

# HUMAN RIGHTS DISCLOSURE IN ASEAN

A collaboration  
between the ASEAN  
CSR Network, the  
Institute of Human  
Rights and Peace  
Studies, Mahidol  
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Article 30

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BUSINESS &  
HUMAN RIGHTS

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## LIST OF ABBREVIATIONS

<b>ACN</b>	ASEAN CSR Network
<b>ACWC</b>	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
<b>AEC</b>	ASEAN Economic Community
<b>AICHR</b>	ASEAN Intergovernmental Commission on Human Rights
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>BHR</b>	Business and Human Rights
<b>CSOs</b>	Civil Society Organizations
<b>CSR</b>	Corporate Social Responsibility
<b>ESG</b>	Environmental, Social and Governance
<b>GLCs</b>	Government-Linked Companies
<b>GRI</b>	Global Reporting Initiative
<b>HR/PUB/11/04</b>	Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework
<b>HRDD</b>	Human Rights Due Diligence
<b>HRIA</b>	Human Rights Impact Assessment
<b>IDX</b>	Indonesia Stock Exchange
<b>IGWG</b>	Intergovernmental Working Group
<b>IHRP</b>	Institute of Human Rights and Peace Studies
<b>ILO</b>	International Labour Organization
<b>NAPs</b>	National Action Plans
<b>NHRIs</b>	National Human Rights Institutions
<b>OSH</b>	Occupational Safety and Health
<b>PSE</b>	Philippine Stock Exchange
<b>PWD</b>	Persons with Disabilities
<b>RBC</b>	Responsible Business Conduct
<b>SDGs</b>	Sustainable Development Goals
<b>SET</b>	Stock Exchange of Thailand
<b>SGX</b>	Singapore Exchange
<b>SOE</b>	State-Owned Enterprise
<b>SOGI</b>	Sexual Orientation and Gender Identity
<b>UNGC</b>	United Nations Global Compact
<b>UNGPs</b>	United Nations Guiding Principles on Business and Human Rights
<b>TAFEP</b>	Tripartite Alliance for Fair Employment Practices

## ABOUT CONTRIBUTING PARTIES

### **About ASEAN CSR Network (ACN)**

Founded in December 2010, ASEAN CSR Network (ACN), an accredited ASEAN entity, is a regional network that promotes responsible business conduct, to achieve a sustainable, equitable and inclusive ASEAN Community. Its vision is to create a responsible business community that makes ASEAN a better place to live for all. ACN creates change by influencing and working with different actors, ranging from ASEAN bodies, ASEAN member states to the private sector, civil society and international organisations, who have the power to influence the way businesses operate. It provides a platform for networking and cooperation at the ASEAN level, supports capacity-building and training activities, helps catalyse thought leadership and collective actions on CSR and key related issues including business integrity, business and human rights, gender equality, and environmental sustainability.

For more information, please visit [www.asean-csr-network.org](http://www.asean-csr-network.org).

### **About the Institute of Human Rights and Peace Studies, Mahidol University (IHRP)**

The Institute of Human Rights and Peace Studies (IHRP) is the result of a recent merger between Mahidol University's Center for Human Rights Studies and Social Development (est. 1998) and the Research Center for Peacebuilding (est. 2004). IHRP combines the experience and perspective both centers have to offer. IHRP is uniquely interdisciplinary and is redefining the fields of peace, conflict, justice and human rights studies, in the Asian Pacific region and beyond. The IHRP is committed to the advancement of human rights and peace by educating human rights and peace practitioners, promoting outreach programs to community and international organizations and conducting cutting edge research on important issues.

For more information, please visit [www.ihrp.mahidol.ac.th/](http://www.ihrp.mahidol.ac.th/)

### **About Article 30**

Article 30 promotes innovation and best practices in the field of business and human rights. We do this by producing cutting-edge content and offering expertise on both the letter and spirit of human rights in commercial contexts. Our team combines legal, political, and social practitioners with widely varied backgrounds and experiences. Technical compliance with the UN Guiding Principles is important, but it is only a starting point for Article 30. Article 30 is about the deeper purpose of human rights: meaningful change, reckoning with tough challenges, mobilizing innovative ideas, enabling people to take action on their own behalf, and realizing new levels of buy-in, resiliency and sustainability.

