integrate business and human rights framework in their business models	UNDP B+HR initiative is building on existing initiatives (BCtA being rolled out in the country) and it benefits from the participation of Private Sector champions in UNDP’s network that can inspire their peers
	Crowded space for intl orgs in textile sector, the most important sector to Swedish/EU business interests (Sustainability Compact). B+HR project may not receive strong support among intl and national actors for late entrant, like UNDP.	Workers in tea plantations, shipwrecking, tannery industries and others are neglected. There is good potential to work in other industries other than Ready-Wear Garments. UNDP will focus on tea-plantations
NHRC Bangladesh and UNDP are close partners. NHRC in Bangladesh is highly supportive of the B&HR agenda.	Capacity of NHRC is uneven.	Support will be provided to the NHRC in the form of technical assistance
		UNDP CO/UNW CO in Bangladesh is launching project on women tea garden workers
		UNDP has strong CO capacity in Bangladesh, which will be deployed routinely to ensure B&HR agenda is promoted
India		
Political-economy considerations	Risks	Mitigating factors

EU and India have jointly expressed interest in resuming negotiation of an FTA. Negotiations can be leveraged to ensure government embraces B&HR agenda	Large, complex country: diversity of issues and partners challenging to manage	Government officials have strong connections with UNWG on B&HR; UNDP enjoys strong CO capacity
2017 UPR process highlighted the rising number of land rights violations. Recommendations were accepted	Land rights are hugely volatile issue in India.	Government will want to respond positively with positive updates during the next reporting cycle.
Govt support is strong: Ministry of Corporate Affairs is actively seeking support from UNDP to eventually launch NAP on B&HR		
	Businesses might see this as another compliance being imposed upon them.	Strong business cases must be made. Companies will be informed of the benefits through peer review. UNDP work with ABG on human rights due diligence project may serve as a springboard for other companies to follow
	CSO engagement on B&HR may be weak, owing to other priorities	Information and training campaigns will be part of the outreach strategy to overcome potential resistance, and find champions
<b>Indonesia</b>		
<b>Political-economy considerations</b>	<b>Risks</b>	<b>Mitigating factors</b>
Strong support from Coordinating Ministry of Economic Affairs and Ministry of Justice	Discussions might stall if ministers are rotated out or given new directives. There is a palpable level of fatigue with National Action Plans.	Govt roadmap on B&HR has been developed with UNDP support. Govt has expressed keen interest in showcasing progress at UN Forum on B&HR in Geneva. Govt looking to UNDP for some support to participate on high-level panel. Govt understands now that B&HR Agenda need not be expressed through stand-alone NAP.
B&HR interventions may provide a more positive negotiating environment for the EU CEPA	Election in 2019 may impact on eagerness to work on human rights related issues	Loss in value of the rupiah puts current govt strategies on the backfoot. Govt will need to work harder to attract FDI.
Seafood sector may welcome B&HR interventions given successful focus on eradicating IUU fishing	Work on palm oil and other industries connected to deforestation is extremely challenging. Discussion on EU sanctions considered radioactive.	New private sector firms (Sime Darby, Gar) stepping forward to accept more responsibility. New Ministry of Ag study of differences between ISPO and RSPO is an opening for dialogue.
	Upcoming election in April 2019 may lead to a change in government	UNDP has and will continue to engage with working-level officials in addition to high-level officials
<b>Malaysia</b>		

<b>Political-economy considerations</b>	<b>Risks</b>	<b>Mitigating factors</b>
The NHRI in Malaysia is strong. The NHRI drafted a well-received, Strategic Framework for a National Action Plan on Business and Human Rights	UNDP CO has some capacity challenges owing to limited donor support for upper-middle economy countries like Malaysia. Ability to coordinate with NHRI and other actors is uneven given human resource constraints	B+HR Unit support will be deployed to assist. UN RC covering Malaysia, Singapore and Brunei is very committed to the B&HR agenda
New government led by Pakatan Harapan (PH) is elected on manifesto which includes significant commitments to human rights, including ratification	Too many priorities reduce interest in the B&HR agenda. Or B&HR agenda is considered an instrument of the last government – and the new government seeks to distance itself from these priorities	Progress in Thailand and Indonesia on NAPs or similar instruments will only highlight Malaysia's lack thereof. Pressure from private sector to enhance the country's reputation may elicit interest.
	The PH government is currently exploring various options for an effective and efficient administration of the government, in view of the available limited resources. Institutional set-up will not be ready.	It is anticipated that frequent discussions and follow up meeting to be organized with implementing partners. Resources through SIDA support can fill gaps that govt might be facing in terms of building a roadmap towards a NAP on B&HR
<b>Sri Lanka</b>		
<b>Political-economy considerations</b>	<b>Risks</b>	<b>Mitigating factors</b>
Country in the midst of a Constitutional crisis. New cabinet in place. Need to reengage the government on B&HR.	Government disengages from UN or other international organizations	Fallout from political events will likely hurt the economy. This may mean that government is open to cooperation with international organizations to ease investor and trading partner concerns.
EU/SL GSP+ agreement is strong indicator that time is still ripe for discussions on B&HR	GSP+ status cancelled by EU due to political crisis or events that follow.	Strong commitment from the EU Delegation to B&HR practice area. GSP+ deal seen as major achievement by many in Sri Lanka.
Private sector is very keen on positioning the country as a "risk-free" place to produce garments and other lower-market value products	Upcoming elections likely to produce government hostile to human rights label	Private sector associations and large national companies are strongly supportive of B&HR agenda, including Ceylon Chambers of Commerce, Global Compact, EU Chambers of Commerce. SL's current account deficit and debt profile mean that it must not send wrong signals about commitments to international norms.
<b>Thailand</b>		
<b>Political-economy considerations</b>	<b>Risks</b>	<b>Mitigating factors</b>
Low hanging fruit – NAP on B&HR nearly complete	Cosy relationship between govt and business. Govt efforts may be pulled	Engagement with CSOs will keep pressure on to ensure B&HR agenda is successful and impactful. UNDP

	back under pressure from food export and other industries	will engage with CSOs and media on an ongoing basis. UNDP will provide small grants through SIDA support to most active CSOs working in the region, several of which have HQs in Bangkok
Thailand PM is behind the NAP	Elections may lead to new government will less appetite for B&HR	EU negotiations on FTA with Thailand may start soon after elections in February 2019. Big incentive to stay the course.
High level of government and CSO capacity to implement NAP going forward – value add of UNDP still high, but not as obvious as in Bangladesh, Indonesia, Viet Nam, Myanmar, etc.	Migration/forced labour issues reportedly not improving. Risk of non-compliance.	B&HR advocacy network throughout the country is expanding. UN system and OECD is looking to widen its efforts and strengthen its voice.
EU – Thailand FTA negotiations still in process	Human rights discussion may be unwelcome if it clouds potential of Eastern Economic Zone	Govt has linked B&HR with Fourth Industrial revolution rhetoric. UN system needs to underscore this link. B+HR links to Thailand 4.0 economic plan could be strengthened
	There is a risk that some business enterprises may not see this issue as a priority and therefore might not want to become involved.	This risk can be mitigated by working with the media to promote the issue of business and human rights to highlight the UNGPs and Thailand's commitment to this issue.

## Viet Nam

<b>Political-economy considerations</b>	<b>Risks</b>	<b>Mitigating factors</b>
Young, dynamic workforce and rapidly growing consumer market: All eyes on Viet Nam	SOEs in Vietnam predominate in the economy. May be suspicious of B&HR agenda	Ongoing trainings by the Department of Economic and Social Affairs at the Ministry of Justice is sensitizing SOEs. B+HR project will employ more politically sensitive language to fit Viet Nam context.
EU-Vietnam political relations have been deepened with the entrance into force of the PCA	Vietnamese government is highly sensitive to HR issues, government also highly centralized. No guarantees of progress. Sensitives around use of term 'human rights' among government partners in Viet Nam.	Govt continues to allow delegations to attend and participate in global and regional forums on B&HR (ie UN Forum in Geneva). UNDP will continue to nurture Viet Nam's interest creating strong advocates. UNDP is working with Government partners to develop terminology and description of activities suitable to effectively achieve stated outcomes while omitting the use of term 'human rights', using instead 'Responsible Business Conduct'
UNDP is deepening relationship with MOJ, which expresses strong support for B&HR agenda	'Blue Washing' of UNDP services by private sector partners	Through the Working Group on Business and Human Rights of the One UN in Viet Nam, CO are learning strategies from other UN agencies in managing risk against businesses

		<p>using partnership/engagement with UNDP to falsely claim progress/advancements in protecting human rights. In particular, the IOM model adopted with IKEA as part of the CREST programme is suitable for early stages of UNDP-private sector partnerships where services on UNGP implementation are being delivered.</p>
<p>Strong CO support; high capacity of UNDP CO</p>	<p>Challenge to promote UNGPs among plethora of corporate sustainability initiatives by other UN agencies/IOs/CSOs etc.</p>	<p>CO is actively working with other UN agencies to integrate the UNGPs into existing programmatic activities in areas such as labour rights, working conditions in the supply chain (ILO), migrant workers in the supply chain (IOM), environmental protection and climate change (FAO), rights of LGBTI persons (UNDP-BLIA), free expression online (UNESCO), and combatting corruption (IBLF-UNDP Business Integrity Programme). CO have also coordinated closely with CSO recipients of the European Instrument for Democracy and Human Rights (EIDHR) in Viet Nam on business and human rights, the Frederich Ebert Stiftung Foundation.</p>



**Intended Outcome as stated in the Regional Programme Results and Resource Framework:**

**Project title:**

Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships

**Project Outcome:**

Responsible business practices that strengthen human rights, empower women, and respect the environment are facilitated at the regional and national levels through the implementation of UN Guiding Principles on Business and Human

**Project title and Atlas Project Number:** [Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships](#)

EXPECTED OUTPUTS	OUTPUT INDICATORS	Activities	BASELINE (Nov 2018)	TARGETS					MEANS OF VERIFICATION (data collection methods)
				YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	
<p><b>Output 1 :</b> Regional and international dialogue and training events build momentum and inform progress on UNGP implementation efforts and facilitate South-South exchange and cooperation</p>	1.1 No. of Regional dialogue events that support peer learning and strengthen political will and South-South cooperation	1.1.1 Co-host five (8) regional dialogue forums on progress towards the implementation of the UNGPs, including review of South-South cooperation and learning	3 Regional Workshops hosted on B&HR basics. 3 Reports capturing lessons learned produced. No introductory or social media products produced.	2	4	6	7	8	<p>Conference programme, Workshop Reports, Research Reports, Budget Submission Reports Attendance lists Outcome documents Social Media Outreach Media statements, Consultant Reports, NHRI National Consultation Reports UNGP reporting framework</p>
		1.1.2 Produce five (5) reports, outcome documents or multi-media product summarizing deliberations and conclusions	Fifteen (15) key stakeholders from Asia have participated in panels dedicated to peer learning at two (2) global Forums on Business and Human Rights	1	2	3	4	5	
		1.1.3 Develop three (3) videos and three (3) social media communication products to introduce gender and environmental dimensions, and other sub-topics to a widening B&HR agenda		2	3	5	6	6	
	1.2 No. of Regional Expert-level Workshops supporting capacity building, focused on the environment, and the specific needs of women, migrants and indigenous peoples	1.2.1 Host five (5) regional expert-level workshops on the UNGPs, or similar event identifying priority areas of action and best practices	Two (2) regional workshops supporting capacity building and peer learning-	1	2	3	4	5	
		1.2.2 Produce multi-media training products to support expert-level workshop	0	1	2	3	4	5	
	1.3 No. of key stakeholders actively participate in global Forum on Business and Human Rights	1.3.1 Five (5) events co-hosted at the annual Forum on Business and Human Rights	Three (3) panel events co-hosted: 1) 2017 Forum panel on "Moving Forward with National Actions Plans on Business and Human rights and Implementing Pillar III in ASEAN"; 2) 2018 Panels on, "Trends and Challenges in Promoting Business Respect in Asia - Parts 1 and 2."	1	2	3	4	5	
1.3.2 Provide support to NHRIs, CSOs, and government in their engagement at the annual Forum on Business and Human Rights			1	2	3	4	5		
<p><b>Output 2:</b></p>	2.1 No. of advocacy missions conducted in support of NAPs or other policy planning initiatives on B&HR	2.1 Provide policy guidance and encourage governments over the course of twenty-five (25) missions to develop NAPs or other strategic planning documents towards UNGP implementation	UNDP conducted scoping missions in 7 countries.	5	10	15	20	25	Policy briefs and knowledge products produced and published BTORs and Documentation of support provided to countries
	2.2 No. of policy products produced and disseminated in furtherance of NAPs development on B&HR	2.2.1 Five (5) policy products delivered on lessons learned and evidenced-based impact in the Asia context regarding UNGP implementation	0	1	2	3	4	5	Policy briefs produced and published, National Assessment Reports, Project Information Disclosure Reports by COST, regular data collection reports on status of government and corporate integrity to feed into final flagship report
	2.3 No. of technical support initiatives delivered on NAP drafting process	2.3.1 Provide technical expertise, guidance and inputs into NAPs and other implementation strategies, ensuring that policies are properly consulted, costed, and include defined roles and responsibilities, among other indicators of quality.	0	20%	40%	60%	80%	100%	Policy briefs produced and published. Mission reports and performance reviews.

<p>Output 2: Regional and national legislative and policy frameworks, including National Action Plans, are developed and implemented on UNGP, reflecting regional best practices, including perspectives of women, migrants and Indigenous Peoples (IPs)</p>	2.3.2 Host eight (8) consultations <u>or</u> eight (8) validations on finalized NAPs and other strategic materials with stakeholders at national and regional levels	One (1) validation, and one (1) consultation of Thai NAP draft 2 hosted	2	4	6	8	8	Outcome document Attendance lists	
	2.4 No. of countries in Asia that the Women's Rights Due Diligence Tool is disseminated	2.4 Design and produce Women's Rights Due Diligence toolkit	0	4	7	7	7	Publication of WWDD tool Project reporting documents	
	2.5 No. of capacity building events conducted on NAP development and implementation, targeting government officers, CSOs actors, NHRI staff, and business leaders	2.5 Develop and implement ten (10) capacity building events on NAP processes and best practices tailored to government, NHRIs, and business	One (1) regional capacity building event on NAP processes and best practices co-hosted with AICHR  One (1) regional capacity building event on B&HR during AICHR CSO Symposium	2	4	6	8	10	Capacity assessment surveys Conference report Attendance lists
	2.6 No. of awareness raising events conducted on B&HR that widen and deepen engagement on existing NAP or similar processes or that encourage government implementation of UNGPs	2.6 Develop and implement with partners thirty (30) awareness raising events at the regional and national levels on the UNGPs targeting communities impacted by business operations, private sector actors, CSOs, women, migrants and Ips	0	6	12	18	24	30	Conference programme Attendance lists Outcome documents Social media outreach Media statements
<p>Output 3: Strengthened regional partnership architecture, made up of UN system, NHRIs, CSOs, and private sector actors working on B&amp;HR, brings greater coherence to awareness raising, technical assistance efforts, while facilitating innovative practices</p>	3.1 No. of coordination and knowledge-sharing lab strengthening cohesion among partners working on B&HR	3.1 Design and host five (5) partnership coordination and knowledge sharing lab to inform and shape regional dialogue on B&HR	Two (2) UNDP-hosted coordination events titled, B+HR Lab: Regional Partnership Workshop to Support Implementation of the UNGP on Business and Human Rights, on 31 October 2017 and on the same date in 2018.  Thirty of organizations attend knowledge sharing events, and develop joined-up programming with UNDP and other entities to work on B&HR	1	2	3	4	5	Attendance lists
	3.2 No. of innovation labs conducted between CSO and UN system partners and private sector start-ups that address business and human rights challenges	3.2.1 Three (3) innovation labs conducted	0	0	1	2	2	3	
		3.2.2 Three (3) social innovation projects provided seed funding for product launch in three countries	0	1	0	2	0	3	Proposals submitted
	4.1 No. of peer learning and technical training events	4.1.1 One (1) learning exchange events co-hosted between NCPs and NHRIs on business and human rights cases	0	1	1	2	2	2	Capacity assessment surveys

*Output 4:  
Increased awareness of all regional stakeholders of the UNGPs and strengthened access to effective remedy for violations of human rights in the context of business operations*

Technical training events involving NHRIs and National Contact Points (NCPs)	4.1.2 Host two (2) regional capacity building events with NHRI on UNGPs, sharing lessons learned and stoking South-South cooperation	0	1	1	1	2	2	Conference report Attendance lists
4.2 No. of CSOs and NHRIs supported in raising awareness and providing access to effective remedy	4.2.1 Fifteen (15) awareness raising sessions conducted with partners in seven (7) countries on business and human rights targeted towards women, migrants, IPs and other vulnerable groups	0	3	6	9	12	15	Conference programme Attendance lists Outcome documents Social media outreach Media statements
	4.2.2 One (1) training module produced and distributed for purposes of awareness raising efforts	0	1	1	1	1	1	Curriculum developed
	4.2.3 Three (3) regional CSOs supported through small grants to CSOs providing legal aid on business and human rights	0	0	2	2	3	3	Proposals submitted
4.3 No. of research products on access to remedy	4.3.1 Two (2) multi-country research study on the differentiated impact of business operations on women, including sexual harassment and exploitation in the workplace	0	1	2	2	2	2	Research report
	4.3.2 Two (2) studies on the regional scope and impact of SLAPP legislation.	0	0	1	1	2	2	Research report
4.4 No. of trainings on UNGPs, including human rights due diligence and compliance, grievance mechanism provisions, with Private Sector firms and State owned enterprises	4.4 Conduct country-level trainings on UNGPs and responsible business focused on private sector firms and state-owned enterprises		1	2	3	4	5	Curriculum developed
4.5 No. of trainings on UNGPs with Judiciaries and Ministries of Justice from the region	4.5 Three (2) trainings with judges and prosecutors	0	1	1	2	2	3	Curriculum developed Attendance lists Capacity assessment surveys Conference report
4.7 Policy guidance, support, and capacity development (Technical Specialist)	4.7.1 Provide technical expertise, guidance and inputs into NAPs and other implementation strategies, ensuring that policies are properly consulted, costed, and include defined roles and responsibilities, among other indicators of quality. Publish technical and policy documents detailing lessons learned from UNGP implementation efforts.	-	20%	40%	60%	80%	100%	Consultant report, timesheets, invoices, draft NAP inputs
5.1 No. of evidence-based research projects on the relationship between FTAs, IIAs and UNGPs and their impact on human rights and rule of law conditions at national and regional levels	5.1.1 One (1) multi-country research study on the impact of sustainable development clauses, human rights clauses and other social protection provisions of trade and investor agreements	-	1	1	1	1	1	Research report
	5.1.2 Four (4) think pieces on the B&HR implications of special economic zones, Belt and Road, Economic and Social Impact Assessments	-	1	2	3	4	4	Think pieces produced and published
5.2 No. of Policy Coherence Roundtables on trade and investment instruments, Equator Principles, RBC and UNGPs	5.2 Conduct four (4) sector-specific roundtables with government, business and civil society stakeholders on human rights due diligence and compliance principles, in the context of Free Trade Agreements, International Investor Agreements, and the UNGPs	-	1	2	3	4	4	Conference programme Attendance lists Outcome documents Social media outreach Media statements

*Output 5:  
Strengthened policy coherence between regional*

Strengthened policy coherence between regional Trade Agreements, International Investor Agreements, and UNGP to enhance the region's competitive positioning in attracting investment and increasing trade flows

<p>5.3 No. of stakeholder dialogue sessions hosted on regulatory cooperation with multiple actors and stakeholders, on topics related to human rights due diligence in supply chains, environmental protection, and human rights provisions of trade and investment agreements</p>	<p>5.3 Host 3 (three) policy dialogues involving International Chambers of Commerce and Asia-Pacific business associations leveraging peer pressure, and technical expertise to ensure strong human rights and environmental standards among all businesses, including SMEs, in the context of sustainable development clauses, human rights clauses, and other social protection provisions of trade and investor agreements</p>	-	0	1	2	3	3	<p>Conference programme Attendance lists Outcome documents Social media outreach Media statements</p>
<p>5.4 Policy guidance, support, and capacity development (Technical Specialist)</p>	<p>5.4.1. Provide technical expertise and guidance towards greater coherence between trade, investment, human rights policy streams. Raise awareness of the policy connections between these and other policy areas, inputting into national, regional and international policy development processes where possible. Publish technical and policy documents detailing lessons learned from roundtables and policy dialogues.</p>	-	20%	40%	60%	80%	100%	<p>Consultant report</p>

## ANNEX F.

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# SPECIAL STEERING COMMITTEE: SMALL GRANTS 4 HRD

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### Funding envelope:

Approx. 300,000 USD over 5 years

### SSC Members:

AIPP – Gam Shimray

Fair Finance Asia, Oxfam - Bea Victoria

ILO, Responsible Supply Chains – Fredy Guayacan

UNDP Transparency – Elodie Beth

UN Women, Safe and Fair – Valentina Volpe

### Objective:

The specific objectives of the small grants scheme are to:

- Strengthen environmental rights provision through protection and support of Human Rights Defenders (HRDs)
- Provide support to organizations working with or supporting HRDs
- Facilitate networking among CSOs in order to amplify voices and influence policies on environmental and human rights issues
- Promote constructive dialogue with media and businesses about the issues facing HRDs

### Areas of intervention:

- Direct legal support to human rights defenders
- Capacity building to community-based organizations
- Providing legal or other essential services to family members of HRDs
- Policy analysis and advocacy
- Awareness, knowledge and information sharing

Under the small grants scheme, UNDP will contribute up to **50,000 USD** to a regional CSO for 2.5 years of project programming.

### Eligibility Criteria:

Only initiatives where a civil society organization is the main applicant are eligible. Government authorities and for-profit (commercial, private market) actors cannot apply but may participate as cooperation partners in the project or be part of a coalition where a civil society organization is the main applicant.

Three grants will be made to three different CSOs. The selection criteria will involve the following proposed elements:

1. Scale and capacity of CSO
2. Relevance to the Framework Principles on Human Rights and the Environment
3. Simplicity and ease of implementation
4. Effectiveness
5. Scalability
6. Timeframe

#### Selection process:

These and other criteria will be further refined by the ad hoc steering committee. The grants scheme will begin with a call for proposals to select CSOs and will be managed and monitored by the relevant UNDP Country Office or the Regional Bureau.

Members of the steering committee will meet at the inception of the scheme, during the selection period, and in the closing period. An ad hoc steering committee will be made up of one officer each from UNDP Asia-Pacific, non-candidate regional CSO, one member of an academic institution or research facility, and a representative from the Government of Sweden.

#### Risks:

A risk-mitigation plan will be submitted to the ad-hoc steering committee for review and further elaboration. Where there are insufficient applications from regional CSOs, the steering committee will seek to modify the criteria, or make other adjustments to the selection process.

#### Management:

A Standard Grant Agreement will be established between the designated institution of the programme or project and the recipient institution.

The Special Steering Committee will act as an independent mechanism that will review and endorse the selection of recipient institutions and assess the performance of these institutions in managing the grants.

The Special Steering Committee will be made up of different actors including civil society, government, private sector and UNDP or its delegated arrangement to carry out the above specific functions (for more details, see POPP at <https://intranet.undp.org/global/popp/ppm/Pages/Programme-and-Project-Management-Arrangements.aspx>).

All recipient institutions must have a system for reporting regularly on the quality of its services, outreach and financial performance: 1) reporting on outreach and performance through an initial baseline report and thereafter each quarter; 2) financial performance including balance sheet, income statement and audited financial statements, annually.

UNDP will be responsible for:

1. Approving, in consultation with a steering committee, requests for grants;
2. Establishing the Standard Grant Agreement (Micro-Capital Grant Agreement) between itself and the recipient institution;
3. Managing the release of the grant and;
4. Monitoring and reporting to UNDP on the implementation of the activities covered by the grant and the achievement of results from the grant.

## ANNEX G.

### Partnership Plan

UNDP's partnership plan is divided into first and second tiers. Those organizations that fall under the first-tier categories are those that we have approached on a formal basis with either an MOU, Letter of interest, or inter-agency agreement. Those partners that fall under the second tier will be those that UNDP engages on a regular but less formal basis, and for which written agreements are not necessary.

#### **First-Tier Partnerships:**

##### 1. UN Women

UN Women is a key partner to UNDP on both an informal and formal basis. On an informal basis, UN Women and UNDP have agreed to jointly organize events and advocate for changes in business management policies and practices so that they improve on women's experience in the workplace. Joined up efforts, including knowledge-sharing, will also address ways to create safe and supportive places for women and to eliminate sexual harassment and violence in the workplace, in furtherance of the Women's Empowerment Principles. Women migrant laborers will also be of significant focus of public awareness raising efforts, with UN Women leading on initiatives. As an expression of this informal commitment to partnership, UNDP has invited UN Women to speak at both an AICHR Interregional Dialogue on Business and Human Rights (June), the Responsible Business Forum (October), and the Business and Human Rights Lab (October).

UNDP is also developing a partnership with UN Women to work with Unilever to address issues related to women in tea gardens, in conjunction with UNDP CO Bangladesh. An MOU is forthcoming, pending Unilever internal decision-making processes. A TOR for an assessment of the tea gardens has been issued.

In 2019, UNDP and UN Women will combine resources to launch a joint study on women's rights in the context of business operations in two (2) countries in Asia. Research will explore the cost of violence to businesses and role that businesses can play in reducing violence, sexual harassment and other harms directed at women.

Also, in 2019, UNDP will jointly develop a **Memorandum of Understanding (MOU)** with UN Women to secure a closer working relationship and to access UN Women's world-class expertise on gender. It will also provide an opportunity to create linkages to UN Women's work and experience on the B&HR agenda, namely through its project on migrant women workers titled, *Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region*, but also through a new project in development on Women's Economic Empowerment. To ensure sustainability, UNDP will explore co-funding UN Women staff and initiatives. This MOU will, among other things, go towards supporting UNDP's work on a **Women Rights Due Diligence toolkit**.

##### 2. ASEAN Intergovernmental Commission on Human Rights (AICHR)

AICHR is the coordinating body responsible for moving the Association of Southeast Asian Nations (ASEAN) towards a common approach on human rights, through the active application, promotion and protection of human rights. **UNDP envisions co-funding two (2) regional events on Business and Human Rights with AICHR in 2019.** One event will entail peer-learning and involve high level officials and AICHR-accredited CSOs. The other event will involve capacity building and will target civil servants and a wider group of CSO actors. Engagement will be contingent upon the interest of the AICHR Chair in the Business and Human Rights agenda.

### 3. International Labour Organization (ILO) and Organization for Economic Co-operation and Development (OECD)

During the Setup Phase, UNDP has developed a strong relationship with both the ILO and OECD in the context of discussions of the EU-supported Responsible Supply Chains in Asia project. UNDP and ILO have developed a **Joint-plan of Activities** that will further strengthen this partnership, facilitating the sharing of expertise without restraint. The Joint-plan of Activities will also help the organizations to avoid overlap while aligning messages with at both the regional and country level. At the crux of this relationship is mutual recognition of each other's comparative advantages, and potential for knowledge sharing.

UNDP is also building its relationship with OECD through the Responsible Supply Chains project to seek alignment and complementarity between the Business and Human Rights agenda and their work on promoting Responsible Business Conduct. Informally, OECD and UNDP agree to keep each other informed of large public events, inviting each other to participate as relevant.

Importantly, UNDP will **co-fund with OECD events to strengthen the relationships between OECD-supported, National Contact Points and NHRIs.** UNDP will encourage learning between NCPs and NHRIs, among other efforts.

UNDP, OECD and ILO are in the very early, preliminary stages of discussions of the possibility of co-hosting a RBC/B+HR event in June in Thailand.

UNDP will work to ensure that efforts to avoid redundancy with both ILO and OECD especially where there is overlap on efforts in Thailand and Viet Nam. UNDP will strongly encourage more participation from OECD and ILO in discussions on Business and Human Rights at the regional and country level.

### 4. UN Working Group on the issue of human rights and transnational corporations and other business enterprises (UNWG)

UNDP B+HR Asia project team has leveraged its relationship with the UN Working Group on Business and Human Rights to great effect in the Setup Phase reporting period. UNDP has furthered its support to UNWG members to participate in awareness raising and training events in Thailand. For example, between 23-25 August, UNWG Member Surya Deva made presentations at an event titled, Asian Youth Partnership on Business and Human Rights. Later UNDP supported Dr. Deva as addressed over 300 judges at an event hosted by the NHRCT titled, Seminar on "Access to Effective Remedies under the United Nations Guiding Principles on Business and Human Rights" on 7 November.

Chairperson Dante Pesce participated at an opening panel and other sessions at UNDP's Responsible Business Forum (RBF) in Singapore. The Chairperson's involvement in the RBF was



constructive to widening the circle of understanding of Human Rights Due Diligence practices among sustainability experts. His engagement also helped fuel discussion on the links between financial sector and human rights considerations qualifying indices for ESG compliance and sustainability ratings by stock exchanges. In both cases, UNWG members helped to highlight the need for policy convergence between trade agreements, international investor agreements, international human rights obligations, and the 2030 Agenda on Sustainable Development, among other instruments.

Based on UNDP's close relationship with UNWG, UNDP has been asked to organize a two-part Panel in Geneva on 28 November at the UN Forum on Business and Human Rights. The Panel will be titled, "Trends and challenges in promoting business respect for human rights in Asia" and include high-level authorities from government, business and civil society. In addition to this, the UNWG has asked UNDP to also help organize a parallel session on Gender at the Forum.

As a reflection of the confidence placed in the UNDP B+HR Asia Unit, the UNWG has approached UNDP as a partner in organizing South Asia's first, regional Forum on Business and Human Rights. The Unit is already preparing for this inaugural event, given its high-level character.