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April, 2019



# EXECUTIVE SUMMARY

When the UN Human Rights Council unanimously endorsed the United Nations Guiding Principles on Business and Human Rights (UNGPs) in June 2011, the Guiding Principles became the authoritative global norm and an objective measure of social responsibility and sustainability. Under the UNGPs, States are to protect human rights, business enterprises are to respect human rights and both States and business enterprises must ensure effective remediation should violations or harm occur. As part of their responsibility to respect human rights, business enterprises are to disclose at least 21 points of information as detailed in HR/PUB/11/04: “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”. Human rights disclosure tells stakeholders what kind of strategy or system companies have in place to manage their human rights impact. This collaborative study between ASEAN CSR Network, the Institute of Human Rights and Peace Studies, Mahidol University and Article 30 sought to establish a baseline understanding of human rights disclosure in the region by probing material made available by the top 50 publicly listed companies in the stock exchanges of Indonesia, Malaysia, the Philippines, Singapore and Thailand. As the aim was to establish a regional baseline and encourage good examples, the report does not name, shame or praise companies relative to specific content.

“At present, human rights disclosure among top-listed companies in ASEAN falls substantially short of the benchmark set by the UNGPs.”

At present, human rights disclosure among top-listed companies in ASEAN falls substantially short of the benchmark set by the UNGPs. The lagging human rights disclosure in ASEAN reflects a lack of specific guidelines and oversight from national and regional authorities. It also shows that, as a collective, companies in the region have been marginally responsive to the global business and human rights (BHR) push. This is increasingly noteworthy as the UN Human Rights Council’s Open-Ended Intergovernmental Working Group (IGWG) on transnational corporations and other business enterprises with respect to human rights published the ‘Zero Draft’ of a Business and Human Rights Treaty in July 2018. Such developments indicate a field that is evolving swiftly, even if not linearly, creating a situation where parties can become under or unprepared and non-compliant without realizing it. This study provides a baseline for stakeholders in ASEAN to move forward. By identifying disclosure gaps, offering good examples from the region and highlighting points of leverage such as National Action Plans (NAPs) and stock exchange disclosure regulations, the study aims to inform efforts to align with the UNGPs and prepare ASEAN governments and companies for the possibility of a legally-binding treaty.

## Key Findings

- Currently, human rights disclosure in Indonesia, Malaysia, the Philippines, Singapore and Thailand falls substantially short of the international norm set in the UNGPs both in terms of extent and quality.
- There appears a strong correlation between the level of human rights disclosure in a country and the Environmental, Social and Governance (ESG) disclosure rules, requirements and guidance mechanisms of the stock exchange in that country. Stock exchange regulations may be a potent catalyst for mainstreaming the responsibility to respect human rights in ASEAN.
- The presence of dedicated human rights policies serves as a strong indicator in determining whether a company has processes in place that live up to the standards the UNGPs call for.
- In select cases, some of the lowest-listed companies scored better than top-listed companies in the same country.
- Despite the spotlight on human trafficking in the region, the regional prominence of the Palermo Protocol and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, only 15.6% of top-listed companies make any mention of human trafficking as a focal issue.

## Methodology

To assess the aforementioned 250 top-listed companies in ASEAN, the research team closely analysed Pillar II of the UNGPs, the corporate responsibility to respect human rights, and converted 21 points of requisite disclosure to 21 diagnostic questions that seek to assess the maturity of human rights disclosure in a company. These 21 diagnostic questions were then grouped into six categories: Fundamental Human Rights Commitments; Policy Statements on Human Rights; Operational Information; Due Diligence; Monitoring and Reporting; and Claims and Remediation. Grouping the 21 diagnostic questions helped to streamline the report and made it possible to identify trends. However, the report refers to particular diagnostic questions (ex. diagnostic Qx) whenever those questions reveal important insights and added value that might otherwise be lost. Beyond measuring human rights disclosure vis-a-vis the UNGPs, the study utilized nine additional diagnostic questions to assess whether companies disclose information regarding some of the most salient and/or talked about human rights themes in ASEAN. These are human rights themes that all top-listed companies in the region need to manage. In all, each company was scored against the following 30-point diagnostic framework <sup>1</sup>:

1. Please refer to Annex for full description of the diagnostic questions and their respective counterparts in the UNGPs.

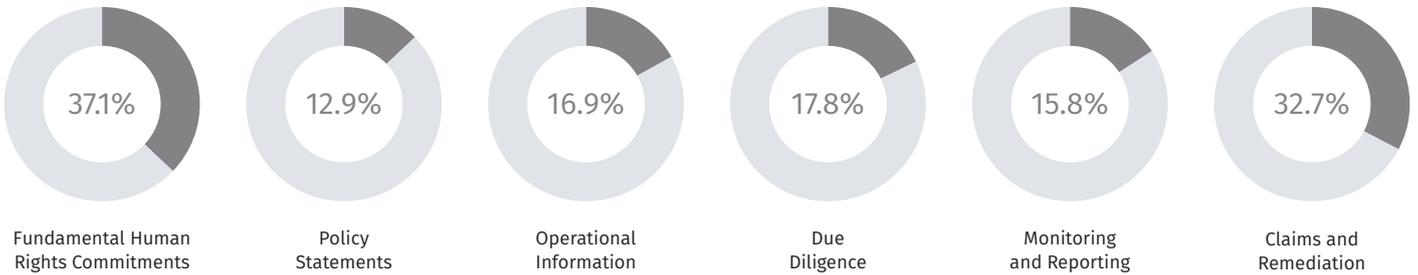
# Diagnostic Framework

	Category	Question and Description
UNGP DISCLOSURE	Fundamental human rights commitments	1 Commitment to human rights
		4 Commitment to UN Guiding Principles on Business and Human Rights
		5 Commitment to international laws and standards
	Policy statements on human rights	2 Statement of policy on human rights
		6 Policy approved by the most senior level of the company
		7 Persons / departments who helped to draft the policy
		8 Human rights experts help to draft the policy
	Operational information	9 Communicate the human rights policy across the supply chain
		10 Person / department to operationalize human rights efforts
		11 Process / protocols for human rights efforts
Due diligence	12 Human rights due diligence efforts	
	13 Stakeholders engagement during due diligence process	
Monitoring and reporting	3 Central source of human rights information	
	14 Result of human rights due diligence	
	15 Track performance or effectiveness of human rights efforts	
	16 Identify salient human rights issues	
	17 How the company manage salient human rights issues	
Claims and remediation	18 Direct stakeholders to a channel	
	19 Complaints handling	
	20 Remediation process and mechanisms	
	21 Correct areas of concern	
THEMATIC DISCLOSURE	Thematic questions	22 Commit to non-discrimination
		23 Commit to combat forced labour
		24 Commit to combat human trafficking
		25 Commit to combat child labour
		26 Commit to combat sexual harassment
		27 Commit to safe and healthy work conditions
		28 Commit to freedom of association and collective bargaining
		29 Commit to protection of the environment
		30 Commit to protect the rights of the person with disabilities

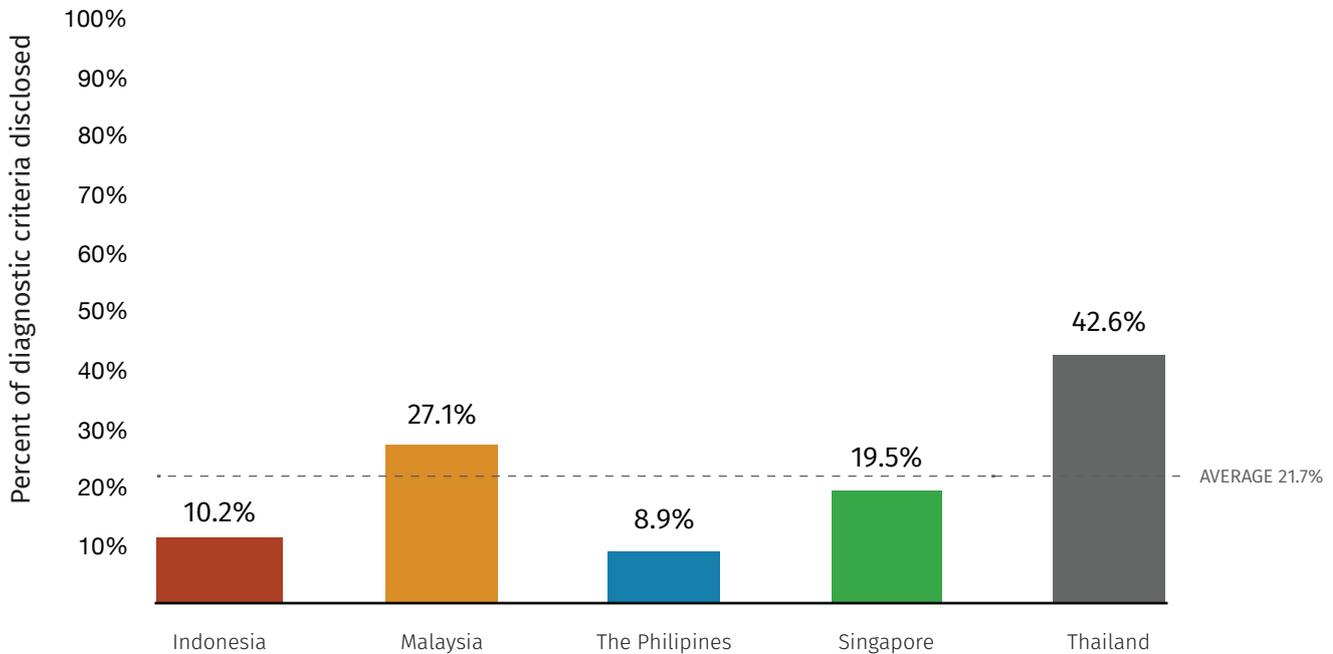
# UNGP Disclosure Across Select ASEAN Countries