## **Second-Tier Partnerships**

### **5. Office of the UN High Commissioner for Human Rights (OHCHR)**

Over the project period, UNDP will maximize its already strong working relationship with OHCHR and seek complementarities with OHCHR's project on land rights and its work supporting human rights defenders. Sharing lessons and joining forces to support human rights defenders will signal concerted and unified institutional strength while increasing visibility. On 15-16 November, UNDP and OHCHR supported a Land Rights workshop with Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), titled "Engaging National Human Rights Institutions Towards the Promotion of Land Rights as Human Rights."

Based on the global tri-partite agreement between UNDP, GANHRI and OHCHR, UNDP will also work with OHCHR, the Asia Pacific Forum and others who have been active in promoting the role of the NHRIs in seeking remedies for adverse impacts of business activities. UNDP will work with OHCHR in a regional capacity and where possible and relevant in Cambodia, where OHCHR has a country office.

### **7. UN Children's Fund (UNICEF)**

Applying approaches refined over years of in-country experience, UNICEF's efforts to eliminate child labour in Asian supply chains through the implementation of the Children's rights and Business Principles has been met with considerable success in many countries in the region. UNDP will also work with UNICEF on child labour issues (and relevant CSOs through UNICEF's networks) but also on the impact of business practices on children.

At this year's B+HR Lab in October, UNICEF articulated the need to start to value the impact of business commitments to Business and Human Rights, and in particular Child Rights. UNDP will enter into discussions with UNICEF on how it might contribute to this effort. UN System-wide support to this effort may heighten the impact and breadth of this proposed study.

UNDP will strengthen its partnership with UNICEF recognizing the organization's mandate and history and include UNICEF in discussions on National Action Plans in Indonesia, Malaysia, Thailand and other countries where these strategic planning efforts take shape.

#### 8. UN Environment Programme (UNEP)

In July of 2018, UNDP had tentatively proposed joined-up activities with UN Environment on their Environmental Rights Initiative to work with Human Rights Defenders (HRDs) and other community advocates in order to advance environmental rights. UNDP intended that small grants support to CSOs working on legal aid provision would greatly benefit from UN Environment experience with environmentally-focused CSOs. Due to staffing changes at UNEP, these plans are now in a holding-pattern. In the meantime, the role of advisor will be taken up by Asia Indigenous Peoples Pact (AIPP) and Forum-Asia.

#### 9. Research

UNDP intends to assist on research projects and think pieces with the International Commission of Jurists, Stockholm Environment Institute, and RWI. Though the topics for research have been decided through the inception phase of the project, the role of partnership with these organizations has not yet been decided. The partnership plan will be updated in 2019 to include an approach to ICJ, SEI and RWI.

#### 10. CSO Partners

UNDP's emerging partnership architecture on B&HR, which includes all of the above organizations, will strengthen regional advocacy networks and enhance the ability of organizations and institutions to tackle issues at the national level. CSOs like Forum Asia and Environmental Justice Foundation, will guide UNDP in identifying priority actions under the transboundary heading. UNDP will unlock the organization's convening and normative power in service of CSO efforts to address specific subject-area priorities, which are likely to involve land confiscation, displacement incidents, forced labour, and environmental rights abuses. At this time, UNDP envisions the provision of small grant funding to these groups. However, the decision will be taken up by the Special Steering Committee on Small Grants, thus assigning partnership status and inserting these groups into a formal partnership plan is considered premature.

## ANNEX H.

### (Draft) Joint-Action Plan: ILO and UNDP

Coordination between ILO and UNDP at the regional level to work on Decent Work and Business and Human Rights on Global Supply Chains

#### Background:

On October 12, 2018, a high-level meeting between Ms. Tomoko Nishimoto (ILO's Assistant Director-General and Regional Director for Asia and the Pacific) and Mr. Haoliang Xu (Assistant Secretary General of the United Nations and UNDP Director of the Regional Bureau for Asia and Pacific) took place in Singapore in the context of the Responsible Business Forum.

The objective of the meeting was to strengthen collaboration between both agencies in the field of Business and Human rights and Decent Work in Global Supply Chains and identify concrete joint actions in the context of existing regional projects implemented independently by each agency<sup>1</sup>.

This collaboration is framed within the context of the UN reform and UN joint efforts to facilitate the implementation of the 2030 Agenda on Sustainable Development.

The aims are to:

- Collaborate on Socially Responsible Practices (RBC/CSR) and Business & Human Rights particularly in the context of the project, *Responsible Supply Chains in Asia* (ILO side) and the project, *Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships* (UNDP side), through ILO's technical expertise on CSR/RBC and UNDP's expertise on Business & Human Rights.

Specifically, the organizations commit to:

- Collaborate on toolkits, policy and research, and learning events to strengthen the quality of work of both agencies
  - Bring a wider variety of partners and stakeholders to the table at training events, consultations, and validations
  - Enhance mutual engagement in events such as seminars, workshops, meetings and panels related to Socially Responsible Practices, Business & Human Rights, CSR/RBC, and Decent Work in Global Supply Chains
  - Leverage ILO's mandate on SDG 8 to discuss other SDGs that are closely linked, while bringing in other UNDP programming areas
- 
- To articulate and unify messages when it comes to the dimension of labour in Corporate Social Responsibility/Responsible Business Conduct, in events, policy and tools related to Responsible Supply Chains, Business and Human Rights, as well as in other related projects.
  - Synergize ILO/UNDP efforts at the regional level for the realization of the 2030 agenda, in particular those SDGs on which ILO has the expertise and tools such as the MNE Declaration.

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<sup>1</sup>At an initial stage the following projects: Responsible Supply Chains in Asia (ILO jointly with EU and OECD); Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (UNDP)

Aligning with and materializing UN reform, increasing coordination, avoiding duplications and strengthening the regional technical support to national operations.

**ANNEX I.**

**DRAFT**

**UN AGENCY TO UN AGENCY CONTRIBUTION AGREEMENT**

**A. SUMMARY OF ACTIVITIES**

<b>Title:</b>	Multi-Country Study on the Economic Impact of Tackling Violence Against Women
<b>Start/End Dates:</b>	Activities start date: 01 February 2019 Activities end date: 01 December 2021
<b>Location:</b>	Asia-Pacific Regional Hub
<b>Contribution Amount:</b>	USD 220,000.00 (the “ <u>Contribution</u> ”)
<b>Contributing Agency:</b>	United Nations Development Programme in Asia and the Pacific [UNDP]
<b>Recipient Agency:</b>	United Nations Entity for Gender Equality and the Empowerment of Women [UN WOMEN]
<b>Nature of Activities:</b>	Multi-Country Study (Research)
<b>Purpose</b>	UN Women and UNDP will work with their partners and together to gauge the economic impacts of violence against women from a multidimensional and intersectional perspective by collaborating on a multi-country research into the cost of violence against women to business, and what businesses can do to address violence both in and out of the work force, initially on up to three countries, that could be scaled up to include other countries or a regional perspective.
<b>Annexes:</b>	In the event that the terms contained in Annex(es) are incompatible with those contained in this Agreement, then the latter shall govern and prevail.

[Terms of Reference: *Multi-Country Study on the Economic Impact of Tackling Violence Against Women*]

**Expected outcome:** The study will conduct a cost of inaction analysis by estimating the costs of violence against women and sexual harassment in the workplace. It will expose the impact of VAW on the work environment in general and on the employees in particular. Finally, the study will provide a set of

recommendations for businesses to address VAW in the workplace. The study will make the business case for addressing VAW and galvanize action among governments and private sector firms.

The Recipient Agency will be fully responsible for administering the Contribution in accordance with its financial regulations, rules, policies and procedures, and administrative instructions, and carrying out the Activities efficiently and effectively.

**B. BUDGET**

The total budget for the Activities is 220,000 **in USD**, as more fully described below.

<b>Summary of activities and BUDGET<sup>1</sup></b>	<b>Annual (Years 1, 2, and 4)</b>	<b>Total</b>
UNDP Contribution	50,000, 50,000, 100,000	200,000
UN Women Contribution	20,000	20,000
<b>Total programmable amount, including direct costs</b>		
<b>Indirect support costs</b>		
<b>Grand total</b>		220,000

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*November 2018*

The Contributing Agency will not be responsible for any financial commitment or expenditure made by the Recipient Agency that exceeds the budget for the Activities. The Recipient Agency will promptly advise the Contributing Agency any time when the Recipient Agency is aware that the budget to carry out these Activities is insufficient to fully implement the Activities in the manner set out in the present Agreement, including its Annex(es). The Contributing Agency will have no obligation to provide the Recipient Agency with any funds or to make any reimbursement for expenses incurred in excess of the total budget as set forth herein.

**C. COSTS RECOVERY**

The Recipient Agency's support costs, determined in accordance with its cost recovery policy, will be paid from the Contribution, in accordance with the budget.

**D. REPORTING**

**Narrative reporting:**

The Recipient Agency will provide the Contributing Agency with a narrative report on the progress of the Activities on a regular basis, as set out below.

Methodology	31 February 2019
Baseline Report	31 July 2019
Country A Report	31 December 2020
Country B Report	31 July 2021
Final Report	31 December 2021

**Financial Reporting:**

The Recipient Agency will provide the Contributing Agency with the following financial reports, prepared in accordance with the Recipient Agency's financial regulations, rules, policies, procedures, and administrative instructions:

**E. CONTRIBUTIONS**

The total amounts paid by the Contributing Agency shall match the total budget amount. For Activities less than one year in duration the Contribution will be paid to the Recipient Agency prior to the commencement of Activities. For multi-year Activities the Contribution will be paid in instalments according to the following schedule.

**Schedule of payment:**

[date (Date-month-year)]	[amount]
[date(Date-month-year)]	[amount]

The Contributing Agency acknowledges that the Recipient Agency will not pre-finance Activities. If the Contribution, or any part of it, is not received in a timely manner, the Activities may be reduced or suspended by the Recipient Agency with immediate effect.

The Contribution will be paid into the following account:

**Account Details:** [Insert Recipient Agency account details]  
**Currency:** US Dollars  
**Bank Address:**

When making such transfers the Contributing Agency will notify the Recipient Agency, [details] (for the Attention [ ]), by fax ([ ]) or by e-mail ([ ]) of the following: (a) the amount transferred; (b) the value date of the transfer; (c) that the transfer is from the Contributing Agency pursuant to this Agreement.

**F. INTELLECTUAL PROPERTY RIGHTS**

All Intellectual Property Rights related to the Activities will belong to the Recipient Agency. The Contributing Agency and, if applicable, the relevant programme Government will enjoy a perpetual, royalty-free, non-exclusive and non-transferable license.

**G. CORRESPONDENCE**

All correspondence regarding the implementation of this Agreement will be addressed to:

[Name of the Contributing Agency]:.....

**Address:**.....

[Name of the Recipient Agency]: .....

**Address:**.....

**H. AMENDMENTS**

The present Agreement, including its Annex(es), may be modified or amended only by written agreement between the two Agencies.

**I. COMPLETION OF THE ACTIVITIES**

The Recipient Agency will notify the Contributing Agency when all Activities have been completed.

The Recipient Agency will continue to hold any part of the Contribution that is unutilized at completion of the Activities until all commitments and liabilities incurred in the carrying out of the Activities have been satisfied and all arrangements associated with the Activities have been brought to an orderly conclusion.



**J. TERMINATION OF THIS AGREEMENT**

This Agreement will terminate upon satisfaction of all commitments and liabilities incurred in carrying out the Activities and the orderly conclusion of all arrangements associated with the Activities.

This Agreement may be terminated by either Agency at any time by written notice to the other. Termination will be effective thirty (30) days after receipt of the notice. In the event of termination under this paragraph, the two Agencies will cooperate to ensure completion of the Activities, satisfaction of all commitments and liabilities, and the orderly conclusion of all arrangements associated with the Activities.

**K. REFUNDS OF UNSPENT BALANCES**

**OPTIONS:**

1. Upon termination of this Agreement and following the submission of the final financial report, any unspent balance of the Contribution (where the unspent funds exceed US\$1,000) will be returned to the Contributing Agency, unless otherwise agreed in writing by the two Agencies.

OR

2. Upon termination of this Agreement and following the submission of the final financial report, any unspent balance from the Contribution will be returned to the Contributing Agency, unless otherwise agreed in writing by the two Agencies.

**L. SETTLEMENT OF DISPUTES**

The two Agencies will use their best efforts to promptly settle through direct negotiations any dispute, controversy or claim arising out of or in connection with this Agreement or any breach thereof. Any such dispute, controversy or claim which is not settled within sixty (60) days from the date either party has notified the other party of the nature of the dispute, controversy or claim and of the measures which should be taken to rectify it, will be resolved through consultation between the Executive Heads of each of the Agencies.

**M. ENTRY INTO FORCE AND VALIDITY**

This Agreement will enter into force upon its signature by the authorized representatives of the Parties and remain in force until terminated in accordance with Section J above.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the present Agreement in duplicate.

Signed:  
On behalf of the UN Development Programme

Signed:  
On behalf of the UN Entity for Gender Equality and the Empowerment of Women

*November 2018*



**ANNEX: J**

**Concept Note for PI stand-alone action**

**KEY IDENTIFICATION DATA**

<b>Title of the Action</b>	Business and Human Rights in Asia
<b>Countries</b>	Key countries: India, Indonesia, Malaysia, Thailand  Potential additional countries: Myanmar, Sri Lanka  Max 6 countries based on available budget (€ 1 million per country needed).
<b>Sector of intervention</b>	Human Rights – DAC code: 15160
<b>Estimated budget</b>	Total: € 6 million FPI contribution: 100 %, i.e. € 6 million (for max 6 countries) Other contributions (if known): N/A
<b>Duration and target start date of implementation</b>	4 years Target start date: Q4 2019
<b>Method of implementation</b>	Indirect management with International Organisation, i.e. United National Development Programme (UNDP)
<b>Legal basis</b>	Partnership Instrument - 2019 Annual Action Programme
<b>Delegation ownership</b>	To be managed by the FPI Regional Team for Asia-Pacific (EU Delegation Bangkok)

**1. DESCRIPTION OF PROPOSED ACTION**

**2.1. Action summary**

The **overall objective** of this action is to promote multilateralism as a driving principle of EU's foreign policy by establishing an EU/UN partnership to encourage governments and businesses in Asia to do more to strengthen human rights and environmental protection in the context of business operations.

The EU and the UN share a common set of values that are considered central to the character and mission of their respective organisations. In the name of these shared core values the EU and the UN will partner up in Asia to support the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs). There is a strategic interest in making responsible business a brand of foreign policy driven action funded by the PI. It is about merging, harmoniously, the *social, economic* and *environmental* dimensions of doing business.

Through a focused set of activities that ensure effective implementation of the UNGPs, this EU-UN joint initiative will result in enhanced human rights conditions, stronger trade relations between the EU and Asia, a more level playing field for businesses employing responsible business conduct in their operational and sourcing practices, reduced risks of disruption to supply chains, higher considerations on the environmental impact of business operations and greater respect for and acceptance of the positive role that EU-Asia trade and investment plays in the region. The EU action will be implemented in close contact/partnership with Sweden, which actively supports UNDP on business and human rights in Asia, according to a repartition of work and two different approaches (i.e. regional and country focused).

The action is defined by three (3) component/workstreams, to be initiated in partnership with the governments, business sectors, and civil society actors.

The project will be implemented in India, Indonesia, Thailand and Malaysia. Potential additional target countries are Myanmar and Sri Lanka. However, after extensive scoping and discussions between the FPI Regional Team Asia-Pacific and UNDP, maximum five/six countries of the above listed six (6) will be selected for intervention given that minimum 1 million EUR per country is needed for the action to attain concrete results. The countries will be chosen based on the concrete programming opportunities they present, including the perspective of actual success of the action in addressing adverse business impacts on people and the environment. The assessment by the EU Delegations in the countries concerned will be a key element in the final country selection and will take account of the relevance of this action to their policy dialogues with the respective governments.

The three (3) workstreams referenced above include: 1) awareness raising of the UNGPs among key stakeholders to build knowledge and political will, including training and peer-to-peer exchange between policy and decision makers to further policy convergence and compliance; 2) communication and public diplomacy efforts to build public support for the business and human rights agenda; 3) promotion of due diligence and access to remedy to ensure rights-based solutions and prevent future human rights abuses in the context of business operations, elaborating effective solutions through innovative approaches and technology.

## **2.2. Background/Context/Rationale for FPI funding**

Asia has long been synonymous with economic dynamism. Over the last several decades, the value of capital investment and trade flows has ballooned in the region, lifting hundreds of millions of people out of poverty. Undoubtedly, these growth trajectories are primarily due to private sector forces, unleashed by pro-growth policies, backed by foreign direct investment (FDI), and driven by the productivity gains of global supply chains.

However, rapid growth has not been without costs and risks. In many countries in Asia, economic growth is linked to contaminated water supplies, accelerated deforestation, and increased air pollution. In some instances, large infrastructure projects have led to environmental degradation and displacement. Labour-intensive manufacturing has enabled hazardous working environments, exploitation, and other rights violations with long term implications on the stability and prosperity of individuals, families and communities. At the heart of these challenges is an uneven commitment by some governments in Asia and some businesses based in Europe and elsewhere to international labour standards, to environmental protection, and to human rights, including the rights of children, migrants, women and indigenous peoples.

Human rights risks and environmental degradation have also complicated trade relationships between the EU and some emerging economies in Asia. Human rights abuses in factories,

fishing boats and plantations have given rise to contentious debates in both regions over social values and the role of trade in supporting or undermining those values. EU firms operating or sourcing products from Asia have been implicated in some cases, resulting in damaged reputations and disruptions to operations.

Increasingly, consumers in Asia and the EU are demanding changes, including greater accountability for abuses, while parliaments are enacting legislation raising both compliance and litigation costs. EU Generalised System of Preferences (GSP) are also requiring that countries benefiting from them respect the principles defined in international core Conventions on human and labour rights<sup>1</sup>, as well as environment and good governance-related Conventions as far as the GSP+ regime is concerned. Relatedly, banks and international financial institutions are also increasingly under pressure to comply with economic, social and governance (ESG) considerations.

In this context, government officials, civil society organisations, and business champions are expressing increased interest in the potential of the UNGPs to frame policy interventions and provide guidance for action to mitigate risks of human rights abuses.

Furthermore, robust, comprehensive and binding chapters on Trade and Sustainable Development, covering labour and environmental matters relevant to trade relations, are a fundamental part of all new FTAs that the EU has concluded or has been negotiating with its trade partners. Through these chapters the EU aims at (1) promoting mutual supportiveness between trade and investment, labour, and environmental policies, and (2) ensuring that increased trade and investment do not come at the expense of workers and environmental protection.

### ***UN Guiding Principles on Business and Human Rights***

The UN Guiding Principles, adopted by the UN Human Rights Council (UN HRC) in 2011, represent the most authoritative normative framework guiding efforts to address adverse impacts of business operations on human rights, including environmental rights. Divided into three pillars, the UN Guiding Principles outline the roles for States to protect human rights, for businesses to respect human rights and for both States and businesses to commit to remedying any abuses committed in the course of business operations. The UN Guiding Principles do not impose new legal obligations, but instead identify gaps and highlight actions required to meet the human rights obligations a State has already undertaken or is subject to under international law.

Successful implementation of the UN Guiding Principles requires that they be owned and understood by multiple ministries, state-owned enterprises, private sector firms, trade unions, CSOs, National Human Rights Institutions (NHRIs), local authorities and the public. To help ensure the likelihood of buy-in from such a wide group of stakeholders, states have been encouraged to develop National Action Plans on Business and Human Rights (NAP).

National Action Plans (NAP) are “government-drafted policy documents that articulate state priorities and indicate future actions to support implementation of legal obligations or policy commitments.” They are normally drafted following extensive consultations involving a large range of stakeholders. The EU and subsequently the UN Human Rights Council (HRC) urged states to develop NAPs that would define how the implementation of the UN Guiding Principles would be taken forward in their respective territories.<sup>2</sup>

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<sup>1</sup> Requirements common to all GSP regimes (GSP, GSP+ and EBA) relate to the principles defined in international conventions on human and labour rights only, as listed in Annex VIII – part A to the GSP Regulation. International Conventions related to environmental protection apply to GSP+.

<sup>2</sup> European Commission, ‘A Renewed EU Strategy 2011–14 for Corporate Social Responsibility’, COM (2011) 681 final (25 October 2011), <http://eur->

At the time of writing, thirty-seven governments and non-state actors such as NHRIs across Europe, the Americas, Africa and Asia have launched NAPs or NAP-related processes on the implementation of the Guiding Principles. In Asia, India, Indonesia, Japan, Malaysia, Thailand, and South Korea are in various stages of developing NAPs or other strategic pathways.

The proposed action aims to promote the implementation of the UNGPs through NAPs, policy discussions and awareness raising programmes in up to five/six target countries in Asia while strengthening policy coherence with international corporate governance and compliance standards including the OECD Guidelines on Multinational Enterprises, the ILO Tripartite Declaration, ISO 26000 Guidance Standard on Social Responsibility, ISO 14000 Environmental Management, Global Reporting Initiative standards, among other standard-setting initiatives.

### ***Status and key challenges in the region***

In recent months, **Thailand** has made substantial strides towards the implementation of the UNGPs with significant repercussions in Southeast Asia, driving momentum in support of the Business and Human Rights (B&HR) agenda in **Indonesia, Malaysia, Viet Nam** and other countries in South and Southeast Asia. The Ministry of Corporate Affairs in **India** is currently planning efforts to develop a roadmap to a NAP to be launched in 2020.

Despite significant momentum behind the Business and Human Rights agenda, headwinds persist. Many Asian government and business leaders lack awareness about the UNGPs or the business-case for implementation. Meanwhile, human rights abuses in supply chains are ratcheting up risk levels. Growing international concern over human rights abuses may also be complicating efforts to negotiate and finalise trade and investment bilateral agreements between the EU and South- and Southeast Asian countries.

Please see *Annex A: Regional and Country Profiles*, for a more thorough review of the factors driving the adoption of the Business and Human Rights agenda and other opportunities for EU/UNDP engagement in the countries detailed below.

#### **Southeast Asia:**

**Indonesia.** After a lengthy consultation process the National Human Rights Commission, Komnas HAM in close collaboration with civil society, launched a draft NAP on B&HR in 2017. However, within the government there was resistance to have a second action plan besides the existing national human rights action plan, RANHAM. The government is now drafting guidelines on B&HR instead. In 2017 the Coordinating Ministry for Economic Affairs was designated as focal point to lead government efforts in this area. At the request of the Coordinating Ministry of Economic Affairs, UNDP has worked with a variety of ministries to develop the Bogor Declaration outlining a *Roadmap towards a National Action Plan on Business and Human Rights*. Overall, the process has progressed slowly.

**Malaysia.** Due in part to growing international concern over the treatment of migrants in its construction, electronic and palm oil supply chains, Malaysia's former government announced the intention to launch a NAP on B&HR in November 2017. Malaysia's new government, carried to power on a forceful anti-corruption message in 2018, and led by the opposition for the first time since independence in 1957, has sent strong signals that it intends to fulfil the prior government's commitment to the UNGPs. UNDP is actively supporting

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[lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:en:PDF](http://lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:en:PDF), accessed 7 March 2016; Human Rights Council, 'Human Rights and Transnational Corporations and Other Business Enterprises', A/HRC/RES/26/22 (15 July 2014), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/083/82/PDF/G1408382.pdf?OpenElement>, accessed 7 March 2016.

SUHAKAM, Malaysia's National Human Rights Institution (NHRI), in partnership with the new Ministry of Laws to ensure the NAP goes forward. As SUHAKAM will likely be instrumental to the new government's commitment to ratifying a host of international human rights treaties, UNDP will also work with this NHRI to secure interest and validation of the UNGPs across ministries.

Myanmar. Myanmar's poor human rights conditions in the context of business operations are largely and understandably eclipsed by the circumstances surrounding Rakhine State. Yet, human rights abuses are widespread in Myanmar's mining, logging, garment and agricultural industries. Abuses include land confiscations, anti-union discrimination, restrictions on collective bargaining, unsafe working conditions, and aggressive use of security forces to disrupt protests. According to the ILO, Myanmar has failed to effectively implement the Labour Organisation Law, the Peaceful Assembly and Peaceful Procession Law and the Special Economic Zone Law.

Currently, the National Human Rights Commission of Myanmar is expressing strong interest in engaging in Business and Human Rights. Separately, there are signals that the government will invite UNDP to work in this area.

Thailand. In response to reports that the country's fishing, shrimp production and broiler chicken industries were systematically engaging in violations of labour rights, Thailand's food export industries found themselves facing the threat of sanctions from key trading partners including the EU, and boycotts from large wholesale and retail buyers. In these circumstances, Thailand adopted the UNGPs as a tool to guide its efforts in cleaning up industry practices. Thailand's announcement in May 2017 that it would examine more fully the adverse impact of its industries on human rights spurred Indonesia and Malaysia to do the same. UNDP has provided visibility, expert level advice, while facilitating consultations in support of Thailand's efforts. A NAP is expected to be launched in November.

#### South Asia:

India. Labour rights violations feature heavily in the Business and Human Rights landscape of the country, exacerbated by poor implementation of national laws and the growing size of the informal business sector. Furthermore, many workers are subject to bonded labour, denied the national minimum wage, and forced by circumstances to have their children work alongside them. Informal workers face dangerous working conditions, long working hours, and employer abuse. In light of these issues, India's central government has expressed interest in adopting and implementing the UNGPs on Business and Human Rights. UNDP is currently advising the Ministry of Corporate Affairs (MCA) as it updates the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Businesses and aligns these with the principle elements of the UNGPs. By November 2018 the amended National Voluntary Guidelines (NVGs) will be retitled "National Guidelines on Responsible Business Conduct". The revised National Guidelines will include a specific chapter on Human Rights Promotion and Protection and make strong reference to the UNGPs. A National Baseline Assessment on the adverse impacts of business operations on human rights is expected to be conducted in 2019.

Sri Lanka. In 2017, the EU reinstated GSP+ for Sri Lanka, noting improvements in human rights conditions following the country's civil war. However, Sri Lanka faces several obstacles on the road to a clean business and human rights profile. Low wages, long working hours, hazardous working environments, ethnic discrimination, forced labour and sexual exploitation continue to hamper Sri Lanka's efforts to regain its reputation. Despite these shortcomings, in Sri Lanka there is significant interest in the Business and Human Rights agenda. Awareness-raising from civil society and UN system actors in the country has

heightened government and business interest in the UNGPs. Private sector firms show an increased appetite for engagement, as they attempt to enhance Sri Lanka as a risk-free partner for FDI and trade in garments. UNDP is working closely with the Global Compact Network in Sri Lanka to consolidate support of the private sector behind a NAP, and to design due diligence products to ensure businesses respect human rights in their operations.

### *Linkages to EU strategies*

The EU and its Member States have played an important role in ensuring the implementation of the UNGPs, taking tangible steps towards the adoption of National Action Plans (NAPs), and encouraging countries outside the EU to consider doing the same. The European Commission in a communication to the Parliament, the Council and other EU entities, stated that it “expects all European enterprises to meet the corporate responsibility to respect human rights, as defined in the UNGPs.”<sup>3</sup>

The communication further noted that “better implementation of the UNGPs will contribute to EU objectives regarding specific human rights issues and core labour standards, including child labour, forced prison labour, human trafficking, gender equality, non-discrimination, freedom of association and the right to collective bargaining.”<sup>4</sup>

Citing the large numbers of European companies involved in global value chains, the EU Commission also invited EU Member States to develop, by the end of 2012, national plans for the implementation of the UNGPs. This commitment also features in the EU Human Rights and Democracy Action Plan 2015-19. Taking up this challenge, member states of the EU were among the first to craft and implement NAPs on the UNGPs<sup>5</sup>.

Noting that enhanced implementation of the UNGPs will also contribute to achieving core EU foreign policy objectives, the EU has stated that “EU external activities would promote a global level playing field on business and human rights.”<sup>6</sup> The EU has also stated that it is “dedicated to a two-pronged approach: first, to ensure that the Guiding Principles are fully understood and adhered to at European Union level; and second, to promote their implementation through its external actions.”<sup>7</sup>

This action is also in line with the overarching EU foreign policy framework set by the EU Global Strategy (EUSG). The EUSG in fact places sustainable development at the core of the EU external action and clearly states that “The EU will lead by example by implementing its commitments on development and climate change”.

The EU’s commitments to the UNGPs, coupled with its public diplomacy efforts and cooperation support on several areas from FTAs to human rights, democracy and rule of law, would greatly enhance UNDP’s efforts at raising awareness and operationalising the norms that underpin the UNGPs. In turn, UNDP’s role in convening disparate stakeholders to address human rights and environmental risks would create enabling conditions supportive of

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<sup>3</sup> European Commission, Communication from The Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Renewed EU Strategy 2011-14 for Corporate Social Responsibility, Brussels, 25.10.2011, Com (2011) 681 Final

<sup>4</sup> See id.

<sup>5</sup> These 14 member states include: the UK (launched September 2013, updated May 2016); The Netherlands (launched December 2013); Denmark (launched April 2014); Finland (launched October 2014); Lithuania (launched February 2015); Sweden (launched August 2015); Italy (launched December 2016); Germany (launched December 2016); France (launched April 2017); Poland (launched May 2017); Spain (launched July 2017); Belgium (launched July 2017); Czech Republic (launched October 2017) and Ireland (launched November 2017).

<sup>6</sup> EU Statement, UN Human Rights Council, Forum on Business and Human Rights, 3-4 December 2013.

<sup>7</sup> EU Statement, UN Human Rights Council, Forum on Business and Human Rights, 3-4 December 2013.

effective negotiation and implementation of trade and investment agreements, and for accelerating convergence towards with EU and international standards. Joint programming between the EU and UNDP, based on partnership with national and regional stakeholders, will help meet growing consumer expectations in both Europe and Asia for ethical, safe, and environmentally-friendly production methods.