## Average UNGP Diagnostic Disclosure Scores Across All 250 Companies by Category

The companies in focus currently disclose the most information under the category of Fundamental Human Rights Commitments and the least information under the category of Policy Statements. This reflects a situation where companies acknowledge human rights but do not specify how they intend to manage their human rights footprint.



## Average Cumulative Score of the Top-Listed 50 Companies in Each Country Against the 21 UNGP Diagnostic Questions



When assessed against the sum disclosure expectations of the UNGPs, the collective of top-listed companies in Thailand stand apart. However, even the cohort in Thailand provides less than half of the information that is called for. Indonesia and the Philippines have the most room for improvement. This graph exhibits intra-regional gaps that deserve further study.

## Country-Level Commitments to Human Rights

- Only 22% of companies in Indonesia have publicly available statements of policies on human rights<sup>21</sup> (diagnostic Q2), meaning that less than a quarter of the top 50 companies listed on the Indonesia Stock Exchange (IDX) have any form of public human rights blueprint.
- With 84% of the top-listed companies in Malaysia making some type of commitment to human rights<sup>21</sup> (diagnostic Q1), there is a foundation in place. Gaps remain particularly around dedicated statements of policies that indicate how companies manage their human rights impacts.
- Top-listed companies in the Philippines provide the least amount of information on human rights in the cohort. Only 34% of companies made any type of commitment to human rights in publicly available material (diagnostic Q1) and only 12% have a statement of policy on human rights (diagnostic Q2). No company in the Philippines made an explicit commitment to the UNGPs (diagnostic Q4) based on the review of available documents.
- Singapore's stock exchange, like those of Malaysia and Thailand, requires ESG disclosure as a listing rule. However, top-listed companies in Singapore are notably behind Malaysia, Thailand and the global trend in the domain of human rights disclosure.
- Thailand scored the highest amongst the select five countries and appears to be trailblazing on human rights disclosure in ASEAN. 94% of top-listed companies in Thailand make a commitment to human rights (diagnostic Q1).

2. Given the emphasis on human rights policy statements, it is worth presenting the key directives from HR/PUB/11/04: "Guiding Principles on Business and Human Right: Implementing the United Nations 'Protect, Respect and Remedy' Framework":