Moreover, from an EU Public Diplomacy perspective, this action would contribute to moderate the largely negative perception of both European and foreign public opinions on the value of trade action and FDI and on the EU as an actor of trade and globalisation.

### Trade for All Communication

The EU has long recognised that trade is not risk neutral and that trade policy must be embedded in wider foreign policy objectives, which include strengthening of human rights abroad. Evidencing this commitment, the EU has developed policy initiatives, platforms and instruments such as the Labour Rights Initiative with Myanmar, Combatting Conflict Minerals Law, the EU Timber Regulation, and the Non-Financial Reporting Directive 2014/95/EU. EU Member States are also promoting higher standards of respect for human rights in supply chains through national laws, including the France Duty of Vigilance Law 2017. As outlined in the European Commission's trade and investment communication (Trade for All), "responsible management of global supply chains is essential to align trade policy with European values".

The Trade for All Communication also notes that the challenge of ensuring consistency between trade policy and values is "complex and must involve a range of public, private and civil society actors to make meaningful changes for people on the ground". Furthermore, mitigating costs and risks require a smart mix of policy and programming responses.

### EU Strategy for Corporate Social Responsibility

The EU's main policy framework for addressing implementation of the UNGPs is the 2011 Communication setting out the European Strategy on Corporate Social Responsibility (CSR).<sup>8</sup> This framework defines CSR as the "responsibility of enterprises for their impacts on society," and identifies human rights as a priority concern. Importantly, the Commission's approach to CSR is built upon, "a smart mix of voluntary policy measures and, where necessary, complementary regulation," as well as on the notion that, "the development of CSR should be led by enterprises themselves". According to a 2015 Commission Staff Working Document on Implementing the UNGPs on Business and Human Rights, "this approach also holds true for implementing the UNGPs" and any forthcoming revision of the EU CSR Strategy, "will retain these underlying principles."<sup>9</sup> Furthermore, the Commission's 2011 CSR strategy stipulates that, businesses must respect human rights in accordance with the UNGPs. This understanding of CSR explicitly refers to the integration of human rights into business operations and policy.

### Europe 2020

This action is in furtherance of PI Objective 2: implementing the international dimension of 'Europe 2020.' Promotion of the implementation of the UNGPs is fully aligned with the aims of the Europe 2020 strategy for smart, sustainable and inclusive growth and with the principles of the European Pillar of Social Rights.

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<sup>8</sup> Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions, Brussels, 25.10.2011.

<sup>9</sup> European Commission. Commission Staff Working Document on Implementing the UN Guiding Principles on Business and Human Rights - State of Play, Brussels, 14.7.2015. SWD (2015) 144 final. Pg. 7



The UNGPs offer important benefits as a framework for governments, businesses and civil society to engage each other in discussions and actions that promote smart, sustainable and inclusive growth. Evidencing its practical utility, large EU companies such as Carrefour, ING, Total, and Unilever, are increasingly referencing the UNGPs in the corporate governance strategies and mission statements as “human rights policies.”

Efforts to implement the UNGPs can also enhance EU business competitiveness by illuminating risk factors through public consultations, human rights assessments as well as environmental impact assessments. An increasing number of EU investors also undertake social, environmental and human rights audits to ensure their investments are secure against reputational and litigation risks. Thus, efforts to implement the UNGPs in Asia may lead to more robust investments across borders, with fewer negative repercussions for EU-based investors. Furthermore, wider realisation of the Business and Human Rights agenda will lead to the enhanced projection of EU foundational values across borders towards greater levels of equality, democracy, respect for human rights and fundamental freedoms and the rule of law.

The EU, through the Partnership Instrument (PI) as a foreign policy instrument translating EU political commitments into action, can play a critical role in maximising the potential of the Business and Human Rights agenda to advance EU foreign policy objectives, values and principles. Along with other instruments, the PI actively pursues business cooperation to unlock opportunities for EU enterprises to access foreign markets, while anchoring them to responsible business conduct. The proposed action is fundamentally about merging, harmoniously, the social, environmental and economic dimensions of doing business. This is in line with the EU Global Strategy which affirms that "Our [the EU's] interests and values go hand in hand. We [the EU] have an interest in promoting our values in the world. At the same time our fundamental values are embedded in our interests".

This EU-UN joint action on business and human rights would significantly contribute to this approach and complement on-going EU efforts translating EU commitments on sustainable development into action. EU's current and future support to Strategic Dialogues, Partnership Cooperation Agreements, and Free Trade Agreements, including through the PI, can significantly reinforce UN's efforts to encourage implementation of the UNGPs, and vice versa, if the two processes run in parallel.

### ***Justification of the policy domain***

As the international community's most authoritative normative framework guiding policy development around responsible business practices, the UNGPs are quickly emerging as the premier instrument giving shape to dialogue and knowledge sharing between countries and regions. Promoting the UNGPs in Asia through the proposed joint action will strengthen internationally recognised standards of responsible business behaviour, based on agreed human rights norms, while levelling the playing field for businesses that integrate human rights considerations into their operations and supply chain policies. Importantly, implementation of the UNGPs requires for Governments robust engagement with civil society and national business leaders, opening the door to constructive discussions on land rights, environmental concerns, trade relations, and human rights.

Furthermore, the impact of the UNGPs can be measured, debated and promoted before an international audience of policy makers, business leaders, and other authorities through the Global Forum on Business and Human Rights, hosted every year in Geneva by the secretariat of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises. Through this Forum and other formats in Asia, the proposed action can strengthen positive discourse around international trade and its relationship to human rights.

## Main stakeholders

The proposed action will involve many stakeholders that can be grouped according to the following categories:

- National authorities (Ministry of Trade, Ministry of Industry, Ministry of Justice, Ministry of Environment, Ministry of Economic Affairs, Ministry of Employment and Social Affairs, Ministry of Agriculture, etc.);
- Business associations and Chambers of Commerce;
- European and Asian businesses, including MSMEs
- International Organisations, including OECD and ILO;
- National Human Rights Institutions;
- Workers' organisations and trade unions;
- Civil society organisations (both national and regional such as the ASEAN CSR Network<sup>10</sup>) and human rights defenders;
- Local authorities;
- Research entities and universities.

Aligning the above stakeholders to the joint efforts of the EU and the UN can lead to the effective implementation of the UNGPs in the selected countries. If this is true, then stronger human rights conditions, instead of being seen as an irritant to profitable business will be perceived as a comparative economic advantage by governments as well as the private sector, and as a necessary precondition for engaging in fruitful sustainable trade relations with the EU. These well-rooted assumptions make a strong business case for B&HR: increased trade flows; fewer disruptions in trade operations; enhanced level playing field facilitating market access to EU enterprises as a result of reduced social dumping in Asia. A trend towards wider implementation of the UNGPs may also facilitate negotiations of a region-to-region FTA (EU-ASEAN) as well as the on-going or possibly resumed bilateral PCA and FTA negotiations with indicative pre-selected countries covered by this action.

The proposed action will provoke strong interest in engagement to leverage the potential benefits of this emerging agenda particularly among government ministries of trade, industry, justice, environment and economic affairs, among others. Business associations and Chambers of Commerce will also feel compelled to take part in discussions to both shape and stay attuned to policy changes.

Given its string of initial successes in advancing the Business and Human Rights agenda in Asia, UNDP is increasingly considered key to further progress in the region. The organisation is supporting the process of developing NAPs on Business and Human Rights in various states of play in Thailand, Malaysia, Indonesia and India.

Due to UNDP's many decades of work in furthering access to justice, strengthening the rule of law and ensuring human rights, the organisation has a long and trusted partnership with judiciaries, ministries of justice, ministries of foreign affairs, legal aid organizations and National Human Rights Institutions (NHRIs). These partnerships are particularly important given the focus of Pillar 3 of the UNGPs, under which States and businesses are obligated to provide access to legitimate and credible remedies. Here, UNDP can complement work done by OECD and ILO on responsible business conduct by helping to ensure implementation of

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<sup>10</sup> The ASEAN CSR Network is one of the key stakeholders in the B&HR regional project implemented by UNDP with funds from the Swedish Government (*cf.* pg. 10; pg. 14-5).

the UNGPs through NAPs and other strategic frameworks, and also by ensuring adequate access to remedies for human rights defenders and other victims of abuses by business actors.

Importantly, UNDP Asia-Pacific is also pursuing the Business and Human Rights agenda through active collaboration with NHRIs. NHRIs are funded by governments but are independent of it. They are not non-governmental organisations, but they act as “bridge” between civil society organizations and governments.<sup>11</sup> Their role in this action is therefore instrumental.

NHRIs receive and consider complaints of human rights violations, participate in efforts to hold perpetrators accountable, assist in the development of democratic institutions and organize capacity building. Similar to OECD National Contact Points (NCPs) but with a stronger mandate often constitutionally given, NHRIs also play an important role in highlighting abuses that occur in the context of business operations, sharing information and making recommendations to governments and parties to a dispute. However, unlike National Contact Points for Responsible Business Conduct, NHRIs are present in many emerging economies in Asia, including India, Indonesia, Malaysia, Thailand and Sri Lanka. UNDP is leveraging a global Memorandum of Understanding with the Global Alliance for National Human Rights Institutions (GANHRI),<sup>12</sup> to further enhance the significant capacities of NHRIs in Asia. UNDP will conduct needs assessments and provide significant levels of technical support to NHRIs in the countries selected to ensure their ability to advise and guide efforts around NAPs on Business and Human Rights. Particular attention will be provided to supporting the capacity of investigators as necessary.

UNDP will ensure that its approach is complementary to the Partnership Instrument funded action “Responsible Supply Chains in Asia” (implemented by OECD/ILO), so that overlap is avoided, and synergies are created. In this latter respect, UNDP is active on Business and Human Rights in South Asia, which is currently not the focus of OECD/ILO action. Geographic overlap exists in Thailand and Myanmar but in these three countries UNDP work is complementing OECD/ILO action by focusing on the delivery of NAPs and other interventions on Business and Human Rights, thus contributing to advancing discussions on Responsible Business Conduct at large.

UNDP will bring to the partnership with OECD/ILO greater attention to Business and Human Rights issues through a comprehensive communication strategy, in furtherance of EU’s public diplomacy efforts.

### **2.3. Action description**

Some of the greatest risks related to trade include violations of human rights and environmental laws. Mitigating these risks requires awareness raising, peer-to-peer exchange, technical assistance and training, advocacy and innovation. The actions listed below, some of which are currently implemented by UNDP with Swedish funding, will take place at the sub-regional (i.e. South Asia and South East Asia) and country level in maximum six of the following countries: India, Indonesia, Malaysia, Myanmar, Sri Lanka, and Thailand.

For the sake of effectiveness and efficiency, most of the below mentioned activities will be tailored to specific sectors in the recipient countries. A clear identification of the sectors

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<sup>11</sup> Office of the High Commissioner for Human Rights, Paris Principles: 20 years guiding the work of National Human Rights Institutions, 30 May 2013, accessed at:

<<http://www.ohchr.org/EN/NewsEvents/Pages/ParisPrinciples20yearsguidingtheworkofNHRI.aspx>>

<sup>12</sup> For more information please see Global Alliance for Human Rights Institutions, <https://nhri.ohchr.org/EN/Pages/default.aspx>

supported will be further elaborated at the formulation stage through a corresponding country analysis. Based on a preliminary analysis, it is envisioned to address:

- High-risk sectors of major economic interest to the EU;
- High-risk sectors with a large number of migrant workers (including plantations, seafood, garment, construction, and manufacturing);
- Sectors with interlinked supply chain relations among more than one targeted country.

The project will operate both at policy and action level by combining top-down and bottom-up approaches.

Action will be promoted inter alia through pilot projects with relevant actors (trade unions, CSO, private sector, local authorities, etc). During its implementation period, the project will be based on the close involvement of national/regional/local institutions, civil society organisations (including consumer associations) and the private sector.

The project will promote civil society organisations and private sector as active participants in policy making on the matter and foster dialogue between them and the public sector. The activities listed below are indicative:

*Workstream 1: Awareness raising to build knowledge and political will including training and peer-to-peer exchange to further policy convergence and compliance*

- Raise awareness of the United Nations Guiding Principles (UNGPs) with governments, making the normative and business-case for adoption and implementation. Provide particular awareness raising opportunities for leaders of state-owned enterprises, but also to business associations, including the European Chambers of Commerce;
- Provide technical assistance to government ministries responsible for drafting and implementing National Action Plans;
- Bring clarity to the range of standard setting guidelines including the UN Guiding Principles, ISO 26000, Global Reporting Initiatives, OECD Guidelines for Multinational Enterprises, human rights provisions of trade and investment agreements, among other instruments;
- Host trainings on human rights and sustainable development provisions of Free Trade Agreements with a focus on implications for business operations in emerging economies in the region, including among state-owned enterprises and European Chambers of Commerce;
- Facilitate a tripartite discussion involving relevant policy makers, prominent civil society groups, European Chambers of Commerce and Asian business associations and state-owned enterprises with a view to expanding the number of actors playing an active role in policy-making;
- Advocate for transparency, accountability, and transboundary obligations of large infrastructure projects including those linked to Belt and Road Initiative, Special Economic Zones, mining and energy generation projects, among others, through engagement with civil society, government and businesses, including financial institutions.

*Workstream 2: Communication and Public Diplomacy*

- Produce communication products including short-form documentaries, video animations and social media promotional materials to enhance understanding of UNGPs, and trade and human rights nexus;

- Conduct research and publish short policy papers on issues related to human rights and international trade, special economic zones, transboundary jurisdictional issues, and other pertinent topics to business, government and civil society in the region;
- Link up all communication work to EU action on public diplomacy, in particular to all existing and future PI action on policy outreach in Asia. The project will have a strong EU Public Diplomacy angle and will contribute to enhance the profile of the EU as a global actor, in line with the EUGS.

*Workstream 3: Solutions through access to remedies, thought leadership and innovation*

- Leverage UNDP’s institutional links with NHRIs in emerging economies in the region to strengthen non-state/non-judicial remedies in disputes over human rights abuses. Facilitate learning between NHRIs and NCPs;
- Conduct needs assessments and provide technical assistance to NHRIs and Judiciaries to better understand the UNGPs, human rights due diligence, and transboundary jurisdictional challenges;
- Conduct research and convene discussions on the risks faced by women, migrants, children and indigenous people in the context of business operations, and potential remedies and prevention strategies;
- Provide support to civil society actors working with human rights defenders and women’s rights activists;
- Conduct sector-specific trainings with government, business and civil society stakeholders on human rights due diligence and compliance principles;
- Develop and implement innovation lab involving regional and international start-ups<sup>13</sup>, to address barriers to access to information and access to justice for groups adversely impacted by business operations.
- Develop pilot initiatives aimed at encouraging the uptake by the private sector of relevant ISO standards such as ISO 26000 Social Responsibility and ISO 14000 Environmental Management.

***Expected Outputs***

The expected outputs of the proposed action include:

- National stakeholders in the selected partner countries are supported to develop and implement national legislative and policy frameworks, including NAPs;
- Country Level partnership architectures, made up of UN system, NHRI, CSO, and private sector actors working on B&HR, amplifies and brings coherence to messages on B&HR issues and themes and reinforces the efforts carried out at regional level currently undertaken under the project “Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia)” funded by the Swedish Government;
- Increased awareness of all relevant stakeholders in the selected countries of the UNGPs and strengthened access to effective remedy for violations of human rights in the context of business operations, including in cases of violations occurring outside a country's jurisdiction;

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<sup>13</sup> The innovation lab will bring actors together from disparate fields to brainstorm on 1-3 priority human rights or environmental rights issues. Nurtured through sequentially hosted workshops, 1 project per year for 3 years will be provided seed funding to bring the idea to market. These ideas can involve the introduction of new technologies, including block chain or Artificial Intelligence or can simply involve an innovative approach. The ideas will be either further validated or launched at UNDP’s yearly Responsible Business Forum in Singapore in October or November 2018.

- Policy coherence between regional Trade Agreements, International Investor Agreements, and UNGPs on Business and Human Rights enhances the competitive positioning of the EU and Asia in attracting investment and increasing trade flows between the regions;
- Regional momentum is strengthened in support of implementation of the UNGPs through advocacy and regional dialogue on opportunities, priorities and challenges.

#### **2.4. Impact/sustainability**

The potential impact of the proposed action is informed by the separate but complementary strengths, experiences and interests of the EU and UNDP in fostering the business and human rights agenda. The EU's stated commitments to the UNGPs, coupled with its public diplomacy efforts and cooperation support on several areas from FTAs to human rights, democracy and rule of law, would greatly enhance UNDP's efforts at raising awareness and operationalising the norms that underpin the UNGPs. In turn, UNDP's role in convening disparate stakeholders to address human rights risks in Asia would create enabling conditions for a more effective negotiation/implementation of trade and investment agreements and for accelerating convergence towards with EU and international standards. Furthermore, joint programming between the EU and UNDP, based on partnership with national and regional stakeholders, will help meet the growing consumer expectations in both Europe and Asia for ethical, safe, and environmentally-friendly production methods.

The impact of the proposed action, driven by the collective influence of UN and the EU interventions, will encourage more attention to human rights in the production of goods, commodities and services, enhancing overtime, the reputation of firms in both Asia and Europe and leading to the upward movement in the value-chain for concerned firms. Enhanced reputations and goodwill can lead to greater consumer loyalty, stronger interest from socially responsible investment funds, better marketability and long-term growth. Overtime, more and more private sector actors will see the Business and Human Rights agenda as a pro-business agenda and engage more fully in this area, serving as "ambassadors" of EU values and related international norms. Increased private sector engagement will, in turn, deepen and lend greater credibility to EU/UN's policy work on business and human rights. Policy makers, consumers and business actors will become more aware of the potential adverse impacts of business operations on human rights, and work to prevent these risks, or ensure remedies for violations that have already occurred. In turn, human rights conditions will be strengthened and the risks of disruptions to trade flows between the EU and Asia will be considerably mitigated, leading to heightened levels of prosperity, greater recognition of the positive role of trade, and mutual respect between regions.

Specific EU/UNDP interventions, outlined above, will assist national and regional actors in devising policies and partnerships to strengthen human rights and protect the environment in the context of business operations. Various stakeholders will be convened in a neutral space to draft and jointly own and implement regional strategies, effective National Action Plans and other solutions that raise awareness of problems and potential solutions. Further, the joint action will facilitate peer learning and knowledge sharing, in which context businesses can effectively develop and participate in mechanisms to protect human rights through multi-stakeholder initiatives and networks. EU/UNDP joint action will also facilitate the development of legal and accountability frameworks that prevent, mitigate and remedy violations. The unique role of NHRIs will be leveraged to devise and oversee the implementation of policies and resolve disputes in a just manner. Disruptions to trade relations will be minimised through greater policy coherence and wider recognition of the relationship between trade and human rights and various formulas governing business behaviour.

## **2.5. Implementation arrangements**

Indirect management with an International Organisation.

The United Nations Development Programme (UNDP) is proposed as implementing partner since this organisation is widely recognised as the convener of the UN system around the UNGPs in Asia. Importantly, UNDP is currently leading an emerging UN Partnership Architecture in the Asia-Pacific region on the UNGPs, bringing UN system, CSO actors and independent thought leaders together to discuss and find solutions to Business and Human Rights challenges. This Partnership Architecture is designed to maximise collective efforts, through enhanced policy coherence, consistent advocacy messaging, and the sharing of innovative ideas. These efforts are supported by the contribution of the Government of Sweden to a current UNDP project on Business and Human Rights. This on-going project, outlined in more detail below, advances a regional approach towards policy development around Business and Human Rights. EU support would more firmly root and push forward the Business and Human Rights agenda at the country-level through a variety of context-specific interventions, expressed in part through unique partnership coalitions that suit local capacities and political-economy considerations.

Members of this Partnership Architecture at the regional level include, the Asia Pacific Forum, International Labour Organisation (ILO), International Organization for Migration (IOM), OECD, Oxfam, UN Environment (UNEP), UN ESCAP and UN Women. Though they are not formally part of the Partnership Architecture, UNDP has also established strong relationships with the private sector through business associations, including UN ESCAP Business Advisory Council, Global Compact Networks and European Chambers of Commerce.

With a presence in 23 countries across Asia-Pacific, UNDP is well positioned to support implementation of the UNGPs on a truly regional scale. UNDP in Asia-Pacific has been engaged in Business and Human Rights issues since 2015, with the support of the Swedish government through the Swedish International Development Cooperation Agency (SIDA). UNDP is facilitating regional exchanges of best practices in policy and regulatory development, raising awareness among multiple actors and stakeholders, and building political will through advocacy and information sharing.

At the present stage, the Swedish Government has agreed to fund the UNDP project titled, “Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia)”. The B+HR Asia project, valued at USD 5,627,795 (i.e. about 4,85 M EUR) is envisioned to support regional efforts at strengthening human rights in business operations and is currently in a “set-up” phase whereby UNDP will develop workplans for the next five years. It is proposed that the joint action between EU and UNDP focuses primarily on country level interventions, while Swedish support is aligned with wider regional efforts. Swedish-supported regional activities include working with ASEAN to raise awareness about the Business and Human Rights agenda and promoting peer learning. Swedish support will also facilitate increased engagement with the Mekong River Commission, Asia-Pacific Economic Council (APEC), and South Asian Association for Regional Cooperation (SAARC), among other regional and international organisations. To ensure alignment between Swedish-supported regional efforts and EU/UNDP support at the bi-lateral level, a mechanism will be put in place to synchronise the Sweden/UNDP project and the EU/UNDP action. Furthermore, EU/UNDP proposed joint action will leverage its

work at the bi-lateral level to provide entry points at the regional level, including efforts to strengthen ASEAN’s interest and commitment to the UNGPs.

As a standard best practice, UNDP will apply a participatory methodology in its work, seeking advice and inputs from policy makers, CSOs and private sector actors in setting agendas, developing workplans, and validating reports. Partnerships will be strengthened with international organisations that are either active or have expressed strong interest in furthering B&HR work at the regional level.

UNDP will also capitalise on longstanding partnerships with UN system organisations while building new relationships at the bi-lateral level and with local governments, businesses, regional, national and local civil society organizations, and donor partners. UNDP has also already consulted and established relationships with AICHR, ESCAP, UN WOMEN, OHCHR, ILO, UNICEF, UN Environment, and NGOs including, ASEAN CSR Network, Asia Pacific Forum, Asia Indigenous Peoples Pact (AIPP), and OXFAM. UNDP has also established tentatively links with research and academic institutions such as the Raoul Wallenberg Institute (RWI) and International Commission of Jurists (ICJ). Partnerships with academic institutions and other leading NGOs and organisations such as the Business and Human Rights Resource Centre, Shift, the Danish Institute for Human Rights and BSR will also be leveraged where possible to generate policy papers, background documents, and other research in furtherance of the Business and Human Rights agenda. Research will feed into baseline assessments, inform policy development, and demonstrate which groups are most affected by business operations and the nature of the impact. Research will also help us monitor progress, especially those initiatives that focus on National Human Rights Institutions and their caseloads.

**2.6. Risk assessment and management**

Description	Mitigating Actions
<p>Shifting levels of political will leads to delays in the implementation of the UNGPs or related action</p>	<p>UNDP will work closely with B&amp;HR national champions and trusted, but independent advisors to government with strong connections to policy makers. UNDP will link national champions to ongoing programming efforts at UNDP Country Offices to maximize advocacy and technical support efforts;</p> <p>UNDP Country Offices will guarantee close coordination with government counterparts to ensure ownership of the B&amp;HR agenda;</p> <p>UNDP will invest in advocacy and awareness raising on the UNGPs in different national contexts, and to stoke positive competition between states to outdo the other in terms of progress;</p> <p>UNDP will bring together regional actors to discuss opportunities and challenges and facilitate peer learning to help states clarify what investments and what returns on investments they can expect. International dialogue events will also help increase interest among states by providing visibility on progress.</p> <p>The EU through its in country-delegations and diplomatic efforts will contribute to keep B&amp;HR high in the agenda of the partners countries throughout the duration of the action.</p>



<p>Election cycles in target countries might delay implementation</p>	<p>UNDP will implement activities through the UN Country team and seek advice from the UN Resident Coordinators and their Peace and Development Advisers to calibrate UNDP’s approach to the government and any new ministers or other senior government officials.</p> <p>The Project Advisory Committee will support the Project Board by providing high-level advice and recommendations. This committee will also help provide advice and assistance when project deliverables are delayed due to unforeseen political circumstances.</p> <p>UNDP will mitigate the risk of activity implementation delay during election cycles by planning for delays in annual work plans and prioritizing other activities.</p> <p>The EU through its in country-delegations and diplomatic efforts will contribute to keep B&amp;HR high in the agenda of the partners countries even in the event of changes in the partner countries governments that may result in the re-orientation of previous government policies and priorities.</p>
<p>Engaging with private sector actors can prove difficult if a ‘business case’ is not fully developed. Moreover, certain reputational risks exist with regards to “blue-washing”.</p>	<p>UNDP will cultivate and work with credible business associations such as the Global Compact Networks, ACN, national and international Chambers of Commerce, and industry-specific bodies to create interest in sustained actions and investments;</p> <p>UNDP will host events or invite private sector champions to help showcase the progress of private sector actors to reward and validate their efforts, but also to encourage their peers and policy makers to support and normalize these sustainable practices;</p> <p>UNDP will host knowledge-sharing labs and other events, made up of NHRIs, CSOs, UN-system actors and business champions which will encourage heightened business participation and ownership in support of behavioral change in the business sector;</p> <p>UNDP will keep its base of business partners as broad as possible and yet explore the need to develop a sustainable-business partner program to qualify engagement</p>
<p>Countries might perceive NAP processes as simply public relations exercises, develop ineffective NAPs, or fail to follow-up on implementation after its drafting</p>	<p>Among other efforts, UNDP will take strong measures, including the possibility of disengagement or support, to help ensure that government commitments under the B&amp;HR agenda are not merely for public relations purposes, and that processes, content and implementation meet international standards;</p> <p>UNDP will ensure the quality of National Action Plans through advocacy missions and dialogue, training events and roundtables that include policy makers at regional meetings;</p> <p>UNDP will also deploy its own technical capacities and CSO partner expertise where necessary. It will convene stakeholder consultations and validation exercises. Importantly, it will bring human rights defenders to the table to voice their challenges in a safe space;</p>

	<p>To the extent possible UNDP will leverage its relationship with the UNWG to ensure adequate levels of pressure to produce a quality NAP.</p> <p>UNDP will also leverage the UPR process, and international forums such as the UN Forum on Business and Human Rights, to facilitate review of NAPs by recognised authorities and peers. UNDP will also encourage at the early stage of development, that countries request the UN Working Group plan an official country visit. UNDP will facilitate CSO participation in all review events.</p>
NHRIs' rotating sets of commissioners may introduce new actors uninterested in B&HR and be less willing to cooperate with UNDP	<p>UNDP will work in a consistent and regular manner with NHRIs to ensure the work is embedded into the fabric of NHRI workplans and list of priority interventions.</p> <p>UNDP will strengthen support to national and regional CSOs working with human rights defenders to provide legal assistance in furtherance of adequate remedies, applying constructive pressure when necessary on NHRI commissioners to embrace efforts on the Business and Human Rights agenda.</p>
Human rights defenders and victims of violations may be placed in danger by the project's support to CSOs and community-based organisations leading to an increase in conflicts or security risks	<p>The project will continuously assess security risks and revise project activities accordingly. Clear and present dangers to human rights defenders will be brought to the attention of appropriate authorities, in coordination with CSO actors and other national and multilateral entities working in the same space.</p>

## 2.7. Coherence / complementarity

Through the "Responsible supply chains in Asia" action the EU, ILO and OECD have joint forces to promote responsible business conduct among businesses engaged in supply chains in Asia, in line with international instruments. The EU and UNDP have had preliminary discussions with both organisations about the project and have sought guidance and aligned messages at both the regional and country level. Complementarity is actively pursued between the Business and Human Rights agenda and OECD/ILO's work on promoting Corporate Social Responsibility/Responsible Business Conduct (CSR/RBC).

Importantly, the UNGPs and RBC frameworks are themselves complementary though distinct in terms of their areas of focus. The focus and strength of the UNGPs is its emphasis on human rights inclusive of labour, women, migrant and environmental rights. In fact, the UNGPs are concerned with the entire gamut of human rights often referred to as the International Bill of Human Rights, which consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. The EU/UNDP action would thus be concerned with both labour rights, but also the rights of those impacted by business operations including communities, family members of workers, Indigenous Peoples, and human rights defenders, as an example. In so far as the rights enshrined in the International Bill of Human Rights also seek to protect environmental and cultural rights, the UNGPs are also concerned with the rights of future generations.

By contrast, the RBC framework, as articulated by the OECD Guidelines on Multi-National Enterprises, is concerned with a wider distribution of issues such as combating bribery and extortion, tax avoidance, and anti-competitive behaviour. RBC is also concerned with product

safety, consumer rights, corporate transparency and environmental stewardship. These issues, though not human rights topics in and of themselves, are critical to address to realise many of the human rights listed above.

ILO takes a focused approach on rights, given that the Fundamental Principles and Rights at Work, which form the basis of ILO's mandate, are concerned with labour rights, namely: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour, and the elimination of discrimination in respect of employment and occupation. EU/UNDP in close consultation with OECD/ILO will link these important labour rights to the development of National Action Plans on Business and Human Rights.

In ensuring complementarity between approaches, EU/UNDP action will, among other things, work closely with governments and CSOs to ensure wide public awareness of the UNGPs. This will complement the focus of OECD/ILO on raising awareness among members of the business sector.