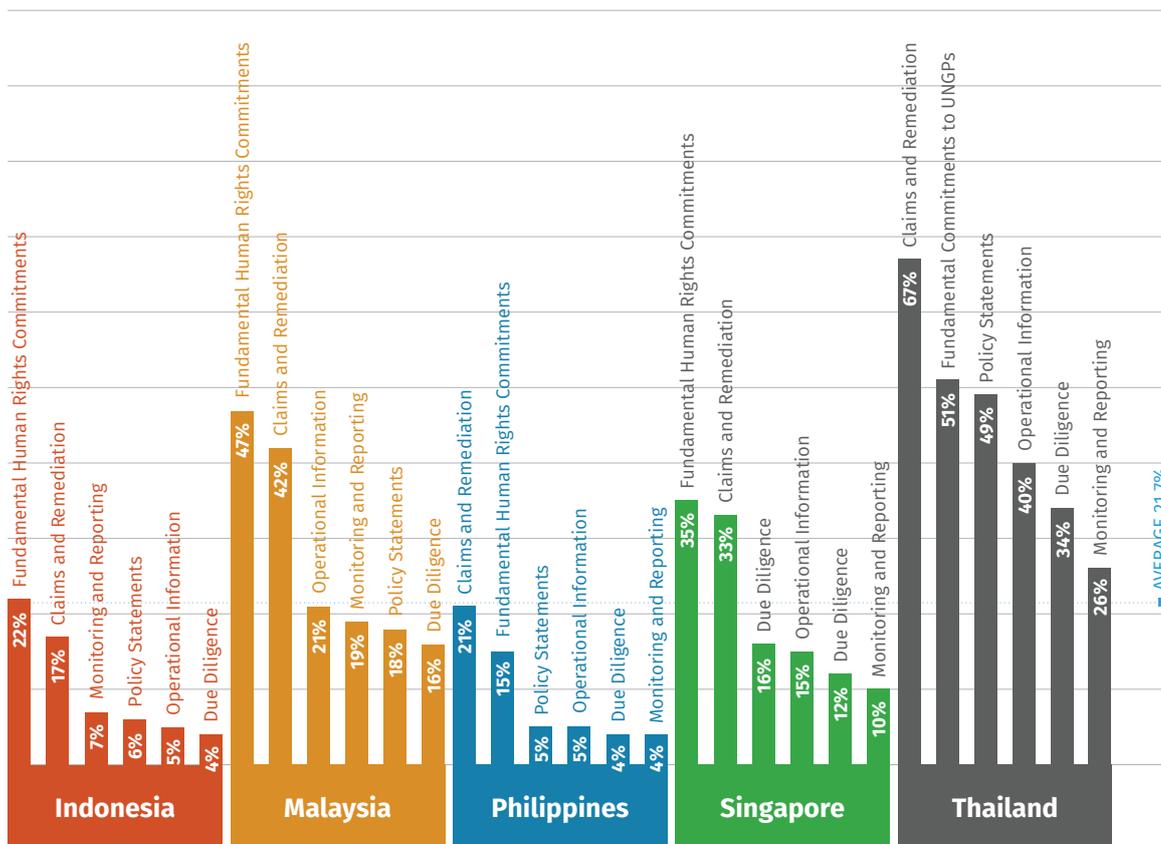
GP 15. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including: (a) A policy commitment to meet their responsibility to respect human rights. ...

GP 16. As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy ...

3. This could be as brief and vague as a one-sentence mention of human rights in any company material or platform.

## Comparative Illustration of the UNGP diagnostic disclosure scores, per country and category

Percentages represented in the graph are rounded to facilitate ease of reading.