EU/UNDP and OECD/ILO will both work on policy coherence, however, UNDP's expertise on developing and implementing NAPs on UNGPs will serve as a basis for OECD/ILO engagement with Economic Planning Departments, Stock Exchanges, Investment Boards and regulatory agencies concerned with business and investor activity. EU/UNDP action will further focus on the impact of human rights clauses of trade agreements and investment agreements and their relationship with the UNGPs and state human rights obligations. Furthermore, UNDP as the lead integrator of the Sustainable Development Goals (SDGs) will lead discussions on the policy nexus between the SDGs, UNGPs, and international trade and investor agreements.

Importantly, EU/UNDP action will assist the OECD National Contact Points (NCPs) in gathering relevant information in Asia as necessary, and encourage learning between NCPs and NHRIs. UNDP will work with OECD/ILO to provide trainings to private sector actors on human rights due diligence practices and grievance mechanisms in the countries jointly covered by each, namely in Thailand, but also possibly in Viet Nam and Myanmar. Furthermore, UNDP will work closely with OECD and ILO particularly in Thailand, Myanmar and Viet Nam<sup>14</sup> to build upon and complement the ILO and OECD efforts on the promotion of responsible conduct carried out by OECD and ILO, including those in the framework of the PI-funded Responsible Supply Chains in Asia action.

## **2.8. Cross-cutting issues**

The Business and Human Rights agenda as defined by the UNGPs and further elaborated by UNDP's experiences and approaches, will ensure that governments and companies develop and implement policies that protect human rights, respect human rights in business operations, and remedy abuses. This also implies that the joint action will address gender and environmental issues, as well as land rights, Indigenous Peoples Rights, migrant rights, children rights and the rights of human rights defenders. As such, the joint action will ensure cohesion and complementarity among partners such as ILO, IOM, OECD, UN Women and UN Environment. UNDP will also draw on linkages to other UNDP global and regional initiatives in Asia-Pacific such as *Being LGBTI in Asia*, *Promoting a Fair Business environment in ASEAN*, *Strengthening the Governance of Climate Change Finance to*

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<sup>14</sup> Myanmar, Thailand and Viet Nam are the countries that would be covered by both the EU-ILO-OECD on-going initiative and the EU-UNDP proposed action.

*Enhance Gender Equality, Business Call to Action*, and our work on gender, civil society and youth.

## **2.9. EU visibility and communication**

Communication and visibility will be an integral part of the action. A communication plan shall be prepared by UNDP and implemented in line with relevant guidelines<sup>15</sup>. This shall, inter alia, define the key messages and specific communication activities to be undertaken. Besides making visible reference to the EU financial support through appropriate logos, this action will be presented and communicated as a concrete projection of the EU strong commitment to promoting and protecting human rights worldwide, with human rights at the very heart of EU relations with other countries and regions. Furthermore, as mentioned above, the action will have a strong EU Public Diplomacy angle and will contribute to enhance the profile of the EU as a global actor and promoter of human rights, in line with the EUGS.

Concept Note prepared by:

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<sup>15</sup> [https://ec.europa.eu/europeaid/sites/devco/files/communication-visibility-requirements-2018\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/communication-visibility-requirements-2018_en.pdf)

Name:

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Date: 27/09/2018

## ANNEX K.



### **Scoping Phase – Final Report:**

#### ***Supporting Regional and National Partnerships for the Implementation of the UN Guiding Principles on Business and Human Rights in Asia-Pacific***



#### **Introduction:**

Over the reporting period (1 June 2017 – 31 July 2018) the UNDP Business and Human Rights Unit (B+HR Unit) played an instrumental role in accelerating the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) in Indonesia, Malaysia, and Thailand, while stoking interest in Bangladesh, India, Sri Lanka, and Viet Nam. Building on the generous support of the Government of Sweden, UNDP leveraged its advocacy, awareness raising and partnership building capacity to generate greater visibility, increased understanding, and stronger levels of buy-in from all stakeholders.

Over the last 14 months, three countries have made public pronouncements of their intention to embrace Business and Human Rights as policy. In 2017, Malaysia and Thailand announced that they would engage in National Action Plan (NAP) processes on Business and Human Rights. (The newly elected government in Malaysia, led by the Pakatan Harapan party, has currently put the NAP process in that country on hold.) The Thai National Action Plan is expected to be submitted for Cabinet approval before the end of 2018 or at the beginning of 2019, after an extensive series of consultations. In May 2018, the Indonesia government released the Bogor Declaration, laying out a roadmap towards UNGP implementation. (As of October, Indonesia has agreed to formally announce its commitment to the Bogor Road Map to Business and Human Rights developed with the help of UNDP at the 2018 Forum on Business and Human Rights in November. The Road Map contemplates the drafting of a NAP on BHR by 2020.)

The region is also moving quickly beyond the consultation and discussion phase. Thailand is actively training managers at its State-owned Enterprises on human rights due diligence and expending significant political weight behind the effort. Indonesia and Malaysia have developed certification and licensing processes for food export industries. Trainings and sensitization campaigns are being developed and rolled out in three provinces in Malaysia.

UNDP B+HR Unit has been key to strengthening momentum, while laying the foundations for strong uptake of UNGP implementation in other countries including Bangladesh, Cambodia, India, Myanmar, the Philippines, Sri Lanka and Viet Nam. A regional “race to the top” on UNGP implementation is clearly underway.

Strong partnerships with regional organizations such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) have been instrumental to bringing attention and sustaining interest in the Business and Human Rights agenda. UNDP’s effort to build a regional partnership architecture involving UN system, civil society and National Human Rights Institutions (NHRI) actors has also produced a roster of talented champions speaking to the multi-faceted aspects of the UNGPs. UNDP is openly sharing opportunities for advocacy, awareness and partnership building on behalf of all stakeholder.

The B+HR Unit has increased its cooperation, coordination, and collaboration with other UNDP and UN-system programmes in related fields. This has included working with UNDP colleagues on the *Being LGBTI in Asia* and *Promoting a Fair Business Environment in ASEAN* projects.

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Through joint learning and awareness raising events, and bilateral discussions at multiple levels, UNDP has further fueled the inclination for cooperation between actors working on labor rights, migrant rights, women's rights, Indigenous Peoples' rights and environmental rights. The UNDP B+HR Unit has also built stronger awareness of the role of the UNGPs as a means of implementation for the Sustainable Development Goals (SDGs), solidifying support from UN system actors, government ministries, and business sector actors.

According to UN Working Group on Business and Human Rights (UNWG) member, Dr. Dante Pesce, "UNDP has established itself as the lead organization on Business and Human Rights in Asia and the convener of those doing work in this field. [UNDP's] work has become best practice for other regions to follow." The following Scoping Phase Final Report, outlines in detail UNDP's contributions and achievements during the reporting period as measured against project deliverables.

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### **Objective 1:**

***Identify an effective system of partnerships at Regional and National Level to support the implementation of the Guiding Principles on Business and Human Rights in Asia-Pacific and agree on a programmatic framework to operationalize it***

During the reporting period, UNDP forged and solidified partnerships to support the implementation of the UNGPs, while deepening the connections between stakeholders in government, civil society, and business. Collaboration and solidarity between these groups will enhance calls for greater state and business support of the Business and Human Rights agenda at the regional and national levels.

### **Output 1.1: Opportunities to involve regional and national stakeholders on coordination and cross border work on Business and Human Rights are identified**

UNDP conducted consultations with potential partners at the regional level in Bangkok, while building country-level networks through scoping missions.

#### **1.1.1 Bi-lateral consultations at the regional and international level:**

At the beginning of the scoping phase, a series of bi-lateral consultations were conducted with a host of actors to strengthen interest and commitment to a partnership architecture focused on Business and Human Rights programming. UNDP has since solidified UN system cooperation from actors such as ESCAP, ILO, IOM, OHCHR, UN Environment, UN-Habitat, UNICEF, and UN Women, as well as with non-UN system actors including, AICHR, the Asian Indigenous Peoples' Pact, the Danish Institute for Human Rights, Oxfam International, and the Raoul Wallenberg Institute. The resulting relationships were deepened and consolidated during a UNDP-hosted event titled, *B+HR Lab: Regional Partnership Workshop to Support Implementation of the UNGP on Business and Human Rights*, on 31 October 2017, described under Output 1.2 below.

Following the B+HR Lab, UNDP invited Lab participants to attend and participate in other events including those involving National Action Plan processes in Thailand, and efforts to do the same in Japan, also described in more detail below. UNDP envisions hosting more Labs and facilitating opportunities for cooperation as they arise.

Furthermore, the project team is privileged to enjoy a close partnership with the UN Working Group (UNWG), involving weekly communications. These ties have resulted in strong coherence between UNWG and UNDP policy priorities and programmatic work on the ground in Asia-Pacific. UNWG Members have participated in UNDP co-sponsored events with AICHR, strengthening the quality of AICHR dialogues and workshops. Significantly, UNWG Members have helped open doors for UNDP to drive forward UNGP implementation in India and China.

#### **1.1.2 Nurturing private sector engagement and building champions:**

In the second half of the scoping phase UNDP invested in expanding its partnership network to include the private sector and CSOs. UNDP strengthened links with multi-national corporations such as Aditya Birla Group, Charoen Pokphand Group, Electrolux, IKEA, KPMG, Petronas, Six Senses, Thompson Reuters, Thai Union, and Unilever.



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These relationships have evolved into substantial programming opportunities. Currently, UNDP is developing a gender equality initiative in Bangladesh with Unilever and UN Women. Under a tentative understanding, Unilever will provide access to hard-to-reach tea plantations, UN Women will bring its gender technical expertise, and UNDP will ensure government involvement and tie-in to national plans on Business and Human Rights. Separately, UNDP and KPMG are in the exploratory stages of a project to use blockchain technology to ensure safe supply chains in Thailand.

The UNDP B+HR Unit also worked to ensure that human rights was given a high profile in the Responsible Business Forum co-hosted by the UNDP Bangkok Regional Hub and held each year, for the last 3 years in Singapore. This event, opened by the UNDP Administrator, was run primarily to encourage private sector engagement in the SDGs. This year, Business and Human Rights will be the topic of discussion for a global audience of business and government leaders as part of the Human Rights 'workstream'. In the lead up to these Responsible Business Forum in October 2018, the B+HR Unit has facilitated pre-meetings to help shape the agenda with both "expert group" and "stakeholder advisory group" discussions.

### 1.1.3 Scoping visits to Countries in Asia-Pacific region:

During the reporting period, UNDP conducted scoping missions to seven countries, with findings detailed below. UNDP's scoping missions gave greater clarity to the challenges and opportunities of UNGP implementation in the region, while also opening space for dialogue with high-level stakeholders.

Due in large part to UNDP's engagement, on 29 November 2017, at the UN Forum on Business and Human Rights in Geneva the government of Malaysia formally announced its intention to develop a National Action Plan to implement the UNGPs. In Indonesia, UNDP learned that the government is also making substantial progress on UNGP implementation; however, the government has decided to embed their strategic work on Business and Human Rights within their Human Rights Action Plan and work on "Guidelines on Business and Human Rights for Ministries and the Private Sector." Commitment in the Philippines remains unclear, though there are strong champions among civil society actors, National Human Rights Commissioners and some business figures. In Viet Nam, there is emerging interest in the Business and Human Rights agenda due in part to UNDP B+HR Unit's engagement with the UNDP Country Office (CO) in Viet Nam.

With regards to South Asia, government buy-in to the implementation of the UNGPs has been comparatively slower in Bangladesh, despite a scoping mission by UNDP in March 2018. India, however, has enthusiastically embraced the Business and Human Rights agenda, requesting UNDP support in updating the National Voluntary Guidelines on CSR and to kickstart a NAP development process. Encouraging signs have also emerged in Sri Lanka with regards to private sector efforts to implement the UNGPs.

- **Bangladesh**

UNDP visited Bangladesh from 12-15 March 2018 to map out key stakeholders within the Business and Human Rights landscape of the country. The B+HR unit consulted with the UNDP country office, and had discussions with the National Human Rights Commission of Bangladesh. Crucially, the country office facilitated meetings with key government agencies, including the Ministry of Foreign Affairs. During the mission, contacts were also established with private sector actors in the country, such as DBL Group.

The B+HR unit offered support to the country office and the government ministries with regards to Bangladesh's next UPR process in May 2018. Furthermore, UNDP invited the National Human Rights

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Commission of Bangladesh to the AICHR Interregional Dialogue on Business and Human Rights, later held on 4-6 June 2018.

- **India**

The B+HR unit established strong connections and a mutually-productive working relationship with the Ministry of Economic Affairs, Ministry of Corporate Affairs, and the National Human Rights Commission of India prior to the summer of 2018. Following on from the Business and Human Rights unit's presence and central role in the UNWG's Gender Consultation co-hosted with Ashoka University in Sonapat in February, UNDP conducted a scoping mission to India between 2 and 6 July. There, the Business and Human Rights Advisor met with various key stakeholders, including the Permanent Secretary of the Ministry of Corporate Affairs, and explored potential opportunities for future support to Business and Human Rights efforts in India. The B+HR Unit also took the opportunity to meet a civil society coalition, convened by Dr. Surya Deva of the UNWG.



The Business and Human Rights unit proposed a B+HR Roadmap for the next 2-3 years, which will be implemented by the Ministry of Corporate Affairs in collaboration with other relevant government agencies. UNDP will also provide technical support for the revision of the country's National Voluntary Guidelines on CSR to better reflect the UN Guiding Principles.

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- **Indonesia**

On 20-21 September, the B+HR Unit kickstarted its scoping in Indonesia. UNDP met with KOMNAS HAM, Indonesian's National Human Rights Commission. The Chairman, Nur Kholis, provided updates on progress of a National Action Plan (NAP) for the implementation of the UNGP in Indonesia. He agreed that the National Action Plan as written by KOMNAS HAM required strengthening. Mr. Wayhu Wagiman, Director of Elsam, an Indonesia CSO, was also present. The Chairman noted his support for a formal launch of an Indonesian NAP.



With the UNDP Country Director, Mr. Christoph Bahuet, the UNDP B+HR Unit met with Dicky Komar, the Deputy Director of the Directorate on Human Rights and Humanitarian Affairs, of the Ministry of Foreign Affairs (MOFA), and discussed the possibility of announcing a NAP for implementation of the UNGP. UNDP proposed that the time was ripe for an announcement given Indonesia's already substantial progress and in light of newly revealed plans that the government would provide "Guidance" to the business sector and government on the UNGP. Though MOFA was supportive of the idea of a public announcement at the Global Forum in Geneva, they believed that a Presidential



Decree supporting a NAP process was required first. Mr. Komar also informed UNDP that the Guidance document on business and human rights would be coordinated by the Ministry of Coordination of Economic Affairs, though it had not yet been formally appointed with this role. UNDP B+HR Unit also visited the offices of the Ministry of Law and Human Rights, and met with Mr. Arry Aradanta Sigit, Director General of

Human Rights. At this meeting, attendees discussed their activities, and priorities for the coming year. The Director also asked whether UNDP could support awareness raising efforts planned around this important topic.

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UNDP B+HR met with the Executive Director of Indonesia Global Compact Network, Josephine Satyono, who shared challenges of promoting a business and human rights agenda in Indonesia. Also in attendance was Ms. Deborah Tjandrakusuma, corporate council to Nestle, who noted that awareness raising about the UNGP was the first priority.

UNDP concluded its mission with a meeting with H.E. Mrs. Johanna Brismar Skoog, Sweden's Ambassador to Indonesia. Noting her substantial interest in this area, she voiced strong support for UNDP's efforts. She suggested that she could help marshal the advocacy powers of her good offices, and members of the Swedish private sector to push for the adoption of a National Action Plan in Indonesia.

The B+HR Unit returned to deepen its engagement in Indonesia from 5 to 7 February 2018. UNDP continued to meet with government focal points on Business and Human Rights. The Unit conducted further consultations with the Ministry of Law and Human Rights. The B+HR unit also cultivated a new working relationship with Marzuki Darusman, the founder of the Foundation for International Human Rights Reporting Standards (FIHRRST) and champion of Business and Human Rights. UNDP supported a regional workshop on B+HR organized by a key project partner, Oxfam International.

On 4<sup>th</sup> May 2018, the UNDP Business and Human Rights Advisor attended a national workshop hosted by the UNDP country office in Indonesia, aimed at convening relevant government agencies to push for a renewed drive for UNGP implementation. This workshop, held in Bogor, resulted in the Bogor Outcome Declaration. This declaration recommended the formation of a taskforce to carry out ten action points, namely:

1. Guiding awareness-efforts at all levels and among all stakeholders
2. Adopting a Policy Commitment to draft a NAP (or chapter on BHR within the National Human Rights Action Plan)
3. Consolidating all existing Baseline Assessment efforts (Komnas HAM NAP, Sector Baselines, BHR Guidelines) and filling baseline gaps
4. Steering the process of drafting a NAP by December 2019 to "connect all dots" and aligning it with NAP on SDGs implementation
5. Supporting continuation and scaling up of ongoing certification initiatives
6. Developing a communication strategy to communicate more effectively the "Evidence of Progress" in Indonesia
7. Engaging in periodic consultations with CSOs and Private Sector
8. Unpacking this Road-Map into tasks and assigning Responsible Parties for their implementation
9. Agreeing on timeframes and targets of the Road Map and
10. Adopting its own Standard Operating Procedures

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**RESULTS:** As a result of these missions, UNDP has significantly accelerated discussions in Indonesia on Business and Human Rights. Indonesia agreed to widen its participation at the UN Forum on Business and Human Rights, including on the Parallel Session co-hosted by UNDP. Moreover, on 7 December, the Ministry of Law and Human Rights requested that UNDP support the development of a baseline study to inform the Guidelines and a “roadmap” on Business and Human Rights in Indonesia. The Global Compact Network and UNDP are also planning joint awareness raising exercises and the Ministry of Foreign Affairs has asked UNDP for training support. Most importantly, the Bogor Declaration provided a clear roadmap for UNDP to support a deeper commitment to UNGP implementation in Indonesia.

- **Malaysia**



Upon the request of Dr. Aishah Bidin, Commissioner of the Malaysian Human Rights Commission, or SUHAKAM, UNDP B+HR Unit made a visit to Malaysia to help push through a National Action Plan process that had been frozen for a number of years. The UNDP B+HR Unit, accompanied by the UNDP Resident Coordinator (RC), met with the Minister of Integrity and Good Governance in the Prime Minister’s Office, Dato Paul Low. After an exchange of views, UNDP proposed that the Minister attend the UN Forum on Business and Human Rights in Geneva and serve as a panellist on a parallel session. It was suggested that the Minister might choose to use this opportunity to announce the launch of a National Action Plan process in Malaysia. The Minister agreed in principle to the idea and asked that he be sent a formal letter of invitation. This invitation was sent and eventually accepted. He followed UNDPs advice and got the Council of Ministers to formally accept the idea of drafting a National Action Plan on BHR and with the decision taken he went to Geneva to announce formally the launching of a process to



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draft the NAP. On the basis of Minister Low's announcement at the UN Forum, Malaysia will be Asia's second country to embark on a National Action Plan on Business and Human Rights.

A follow-up scoping mission was conducted on 8 and 9 February 2018. UNDP maintained the momentum on the NAP process within the country, meeting with officials from the Prime Minister's Office, SUHAKAM, and the representatives from the UN Global Compact Network in Malaysia. Key champions, such as Dr. Anis Yusal Yusoff, the Director of the National Integrity and Good Governance Department (JITN), were identified and earmarked as speakers for the AICHR Dialogue in June 2018.

**RESULTS:** Malaysia's announcement will likely have a snowballing effect in the region. Despite the recent political change, the Malaysian government is expected to retain its commitment to developing a NAP on Business and Human Rights. Viet Nam, Myanmar, Philippines and even Singapore will feel inclined to develop their own pathways forward, or otherwise adopt full-scale National Action Plans. The time is ripe to capitalize on any momentum produced by Thailand and Malaysia.

### • Philippines

UNDP B+HR Unit attended a roundtable event sponsored by the University of Asia Pacific and the Business and Human Rights Resource Center on 22 September 2017. The roundtable discussion, made up of business leaders in the energy and mining sectors, was focused primarily on grievance mechanisms and to a lesser extent on due diligence protocols. At the meeting, the Gerald Bitino, of the Presidential Human Rights Committee Secretariat, informed participants that a process to develop a NAP on Business and Human Rights may be announced at the end of 2017. He reported that an administrative order had been drawn up and was before the President for his approval.



UNDP B+HR Unit also met with the UNDP Country Office in the Philippines to discuss opportunities for collaboration on the B&HR agenda.

**RESULTS:** On the basis of the contacts made during this mission, UNDP B+HR Unit will be primed to deploy technical and other resources towards UNGP implementation, if and when the Philippine government signals an intention to take up ownership.

### • Sri Lanka

Between 2-4 October, the UNDP B+HR Unit visited Sri Lanka to participate in an event hosted by the Foreign Trade Association (FTA), a Brussels-based association of mostly European retailers. During this mission, the Unit also met with members of the UN Global Compact Country Network, Sri Lanka, and the UNDP Country Office. The B+HR Unit also met briefly on the margins of the event with the Deputy Minister of Economic Affairs, Harsha De Silva. After the discussion, the Deputy Minister asked for more information on the 2017 UN Forum in Geneva with a view towards attending the event. The UNDP Business and Human Rights Specialist also visited Sri Lanka for a second scoping mission from 12-14 March 2018.

Between 12-14 March, the UNDP B+HR Specialist visited Sri Lanka to conduct a follow-up scoping mission, supported and advised by the UNDP Sri Lanka CO, in partnership with the Global Compact Country Network Sri Lanka (GCN). During this robust and valuable mission, meetings were held with

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business associations, UN system actors, government, and an array of private sector firms. Unfortunately, engagement with CSO actors was not possible.

The mission revealed that private sector engagement on B+HR in Sri Lanka is strong, and that private firms are willing to take up awareness raising and due diligence on their own. However, after local elections which resulted in a poor showing for the government, most stakeholders express doubt that the government will have an appetite to embrace the Business and Human Rights agenda, particularly as human rights is a politically charged term. Government officials at the Ministry of Justice and Ministry of Industry, were supportive but with reservations. (Sri Lanka's recent bout of political turmoil will undoubtedly impact on the direction of travel for reconciliation and recovery related programming. However, UNDP CO Sri Lanka believes that the B&HR agenda may get extra attention, as the new government seeks to reassure investors and the international community that its private sector remains committed to being a low-risk, higher end alternative to the operators in Bangladesh and India.)

**RESULTS:** UNDP raised significant levels of interest in the UNGPs among Sri Lankan government and businesses leaders. Contacts with the private sector are now strong, and the Global Compact Network Sri Lanka is found to be both a credible and active partner. Recent political instability may not necessarily impede progress on B+HR.

- **Viet Nam**

Through the UNDP Country Office (CO) in Viet Nam, the B+HR Unit facilitated increased interest in the UNGPs through outreach and support to in-country efforts. UNDP B+HR has supported the development of champions on Business and Human Rights in Viet Nam, facilitating their involvement in AICHR hosted events and connecting them with Global South partners to discuss technical issues. Further, UNDP B+HR Unit has met with influential Vietnamese business actors outside of Viet Nam to promote the "business-case" for UNGP implementation. Currently, the UNDP CO is supporting the development of a baseline study on the Business and Human Rights environment and the translation and dissemination of the UNGPs in Vietnamese.

During a second visit, from 19-21 March 2018, the B+HR unit also created strong links with several Vietnamese ministries, crucial for driving forward the Business and Human Rights agenda. UNDP met with Mr. Nguyen Thanh Tu, the Director-General of the Department of Civil and Economic Laws, Ministry of Justice. The unit discussed holding joint capacity-building workshops in Viet Nam. Mr. Tu would later join the AICHR Dialogue of June 2018 in Bangkok as a crucial resource person to present on current developments in Viet Nam. Finally, UNDP also discussed the Business and Human Rights agenda in the country with the Viet Nam Chamber of Commerce and Industry (VCCI) and the Ministry of Planning and Investment, mapping out two more crucial partners. In July, the Ministry of Justice of Viet Nam requested UNDP's support to develop a road map towards a NAP process, though interest in this has now softened.

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**RESULTS:** Viet Nam showed increasing interest in the UNGPs, warranting more significant attention from the UNDP B+HR Unit and others to ensure momentum grows. Awareness-raising activities, led by UNDP Viet Nam with support from UNDP BRH, and capacity-building workshops hosted by government agencies are currently underway thanks to the foundations laid by UNDP’s scoping missions.

**Output 1.2: A partnership architecture (inclusive of sub-regional structures, and in specific countries), of UN Agencies/Funds Regional Institutions and Civil Society Organizations to take forward the programming on Business and HR in the Region is agreed and a joint programming proposal is finalized.**

UNDP B+HR Unit consulted with a wide array of potential partners to explore interest in working towards UNGP implementation under an agreed programmatic framework. In addition to UN system actors – ILO, IOM, OHCHR, UNEP, UN ESCAP, UN-Habitat, UNICEF, and UN Women – the B+HR Unit also discussed potential collaboration with CSOs, including AIPP, CARE International, Oxfam International, and academic institutions such as the RWI. UNDP’s request for a stronger partnership with these organizations and the suggestion that they align their work under the umbrella of UNDP’s efforts to ensure National Action Plans, was warmly embraced.

UNDP convened and cultivated a wide variety of civil society actors, at both regional and national level, to empower such organisations to play a leading role in the Business and Human Rights agenda and NAP processes. New project partners include FORUM-ASIA, the Environmental Justice Foundation (EJF), the International Commission of Jurists (ICJ), and the International Women’s Rights Action Watch in Asia-Pacific (IWRAP-AP). Initial discussions for collaboration have also taken place with Human Rights Watch and the Foundation for International Human Rights Reporting Standards (FIHRRST).

The B+HR Unit’s commitment to supporting CSO participation in NAP processes was epitomized by the strong support UNDP gave to Manushya Foundation and the Thai CSO Coalition for the UPR to attend consultations for the Thai National Action Plan, as well as the growing partnership cultivated with the Community Resource Centre (CRC).

UNDP deepened its collaboration with Japanese Civil Society organisations, such as Caux Round Table (CRT) Japan and the Japan External Trade Organisation’s Institute of Developing Economies (JETRO-IDE). UNDP supported CRT-Japan’s Southeast Asia Stakeholder Engagement Workshop from 31st May to 1 June 2018, while Hiroshi Ishida, CRT’s Executive Director, as a crucial speaker at the AICHR Interregional Dialogue from 4-6 June.



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UNDP also strengthened relationships with NHRIs and Global Compact Networks. These relationships were further strengthened through a partnership architecture event that brought these entities together to brainstorm, share lessons learned, and plant the seeds for further collaboration. Partnerships at the country level were also explored during scoping missions as described above.

### 1.2.1 “Business and Human Rights Lab: Regional Partnership Workshop to Support Implementation of the UNGP on Business and Human Rights”



On the 31st of October 2017, UNDP B+HR Unit hosted the inaugural *Business and Human Rights Lab: Regional Partnership Workshop to Support Implementation of the UNGP on Business and Human Rights*. Attended by 31 participants and 20 organizations, the Lab event brought together a wide range of UN system actors and Civil Society Organizations (CSOs) operating within the Business and Human Rights framework. The purpose of the event was three-fold: 1) to outline partnerships; 2) consolidate messaging; 3) and develop innovative solutions to challenges in the area. UNWG Chairperson, Dr. Deva, opened the event with a video address and recognized UNDP leadership in Asia. Dr. Deva noted that UNDP’s approaches should be taken as an example from which other regions, like Latin America, can learn from.



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The Lab was an important step in building a credible partnership-architecture for Business and Human Rights in the Asia-Pacific region, demonstrating both UNDP's value-added and encouraging buy-in from disparate actors in this area of work.

**RESULTS:** Response to the B+HR Lab was overwhelmingly positive. Participants strongly urged UNDP to host a Lab on a more routine or periodic basis (those organizations that could not attend the Lab, such as RWI, were contacted in person about the event). Furthermore, UNDP strengthened relationships with newly formed focal points at the various organizations. Agreed action points for collaboration was also recorded in the outcome report and shared among participants. It was agreed by all participants that Lab participants would revisit their collaboration efforts during the next meeting. Importantly, this Lab earned UNDP significant levels of goodwill, trust and credibility for purposes of formalizing a “partnership architecture” over the next 6 months and into the project stage.



A second edition of the B+HR Lab is to be held on the 31<sup>st</sup> of October 2018, with plans to make the Lab a regular fixture on the UNDP Business and Human Rights calendar.

### 1.2.2 Engaging Resident Coordinators and UN Country Teams

UNDP B+HR Unit made several presentations to Resident Coordinators (RCs), UN Country Teams and Country Directors over the course of the reporting period, deepening relationships, forging partnerships and leveraging their good offices to ensure that the Business and Human Rights agenda is handled deftly.

On 19 September 2017, UNDP B+HR Unit met with UN Resident Coordinator for Brunei, Malaysia and Singapore and briefed him on the UNGPs and the potential for progress in Malaysia for implementation. Leveraging the RC's good offices, the Unit met with the Malaysian Minister of Integrity and secured his interest in embarking on a National Action Plan on Business and Human Rights. The Minister, acting on UNDP's formal invitation, attended the UN Forum on Business and Human Rights and announced his country's commitment to developing a NAP on B+HR. The Minister also requested UNDP's assistance in developing the NAP, raising awareness, and building capacity around the UNGPs in Malaysia. UNDP B+HR Unit will continue working closely with the RC to ensure UNDP programmatic interventions are well-positioned for effective delivery.

On 13 November 2017, the B+HR Unit met with the UN RC of Thailand, providing a briefing on the UNGPs and a situational analysis of Business and Human Rights in the country. The B+HR Unit also briefed her on the Global Compact Network of Thailand, and attendant risks and opportunities of working closely with this group. At the RC's invitation, a member of the B+HR Unit later accompanied the RC to meet with Global Compact Network Chairperson. It was agreed that in January 2018, UNDP will host a brownbag discussion on Business and Human Rights for the UN Thailand Country Team. This relationship with the UN RC of Thailand was further strengthened when the UNDP Business and

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Human Rights Advisor accompanied the RC to the high-level National Dialogue on Human Rights on the 12<sup>th</sup> of February, also attended by the Prime Minister.

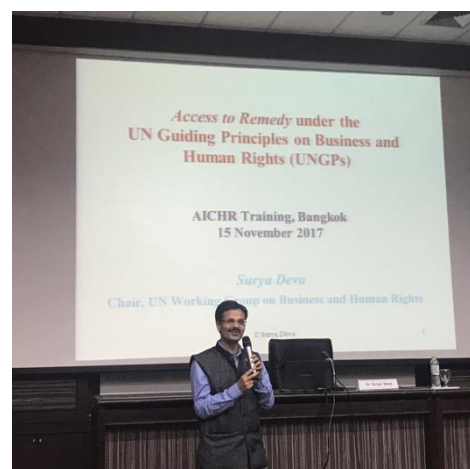
UNDP B+HR Unit has also established relationships with the UNDP Country Offices in Sri Lanka and Viet Nam. Based on consultations, Viet Nam CO contracted a researcher to conduct a small baseline study on Business and Human Rights. The CO also facilitated travel of several Vietnamese delegates to the UN Forum on Business and Human Rights. In Sri Lanka, the CO is taking up the Business and Human Rights practice area and looking to build on a relationship with the Deputy Minister of the Economy as recently established by the B+HR Unit.

At the invitation of the UN Resident Coordinator in Cambodia, the Business and Human Rights Advisor travelled to Phnom Penh from 23 to 25 April to give a presentation on Business & Human Rights and the UN Guiding Principles for the UN Country Team. The presentation was well-received by UN-system entities, and the Resident Coordinator subsequently expressed interest in future programmatic work on Business and Human Rights in Cambodia.

### 1.2.3 UN Working Group on Business and Human Rights

UNDP B+HR Unit strengthened its successful partnership with the UNWG during the reporting period, opening up new opportunities to shape the discourse and direction of UNGP implementation. For example, UNDP facilitated the participation of UNWG Members, Dr. Michael Addo and Mr. Dante Pesce, at UNDP's Regional Workshop in June. More recently, Dr. Surya Deva participated in an AICHR training event in November, detailed below. Dr. Deva, along with Dante Pesce, also participated in the 2018 AICHR Interregional Dialogue on Business and Human Rights.

In turn, UNDP was invited by the UNWG to participate in a multi-stakeholder consultation on *The Gender Lens to the UN Guiding Principles on Business and Human Rights* on 30 November. At this meeting, UNDP prompted debate on the need to integrate women's issues from both a normative perspective and through the "business case." In connection to this consultation, UNDP was also invited by the UNWG to co-sponsor a similar consultation on women and Business and Human Rights in New Delhi, India. This consultation, detailed later on in this report, was held in February 2018. Members of the UNWG have also helped facilitate contacts between UNDP and the EU Foreign Policy Unit and the German Federal Ministry for Economic Cooperation and Development, advancing discussions for further support to UNDP's efforts.



Enhancing its partnership with the UNWG, UNDP was provided with researchers to develop world-class thought-leadership products on a host of Business and Human Rights topics and their relationship to human rights. These products include a study of the impact of international trade on human rights, extra-territorial obligations and cross-border case studies, special economic zones and their place in Business and Human Rights, and Belt-and-Road Initiative.

**RESULTS:** UNDP B+HR's direct access with UNWG members has translated into readily available world-class advice and guidance on a routine basis. It has also resulted in their presence at UNDP B+HR events offering significant value-added to participants. Lastly, the relationship has led to introductions to hard-to-access stakeholders, donors and thought-leaders, enhancing programmatic opportunities.

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### 1.2.4 Consultations with international partners

- European Union

On 31 October, UNDP B&HR Unit had preliminary discussions with the European Unit, Foreign Policy Instrument regarding their interest and support to a Business and Human Rights Regional Programme. UNDP was requested to make an initial presentation for a future partnership with EU at the end of December. The Unit has also had preliminary discussions with the German Federal Ministry for Economic Cooperation and Development, and the Dutch Ministry of Foreign Affairs who have also expressed interest in supporting efforts through regional and country platforms. These discussions continued throughout the first half of 2018, culminating with the offer to submit a project proposal for EU support. UNDP also facilitated trilateral meetings between the B+HR Unit, the Swedish Embassy, and the EU FPI team in Bangkok.

- OECD

UNDP's partnership with OECD was strengthened during the reporting period. As an indication of this, UNDP participated in the OECD Global Forum on Responsible Business Conduct in Paris on 29-30 June. The event explored recent trends in responsible supply chain management and due diligence, responsible institutional investment and policy formation through National Action Plans, the role of National Contact Points in evolving contexts, and responsible business conduct of state-owned enterprises. UNDP also ensured that discussions were informed by the UNGPs and specific references to human rights.



The B+HR unit was also invited to attend the 2018 OECD Global Forum on Responsible Business Conduct, again hosted in June (19-21). There, the Unit explored linkages between UNDP's work on promoting Human Rights Due Diligence in the private sector and the OECD's new guidelines on Human Rights Due Diligence.

The B+HR Unit has consistently leveraged its strong partnership with the OECD Responsible Business Conduct team to ensure OECD's presence at several of UNDP's regional events. Currently, discussions are underway to deepen cooperation between UNDP B+HR and the OECD's project on responsible business in Asia.

**RESULTS:** On the sidelines of these events, UNDP consulted with OECD and established a close relationship. OECD subsequently expressed interest in potentially collaborating on the 2019 Regional Dialogue on Business and Human Rights, to be held in June 2019 in Bangkok.

#### **Objective 2:**

**Support pilot programming on Business and Human Rights at Regional and National level and use the lessons learned to inform the drafting of a larger regional Initiative to start in 2018**

**Output 2.1: Existing regional initiatives on Business and Human Rights are nurtured and supported and ongoing best practices are shared.**



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UNDP's support and participation has heightened the profile and impact potential of regional initiatives on Business and Human Rights, while building a network of partners to bring the agenda forward.

### 2.1.1 "Seminar on Disseminating and Driving Forward the UNGPs in Thailand"

On 31 May 2017, Thailand Prime Minister Prayut Chan-o-cha delivered a keynote address on the UNGPs at a seminar attended by a wide array of Thai business and government leaders. The PM offered in opening remarks that, "businesses are responsible for upholding human rights and guaranteeing dignity, safety, equality, equal opportunity, access to government services, and fair treatment." He expressed confidence that the UNGPs would benefit Thai businesses over the long term. Further, he claimed that the UNGPs align with the government's sustainable development goals. The Prime Minister also witnessed the signing of a memorandum of cooperation by the National Human Rights Committee, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Commerce, Federation of Thai Industries, the Thai Bankers Association, the Thai Chamber of Commerce, and the Global Computing Network of Thailand.



**RESULTS:** As well as cementing Thailand's commitment to the UNGPs, the event was an important means of kick-starting a "race-to-the-top" for UNGP implementation among regional actors. When Thailand finalizes its National Action Plan on Business and Human Rights, it will likely be Asia's first. UNDP's participation and support for the event was well-recognized, particularly by UNWG members who gave their support to the Thai government. UNDP's involvement in the event, signaled the organization's strong interest and commitment to the success of Thailand's Business and Human Rights agenda.

### 2.1.2 Regional Workshop on Business and Human Rights:

On 1-2 June, UNDP co-hosted an event with AICHR, ASEAN CSR Network, the Ministry of Justice of Thailand, and ESCAP titled, "Regional Workshop on Business and Human Rights: Moving ahead with National Action Plans in ASEAN". With participants from government, NHRIs, civil society and business, the regional workshop aimed to embed human rights in business activities in the Southeast Asian region, with a particular focus on the roles, duties and responsibilities of governments and business. The keynote speaker, Dr. Michael Addo of the UN Working Group on Business and Human Rights,

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lauded the diversity of the actors present, noting that each organization had their role to play in pushing for implementation of the UNGPs. Participants reaffirmed that economic growth, human rights, and environmental protection comprise mutually-reinforcing drivers of prosperity and sustainable development.



**RESULTS:** This event demonstrated UNDP’s commitment to fostering a wide-ranging dialogue on the business and human rights agenda, and growing a community of supporters of the UN Guiding Principles on Business and Human Rights in the region. Participants reaffirmed that human rights and environmental protection were necessary components to sustainable growth in the Asia-Pacific region.

### 2.1.3 Partnership with AICHR and ASEAN:



On 13-16 November, UNDP B+HR Unit partnered with the ASEAN Intergovernmental Commission on Human Rights (AICHR) and ASEAN CSR Network to cohost a training event on Business and Human Rights. The event was attended by 60 participants from government, civil society, business, and National Human Rights Institutions, and combined in-class discussion with site visits. With UNDP’s support, the Chair of the UNWG, Dr. Surya Deva, spoke to assembled delegates. Here, Dr. Deva stressed the importance of remedies, noting that Pillars 1 and 2 support the realization of Pillar 3. “All roads lead to remedy,” he concluded.

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**RESULTS:** Importantly, the AICHR event resulted in wider awareness and understanding of the UNGPs among a multitude of stakeholders in the region, and provided an opportunity to identify champions. Myanmar and Viet Nam delegates requested that UNDP conduct visits to their countries to explore opportunities. Additionally, members of Thailand’s Judicial Training Center invited UNDP to provide training on the UNGPs. Lastly, UNDP strengthened its relationship with NHRIs in the region as well as with international organizations, ensuring strong partnerships going forward.

### AICHR Interregional Dialogue: *Sharing Good Practices on Business and Human Rights*



UNDP’s relationship with ASEAN was further strengthened through the joint organization of the 2018 AICHR Interregional Dialogue on Business and Human Rights, from 4-6 June. Opened by the Thai Deputy Prime Minister and Minister of Justice and attended by two members of the UNWG, the Dialogue was convened in order to maintain the momentum on Business and Human Rights in Southeast Asia amid rapid economic growth and political change. UNDP and AICHR also envisaged the event as a vital platform for the sharing of best practices from within ASEAN countries and beyond the sub-region.



The conference attracted enthusiastic interest from actors working on Business and Human Rights from across the region. For the first time, UNDP and AICHR convened regional human rights



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mechanisms from across the globe to discuss their role within the Business and Human Rights agenda. All ASEAN member states were represented by government delegations, composed of AICHR Representatives and officials from the nominated Business and Human Rights focal points. In addition, the conference was well-attended by National Human Rights Institutes from ASEAN and the wider Asia region. Crucially, one in four participants came from Civil Society, highlighting UNDP's work in convening all stakeholders.



Substantive sessions in the Dialogue included a review of global progress on the implementation of the UNGPs, an introduction to role of regional human rights mechanisms, and good practices of ASEAN member states. Encouragingly, thematic sessions also focused on the Gender Lens, Human Rights Due Diligence and Supply Chain Management, Workers' Rights, the role of Financial Institutions, and Grievance Mechanisms. UNDP also convened representatives from Australia, China, India, Japan, and South Korea to offer global and regional perspectives to UNGP implementation.



On the sidelines of the event, UNDP promoted South-South cooperation and peer learning through the organization of a bilateral meeting between the Malaysian and Thai delegations on NAP

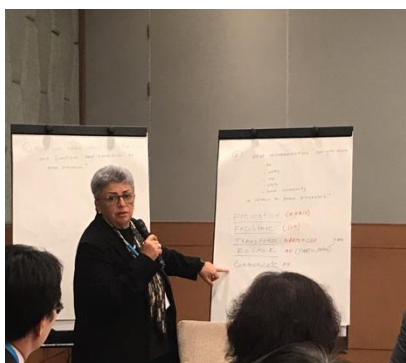


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methodology, and a separate presentation by the Indian Ministry of Corporate Affairs for representatives of other Asian countries.

**RESULTS:** UNDP maintained the momentum of support behind the Business and Human Rights agenda in Southeast Asia and promoted the exchange of best practices and knowledge on UNGP implementation. Political will was seemingly strengthened behind the development of NAPs and other policy instruments. UNDP also accelerated peer-learning and South-South cooperation on Business and Human Rights between countries in South and Southeast Asia. New links were established with government agencies from Japan and South Korea.

### 2.1.4 Partnership with Asia Pacific Forum and NHRIs:



On 30 November, the B+HR Unit attended the 2017 annual meeting of the Asia-Pacific Forum in Bangkok, a gathering of over 20 national human rights institutions from across the region. This year's focus was 'Conflict and Human Rights', giving the Unit an opportunity to explore the issue of B&HR in conflict areas in more detail. The event was also an opportunity to raise awareness of the Business and Human Rights agenda as a whole, given the presence of several country delegations with which UNDP had not worked with previously. Delegations from Afghanistan, Fiji, Myanmar, and South Korea in particular showed great interest in collaborating with UNDP in this area.

**RESULTS:** The UNDP B+HR unit expanded awareness of the UNGPs among stakeholders in post-conflict and transitional settings, while deepening its understanding of Business and Human Rights issues in difficult-to-reach areas including Rakhine state in Myanmar. Participation in the APF opened opportunities for future cooperation in areas that the project had not reached, including Central Asia, South Asia, and the Pacific Islands.

Throughout the reporting period, UNDP consolidated its institutional relationship with individual NHRIs in South and Southeast Asia. The B+HR Unit co-hosted several events with the National Human Rights Commission of Thailand throughout the scoping phase. Importantly, a crucial event founded upon Pillar 2 was conducted with Thai state-owned enterprises on the 4<sup>th</sup> of April, attended by all 56 Thai SOEs.

UNDP made its partnership with SUHAKAM official when the B+HR Unit signed an agreement in March 2018 for the Malaysian NHRI to conduct a series of training of events in three states. The workshops, in Terengganu, Kuala Lumpur, and Johor, are to be held in August 2018. These workshops aim to address a lack of awareness surrounding the UNGPs among the primary duty-bearers, namely state officials and business sector actors. Importantly, the official partnership also contained provisions for SUHAKAM to begin work on translating the UNGPs into Bahasa Malaysia.

### 2.1.5 Orientation on Business and Human Rights to the National Human Rights Commission of Bangladesh:

On 1 December, a delegation from the National Human Rights Commission of Bangladesh met with members of the B+HR Unit as well as UNDP's regional advisor, to discuss cooperation in implementing the UNGPs. UNDP provided an introductory presentation on Business and Human Rights and the linkages between the project and the 2030 Agenda. The chairperson, Mr. Kazi Reazul Hoque,

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expressed his interest that UNDP visit Bangladesh in early 2018. Furthermore, the Bangladeshi delegation underlined their admiration for UNDP's work in providing support for SUHAKAM's successful efforts in developing a NAP in Malaysia, and hoped that the project could bring this model of development to Bangladesh through a peer-learning initiative.

**RESULTS:** With this meeting, the team made substantial progress in expanding the scope of activities from Southeast Asia to South Asia, and increased awareness of the UNGP among Bangladesh stakeholders. The meeting also seemed to indicate a new opportunity for UNDP to foster South-South learning.

### 2.1.6 FTA Multi-Stakeholder Forum:

On 21 September 2017, the B&HR Unit contributed to an annual gathering of the membership of the Foreign Trade Association (FTA), a Brussels-based association of mostly European retailers. The event was titled, "Enhancing Social Performance Standards in Thai Supply Chains" and was informed by UNDP's partner project, UN-ACT. Responsible recruitment practices, diligent supply chain monitoring, and current work done in Southeast Asia against trafficking in persons was highlighted. UNDP's involvement strengthened the partnership between UNDP B+HR Unit and the FTA.



### 2.1.7 Global Compact Networks:

UNDP B+HR Unit has engaged the private sector through Global Compact Networks, raising awareness, identifying potential partners, and supporting Network activities around Business and Human Rights.

#### ▪ Indonesia:

On 21 September, UNDP met with the Executive Director of the Global Compact Network in Indonesia, Josephine Satyono, who shared challenges of promoting a business and human rights agenda in Indonesia. Also in attendance, Ms. Deborah Tjandrakusuma, corporate council to Nestle, noted that awareness raising about the UNGPs was the first priority; training and awareness was also required at the very top levels of management. It was agreed that UNDP would provide training modules on Business and Human Rights to facilitate the GC's awareness raising efforts.

#### ▪ Malaysia

During the scoping mission to Malaysia, conducted from 8 to 9 February 2018, the B+HR Unit cultivated a new relationship with the UN Global Compact Network in Malaysia. In particular, UNDP engaged in discussions with Puvan Selvanathan, the president of the network and a former member of the UNWG.

#### ▪ Sri Lanka:

On 2 October, the UN Global Compact Network, Sri Lanka, invited UNDP to address its membership and provide an overview of the UNGPs and its relevance to the private sector. At the end of the presentation, assembled business actors expressed their strong support of the implementation of the

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UNGPs in their country. UNDP will engage this Network membership during any second mission to Sri Lanka in 2018.

### ▪ Thailand:

UNDP deepened its relationship with the Global Compact Network in Thailand. On 13 November, the B&HR Unit briefed the UN Resident Coordinator for Thailand on the opportunities and challenges of working with the GC Network in Thailand. The Unit accompanied the RC to a meeting with the Chairman and other representatives of the network, forging key links with an influential Thai conglomerate keen on engaging the Business and Human Rights agenda. Initial discussions have been held between UNDP and the Global Compact Network in Thailand on future collaboration over the creation of a Business and Human Rights training academy for Southeast Asia.

### 2.1.8 FTA Asian Symposium on Responsible Business Practices.

Between 2-4 October 2017, the UNDP B+HR Unit participated in an event hosted by the Foreign Trade Association titled, “Asian Symposium on Responsible Business Practices”. The UNDP B+HR Advisor delivered a key note address to FTA members introducing the key ideas driving the UNGP, while the B+HR Specialist moderated a panel later in the day titled, “Making the Business Case: The UNGPs and Sustainable Supply Chains.” The panel, organized by the UNDP B+HR Unit, was composed of experts from Malaysia, Philippines, Sri Lanka, and Vietnam.



**RESULTS:** Participation in this event both strengthened UNDP’s partnership with FTA’s secretariat and its private sector membership in the region and beyond, resulting in contacts and actionable information for a return mission to Sri Lanka and a future scoping mission to Bangladesh. Furthermore, the process of putting the UNDP sponsored panel together strengthened UNDP’s ties to assembled regional experts. Participation in the event also exposed UNDP participant experts to the work of other experts in the region, stoking South-South exchange and learning.

### 2.1.9 UN Forum on Business and Human Rights

On 29 November 2017, UNDP B+HR Unit and the Thai Government co-hosted a Parallel Session titled, “Moving Forward with National Actions Plans on Business and Human rights and Implementing Pillar III in ASEAN,” at the UN Global Forum on Business and Human Rights in Geneva. At this parallel session, panelists showcased and discussed progress on business and human rights in the region. H.E. Mr. Sek Wannamethee, Permanent Representative in Geneva, Royal Thai Government, and H.E. Ms. Diana Madunic, CSR Ambassador, Government of Sweden, provided opening remarks alongside Mr. Dante Pesce, Member of the Working Group on Business and Human Rights. Government representatives, members of national human rights institutions and other discussants on the panel addressed the need for specific, effective remedy for affected rights-holders, as well as the need to move forward with National Action Plans (NAPs) within the region.

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Attending this event, were 10 delegates from Thailand, 16 from Indonesia, and 15 from Malaysia to the Global Forum. Though UNDP financed an Indonesian resource person to attend the event, the Indonesian government financed 15 delegates, revealing substantial national-level commitment. Similarly, UNDP supported the travel of two delegates from Malaysia’s NHRI while the government financed five more. On the other hand, Thailand sent 10 people to attend our parallel session all of which were government-funded.

Separate from the parallel session, Malaysia delegates requested a meeting with their Thai counterparts to discuss best practices and lessons learned. During the meeting, Thailand noted the importance of a thorough baseline assessment and leveraging CSO relationships to ensure inclusive consultations, particularly in hard to reach areas of the country. This robust example of South-South learning will be replicated in the future, as more countries embark on national consultations on business and human rights.



**RESULTS:** UNDP B+HR Unit’s participation at the UN Forum showcased progress in Southeast Asia as a region, advanced South-South learning and exchange, and through spotlighting achievements of governments who have embraced the UNGPs, encouraged other countries to consider the same. Importantly, UNDP’s participation also led to new relationships with other organizations working in the Asia-Pacific region, strengthening the outer-edges of a partnership architecture.

### 2.1.10 “The Gender Lens to the UN Guiding Principles on Business and Human Rights”

On 30 November, the UNWG convened a consultation on women and Business and Human Rights following the UN Forum in Geneva, as part of their commitment to unpack the Gender dimensions to Business and Human Rights. UNDP B+HR Unit was invited to participate as panelists, and in this capacity shared best practices for ensuring women’s participation in global consultations going forward. During this event, UNDP strengthened relationships with other women’s organizations in the region, while availing itself to opportunities for future work with gender experts in this area.

This thematic partnership was continued at the Gender Consultation, co-hosted by the UNWG and Ashoka University in Sonipat, India, from 19 to 21 February. UNDP attended this consultation, and was also invited to attend the post-consultation meetings in order to assist with the thematic report. The aims of the consultation included to raise awareness of the need for sensitivity among all stakeholders to the Gender dimensions, provide practical recommendations for states to apply the Gender Lens to

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NAPs, and to encourage a multi-stakeholder dialogue to propose ways to empower women who are vulnerable to business violations of human rights.



### 2.1.11 “Managing Mining for Sustainable Development” study

SIDA support was also used to develop a chapter on Business and Human Rights in a report on the extractive industries in Asia. This study was disseminated to Government Ministries in Bangladesh, Indonesia, Lao PDR, Mongolia, Myanmar, Nepal and Philippines.

### **Output 2.2: Countries in ASEAN are supported in their effort to draft a National Action Plan which will contain specific provisions on regional and cross-border cooperation**

#### 2.2.1 Technical Assistance to drafting NAPs

During the reporting period, UNDP began contracting procedures for a Gender expert to provide inputs into the baseline study on the Thai NAP. The expert, Dr. Amara Pongsapich, provided her findings in April 2018 to UNDP and the Ministry of Justice. The findings and recommendations made by Dr. Amara were incorporated into initial drafts of the Thai NAP.

UNDP also assisted with the coordination of the UNWG official country visit to Thailand at the invitation of the government, from 26 March to 4 April. Led by Dante Pesce and Dr. Surya, the UNWG delegation visited Bangkok, Chiang Mai, Khon Kaen, Samut Sakorn, and Songkla to view Business and Human Rights conditions on the ground and conduct first-hand research on key topics within Thailand's landscape. During the course of the visit, the UNWG consulted with government agencies, businesses sector representatives, civil society organisations, and the UN Country Team. The visiting delegation submitted an end of visit statement, highlighting numerous issues within the country's landscape, including but not limited to Human Rights Defenders and defamation cases, land rights, large development projects, and concerns over labour rights violations and human trafficking. This information and the UNWG's recommendations were incorporated by the Ministry of Justice in to the draft NAP, while a full report by the UNWG will be released in the summer of 2019.



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### 2.2.2 State-owned enterprises trainings



On 22 August, the UNDP B+HR Advisor conducted a capacity building training on the UNGPs and the process for establishing a Thai NAP for the Electricity Generating Authority of Thailand, a large State-Owned Enterprise. Exactly one month later, on 22 September, the Thai Ministry of Justice invited UNDP to deliver a presentation for a larger group of 50 Thai State-Owned Enterprises on the UNGPs.

These training opportunities are clearly indicative of Thailand's commitment to better the country's Business and Human Rights environment. They are also a clear indication that Thailand sees UNDP as a lead partner in UNGP implementation.

**RESULTS:** UNDP B+HR Unit is being seen as a lead resource on Business and Human Rights. Most recently, UNDP has been asked to lead trainings for Thailand's NHRI on human rights liabilities for State-owned enterprises.

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### Terms of Reference

### Thai NAP Video

#### Background

The United Nations Guiding Principles on Business and Human Rights (UNGPs) are widely recognised as the most authoritative normative framework guiding efforts to reduce or eliminate the adverse impact of business operations on human rights.

As a reflection of its growing profile, an increasing number of governments in the Asia-Pacific region are pursuing or contemplating National Action Plans on Business and Human rights (NAPs) to ensure strong implementation of the UNGPs. This interest and accompanying political will are largely-driven by increased focus from consumers, international pressure, and the growing business case for Business and Human Rights.

Pursuant to recommendations made during Thailand's last Universal Periodic Review (UPR) on the 11<sup>th</sup> of May 2016, the Royal Thai Government (RTG) made a 'voluntary pledge' to drive forward the Business and Human Rights agenda in the country. This was further cemented by a public commitment to draft a NAP on May 31<sup>st</sup> 2017. The Ministry of Justice was tasked with drafting this policy document. At the UN Global Forum on Business and Human Rights, held from 27-29 November 2017 in Geneva, the Thai delegation announced its intention to submit a first draft of the NAP for cabinet approval within September 2018.

The Ministry of Justice, led by the Rights and Liberties Protection Department (RLPD), initiated a baseline study of the Business and Human Rights landscape in the country in 2017, supported by the Manushya Foundation. This year-long process involved numerous regional consultations and field visits across the country.

Furthermore, as part of its commitment to developing a NAP, the RTG invited the UN Working Group on Business and Human Rights to conduct an official country visit from March 26 – April 4. Led by Vice-Chair Dante Pesce and Surya Deva, the meeting concluded with the group members recommending the government to take actions to ensure that a variety of specific issues are included in the NAP, ranging from outbound investments by Thai companies to the protection of human rights defenders. The concluding statement urged the government to promote the inclusion of all stakeholder voices in the process.



More information on the process so far undertaken by the Government of Thailand with regards to implementation of the UNGPs can be accessed at: [https://www.youtube.com/watch?v=bSE7L-G\\_PxE](https://www.youtube.com/watch?v=bSE7L-G_PxE)

The upcoming Thai NAP will include four priority areas identified in collaboration with civil society: labour rights; land disputes, environmental rights, and natural resources; human rights defenders; and cross-border investments and transnational enterprises. Each priority issue will have events and activities prescribed to address them, organised under each pillar of the UNGPs. The last section of the NAP will lay out plans for a national contact point (NCP) for Business and Human Rights.

### **Objectives**

UNDP intends to **leverage the Thai NAP process and its success to reignite the regional ‘race-to-the-top’ on NAPs**. The Business and Human Rights unit, with support from a videographer (IC), will develop a video to illustrate the NAP process so **to give additional life and lift to the effort, and encourage engagement from political leaders, civil servants, members of civil society and the business community**.

This video will also explain how to conduct a NAP on Business and Human Rights, and to boost the awareness, understanding, and capacity of other relevant government agencies within the region. It is expected that this video will also serve to strengthen political will in Asia with regards to the Business and Human Rights agenda. UNDP aims to promote this video as a practical and more illustrative guide to conducting a NAP process, and intends for it to dovetail with the booklet produced by the UN Working Group on Business and Human Rights, titled *“Guidance on National Action Plans on Business and Human Rights”*.

### **Draft Outline**

In consultation with the videographer, UNDP has developed a video outline in advance of a draft script.

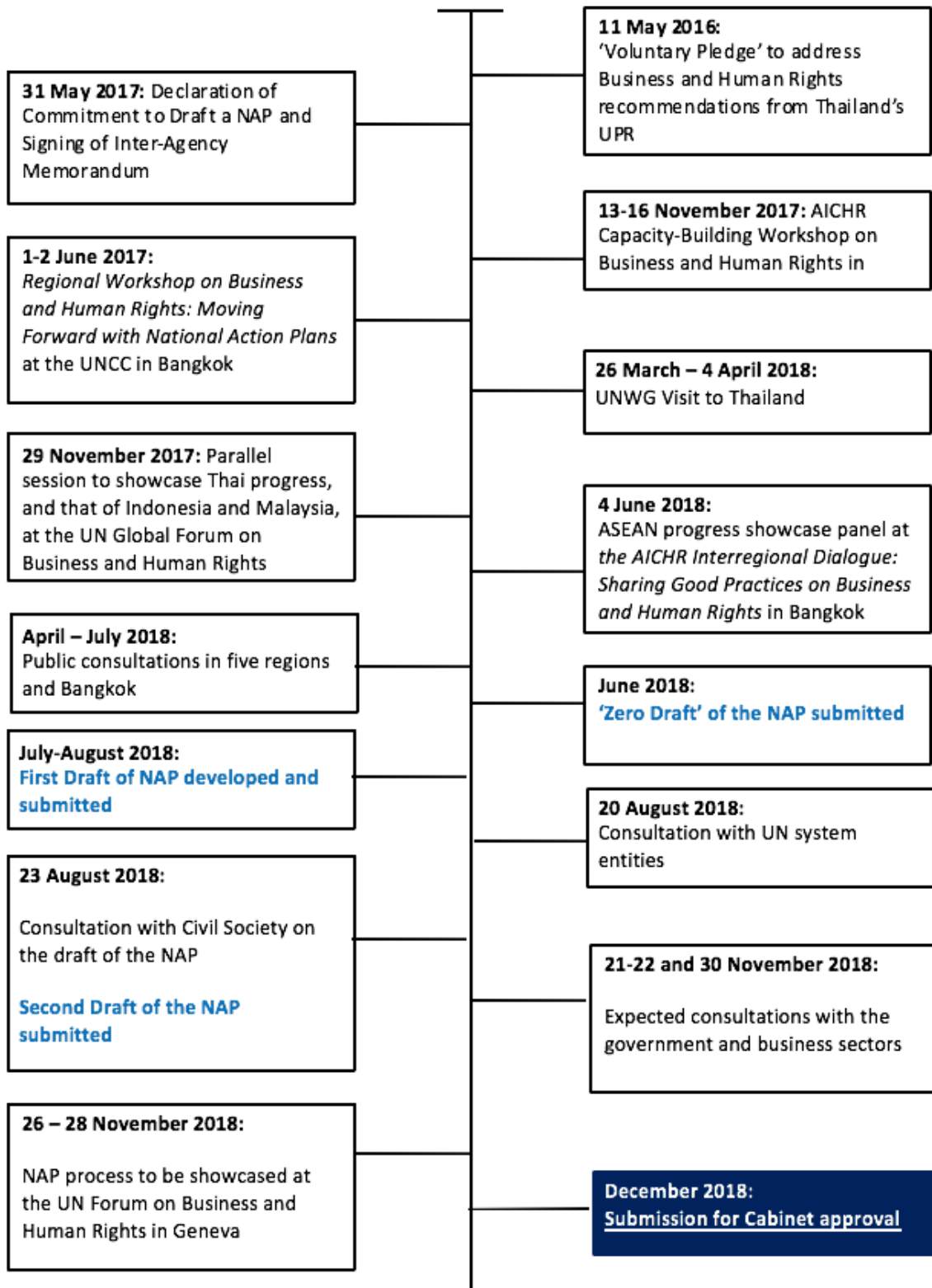
The videographer envisages a linear portrayal of the NAP process in Thailand, beginning from the initial one-year baseline study to the expected launch of the action plan in January 2019. Each period within the NAP process will be narrated by a senior expert(s) involved in that period. The entire process will be narrated by a main presenter, expected to be the Director of the Rights and Liberties Protection Department (RLPD), Ministry of Justice: Ms. Nareeluc Pairchaiyapoom.