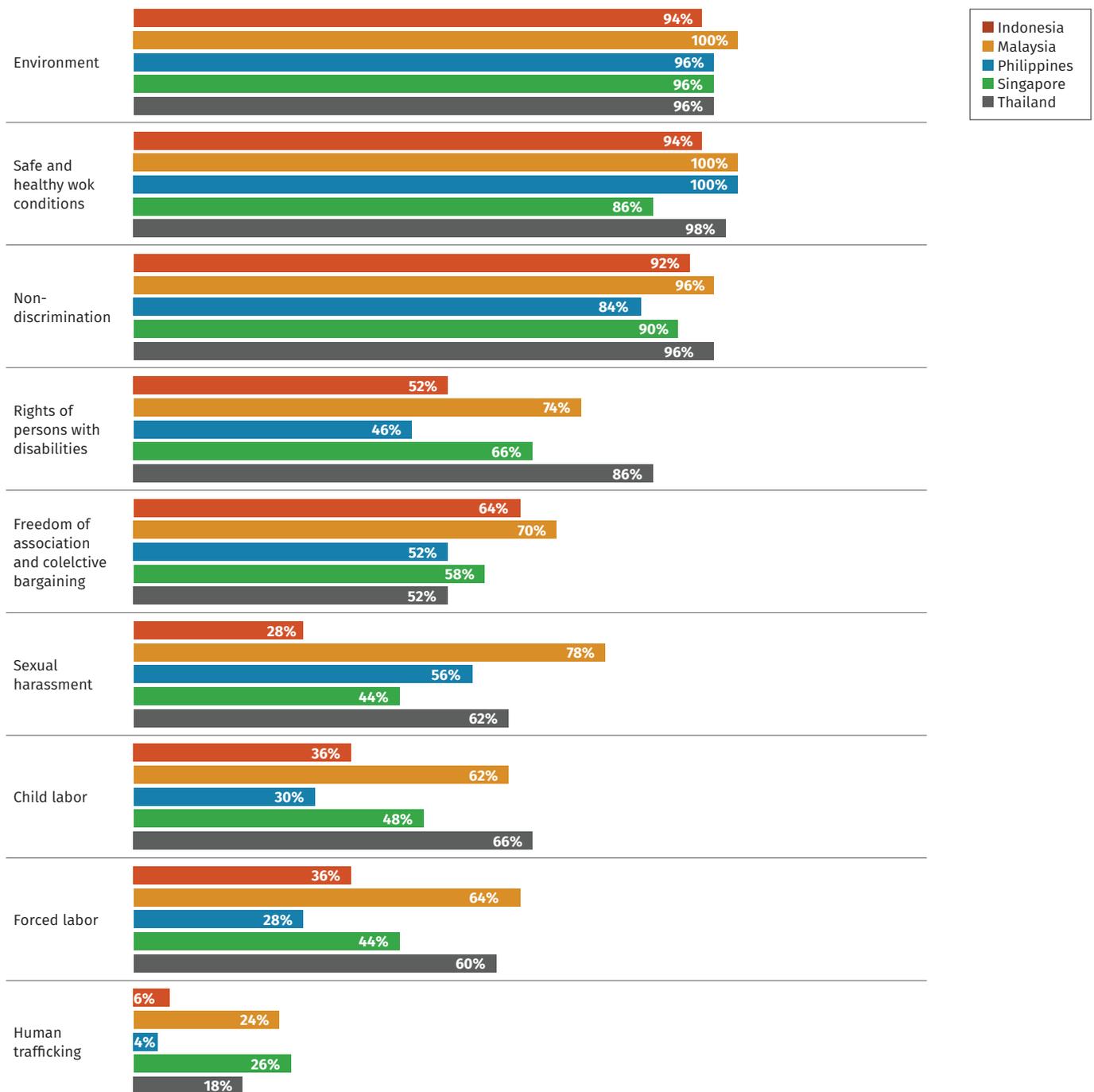
# Thematic Diagnostic Disclosure Coverage Across Select ASEAN Countries

## Average thematic diagnostic disclosure scores across all 250 companies

Almost all companies disclosed information related to protecting the environment (96% of companies), whereas less than 1 in 6 companies make mention of human trafficking.



## Comparative scores of thematic diagnostic disclosure, per theme and country



Thematic coverage in certain areas varied widely. For instance, nearly 80% of the top-listed companies in Malaysia disclosed information around sexual harassment while less than 30% of companies disclosed such information in Indonesia. These may be areas for company-to-company learning opportunities in the region.

## Top Ten Companies in Select ASEAN Countries

The following companies had the highest UNGP diagnostic disclosure scores across Indonesia, Malaysia, the Philippines, Singapore and Thailand and hence represent the most mature companies in select countries<sup>4</sup>.

<b>N</b>	<b>Country</b>	<b>Company</b>	<b>GICS Description</b>	<b>HR Disclosure</b>
1	Malaysia	SIME DARBY PLANTATION BHD	Consumer Staples	95%
1	Malaysia	SIME DARBY BERHAD	Industrials	95%
2	Singapore	WILMAR INTERNATIONAL LTD	Consumer Staples	90%
2	Thailand	CP ALL PCL	Consumer Staples	90%
2	Thailand	PTT GLOBAL CHEM	Materials	90%
2	Thailand	INDORAMA VENTURE	Materials	90%
3	Thailand	KASIKORNBANK PCL	Financials	86%
3	Thailand	PTT PCL	Energy	86%
3	Thailand	THAI OIL PCL	Energy	86%
3	Thailand	SIAM COMMERCIAL BANK PUB CO	Financials	86%

4. Several companies "tied" for the ranking of top three, thus we share all companies that achieve this ranking.



# 1 | INTRODUCTION

The unanimously endorsed United Nations Guiding Principles on Business and Human Rights (2011) call on business enterprises to disclose how they manage their human rights impact. Human rights disclosure provides stakeholders with information and ideally a blueprint to understand and assess whether and how a company is complying with their responsibility to respect human rights. The responsibility to respect human rights is one of three pillars that ground the UNGPs:

- a. States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.