UNDP will include but will not be limited to interviews with civil society leaders, academic experts, business sector representatives and key government officials. Footage for the video will include but will not be limited to the regional public consultations conducted by the Ministry of Justice, NAP validation events by the National Human Rights Commission of Thailand (NHRCT), the 2018 UN Forum on Business and Human Rights, and any other related stock footage.

It is envisaged that the videographer will travel around Bangkok and Thailand as a whole to record footage to be used in the video. If possible, footage and interviews will also be taken of those who’s rights have been adversely affected by business operations in the past.

The full process to be illustrated can be found below:

## Thailand's Road to the NAP (2017-2019)



### **Duration of Work**

UNDP expects to finalise the production by **28 February 2019**. The final version is expected to be shown for the first time at UNDP's South Asia Forum on Business and Human Rights in April 2019 (TBC) and at the Southeast Forum on Business and Human Rights, part of the 2019 Bangkok Business and Human Rights week, in June 2019.



As of 02 October 2018

## Draft Programme of Activities The AICHR CSO Symposium 2018

Participants are expected to arrive and check in at **A-Star Phulare Valley Report**, Chiang Rai on Friday 12<sup>th</sup> October 2018.

### Day 1 (Saturday 13<sup>th</sup> October 2018) Dress Code: Casual

08.30-09.00	<b>Registration</b>
09.00-09.30	<p><b>Opening session</b> Opening and welcoming remarks addressed by:</p> <ul style="list-style-type: none"> <li>• H.E. Dr. Seree Nonthasoot - Representative of Thailand to the AICHR</li> <li>• H.E. Amb. Barry Desker - Representative of Singapore and Chair, the AICHR</li> <li>• Ambassador from Norwegian Embassy</li> <li>• H.E. Dr. Suriya Chindawonges - Director-General of the Department of ASEAN Affairs</li> </ul> <p><b>Photo Session</b></p>
09.30-10.05	<p><b>SESSION 1: Introduction</b> Introduction of participants and sharing of expectations from participants</p>
10.05-10.30	Coffee break
10.30-12.30	<p><b>SESSION 2: Women and Gender Perspective in ASEAN</b> [Aspects of current development pertaining to promotion and protection of women rights and the mainstreaming of gender perspective in the ASEAN Community] <i>Moderator:</i> H.E. Mr. Phoukhong Sisoulath - Representative of Lao PDR to the AICHR <i>Speakers:</i></p> <ul style="list-style-type: none"> <li>• H.E. Dr. Ratchada Jaygupta - Thailand's Representative to the ACWC for Women's Rights</li> <li>• Ms. Usa Lerdsrisuntad - Director of the Foundation for Women</li> <li>• Dr. June Goh - President of The Singapore Council of Women's Organisations (SCWO)</li> </ul>
12.30-13.30	Lunch
13.30-15.00	<p><b>SESSION 3: The Rights of Children in ASEAN</b> [Exploring the situation of the rights of children in ASEAN from various aspects, including education (out of school children), health and elimination of violence] <i>Moderator:</i> H.E. Mr. Leo Herrera-Lim - Representative of the Philippines to the AICHR <i>Speakers:</i></p> <ul style="list-style-type: none"> <li>• H.E. Ms. Yuyum Fhahni Paryani - Indonesia's Representative to the ACWC for Children's Rights</li> <li>• H.E. Mr. Wanchai Roujanavong - Thailand's Representative to the ACWC for Children's Rights</li> </ul>

	<ul style="list-style-type: none"> <li>Ms. Amihan Abueva - Regional Executive Director of Child Coalition Asia (CRC Asia)</li> </ul>
15.00-15.20	Coffee Break
15.20-17.00	<p><b>SESSION 4: Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community</b></p> <p>[Focus on the latest development on the programmatic effort of the AICHR, in conjunction with SOMSWD and ACWC, in mainstreaming the rights of persons with disabilities through the drafting of the ASEAN Enabling Masterplan 2025]</p> <p><u>Moderator:</u> Ms. Florita Rubiano Villar - The Philippines Focal Point for SOMSWD</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> <li>Mr. Richard Tan - Singapore Focal Point for SOMSWD</li> <li>Mr. John Paul P. Cruz - Research Analyst, Department of Foreign Affairs, Republic of the Philippines</li> <li>Ms. Sally May Tan - CEO of Movement for the Intellectually Disabled of Singapore (MINDS)</li> </ul>
18.30	Welcome Dinner

**Day 2 (Sunday 14<sup>th</sup> October 2018) Dress Code: Casual with a Jacket**

07.30	Registration
08.00-9.00	Departure to Baan Pha Mee
09.00-10.00	<p><b>SDGs on the ground: Initiatives by Private Institutions</b></p> <ul style="list-style-type: none"> <li><i>Sustainable Tourism: Visit to Ban Pha Mee Efficiency-Tourism</i></li> </ul>
10.00-10.15	Coffee Break
10.15-10.45	Departure to Choui Fong Tea Plantation
10.45-11.30	<p><b>SDGs on the ground: Initiatives by Private Institutions</b></p> <ul style="list-style-type: none"> <li><i>Sustainable Agriculture: Visit to Choui Fong Tea Plantation</i></li> </ul>
11.30-12.30	Departure to Singha Park
12.30-14.00	Lunch at Singha Park
14.00-15.30	<p><b>SDGs on the ground: Initiatives by Private Institutions</b></p> <ul style="list-style-type: none"> <li><i>Sustainable Agriculture: Visit to Singha Park</i></li> </ul>
15.30-15.45	Coffee Break
15.45-16.00	Departure to Wat Rong Khun
16.00-17.00	<p><b>SDGs on the ground: Initiatives by Private Institutions</b></p> <p><i>Sustainable Tourism: Visit to Wat Rong Khun</i></p>
17.00	Free Evening

**Day Three (Monday 15<sup>th</sup> October 2018) Dress Code: Casual**

09.00-10.15	<p><b>SESSION 5: Business and Human Rights</b>          [The session will address good practices and challenges in implementing the United Nations Guiding Principles on Business and Human Rights in ASEAN Member States. Two key aspects will be discussed, namely key human rights concerns and violations by businesses, including environment degradation and labour abuses and the ongoing endeavour to develop national and regional action plans to mainstream the UNGP]  <u>Moderator:</u> H.E. Dr. Seree Nonthasoot - Representative of Thailand to the AICHR  <u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• Mr. Livio Sarandrea - Business and Human Rights Advisor, Governance and Peacebuilding Team, UNDP Asia-Pacific</li> <li>• Mr. Pithaya Jinawat - Consultant on Rights and Liberties Promotion</li> <li>• Mr. Morten Kjaerum - Director of Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI)</li> </ul>
10.15-10.30	Coffee Break
10.30-11.45	<p><b>SESSION 6: Multistakeholder Engagement</b>          [The session will provide an insight on how different ASEAN bodies and CSOs have interacted with one another as well as how human rights institutions in ASEAN countries have cooperated with CSOs in their countries to enhance the effectiveness of human rights promotion and protection. Challenges and good practices of such interaction and cooperation will also be discussed.]  <u>Moderator:</u> H.E. Edmund Bon Tai Soon - Representative of Malaysia to the AICHR  <u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• Representative of Committee of Permanent Representatives</li> <li>• Commission on Human Rights of the Philippines</li> <li>• Prof. Harkristuti Harkrisnowo - Acting Executive Director of Human Rights Resource Centre (HRRC)</li> </ul>
11.45-13.00	Lunch
13.00-14.30	<p><b>SESSION 8: AICHR &amp; CSO Roundtable</b>          [This 'way forward' session will provide an opportunity for CSOs and AICHR to share their views on the possible cooperation and coordination on the AICHR activities and workplan.]  <u>Facilitator:</u> H.E. Amb. Barry Desker - Representative of Singapore to the AICHR</p>
14.30-14.45	Coffee Break
14.45-15.00	Departure to Mae Fah Luang University
15.00-16.15	<p><b>SDGs on the ground: Initiatives by Private Institutions</b></p> <ul style="list-style-type: none"> <li>• <i>Sustainable University: Visit to Mae Fah Luang University</i></li> <li>• Briefing by Executives of the MFL University            Assoc. Prof. Dr. Vanchai Sirichana - President of Mae Fah Luang University</li> </ul>
16.15-17:00	Closing and Certificate Ceremony
Free Evening	

**Tuesday 16<sup>th</sup> October - Departure of delegates**

*As of 02 October 2018*

## ANNEX N.

# Responsible Business Forum 2018: Shaping the World In 2030: Partnerships for SDG Action

## *(Draft) Report on the Human Rights Workstream*

### **Overview:**

The formulation of the Sustainable Development Goals in 2015 was a pivotal moment in acknowledging the role that businesses will play in addressing the world's social, economic and environmental challenges.

Organized by Global Initiatives and the United Nations Development Programme at Marina Bay Sands in Singapore, the Responsible Business Forum on 10-12 October brought together committed business leaders, key policy makers, members of civil society, and the media to further partnership building to tackle persistent challenges in sustainable development and shape a better world by 2030. The Responsible Business Forum 2018 delivered practical solutions across five areas critical to the attainment of the SDGs: Climate action, Urbanisation, Circular economy, Human rights, Food & nutrition

Each workstream incorporated inputs on the cross-cutting themes of business, youth, gender, technology, finance and policy, to seek practical, innovative and collaborative approaches to these most compelling issues through a new 'laboratory format'.

### Opening Plenary

"We will only thrive if we collaborate and cooperate," according to United Nations Development Programme's (UNDP) administrator Achim Steiner in his opening remarks at the RBF. Steiner stated that, "The imperative to change especially for business is ever clearer with global warming a serious and imminent threat." He encouraged business leaders "to be bold and take it personally" and to use the Sustainable Development Goals as a framework to come together to address issues. He described UNDP as a committed partner working together with a range of stakeholders to help shape the future.

RBAP Director Haoliang Xu followed Mr. Steiner on the stage, and noted that businesses cannot continue to work in silos. He called upon leaders to do the right thing, to collaborate and to "connect the dots," to make a difference in the world. He added that the private sector should not simply be approached as a "funding source," but also as partners to build invaluable networks, help countries enhance capacity, provide technology, and use their innovations to solve development's toughest challenges.

### **Human Rights Workstream:**

According to the several speakers on an opening panel, Human rights are no longer a distant and abstract matter for private sector firms operating in Asia. Today, the reach and extent of supply chains can implicate a vast array of industries in labour, land, migrant, environmental and women's rights abuses. Companies now understand that suppliers can pose significant legal, operational and reputational risk. Panelists noted, that awareness has also grown among consumers who are more keenly interested in how



their products are made and ready to shed their loyalties to brands that do not respect human rights and other values that they hold dear.

Themes which resonated with the Human Rights Workstream included the following:

Harness the SDGs: The Sustainable Development Goals (SDGs) provide a solid framework for companies to understand and measure their development impact, but human rights can often feel like a separate and isolated area of focus. This siloed approach is often ineffective. Businesses could be encouraged to look at human rights through the lens of the SDGs, helping them to better articulate the sustainability benefits of interventions and to provide a yardstick to measure success.

Create a collaborative process: All stakeholders need to find forums to share information and best practices, and to examine what lessons have been learned in other sectors and in other countries. This needs to occur in an environment of collaboration and neutral facilitation.

Create the right environment: Multinationals may be waking up to the challenges of human rights in the countries where they operate, but there is a long tail of businesses who do not substantively touch international supply chains. Governments and industry bodies need to work together to drive and incentivise change at all levels and create a coherent approach.

### **Introductory Human Rights Panel:**

Moderated by **Stefan Priesner, the UN Resident Coordinator for Malaysia and UNDP Resident Representative for Malaysia, Singapore and Brunei Darussalam**, the introductory panel highlighted the link between Sustainable Development and Human Rights. Mr Priesner emphasized how the momentum in Asia remains clear and announced that Thailand is soon to launch the first National Action Plan on Business and Human Rights. The importance of the peer-learning from countries in ASEAN is crucial, and Human Rights is a leading consumer demand, and this also drives the markets in the region.

**Fay Fay Choo, from Mars** shared how “injustice anywhere is a threat to justice anywhere and whatever affects one directly, affects all indirectly”. Ms Choo expressed Mars’s commitment to respecting HR, and the recent developments of a cutting-edge Human Rights policy adopted by the company. Mars has been putting conscious effort in engaging with all levels of the supply chain because “the business case is so clear” and it makes immense “market sense” to engage with companies with similar values and integrate communities and CSOs in every step of the way. Ms Choo closed her remarks saying how prevention is human rights protection is more effective than remediating for the harm caused.

**Lynh Loh from HP** concluded the panel sharing the Responsible Labour initiative driven by HP and its end-to-end ethical recruitment. Ms Loh highlighted how Human Rights is of deep importance to HP, and engaging with all suppliers are extremely important, especially with so many migrant workers along the value chain.

### **Session I: Framing the Issue**

With the input of the expert advisory panel and the stakeholder group, participants engaged in discussions to frame the main issues, articulate the key challenges and identify points of leverage where they can have maximum impact.

**Facilitator:** Cynthia Morel, Senior Sustainability Strategist, Forum for the Future

**A live video message:** Impact from the field – Thailand

**SDG Impact:** Yasir Ahmad, Partner, PwC India

**Panel of Experts:**

Livio Sarandrea, Business and Human Rights Advisor, Asia Pacific, **UNDP**

Netithorn Praditsarn, Vice President, Group Sustainability and Communications, **CP Group**

Petra Daroczi, ESG Ambassador, **Thomson Reuters**

Anna-Karin Jatfors, Regional Director and Representative in Thailand, **UN Women**

Clemens Grünbühel, Senior Research Fellow, **Stockholm Environment Institute**

**Video Message from the Field:** The Human Rights breakout session opened with a video message from the field. The video provided a perspective from beneficiaries in the field, a snapshot of how the UNDP projects are changing lives in communities and countries across the region.



*Figure 1: Sor Rattanamane Polkla from the Community Resource Centre Foundation*

Khun Sor is a human rights lawyer that has worked on Business and Human Rights issues in Thailand since 2001. She has extensive experience working to defend local communities and providing legal aid on land rights, environmental rights, and land rights issues throughout the country. Khun Sor founded the Community Resource Center provides legal aid and advice to those whose rights are threatened by large-scale projects. This is a particularly salient topic now in Thailand, where businesses can often adversely impact on labour, environmental, and land rights of local communities. Addressing business violations of human rights is now a national agenda in Thailand, especially with the upcoming National Action Plan on Business and Human Rights.

Khun Sor highlighted how the private sector has a central role to play in the achievement of the 2030 Agenda and the Sustainable Development Goals and is in line with Thailand's 4.0 development agenda. The UN Guiding Principles on Business and Human Rights is the backbone of the interaction between businesses and human rights and are widely viewed as the most authoritative normative framework on addressing and mitigating human rights abuses by companies. The UNGPs can help businesses mitigate the reputation, operation, and legal risks posed by violations of human rights in their operations and supply chains Human Rights Defenders, through their tireless work with communities, can help to level

the playing field for businesses. HRDs raise awareness of rights violations by companies that choose not to comply with the UNGPs, and in turn, this work can help to ensure that all companies respect human rights throughout their supply chains.

### **Panel of Experts:**

Experts were invited to frame the issues and identify the tools which can have maximum impact in addressing the topic. Composed of diverse backgrounds, the panellists shared perspectives related to the pressing need to address human rights violations in all levels of the supply chain. Cynthia Morel, from Forum for the Future, moderated the session and reflected on how human rights are no longer an abstract concept in APAC and have impact across all levels of the Supply Chain – it surely can't be ignored by the private sector. Ms Morel started with the importance of a systems-based approach to address human-rights related issues along the Value-Chain.

Panellists, from diverse backgrounds and expertise were invited to frame the issue and provide the audience with cutting-edge expertise.

Anna-Karin Jatfors, Deputy Regional Director, UN Women, noted how women's rights and gender equality are no longer a niche issue, but fundamental to the sustainable development discourse as a whole. There are critical challenges and barriers to achieving gender equality in the region, and despite pivotal development, women participation in the labour force has declined in the last decade. Ms. Jatfors emphasize how societal norms still hold women back from accessing opportunities, and private sector can play a critical role in encouraging, empowering and providing women with substantial opportunities to take part in the formal economy. Ms Jatfors encouraged business leaders to reflect on whether the policies (and codes of conduct) to advance gender equality in the workplace are only focused on higher leadership representation (e.g. boards, senior management). Although engaging women in decision-making roles is fundamental to drive change, is by ensuring women's participation in all levels of the supply chain that a substantive change can be achieved. Findings from a recent study uncovered that the burden of unpaid care work could be costed in over 20 trillion USD, in Asia alone. Ms Jatfors concluded her remarks saying that the investment made in the care infrastructure could be a way to enhance the needed infrastructure of gender equality and inclusion.

Livio Sarandrea highlighted that the UNGPs on Business and Human Rights are singled-out as one of the Means of Implementation of the Agenda 2030, and the SDGs are being championed by many businesses across Asia and the Pacific. Companies have become increasingly aware of the opportunity that adhering to the standards contained in the UNGPs provides in managing risks of reputational, operational and legal nature. In the last 24 months, a very rapid spike in awareness also came from countries in Asia. Governments have shown an economic and social interest in fostering development while managing their reputational, legal and operational risks using the Protect, Respect, Remedy framework.

Clemens Grünbühel painted the picture of the rapid development that Myanmar encountered on the last couple of years. It's well-known that a substantive portion of the workforce is made of migrant workers from Thailand and Cambodia, and many of which victims of human rights violations.

Complementing with a business-related perspective, Netithorn Praditsarn acknowledged the importance of using the UNGPs, but raised attention, nonetheless, to the importance of reflecting on the best way companies can operationalize the framework. Representing one of the largest multi-nationals in Thailand, Mr Praditsarn noted the challenge that lies in engaging smaller suppliers into putting the UNGPs into

practice. How and whether large companies should disengage smaller suppliers that are failing to comply to standards is a long overdue consideration, he offered. He challenged the participants to consider how to best ensure all levels of the supply chain are being involved.

Petra Daroczi representing the Thomson-Reuters Foundation, emphasize the challenges related to the disclosure of public information regarding human rights, and how transparency and better accountability can help to address the issue. Ms Daroczi noted the important role the investment community have on “raising the bar” on this regard. She finished noting how transparency helps to inform more responsible and sustainable decision-making.

## **Session II: Sharing Current Solutions**

Having established where within their focus areas to apply pressure, participants examined existing solutions and discussed which approaches from within their field and in related areas can be applied and scaled up.

Facilitator: **Jeremy Prepscius**, Vice-President, Asia-Pacific, BSR

**Lynn Loh**, Regional Head of Sustainability, Asia Pacific and Japan, HP Inc.

**Terry Seremetis**, General Manager, Developing Asia, Mars Wrigley Confectionery

**Manisha Dogra**, Vice President, Group Sustainability, Telenor

**Dzafri Sham Ahmad**, Vice President of Group Health, Safety and Environment, Petronas

**Christian Bustamante**, Sustainability Manager, Hitachi Asia

**Sean Lees**, Business and Human Rights Specialist, UNDP

Lynn Loh highlighted the importance of including a responsible labour initiative to ensure a more ethical recruitment and combat forced labour in the supply chain. Ms Loh shared HP’s programme with the Responsible Business Alliance that aims to combat forced labour in global supply chains and promote an end to end ethical recruitment. Ms Loh shared the importance of training Labour Agencies and increasing their awareness of the risks of forced labour. Onsite audits have also improved the recruitment management systems and it turned into a positive business opportunity. Ms Loh emphasized the importance of addressing the root causes of forced labour, and how mitigating those risks were highly important to HP and helped the company meet customer expectations, address regulatory pressures and sustain long-term business relationships, as well as ensuring a solid brand reputation that enhances HP’s public recognition as an employer of choice.

Fay Fay Choo from Mars Confectionary invited the audience to consider finding solutions to problems around child labour and shared the efforts by Mars on raising awareness of human rights related-issues through training to employees. The “CARE” methodology stands for: Commit, Assess, Respond and Engage. Throughout the supply chain, the standards raised to stop child labour are committed by employees; Community leaders are engaged in discussions and take part on Human Rights Impact Assessments; Managers are trained in how to respond effectively to grievances raised by employees and; Successes are shared and the best practices are role-modelled along the value chain. Ms Choo concluded by emphasizing the importance of thinking in scale, and on how implementing in country-level have contributed to achieving sustainability results.

Manisha Dogra emphasized how a multi-stakeholder approach is a better solution to address the issues raised before. Ms Dogra highlighted how a partnership with UNICEF helped Telenor address issues related to protecting children from forced labour through official registration efforts and the use of checkpoints. Ms Dogra brought the example of a similar process held in Myanmar together with the government in 2015, where Telenor and UNICEF managed to register over 7,000 children in a short period of time. “Joining forces helped us tackling an enormous issue, and we are aiming higher for 2020”, concluded.

Dzafri Sham Ahmad highlighted how Petronas addresses health and safety issues with their employees, and how a recently launched programme was more successful after partnering with UNDP and workers unions helped to reduce the incident rates and address fatigue management. Mr Sham Ahmad concluded by highlighting the importance of thinking in scale and ensuring the right systems are in place to address grievances posed by the unions.

Christian Bustamante shared the importance of training the personnel in more effective ways of promoting human rights protection in the supply chain, with mechanisms such as training and capacity building programmes for Human Resources and Procurement officers. Mr Bustamante emphasized the importance of engaging mid-managers into Human Rights due diligence activities and to focus on prevention. The issue of scale should be addressed in “baby steps”, with a sustainable and progressive approach, he offered.

Sean Lees started off reminding the audience of the alarming data around Human Rights Defenders in Asia. Since 2015, 400 defenders had been physically attacked; over two-thirds of these were defending land rights. The issue is evident, but the approach many Civil Society Organisations are having is constructive. Mr Lees brought the importance of engaging human rights defenders in identifying risks and role enriching the business environment, and the important role HRDs are playing in Thailand to achieve the SDGs. Human Rights defenders are not against business, as often portrayed, but many are *for* business and willing to be an open channel of communication and bridge between the enterprise and the communities, he stated.

### **Session III: Ideation and Session IV – Commitments to partnership and action**

Facilitator: **Mac McKenzie**, Managing Director Asia-Pacific, BRIDGE

Participants worked together in five working groups to formulate practical, scalable approaches, discussing how they can collaborate on specific initiatives and articulate meaningful targets. Participants committed to working together and ultimately achieving ambitious targets within their chosen focus area.

#### **Table 1: Migrant workers issues are addressed**

- **The solution:** Push and advocate for governments to adopt international legal standards that address violations and gaps related to migrant workers, with a strong focus on forced labour issues.
- **The commitment:** CSOs and international organisations representatives to advocate for the issue, and Business leaders to push for a corporate code of conduct that addresses migrant workers. A particular encouragement will be made to engage Youth leaders in advocacy efforts.

**Table 2: an A stronger multi-stakeholder approach to Human Rights related issues is promoted**

- **The solution:** More companies to conduct a multi-stakeholder Human Rights Due Diligence Processes and ensure more efficient implementation of Human Rights policies and codes of conduct.
- **The commitment:** A multi-stakeholder *Business and Human Rights Training Academy* to address the lack of technical human rights knowledge.

**Table 3: Better Transparency and Accountability is ensured**

- **The solution:** Knowledge sharing from researches on higher standards of accountability for peer-pressure.
- **The commitment:** To share success stories from researches on social media to raise education and higher standards of transparency.

**Table 4: Child labour is eradicated**

- **The solution:** To raise awareness of the issue of child labour to eradicate the drivers of child labour in ASEAN.
- **The commitment:** Strengthen community norms that support the right to childhood, work with businesses and advocate for credible legal frameworks that can be enforced by gov or community engagement to promote human rights.

**Table 5: Women’s rights are protected**

- **The solution:** To build a safe space for women to thrive by having more gender parity in middle management positions, having zero tolerance to sexual harassment in the workplace and giving women a better chance to unionize.
- **The commitment:** For Human Resources to ensure gender-disaggregated data, whistleblowing channels and internal policies/codes of conduct to encourage buy-in from senior management.

**Commitments to Partnership and Action:**

Participants worked on solutions towards the most pressing Human Rights issues and elaborated solutions and committed to turning them into action. The solutions were shared with the Main Plenary, and RBF attendees were allowed to cast votes on scalable and potential solutions.

The audience highly identified and supported the solutions created around “Safer spaces for Women” and this work stream was highly voted upon, and together with the “Multi-sector training for businesses”, UNDP made a commitment to take forward these initiatives with private sector partners and other partners.



## **Conclusion:**

The Responsible Business Forum 2018 was an important opportunity to streamline UNDP's leadership as a private sector partner of choice in Asia and the Pacific. Conversations and partnerships built in preparation for the event are being nurtured for future engagement, and a partnership with Thomson Reuters Foundation is upcoming and strong leads were made to collaborate with Petronas, Virtusa, CP Group, and others. The topic of Business and Human Rights were mainstreamed among the most significant sustainability leaders in the region and leading companies such as PwC, HP and Mars shown interest in reviewing Human Rights policies in light of the UNGPs, and leveraging multi-stakeholder partnerships on human rights due diligence processes and Environmental and Human Rights Impact Assessments.

The laboratory methodology used during the Human Rights Workstream was innovative and encouraged collaboration and peer-learning. The lessons learned were implemented in subsequent forums such as the AICHR CSO Symposium, the B+HR2 Lab and the recent training to judges and prosecutors by the NHRCT with support of UNDP.

The "Multi-sector training for business" idea was discussed during the B+HR2 Lab and the *Business and Human Rights Training Academy* elicited strong interest by UN agencies and CSOs. The idea generated around the topic of women's safety in the workplace is being championed by UNDP and UN Women and is the central area of a multi-country study promoted by both organisations.



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**Myanmar National Human Rights Commission & United Nation Development Programme  
Seminar on Business and Human Rights  
Date: Thursday, 27 September 2018  
Venue: Park Royal Hotel, Nay Pyi Taw  
Draft Agenda**

Time	Session	Method	Resource Person(s)
08:30	Registration		
09:00	Welcome Remarks	Speech	<b>H.E. U Win Mra, Chairperson</b> , Myanmar National Human Rights Commission (MNHRC)
09:15	Opening Remarks	Speech	<b>Mr. Peter Batchelor, Country Director</b> , United Nations Development Programme (UNDP)
09:30	How Myanmar Investment Commission encourages business to invests responsibly and respect human rights	Keynote	<b>H.E. U Thaung Tun, Chair</b> of the Myanmar Investment Commission
09:50	Photo Session		
10:00	Tea break/Networking		
10:30	The Role of Special Economic Zones in Promoting Responsible Investment in Myanmar	PRESENTATION	<b>H.E. U Set Aung, Deputy Minister</b> of Finance and Chair of Thilawa Special Economic Zone Management Committee
10:50	Framing the Discussion – Rule of Law and the UNGPs		<b>Mr. Scott Ciment, Chief Technical Advisor</b> (Rule of Law) UNDP Myanmar
11:00	UNGP's: understanding the components, challenges, and effectiveness		<b>Mr. Livio Sarandrea, UNDP Expert</b>
11:20	What does business in Myanmar need from government to help it respect human rights		Multinational (Heineken, ENI, Chevron, TOTAL, Telenor or Nestle)
11:40	Perspective from Diplomatic Community: Promoting Responsible and Ethical National Investment in Myanmar		Representative from UK
12:00	Q&A		
12:15	Lunch		
13:00	National Action Plans on Business & Human Rights – update from the ASEAN region	Presentation	<b>Mr. Livio Sarandrea, UNDP Expert</b>





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13:20	Panel Discussion on Business and Human Rights: Opportunities and Challenges for Myanmar	Panel Discussion followed by open discussion from the floor	<p>Moderator: Mr. Sean Lees, UNDP Specialist on Business and Human Rights</p> <p>Panelists:</p> <p><b>Ms. Vicky Bowman, Director</b> <i>Myanmar Centre for Responsible Business</i></p> <p><b>Mr. Rory Mungoven, Liaison Officer</b> <i>International Labor Organization, Myanmar</i></p> <p><b>Daw Khaing Khaing New, Secretary-General</b> <i>Myanmar Federation of Chambers of Commerce and Industry</i></p> <p><b>H.E. U Nyunt Swe</b> <i>Commissioner of MNHRC</i></p>
14:50	Closing Remarks and Advisory Statement on Steps Forward on UNGPs in Myanmar	Speech	<b>H.E. U Win Mra, Chairperson,</b> Myanmar National Human Rights Commission
15:00	End of Programme / Networking Tea		

## ANNEX P.

### United Nations Consultation on the Thai National Action Plan on Business and Human Rights

**Date:** 20 August 2018

**Time:** 09:00 – 12:00

**Venue:** Pacific Room, UNDP Bangkok Regional Hub

#### Background

In May 2017, the Royal Thai Government declared its commitment to implement the UN Guiding Principles on Business and Human Rights and appointed the Ministry of Justice to draft a National Action Plan (NAP). At the UN Global Forum on Business and Human Rights, held from 27-29 November 2018 in Geneva, the Thai delegation declared its intention to submit a first draft of the NAP for cabinet approval by September 2018. The draft would also be submitted for public scrutiny in July 2018. The government has now informally declared that the NAP will be finalized by February 2019.

As part of its commitment to developing a NAP, the government invited the UN Working Group on Business and Human Rights to conduct an official country visit from March 26 – April 4. Led by Vice-Chair Dante Pesce and Surya Deva, the meeting concluded with the group members recommending the government to action to ensure that a variety of specific issues are included in the NAP, ranging from outbound investments by Thai companies to the protection of human rights defenders. The concluding statement urged the government to promote the inclusion of all stakeholder voices in the process.

The upcoming Thai NAP will include four priority areas: labour rights; land disputes, environmental rights, and natural resources; human rights defenders; and cross-border investments and transnational enterprises. Each priority issue will have events and activities prescribed to address them, organised under each pillar of the UNGPs. The last section of the NAP will lay out plans for a national contact point (NCP) for Business and Human Rights.

#### Event Objectives

The upcoming NAP in Thailand represents a significant opportunity for the UN System to ensure that the NAP is not only effective, but that it is “founded on the UNGPs,” is transparent and inclusive, context-specific, and that it will be regularly reviewed and updated. For its part, UNDP has provided guidance and technical support to the Royal Thai Government from the declaration of its intention to draft a NAP to the consultation processes with key stakeholders.

The consultation event, held on **20 July 2018**, gathered the UN Country Team Thailand to give comments on the content of the draft of the Thai NAP. The event provided the Ministry of Justice constructive inputs on the structure, inclusiveness, and transparency of the draft. Furthermore,

it allowed UN agencies to comment on sections on specific issues within the NAP, such as mainstreaming the Gender Lens, the protection of Human Rights defenders (HRDs), and migrant workers. The consultation aimed to ultimately produce a list of recommendations from UN agencies to support an effective and inclusive NAP.

### Event Report – Welcoming Remarks



Deidre Boyd, the UN Resident Coordinator and UNDP Resident Representative in Thailand, officially opened the event. She underlined the four key elements upon which National Action Plans on Business and Human Rights rested: a firm basis on values laid out in the UN Guiding Principles, a country and context-specific focus with its action points, inclusion of all stakeholders, and the flexibility to be modified in the future. She reiterated to the delegation from the Royal Thai Government that the United Nations Country Team was ready to assist with this process.

Responding with her own welcoming remarks, Pitikan Sithidej, the Director-General of the Rights and Liberties Protection Department of the Ministry of Justice, thanked the UN family for hosting the consultation. She emphasized that the consultation was not only an opportunity for UN agencies to comment and provide recommendations on the NAP itself, but it represented an opportunity for peer-learning from both sides.

Khun Pitikan underlined the government's efforts to ensure inclusivity within the NAP process, noting that over 7000 people had been consulted nationwide. The UN Working Group official

country visit to Thailand, conducted from 26 March to 4 April 2018, was also cited as a particularly useful for the government. The information, comments, and recommendations garnered by the Working Group were subsequently incorporated into the latest version of the NAP.

Livio Sarandrea, UNDP Asia-Pacific's Business and Human Rights Advisor thanked the Thai delegation for coming, and in particular commended the Ministry of Justice for their leading role in the NAP process in Thailand. He underlined the support that UNDP, and the wider UN system, had provided to the Royal Thai Government. Mr. Sarandrea highlighted the importance of an effective and inclusive NAP, and noted that implementation would also be crucial.

### **RTG Presentation – Thailand's Road to the NAP**

Nareeluc Pairchayapoom, as the Director of the International Human Rights Division of the RLPD and main substantive focal point for Business and Human Rights, presented the NAP process conducted prior to the event. The structure of the NAP itself was also discussed by Pithaya Jinawat, the senior advisor to the RLPD.

Khun Nareeluc informed the UN Country Team that the process of developing the NAP was entrusted to the Ministry of Justice, specifically the RLPD. The RLPD, she emphasized, was also charged with the development of the government's five-year National Human Rights strategies; this ensured that both policy documents displayed the highest level of coherency with one another. The Government's commitment and interest in developing a NAP on Business and Human Rights was sparked by a report by the National Human Rights Commission of Thailand (NRCT), documenting the rapid rise of human rights violations by businesses in Thailand. As such, the government accepted recommendations made during Thailand's last Universal Periodic Review (UPR) in 2016 to commence development of a NAP.

The NAP development process, while led by the Ministry of Justice, has also comprised a collaborative effort with the Ministry of Commerce, the Ministry of Foreign Affairs, the Thailand Chamber of Commerce, the Global Compact Network in Thailand, and the Industrial and Banker Associations. This large partnership was made official through a declaration and Memorandum of Understanding (MOU). The Prime Minister himself has added high-level political will and commitment to the process.

This process, as elaborated by Khun Nareeluc, began with the creation of a NAP Committee in November 2016, comprising several ministries, business representatives, and civil society. This Committee conducted regional consultations in 2017 in five regions (and the Greater Bangkok area), supported by the Manushya Foundation and the Thai CSOs Coalition for the UPR. The Global Compact Network was also present to represent the private sector.

These consultations greatly informed the NAP development process, and served to highlight the key thematic areas present in the Business and Human Rights landscape of Thailand. Crucially, they identified regional areas of concern, including indigenous peoples' rights in the North,

Human Rights Defenders in Isaan, and the impact of Special Economic Zones in the eastern region. The UN Working Group visit also served as a crucial source of information for the government.

Through these learnings, the government was able to identify four priority areas for the NAP:

- 1) Labour Rights
- 2) Community Rights, Land Rights, the Environment, and National Resources
- 3) Human Rights Defenders
- 4) Cross-Border Investment and Multinational Enterprises

The latest version of the NAP was drafted focusing on these four issues, with additional chapters for implementation and monitoring & evaluation. Consultations were organized to provide comments on the current draft. The period for implementation was declared as 2019-2023.

Khun Nareeluc also drew attention to several key events organized by the Ministry of Justice on Business and Human Rights, including an annual National Dialogue, and training workshops for government agencies, state-owned enterprises, and the private sector. At the regional level, she promoted events co-hosted with UNDP and AICHR.

Khun Nareeluc and Khun Pithaya invited members of the UN Country Team to comment upon the NAP structure and the four priority areas.

### **UN Comments and Recommendations – Labour Rights**

*NB: Please note that the following comprise comments made during the consultation. A comprehensive list of recommendations and comments can be found in the consolidated inputs provided to the Ministry of Justice by the UN Country Team.*

Charles Bodwell, from the ILO, commented that core labour rights constituted basic human rights. He stressed the importance of addressing key issues such as forced labour and migrant workers in the NAP. ILO's main concerns lay with the implementation of the plan itself, in order to ensure actual protection of the rights of workers.

The Head of Mission of IOM Thailand, Dana Graber-Ladek, raised the need to apply the employers pay model to worker recruitment. She also encouraged a focus on skills development with a focus on female migrant workers. She also highlighted the work of IOM on ethical recruitment in promoting access to information for migrant workers in all sectors, in close partnership with the government.

Additionally, Pukchanok Pattanabud, also representing IOM, noted that the current draft lacked a focus on the recruitment component. To ensure protection of the rights of migrant workers in Thailand, the government needed to monitor the process and promote the 'Business Case' for ethical recruitment.

UN Women, represented by Vipunjit Ketunuti, advised that UNW hoped to roll-out guidelines for gender sensitive business cultures and practices soon. She hoped that this would complement a gender component to the NAP, an aspect that was still missing in the draft. She also commented that specific roles for ministries were still laid out in the NAP.

UNICEF's Amornchai Chalcharoenwattana advocated for increased maternity leave (up to six months) and paternal leave. This period, he underlined, were crucial for children in terms of general development.

### **Community Rights, Land Rights, the Environment, and Natural Resources**

UN-Habitat commended the clear, logical framework presented within the NAP. Tam Hoang commented on the importance to discuss challenges related to adequate housing, inclusive mobility, universal design, and occupational health and safety within the NAP itself. He also encouraged the government to address the challenges related to internal migrant workers as well. A regional land rights workshop, led by UN-Habitat, would be held later in the year.

UNICEF emphasized the inclusion of children in public participation processes during Environmental Impact Assessments (EIAs) prior to the approval of large development projects. This was essential in protecting the rights to play.

ILO were concern with the inclusion and participation of local communities. Jittima Srisuknam highlighted the need for linkages between Chapter 2 and Chapter 3 (on Human Rights Defenders) in the NAP.

Sean Lees noted that the UN Working Group was working on providing guidance on Climate Change and Business & Human Rights. He urged the Ministry of Justice to explore ways to incorporate this into the NAP.

Finally, Livio Sarandrea raised the importance of free, prior, and informed consent of indigenous peoples' groups with regards to business developments and land acquisition. He urged the government to place increased importance on Pillar 3 for this chapter.

### **Human Rights Defenders**

OHCHR, represented by Pratubjit Neelapaijit, stressed that they would continue to support the NAP process. The draft itself needed to reflect the rights and concerns of women Human Rights defenders.

ILO encouraged the government to include trade unions in this chapter as well, given their role as the defenders of workers' rights.

Livio Sarandrea questioned whether the judiciary had been consulted as part of the NAP process, due to the importance of remedy in this issue. He asked whether there had been any awareness-raising conducted with the judiciary or with the legislative branch of the government.

Dr. Seree Nonthasoot responded, citing government efforts to liaise with the courts. He also noted that cases of defamation against human rights defenders have lately ended positively. He stressed, however, that the separation of powers between the executive and judicial branches needed to be respected.

### **Cross-Border Investments and Multinational Enterprises**

Dr. Seree expanded on the need to incorporate a collaborative regional approach to action points within this chapter of the NAP, especially on cross-border investment. He proposed adopting and promoting regional EIAs as a potential solution. He stated that this topic was one of the foundations of the Thai NAP, as epitomized by the PM's insistence that Thailand does not "import nor export bad investments".

### **Implementation, M&E, and Policy Coherence**

The last substantive comments made by the UN Country Team reflected the collective concerns over the NAP's implementation, the tracking of its achievements, and wider policy coherence. The Resident Coordinator clarified the timeline for implementation, noting that the 5-year NAP would have a mid-term review after 2.5 years by an independent body. Charles Bodwell expressed concern over this, stating that the NAP should be reviewed continuously, and not only at the mid-term mark.

Livio Sarandrea proposed alignment of reporting with the UPR process, and to consult with wider experts on monitoring & evaluation. He also recommended that key stakeholders should be convened and consulted on a yearly basis on the NAP's progress.

Dr. Seree Nonthasoot underlined the government's effort to ensure policy coherence in the NAP, especially with the new National Human Rights Strategy set to be implemented in 2019. He stated that it was also vital to ensure that the activities and action points laid out in the NAP are linked to the SDGs as well.

To wrap-up the consultation, Khun Nareeluc informed the UN Country Team that a new draft would be circulate by mid-September for a last round of consultations. This would also present UN agencies with an additional opportunity to see the NAP text before it is finalized and submitted for cabinet approval.

## **Consultation Participants:**

### **UN Country Team**

Deirdre Boyd – UN Resident Coordinator and UNDP Resident Representative in Thailand

Angelica Ghindar - DPA

Charles Bodwell – ILO

Jittima Srisuknam – ILO

Dana Graber-Ladek – IOM

Pukchanok Pattanabud – IOM

Suparnee Pongruengphant – UNDP

Tanyalak Thongyoocharoen - UNDP

Tam Hoang – UN-Habitat

Vipunjit Ketunuti – UN Women

Momoko Sato – RCO

Pratubjit Neelapaijit – OHCHR

Amornchai Chalcharoenwattana – UNICEF

### **UNDP Asia-Pacific, Business and Human Rights**

Livio Sarandrea

Sean Lees

Victoria de Mello

Ekawut Weskosith

Lea Kodeih



## **Royal Thai Government**

Pitikan Sithidej – Director General, Rights and Liberties Protection Department (RLPD), Ministry of Justice

Pithaya Jinnawat – Senior Advisor and Former Director General, RLPD, Ministry of Justice

Nareeluc Pairchaiyapoom – Director, International Human Rights Division, RLPD, Ministry of Justice

Poomjai Manmin – Justice Officer, RLPD, Ministry of Justice

Chermphun Chiphipob – Justice Officer, RLPD, Ministry of Justice

Supattra Auearee – First Secretary, Department of International Organisations, Ministry of Foreign Affairs

Seree Nonthasoot – Representative of Thailand, ASEAN Intergovernmental Commission on Human Rights (AICHR)

## ANNEX Q.

### TERMS OF REFERENCE

White paper on women's rights due diligence

<b>Location</b>	Remotely
<b>Type of Contract</b>	Individual Contract
<b>Post Level</b>	International Consultant
<b>Language Required</b>	English
<b>Duration of the Contract</b>	Maximum 7 days
<b>Start Date</b>	December 1 <sup>st</sup> 2018

#### **Background:**

The UNDP Asia-Pacific, Governance and Peacebuilding Team, Business and Human Rights Unit, is currently engaged in promoting the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGP). The UNGP clarifies the duty of states and the responsibility of businesses to uphold international norms and treaties on human rights. These Guiding Principles rest on three pillars: 1) the State's duty to protect human rights; 2) the corporate responsibility to respect human rights and; 3) the joint-responsibility of both the State and businesses sector to provide access to remedy for victims of business-related abuses.

At the heart of the UNGPs is the concept of due diligence, which establishes the steps a company must take to prevent and address adverse human rights violations in business operations. Women belong to the groups that may have a heightened risk of vulnerability or marginalization. They do not only experience business-related human rights abuses in a different and disproportionate way, they also face multiple forms of discrimination and experience additional barriers in seeking access to effective remedies. The UN Working Group on Business and Human Rights has urged to pay greater attention to the gender perspective to the UNGPs. Gender equality in itself is integral to the 2030 Agenda and its 17 Sustainable Development Goals (SDGs).

Following this, several due diligence guidance and toolkits for responsible business, has been created to help business mitigate their human rights risks.

UNDP is currently working to ensure women's rights issues are given equal consideration by producing a complementary supplement to the products available.

#### **Objective:**

The objective of this assignment is to guide UNDP's private sector work on Women's Rights and SDGs, specifically SDG 5. While the focus will be on SDG5, references must be made to SDG8, Decent work and economic growth and SDG10, Reducing Inequalities.

Preliminary discussion and mapping of existing tools have been already done. The consultant will be thus in charge of taking this discussion further by producing a "white paper" that will guide the Business and Human Rights Unit at BRH in developing a project tool on Women's rights due diligence. This tool will later be offered to companies in order to help them better achieve gender equality in their operations and supply chain. Most importantly, this tool will allow the private sector to contribute to the fulfillment of the SDGs and participate in their reporting by sharing best practices.

The aim of the work is to promote women's rights in the private sector. The consultant will be expected to study the needs of companies that the Business and Human Rights Unit has a partnership with. A special focus should be given to Asian based companies and countries where gender equality still lacks.

#### **DUTIES AND RESPONSIBILITIES**

##### **Scope of Work**

The Consultant will work under the direct supervision of the Business and Human Rights Project Manager, in the Governance and Peacebuilding Team, UNDP BRH.

Produce a Women's Rights and SDGs "White Paper" that seeks to guide UNDP in developing a women's rights due diligence toolkit to be used by companies.	<table border="1"> <tr> <th data-bbox="997 192 1305 246">Timelines</th> </tr> <tr> <td data-bbox="997 246 1305 336">Before 31 December 2018</td> </tr> </table>	Timelines	Before 31 December 2018
Timelines			
Before 31 December 2018			

**Expected Outputs and Deliverables**

**Proposed Table of Contents of the white paper (to be finalized in consultation with the consultant)**

- Abstract
- Introduction – briefly define the topic of the white paper
- Problem statement/challenge – explain at length, including social and purpose/rationale of the paper and define key terms you will use
- Body – discuss how (some) challenges are currently tackled by the companies, the specific due diligence tools they are using to report on SDG5, highlight some best practices by companies, or any legal include your solution to the challenge and its advantages
- Call-to-action – recommendations for UNDP BHR unit, recommendations for companies.

**Institutional Arrangement**

The consultant will work closely with the Governance and Peacebuilding team at the Bangkok Regional Hub in all aspects of the activities that s/he will be involved in. The consultant shall work under the direction of the Business and Human Rights Project Manager.

The present ToR may be subject to modification, without changing the overall objective and the scope of work, on the basis of mutual consultations. UNDP will hold the copyright of the assignment deliverables.

**Duration of the Work**

The consultant is expected to commit to a period between 1 December 2018 – 31 December 2018, up to a maximum of 7 working days over the contract period. The consultant must work full-time and can be based remotely.

**Duty Station**

The Consultant's presence is not required at UNDP Bangkok Regional Hub premises for the working period. Travel expenses (ticket, living allowance and local transport) shall be agreed prior travel and reimbursed after trips completed.

**COMPETENCIES**

- Expertise and knowledge of the Asia and the Pacific region, in particular in the areas of Women's Rights, Inclusion and Private sector engagement.
- Excellent leadership and organisational skills, including the ability to share information and coordinate efforts within the team
- Excellent, and writing and reporting skills
- Proven resource mobilization experience
- Effective communication skills and ability to work under time constraints
- Extensive knowledge of UNDP's policies, procedures, and practice is an asset
- Full computer literacy in Microsoft Office i.e. MS-Word, MS-Excel, and MS-Power Point.

**REQUIRED SKILLS AND EXPERIENCE**

**Educational Qualifications:**

Advanced university in Gender Studies, Law, Political Science, or other Social Sciences, or closely-related fields.

**Experience**

- Minimum 5 years of relevant experience on program and policy work in Women's Rights/ field.

- Relevant experience in Asia Pacific, and knowledge of UNDP BRH programmes is an asset.

### **Language requirements**

Fluency in written and oral English is essential. Working knowledge of another UN language is also an advantage.

### **Price Proposal**

Consultant shall quote an all-inclusive **daily fee** for the contract period. The term "all-inclusive" implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the IC in completing the assignment, are already factored into the fee submitted in the proposal. Payments will be made to the IC on a monthly basis based on actual days worked and upon submission of timesheets and approval of the supervisor.

Consultant shall also indicate costs of travel to reach the duty station (if applicable).

For the purpose of reaching the duty station, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Travel costs shall be reimbursed at actual but not exceeding the quotation from UNDP approved travel agent. The provided living allowance will not be exceeding UNDP DSA rates. Repatriation travel cost from home to duty station in Bangkok and return shall not be covered by UNDP.

### **Evaluation Method and Criteria**

Individual consultants will be evaluated based on the following methodology:

#### **Cumulative analysis**

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%). and financial criteria (30%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

#### **Technical Criteria for Evaluation (Maximum 70 points)**

Criteria 1: Relevance of educational background (max 10 points)

Criteria 2: Relevant experience in Women's Rights (max 30 points)

Criteria 3: Proven track record in successfully facilitating Private sector engagement work for international organization, including UN agencies (15 points)

Criteria 4: Availability to start by 1 December 2018 (max 5 points)

Criteria 5: Organizational skills, including the ability to share information and coordinate efforts within the team (max 10 points)

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

#### **Documentation required**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into one (1) single PDF document as the application only allows to upload maximum one document:

- 1) Letter of Confirmation of Interest and Availability** using the template provided in Annex III. Commenting on the ability to start the assignment by December 2018.
- 2) Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- 3) Technical proposal**, including a brief description of why the individual considers him/herself as the most suitable for the assignment, including work samples of Reports and Project Documents.

**4) Financial proposal**, as per template provided in Annex III.

Incomplete proposals may not be considered. The short-listed candidates may be contacted and the successful candidate will be notified.

**Annexes**

Annex I – ToR

Annex II – [Individual IC General Terms and Conditions](#)

Annex II – [Offeror's Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template](#)

**This TOR is approved by:**

Signature

\_\_\_\_\_

Mr. Nicholas Booth  
Officer-in-Charge, Governance and Peacebuilding Team  
UNDP Bangkok Regional Hub

Date of Signing

\_\_\_\_\_



**VIỆN NGHIÊN CỨU  
QUẢN LÝ KINH TẾ  
TRUNG ƯƠNG**



*Empowered lives.  
Resilient nations.*

## **ANNEX: R**

### **CONCEPT NOTE AND TENTATIVE AGENDA**

#### **Training on Business and Human Rights for State Owned Enterprises in Vietnam**

**Wednesday 5 December 2018**

**Venue: TBC**

**Co-hosted by the Central Institute for Economic Management under the Ministry of Planning and Investment and United Nations Development Programme (UNDP)**

#### **Background**

Vietnam has enjoyed one of the most successful transitions from central planning to a market economy since the initiation of Đổi Mới in 1986. Projections in Viet Nam's Socio-Economic Development Plan (SEDP) 2016-2020 indicate that this level of economic growth will be maintained in the context of recent accession to trade agreements and the formation of the ASEAN Economic Community. According to a forecast by Goldman Sachs in October 2015, Vietnam's economy will become the 17th strongest economy in the world by 2025, with a GDP increase from \$186 billion to \$450 billion in just ten years.

Rapid economic development brings with it a unique set of both opportunities and risks to human rights protection. In seeking to ensure economic development and growth remain consistent with international human rights norms, a framework is required that can incorporate increasingly complex economic systems, business supply chains, international investment, foreign trade agreements and environmental regulations, and apply a human-rights based approach to developing laws and policies.

#### **Standards in Business and Human Rights**

Following several decades of UN efforts to create global human rights standards for businesses, Harvard Professor John Ruggie was appointed as special representative of the Secretary-General (SRSG) on the issue of human rights and Trans National Corporations (TNCs) in 2005. Following six years of research and extensive consultations with stakeholder groups including governments, businesses, and NGOs, Professor Ruggie presented

The UN Guiding Principles on Business and Human Rights<sup>1</sup> (UNGPs) were unanimously endorsed by the UN Human Rights Council in 2011, thereby creating the first global standard on business and human rights.

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<sup>1</sup> Guiding Principles for Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011):

[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)



The UNGPs are widely recognized as the most authoritative, normative framework guiding efforts to reduce or eliminate the adverse impact of business operations on human rights.

The UNGPs differ from traditional Corporate Social Responsibility (CSR) initiatives in that CSR represent voluntary measures by business enterprises to contribute to social or environmental sustainability, whereas the UNGPs reflect the minimum responsibilities of business enterprises in respecting human rights in their activities. While Vietnam has developed many important CSR initiatives and become party to many related voluntary international CSR commitments, such as the ‘Bahrain Declaration’ on working with employers’ groups to achieve Goal 8 of the SDGs, Vietnam has not developed a comprehensive framework focused on developing a human rights-based approach to regulating business activity.

### **Business and Human Rights in ASEAN**

Since the adoption of the UNGPs in 2011, South East Asia was a region lagging behind others in terms of developing awareness of how business impacts on human rights. However, recent developments show strong signs of progress. The Governments of Malaysia, Thailand and Indonesia have all committed to developing national strategies on implementing the UNGPs. There is a healthy race to the top building among ASEAN member states in moving the business and human rights agenda forward and it is crucial that Viet Nam, one of the fastest growing economies in the region, is not left behind in matching economic progress with human rights protection.

### **Business and Human Rights and State Owned Enterprises**

The UNGPs recognize the key role of State Owned Enterprises (SOEs) in driving the business and human rights agenda. Guiding Principle 4 outlines that ‘States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State’. Furthermore, in recognition of the key role SOEs play in promoting and protecting human rights in the context of business activity, the UN Working Group on Business and Human Rights published a report on how States should behave in their role as company owners and suggests measures that they should take to ensure SOEs fully respect human rights.<sup>2</sup> The report identifies the recent growth of SOEs, with the proportion of SOEs among Fortune Global 500 companies jumping from 9.8% in 2005 to 22.8% in 2014, with US\$389.3 billion of profit and US\$28.4 trillion in assets. The Working Group have stressed the critical role of States to lead by example, by “requiring the enterprises they own or control to be role models on human rights,” thus fulfilling their international legal obligations under human rights law.

### **Objective**

In recognition of the central role of SOEs in advancing the business and human rights agenda in Viet Nam, the Central Institute for Economic Management under the Ministry of Planning and Investment and UNDP

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<sup>2</sup> State-owned enterprises must lead by example on business and human rights – New UN report, May 2016: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20123&LangID=E>



will co-host a 1-day *Training on Business and Human Rights for Government Officials in Vietnam*, on Wednesday 5 December, (Venue TBC).

The training aims to introduce managers and relevant staff from SOEs to the concept of business and human rights, identify key areas for SOEs to integrate and implement the UN Guiding Principles on Business and Human Rights into corporate programmes and policies, and connect managers and staff to UN agencies and other national and regional institutions in supporting their efforts to advancing business and human rights in Viet Nam.

#### **Objectives of Training on Business and Human Rights for Government Officials in Vietnam**

1. Introduce SOEs to key concepts in business and human rights and the UNGPs
2. Identify specific areas for strengthening implementation of the UNGPs in corporate programmes and policies
3. Connect SOEs with UN agencies and other national and regional institutions in advancing business and human rights in Viet Nam

#### **Methodology**

The training will utilize a mix of traditional and innovative formats to introduce participants to key concepts and provide a platform for exploring specific SOE measures to integrate and implement the UNGPs in corporate programmes and policies.

The first session will introduce participants to general concepts underpinning the role of the state, in particular SOEs, in advancing business and human rights. Participants will then explore certain key cross cutting themes in business and human rights relevant to the operations of SOEs.

Finally, participants will be afforded an opportunity to delve deeper into SOE specific issues relating to business and human rights and identify measures and strategies to implement the UNGPs and other guidance and standards in their operations.





**TRAINING ON BUSINESS AND HUMAN RIGHTS FOR SOEs IN VIET NAM**

**DATE:** WEDNESDAY 5 DECEMBER 2018

**TIME:** 09.00-16.30

**VENUE:** TBC

**TENTATIVE AGENDA**

<b>Time</b>	<b>Description</b>	<b>Facilitator</b>
8:30 – 9:00	<b>Registration and Coffee</b>	
9:00 – 9:10	<b>Opening Remarks</b>	<b>Dr. Nguyễn Đình Cung,</b> Director, CIEM MPI <b>Ms. Caitlin Wiesen,</b> Country Director, UNDP Viet Nam, Chair of the UN Results Group on Governance and Justice
	<b>Session 1: Introduction to Business and Human Rights</b>	TBC
9:10 – 9:30	General Concepts on Business and Human Rights	
9:30 – 10:00	UN Guiding Principles on Business and Human Rights	
10:00 – 10:30	<b>Coffee Break</b>	
10:30 – 10:45	Explaining the ‘Business Case’ for Business and Human Rights	
10:45 – 11:00	Regional Developments in ASEAN on Business and Human Rights	Facilitator
11:00 – 12:00	<b>Session 2: Cross Cutting Themes in Business and Human Rights for State Owned Enterprises</b> - Children’s Rights in Business - Labour Standards in Business and Human Rights	UNICEF ILO
12:00 – 13:30	<b>Lunch</b>	
13:30 – 14:30	- Gender Equality in Business and Human Rights - Business and Human Rights and Migration	UN WOMEN IOM
14:30 – 15:00	<b>Session 3: Business and Human Rights Mapping</b> Mapping industry specific business and human rights issues for SOEs and exploring preventative actions	Facilitator
15:00 – 15:30	<b>Coffee Break</b>	
15:30 – 16:20	<b>Addressing Risks to Human Rights SOEs: Interactive Session</b>	Facilitator
16:20 – 16:30	<b>Closing Remarks</b>	UNDP, CIEM

## ANNEX S.

### B+HR LAB<sup>2</sup>

#### A Report on Business and Human Rights in Asia: Promoting Responsible Business Conduct through Regional Partnerships



31 October 2018,

Hotel Courtyard by Marriot, Bangkok,

Thailand

**Overview:**

The second annual Business and Human Rights Lab—*B+HR Lab<sup>2</sup>: Business and Human Rights in Asia: Promoting Responsible Business Conduct through Regional Partnerships*, held in Bangkok on October 31, 2018 was attended by representatives of 19 regional CSOs and UN system agencies to promote greater coordination, collaboration and coherent messaging around efforts to implement the United Nations Guiding Principles on Business and Human Rights.

This year, the B+HR Lab focused on co-creating solutions on migrant workers, women and women migrant workers. The Lab took on a co-creation format, with one session building on the next, culminating in organizational commitments towards solving the priority issues identified. See Annex for Concept Note and Agenda.

**Attendance:**

AIPP	1
ALSA Thailand	1
ASEAN Parliament for Human Rights	1
Ashoka University	1
The Centre for People and Forests	1
Community Resource Centre	1
Forum Asia	1
International Commission of Jurists	2
Independent Researcher	1
Kotonoha Law	1
Migrant Working Group	1
Oxfam	1
Raoul Wallenberg Institute	1
Stockholm Environment Institute	1
EU Delegation	2
Embassy of Sweden	3
IOM	3
ILO	2
UNDP	8
UNESCAP	1
UN Women	2
UNOHCHR	1
UN Habitat	1
UNICEF	2

## Opening Remarks:

### Valerie Cliff:

The Deputy Regional Director of the Regional Bureau for Asia and the Pacific and Director of Bangkok Regional Hub, **Valerie Cliff**, provided opening remarks directing Lab participants to focus on the rights of women and migrants in the context of business operations. Ms. Cliff recognized the opportunity for a larger role to be played by businesses to bring their extensive expertise, creativity, technology and resources to the table to advance the U.N.'s efforts. She also highlighted the importance of encouraging businesses to enlarge their contribution to sustainable development by driving sustainable approaches and responsible conduct through their operations and supply chain. She noted that while partnerships with businesses and governments is required to ensure the achievement of the 2030 Agenda, she also stressed that, "we will need to ensure that governments and businesses do not attempt to offset damage done to some Goals in furtherance of others."



### Dante Pesce:

A video address by the UN Working Group Chairperson on B&HR, **Dante Pesce**, followed Ms Cliff's remarks. Mr. Pesce noted that the B+HR agenda is still at a "pioneer stage" across the Government and business sectors, in spite of the successful implementation of the UNGPs in some countries. Mr. Pesce called for the "speed up and scale up" of interventions through coalitions; by identifying and leveraging synergies and working collaborations in a coordinated manner within and with the various U.N. agencies. The Lab, according to Mr. Pesce, as one way of achieving this as all the various players interact and learn to identify areas of collaboration towards common goals and impact areas.

### Livio Sarandrea:

Livio Sarandrea, the Business and Human Rights Advisor, UNDP B+R Unit, took the audience through a journey of the importance of collaboration and association of businesses, CSOs and Governments over the last few years, in terms of both finances and efforts. Reviewing the past year, Mr. Sarandrea listed 3 key developments: 1) the tabling in July 2018 by the Human Rights Council of the Binding treaty of B+HR; 2) the cancellation by the EU Commissioner of Trade of Cambodia's preferential trade status with the EU due to Human Rights violations and; 3) the strong policy commitments made by Thailand and India in the direction of responsible business, especially Thailand who is very close to adopting a NAP.

## Framing the Issues: Women's Rights and Migrant Workers, A Panel Discussion

Following opening remarks, a panel session titled Framing the Issues was hosted, facilitated by NY Times Magazine Columnist Brook Larmer and including **Max Pottler (IOM)**, **Sally Barber (UN Women)** and **Anna Olsen (ILO)**.

Sally Barber began her intervention by examining the root causes of migration. She also explored the economic impacts of migration and the victimization of women both in terms of opportunity and retainment. Max Pottler took up the issue from a project-management perspective. He spoke



about the focus of MNCs on local players over international migrants which comes at an obvious cost of hampering migrant workers' rights to access jobs. Anna Olsen, continuing on the subject of the role of businesses, spoke the increased numbers of businesses that are involved in addressing migration issues. She also noted that there was a increased risk of *Blue Washing*. The only ray of hope here, according to her, is that businesses and employers have been improving their mobility systems with the involvement of the Ministry of Financial

Affairs and the Ministry of Labour. She challenged the audience to ask whether they were really committed to human rights, where they also engaged with businesses and governments that prevent trade unions from forming.

**Harpreet Kaur** occupied an empty seat on the stage that had been held there for members of the audience to make an intervention. She spoke at length about the challenges and inequalities faced by women across various layers of society. She noted that at the root of human rights abuses by businesses on women whether they were migrants or otherwise, were the challenges women experienced in terms of poor education, illiteracy, lack of financial resources, insurmountable societal stigmas and the lack of awareness around a woman's rights.

The panel closed with all the 3 panelists bringing to the fore the challenges they would like to see addressed by Lab participants: gender awareness, labour inspection, broader worker's voices, greater involvement of women in decision making processes at all stages, and greater financial independence to women.

### Solutions Session:

The issues framed at the panel were then taken up by representatives of the 19 participating organizations. In this session, representatives of organizations made 1:30 minute presentations of what they deemed as a priority challenge and what their organization can do to solve it.

Some of the solutions proposed included:



1. toolkits that address sexual harassment in the work place;
2. ethical recruitment models for low-skilled migrant workers in Asia;
3. greater resource mobilization;
4. greater engagement with China;
5. consolidating the advocacy or lobbying power of the Private Sector;
6. enhanced certification processes;
7. greater focus on the protection of rights of Human Rights Defenders relating to land rights, environment and businesses especially that of women;
8. access to justice for women especially in addressing gender stereotypes and human trafficking along with the operationalization of these laws and policies;
9. connecting workers together more cohesively;
10. prioritizing certain sectors that brings into light issues of gender, women and the environment;
11. toolkits that measure social impacts of businesses and the role of businesses in disaster risk reduction, resilience and preparedness;
12. a grievance mechanism that links Human Rights' defenders and lawyers;
13. establishment of platforms that increases understanding and knowledge on responsible businesses in supply chains;
14. ensuring that businesses allow for the employment of victims of abuses that go beyond trafficking;
15. a lab styled workshop that strategizes on ensuring private sector engagement in civil rights; engaging businesses with LGBTI issues along with leveraging champions in the Private Sector to raise awareness;
16. addressing layers of discrimination that women face in work spaces.



Participants put their pitches on post-it notes and clustered them into a matrix on a board. These ideas were addressed in depth in the Ideation and Commitment sessions that followed.

### **Ideation and Commitment Sessions:**

The issues and solutions identified in the earlier session were grouped into 4 categories: Private Sector Engagement; A2J/ Human Rights Defenders; Gender; Environment and Land Rights; and Technological solutions. The participants, depending upon their area of interest grouped themselves into the above-mentioned categories to deliberate innovative solutions to the problems at hand. The 45-minute discussion among each of the groups was further broken down into Activities, Framework and Solutions.

The discussion session involved group members working together at their respective tables to formulate practical, scalable approaches. They were also tasked



with discussing collaborative efforts on specific initiatives particular to their chosen category and to articulate meaningful targets. Some of the ideas that emerged included: a Business and Human Rights academy; increasing awareness pertaining to land-tenure issues; greater use of technology, like AIs, to propagate sustainable and responsible working and consumption; and making gender issues more pertinent in company policies.

These solutions were then worked on in the form of presentations made by representatives from each of the tables, presented to a reconvened panel which comprised of **Max Potler, Chayanich Thamparipattra** and **Harpreet Kaur**. A “Commitment Board” was used to pin commitments to various thematic areas. The panel of judges gave constructive feedback on the solutions presented by each of the groups modifying the engagement of commitments. Most of the commitments took the form of working with the participating organizations with the help of providing training material to Private Sector, CSOs, Judges and prosecutors; greater targeted research of issues such as gender stereotypes, advocating for anti-SLAPP legislation and policy, human rights defenders, migrant women issues; capacity building and resource mobilization of issues discussed; and greater legal-aid access.

### Closing Session:

The Lab ended with feedback for next year’s lab. Some participants asked for more involvement from participants across the Private Sector, the Government and NHRIs. There also was a consensus among them that the areas identified along with the solutions presented would be have to take the form of active involvement from the participants in the monitoring of the projects with regular check-ups and updates through mutual support and guidance.



## Table of Commitments

Private Sector	A2J/Human Rights Defenders	Gender	Environment & Land Rights	X: Technological Solutions
<b>IOM:</b> Regional Training	<b>ICJ:</b> Report on grievance mechanism in B+HR, development of manual for NHRI empowerment.	<b>IOM:</b> Overlapping employer guidelines on gender and migration.	<b>IOM:</b> Research project that looks into land rights, environment and migration.	<b>UNDP:</b> Partnership with Microsoft and the use of AI in strengthening issues related to sustainability.
<b>SEI:</b> Research, Outreach, Joint contribution	<b>AIPP:</b> Strengthening Human Rights defenders capacity, documenting the violation of their Human Rights especially with respect to B+HR and bringing women on the frontline	<b>SEI:</b> Online course on Gender and Human Rights based approaches for organizations	<b>SEI:</b> Outreach to networks such as Sustainable Mekong Research Network (SUMERNET) and Responsible Business Forum (RBF).	
<b>OXFAM:</b> Sharing of software	<b>HRDF:</b> Research on SLAPP-policy recommended actions	<b>OXFAM:</b> Work with like-minded group in ensuring a gender lens in UNGPs.	<b>ICJ:</b> Strategic litigation to address gaps in lands rights issues.	
<b>HRDF:</b> Engage on B+HR academy	<b>FORUM-Asia:</b> Building capacity of NHRIs, Strategic litigation contribution	<b>HRDF:</b> Gender audits	<b>AIPP:</b> Greater awareness of FPIC (Free, Prior and Informed Consent)	
<b>RWI:</b> Collaboration on B+HR academy	<b>OHCHR:</b> In a joint project with UNWOMEN and ICJ on A2J on all activities under this project, leading the work on WHRD's work with CSOs and other NHRIs	<b>UNICEF:</b> Work towards creating family-friendly workspaces	<b>RWI:</b> Support the study on how land use and land cover change have affected biodiversity, water conflict and food security.	
<b>UNICEF:</b> Training and learning materials	<b>UNDP:</b> Training of Judges and Prosecutors, Organizing such events, Building capacity of NHRIs using the existing network resources	<b>OHCHR:</b> Protection, promotion and advocacy of gender issues including rights related to SDGs	<b>UNHABITAT:</b> Offer Asia-Pacific Ministerial conference on Housing and Urban Development and Asia-Pacific Urban Forum as platforms to raise visibility of B+HRs.	
<b>UNESCAP:</b> Engagement with Private sector through		<b>UNDP:</b> Training on Gender Stereotypes, Studies, toolkits and trainings to address sexual harassment in the work place	<b>OHCHR:</b> Global priority on land and environment related issues,	
			<b>UNDP:</b> Providing space in UNDP regional events to address these issues and include them in their work on NAPs	



## ANNEX T

### TERMS OF REFERENCE:

#### Multi-Country Study on the Economic Impact of Tackling Violence Against Women

<b>Location</b>	Home-Based, travels are expected to countries in Asia-Pacific
<b>Type of Contract</b>	Individual Contract
<b>Post Level</b>	International Consultant
<b>Language Required</b>	English
<b>Duration of the Contract</b>	Up to a maximum of 100 days
<b>Start Date</b>	February 1 <sup>st</sup> , 2019

**UNDP Asia-Pacific**, Governance and Peacebuilding Team, Business and Human Rights Unit, is currently engaged in promoting the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGP). The UNGP clarifies the duty of states and the responsibility of businesses to uphold international norms and treaties on human rights. These Guiding Principles rest on three pillars: 1) the State's duty to protect human rights; 2) the corporate responsibility to respect human rights and; 3) the joint-responsibility of both the State and businesses sector to provide access to remedy for victims of business-related abuses.

**UN Women** works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security. UN Women is implementing a regional project, Stepping Up Solutions to Eliminate Violence against Women and Girls in Asia and the Pacific (2017-2020). The overall goal of this project is to reduce levels of VAWG in Asia and the Pacific.

#### **Background:**

Violence against women and girls (VAWG) is one of the most widespread violation of human rights worldwide, globally affecting around one in three women in her lifetime. Regional evidence suggests that a similar ratio applies in the Asia-Pacific region. Forms of VAWG may vary, and there are variations across sites, however, current available data indicates that South East Asia is the region with the highest prevalence rates of intimate partner violence (IPV) - 37% and second highest rate of IPV and non-partner sexual violence combined – 40%. The Western Pacific Region had 25% and 28% respectively, though some countries in the Pacific have rates of up to 69%.

VAW results in significant direct and indirect costs, not only to victims and their families but also to businesses and countries.<sup>1</sup> The economic costs of VAW have been estimated at between 1.2% and 3.7% of the global GDP. In Vietnam, for example, studies indicate that domestic violence has resulted in a total loss of earnings equivalent to nearly 3% of the country GDP. VAW significantly lowers the productivity and profitability of businesses, through higher turnover, lower individual work's performance, increased health expenses, absenteeism, lateness and HR costs, amongst other. Emerging research suggests that domestic violence can cause absenteeism because of stress<sup>2</sup>, injuries, or ill-health; victims also have difficulty concentrating at work, which results in poor performance. Research from UN Women indicates that women workers in Vietnam who

<sup>1</sup> <http://www.undp.org/content/undp/en/home/ourperspective/ourperspectivearticles/2013/03/29/violence-against-women-also-hurts-business-and-development.html> accessed 08 October 2018

<sup>2</sup> <https://www.whatworks.co.za/about/costs-of-violence> accessed 08 October 2018

suffered Intimate Partner Violence (IPV) earned 35 per cent less than those not experiencing such violence, and recent findings shown the significant cost to business inaction.<sup>3</sup>

While governments are responsible for ensuring that national legislation and institutional frameworks address violence against women and workplace violence, the workplace itself is recognized as a critical place to discuss violence, with a view to prevent it and help women experiencing violence. Research worldwide has shown the unique role that workplaces present to help women who may be living with violence at home, to identify the problem and assist with seeking help. Workplaces can play a positive role by providing safe and supportive environments for their employees, particularly those employees who are experiencing violence. Workplace can be a place where women can find protection from domestic and intimate partner violence, through support, information and referral to services. This supports women's economic advancement and empowerment in the workplace, which in return contributes to ending violence against women. They can also contribute to preventing violence against women in general by promoting gender equality and by changing social norms that condone or tolerate such violence.

Ending discriminatory practices and ensuring a safer environment for women to work, not only has multiple benefits for the companies, but it is essential to building stronger economies. According to the International Monetary Fund, achieving gender equity can lead to a rise in national GDP of up to 34 per cent. Supporting survivors of VAW to stay in work by providing safe and supportive environments not only optimizes productivity and profitability but also reduces recruitment and training costs for employers<sup>4</sup>. Research into the costs associated with the various dimension of violence against women in the workplace has demonstrated that violence and harassment in the workplace can be costed. Studies of the costs of violence show that early prevention and intervention costs vastly less than does later-stage crisis care and other societal consequences. Ending VAW in the workplace is a smart investment and can result in strong financial benefits for companies.<sup>5</sup>

**UN Women in partnership with UNDP will jointly address ways to create safe and supportive places for women and to eliminate sexual harassment and violence in the workplace, in furtherance of the Women's Empowerment Principles. Women migrant laborers will also be of significant focus of public awareness raising efforts, with UN Women leading on initiatives. UNDP and UN Women will combine resources to launch a joint study on Violence Against Women in the context of business operations in two (2) countries in Asia. Research will explore the cost of violence to businesses and role that businesses can play in reducing violence, sexual harassment and other harms directed at women.**

#### **Objective:**

The objective of this multi-country study is to conduct a cost of inaction analysis by estimating the costs of violence against women and sexual harassment in the workplace. It will expose the impact of VAW on the work environment in general and on the employees. The study will finally provide a set of recommendations for businesses to address VAW in the workplace.

This will support UN Women's Regional Office for Asia and the Pacific work to show the costs of VAW for businesses. Most importantly it will provide evidence to inform policies to prevent and promote businesses' role in addressing VAW. By exposing this, the study will:

<sup>3</sup> <http://www.unwomen.org/en/digital-library/publications/2013/2/estimating-the-cost-of-domestic-violence-against-women-in-viet-nam> accessed 08 October 2018

<sup>4</sup> Day T., Mckenna K., and Bowlus A., (2005). The Economic Costs of Violence against Women: An Evaluation of the Literature, Expert brief compiled in preparation for the Secretary-General's in depth study on all forms of violence against women. United Nations and the University of Western Ontario.

<sup>5</sup> Chung, D., Zufferey, C., & Powell, A. (2012). Preventing violence against women in the workplace. Australia: Victorian Health Promotion Foundation.

- Generate an enabling legislative and internal business policy environment in line with international standards (UNGPs, CEDAW, ILO conventions)
- Promote a transformative behavioural change at community and individual levels to prevent VAW by engaging and addressing non-state actors especially businesses.
- End violence against women at the workplace and contribute on a regional level to the achievement of SDG 5.

## DUTIES AND RESPONSIBILITIES

### Scope of Work

The consultant will conduct an analysis estimating the costs of violence against women and sexual harassment in the workplace. The study will finally provide a set of recommendations for businesses to address VAW in the workplace. of costing studies for businesses in Asia-Pacific. The study will provide recommendations to address VAW in the workplace.

Under the supervision of the Business and Human Rights Advisor, the consultant will perform the following tasks:

- Complete a desk review of the available research, methodologies, guidance and options for conducting costing studies for businesses and in the Asia-Pacific context.
- Complete a desk review of the good practices, challenges, policies and practices related to ending VAW in the workplace in Asia and the Pacific.
- Identification of focus countries in Asia and the Pacific for the study.
- Identification of companies across different domains in the focus countries willing to participate in the study.
- Development of a methodology to identify and estimate indirect and direct costs of VAW to businesses, respecting ethical and confidentiality principles. The methodology would consider which costs to measure, determine the timeframe for analysis, identify the source of violence-related expenses to capture the costs of VAW for businesses, and identify methods of analysis for estimating the monetary costs and impacts of VAW. The methodology should include both quantitative and qualitative data collection.
- Collect data and conduct interviews (in-person and through Skype) with selected key informants (personnel of the businesses selected, Human Resources, senior managers, finance, and other relevant persons).
- Analysis of the data collected.
- Produce a research report to share the key findings, estimate the prevalence and costs of family and domestic violence and VAW in the workplace to businesses and provide recommendations for businesses to strengthen prevention and response of VAW in the workplace.

### Expected Outputs and Deliverables

Deliverables	Timelines
Conduct a desk review on VAW costing and VAW in the workplace, in the context of Asia and the Pacific.	February 2019

Identification of focus countries and companies to participate in the study	End of April 2019
Data collection and interviews	May 2019
First Draft of the Study on the costs of VAW to businesses and the role businesses can play to address VAW in workplaces in Asia-Pacific.	TBD
Finalized draft of the Study on the costs of VAW to businesses and the role businesses can play to address VAW in workplaces in Asia-Pacific.	TBD

### **Institutional Arrangement**

The consultant will work closely with the Business and Human Rights unit, Governance and Peacebuilding team at the UNDP Bangkok Regional Hub in all aspects of the activities that s/he will be involved in. The consultant shall work under the direction and overall supervision of the Business and Human Rights Advisor. UN Women Regional Specialist on Ending Violence Against Women will direct the consultant on priority issues, and provide him/her with substantive guidance and inputs at every stage.

The present ToR may be subject to modification, without changing the overall objective and the scope of work, on the basis of mutual consultations. UNDP will hold the copyright of the assignment deliverables.

### **Duration of the Work**

The consultant is expected to commit to a period between 01 February 2019 up to a maximum of 100 days over the contract period. The consultant must work full-time and can be based remotely.

### **Duty Station**

The Consultant's presence is not required at UNDP Bangkok Regional Hub premises for the working period. Travel expenses (ticket, living allowance and local transport) shall be agreed prior travel and reimbursed after trips completed.

## **COMPETENCIES**

- In-depth expertise in designing, implementing and disseminating complex social research projects on violence against women or other gender issues. Experience in the Asia-Pacific region is an advantage.
- Expertise and knowledge of the Asia and the Pacific region, in particular in the areas of Women's Rights, Inclusion and Private sector engagement.
- Excellent leadership and organisational skills, including the ability to share information and coordinate efforts within the team
- Excellent, and writing and reporting skills
- Effective communication skills and ability to work under time constraints
- Extensive knowledge of UNDP's policies, procedures, and practice is an asset
- Full computer literacy in Microsoft Office i.e. MS-Word, MS-Excel, and MS-Power Point.

## **REQUIRED SKILLS AND EXPERIENCE**

**Educational Qualifications:**

- Master's degree in Social Science (International Development studies, Gender/Women's studies, Sociology, Business Management and/or a closely related discipline). Additional qualifications in VAW costing studies will be highly regarded.

**Experience**

- At least 10 years of relevant work experience, particularly in the area of gender economics, researching VAW or a related field
- Relevant experience in Asia Pacific, and knowledge of UN programmes is an asset.

**Language requirements**

Fluency in written and oral English is essential. Working knowledge of another UN language is also an advantage.

**Price Proposal**

Consultant shall quote an all-inclusive **daily fee** for the contract period. The term "all-inclusive" implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the IC in completing the assignment, are already factored into the fee submitted in the proposal. Payments will be made to the IC on a monthly basis based on actual days worked and upon submission of timesheets and approval of the supervisor.

Consultant shall also indicate costs of travel to reach the duty station (if applicable).

For the purpose of reaching the duty station, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Travel costs shall be reimbursed at actual but not exceeding the quotation from UNDP approved travel agent. The provided living allowance will not be exceeding UNDP DSA rates. Repatriation travel cost from home to duty station in Bangkok and return shall not be covered by UNDP.

**Evaluation Method and Criteria**

Individual consultants will be evaluated based on the following methodology:

**Cumulative analysis**

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%). and financial criteria (30%). Financial

score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

**Technical Criteria for Evaluation (Maximum 70 points)**

Criteria 1: Relevance of educational background (max 10 points)

Criteria 2: Relevant experience in Women’s Rights (max 30 points)

Criteria 3: Proven track record in successfully facilitating Private sector engagement work for international organization, including UN agencies (15 points)

Criteria 4: Availability to start by 1 December 2018 (max 5 points)

Criteria 5: Organizational skills, including the ability to share information and coordinate efforts within the team (max 10 points)

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

**Documentation required**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into one (1) single PDF document as the application only allows to upload maximum one document:

- **Letter of Confirmation of Interest and Availability** using the template provided in Annex III. Commenting on the ability to start the assignment by December 2018.
- **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- **Technical proposal**, including a brief description of why the individual considers him/herself as the most suitable for the assignment, including work samples of Reports and Project Documents.
- **Financial proposal**, as per template provided in Annex III.

Incomplete proposals may not be considered. The short-listed candidates may be contacted and the successful candidate will be notified.

**Annexes**

Annex I – [Offeror’s Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template](#)

**This TOR is approved by:**

Signature \_\_\_\_\_

Date of Signing \_\_\_\_\_

## ANNEX U.

### TERMS OF REFERENCE

#### Research Consultant for Special Economic Zones and Business & Human Rights

<b>Location</b>	Home-Based, with no travel expected
<b>Type of Contract</b>	Individual Contract
<b>Post Level</b>	International Consultant
<b>Language Required</b>	English
<b>Duration of the Contract</b>	Up to a maximum of 10 days
<b>Start Date</b>	December 1 <sup>st</sup> 2018

#### **Background:**

Rapid and continued economic dynamism has translated into growth and reduced poverty levels in several countries in Asia and the Pacific. Greater foreign direct investments and capital movements, accentuated by higher regional mobility and pro-growth policies, are reasons for further optimism for future regional growth. By some estimates, Asia will become the largest economic region by 2030.

Yet, the Asian Development Bank (ADB) notes that Asia's trade growth has slowed since 2012, lagging behind overall economic growth rates. This has been attributed to the sluggish expansion of global value chains (GVCs) in the region and growth moderation by the Chinese economy. In response, a growing number of governments have turned to Special Economic Zones (SEZs) to reignite their trade growth. This has resulted in a rapid proliferation of SEZs; UNIDO currently estimates that there are over 1,000 SEZs of all sizes in ASEAN alone.

This progress and rise in SEZs has often come at the expense of the human rights of minorities, marginalized and disadvantaged and at-risk groups in the interest of investments and financial gains. National Human Rights institutions and civil society organisations across the region have highlighted the rise in illegal land appropriation against indigenous groups, violation of labour rights, and increased environmental degradation linked to SEZs in recent years.

The UNDP Asia-Pacific, Governance and Peacebuilding Team, Business and Human Rights Unit, is currently engaged in promoting the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGP). The UNGP clarifies the duty of states and the responsibility of businesses to uphold international norms and treaties on human rights. These Guiding Principles rest on three pillars: 1) the State's duty to protect human rights; 2) the corporate responsibility to respect human rights and; 3) the joint-responsibility of both the State and businesses sector to provide access to remedy for victims of business-related abuses.

UNDP's regional project on Business and Human Rights, titled "*Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships*", will, among other things, address the linkages between international trade, SEZs, and violations of Human Rights in business operations.

The Business and Human Rights unit intends to hire an individual consultant to conduct research on the impact of SEZs on human rights in Asia, and to further develop this research into a think piece.

#### **Objective:**

The objective of this assignment is to deepen understanding of SEZs as a possible means towards sustainable development, but also as risks. A better understanding of those risks, through the lens of the UN Guiding Principles on Business and Human Rights will inform policy dialogues on SEZs in the region. While various organisations have conducted studies on the effect of SEZs on human rights in specific countries across Asia, there exists a gap in the literature that bridges these country case-studies.

The work will provide a regional overview of SEZs and Human Rights in Asia, in particular focusing on the seven (7) project focus countries, as well as Myanmar. This research is to be used to inform the UNDP Business and Human Rights unit in its programmatic work, NAP processes in countries around the region, and promote dialogue among key stakeholders. The research will also be developed into a think piece as part of the project's communications products.

The assignment is to be structured around the following two (2) deliverables:

- 1) Propose methodology and outline.
- 2) Conduct research on the role of SEZs in the Business and Human Rights landscape of Asia-Pacific
- 3) Develop this research into a think piece, to be used as a communications product

## DUTIES AND RESPONSIBILITIES

### Scope of Work

The International Consultation shall be in furtherance of Output 5: Strengthened policy coherence between regional Trade Agreements, International Investor Agreements, and UNGP to enhance the region's competitive positioning in attracting investment and increasing trade flows

Conduct research on Special Economic Zones and Business & Human Rights in Asia, shall involve:

- Proposed methodology
- Conducting a desk review of the proliferation on Special Economic Zones in Asia, and their effects on the Business and Human Rights landscape within the region
- Providing case studies on SEZs and Business and Human Rights
- Identifying potential entry-points and opportunities to promote the implementation of the UNGPs with regards to SEZs
- Develop this research into a think piece, to be used by UNDP BRH as a communications product for awareness-raising

### Expected Outputs and Deliverables

	<b>Timelines</b>
Conduct research on the role of Special Economic Zones and their effect on Human Rights in Asia, focusing on project focus countries and Myanmar	Before 31 January 2019
Develop research into a think piece, to be used by UNDP BRH	Before 31 January 2019

### Institutional Arrangement

The consultant will work closely with the Business and Human Rights unit, Governance and Peacebuilding team at the Bangkok Regional Hub in all aspects of the activities that s/he will be involved in. The consultant shall work under the direction and overall supervision of the Business and Human Rights Advisor.

The present ToR may be subject to modification, without changing the overall objective and the scope of work, on the basis of mutual consultations. UNDP will hold the copyright of the assignment deliverables.

### Duration of the Work

The consultant is expected to commit to a period between 1 January 2019 – 31 January 2019, up to a maximum of 7 working days over the contract period. The consultant must work full-time and will be home-based, with no travel expected.

### Duty Station

The Consultant's presence is not required at UNDP Bangkok Regional Hub premises for the working period. Travel expenses (ticket, living allowance and local transport) shall be agreed prior travel and reimbursed after trips completed.

## COMPETENCIES



- Expertise and knowledge of the Asia and the Pacific region, in particular in the areas of international trade, Rule of Law, and Human Rights
- Expertise on Business and Human Rights is an advantage
- Excellent leadership and organisational skills, including the ability to share information and coordinate efforts within the team
- Excellent, and writing and reporting skills
- Effective communication skills and ability to work under time constraints
- Full computer literacy in Microsoft Office i.e. MS-Word, MS-Excel, and MS-Power Point.

## REQUIRED SKILLS AND EXPERIENCE

### **Educational Qualifications:**

Advanced university in International Relations, International Law, Economics, Political Science, or other Social Sciences, or closely-related fields is required.

### **Experience**

- 
- Minimum 5 years of experience working on Business and Human Rights related issues, in policy, research or practice areas
- Relevant experience in Asia Pacific is an asset

### **Language requirements**

Fluency in written and oral English is essential. Working knowledge of another UN language is also an advantage.

### **Price Proposal**

Consultant must send a financial proposal based on **Lump Sum Amount**. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, living allowance and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs and as per below percentages:

- One instalment (100%): upon satisfactory completion of the 1<sup>st</sup> and 2<sup>nd</sup> deliverable

Consultant shall also indicate costs of travel to reach the duty station (if applicable).

For the purpose of reaching the duty station, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Travel costs shall be reimbursed at actual but not exceeding the quotation from UNDP approved travel agent. The provided living allowance will not be exceeding UNDP DSA rates. Repatriation travel cost from home to duty station in Bangkok and return shall not be covered by UNDP.

### **Evaluation Method and Criteria**

Individual consultants will be evaluated based on the following methodology:

#### **Cumulative analysis**

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%). and financial criteria (30%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

### **Technical Criteria for Evaluation (Maximum 70 points)**

- Criteria 1: Relevance of educational background (max 10 points)  
Criteria 2: Relevant experience in Women's Rights (max 30 points)  
Criteria 3: Proven track record in successfully facilitating Private sector engagement work for international organization, including UN agencies (15 points)  
Criteria 4: Availability to start by 1 December 2018 (max 5 points)  
Criteria 5: Organizational skills, including the ability to share information and coordinate efforts within the team (max 10 points)

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

**Documentation required**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into one (1) single PDF document as the application only allows to upload maximum one document:

- 1) **Letter of Confirmation of Interest and Availability** using the template provided in Annex III. Commenting on the ability to start the assignment by December 2018.
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- 3) **Technical proposal**, including a brief description of why the individual considers him/herself as the most suitable for the assignment, including work samples of Reports and Project Documents.
- 4) **Financial proposal**, as per template provided in Annex III.

Incomplete proposals may not be considered. The short-listed candidates may be contacted and the successful candidate will be notified.

**Annexes**

Annex I – ToR

Annex II – [Individual IC General Terms and Conditions](#)

Annex II – [Offeror's Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template](#)

**This TOR is approved by:**

Signature

\_\_\_\_\_

Mr. Nicholas Booth  
Officer-in-Charge, Governance and Peacebuilding Team  
UNDP Bangkok Regional Hub

Date of Signing

\_\_\_\_\_