Under its second pillar the UNGPs call upon companies to disclose information with regards to how they manage human rights, detailed in HR/PUB/11/04: "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework". The UNGPs are considered soft-law and often seen as non-binding and unenforceable. But it is important to note that the UNGPs are not to be read as "creating new international law obligations" (HR/PUB/11/04). Rather they clarify how stakeholders should understand and comply with international human rights law and in this sense, indicate mandatory measures. The UNGPs are thus the authoritative global benchmark of socially responsibility and sustainability. And, importantly, the UNGPs provide clear directives as to what companies need to disclose.

Putting technical discussions to the side, what makes human rights disclosure unique and important? Human rights disclosure is not only about providing information and complying with international norms. The function of human rights disclosure is to create and convey a blueprint for mitigating risks, eradicating harm, checking predatory potential and embedding accountability.

Conceptually, human rights disclosure prompts unique questions: Does the company have a sound human rights strategy, or any strategy at all? Does the company position all humans as equal and deserving of dignity and humane treatment? Do companies enable people in their supply chains and purview to protect and advance themselves and their interests? How does the company ensure the well-being of stakeholders? What measures are in place for people to

raise questions and concerns? What steps do companies take to protect vulnerable individuals and populations? What mechanisms are in place to ensure equality, non-discrimination, safety, security, accountability, dignity and liberty? What checks and balances are in place to check predatory or otherwise harmful behaviour? In addition to avoiding harm, what is the company doing to create enabling environments and sustainable conditions? All of these are questions that stakeholders should be able to answer or locate in company materials.

Through human rights disclosure companies make themselves accountable internally and externally, creating a situation where the entire ecosystem can guide the company to operate responsibly and sustainably. However, it is important to note that disclosure is not an end but a starting point. Disclosure is a means of informing stakeholders, but this does not necessarily imply that information is matched with action, that efforts are effective or appropriate. As this baseline study illustrates, only a fraction of companies in ASEAN have taken the first step of exhibiting awareness, readiness, compliance and strategy.



# 2 | THE STATE OF HUMAN RIGHTS DISCLOSURE IN ASEAN

The maturity of human rights disclosure in ASEAN must be understood contextually, relative to the forces that influence business and human rights (BHR) in the region. Southeast Asia is as diverse as it is dynamic. Societies in the region are undergoing fast-paced changes fuelled by national governments, as well as ASEAN's aspirations to achieve an ever-increasing economic growth. Those aspirations however do not come without challenges. One potential contributor to these challenges is the multitude of players, agendas and frameworks that do not always align, including the ASEAN Economic Community (AEC), the ASEAN Human Rights Declaration, the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), NAPs, local regulations, public and private development plans and the international BHR norms that act as an overlying benchmark. An important uncertainty here is whether these regional and national frameworks and agendas align with the international human rights regime. In *Global Megatrends: Implications for the ASEAN Economic Community*, Seeree Nonthasoot offers a useful summary of the evolving status of human rights in ASEAN:

Since 2007, human rights have become an integral part of the ASEAN Community. The ASEAN Charter enshrines human rights as a foundational principle of ASEAN and has created a mechanism to promote and protect human rights and fundamental freedoms of ASEAN citizens. These rights are also endorsed and reaffirmed in various political and legal instruments, most significantly the ASEAN Human Rights Declaration 2012. The creation of the AICHR in 2009 was a huge step forward. Mainstreaming of human rights as a cross-cutting principle to all organs and sectors of ASEAN, including the AEC, has become its institutionalised programme. The key challenge remains on how to mainstream human rights effectively into the various pillars of the Community, a challenge that is perhaps disproportionately more daunting for the AEC<sup>5</sup>.

5. Seeree Nonthasoot. (2018). Chapter 3 Humane Aspects of the People-centred, People-oriented ASEAN Economic Community. *Global Megatrends: Implications for the ASEAN Economic Community*, p. 90

This summation brings focus to the challenge of institutionalizing and mainstreaming the BHR agenda in ASEAN. It is unclear, for example, how to ensure that BHR concerns and efforts do not become secondary or subject to other imperatives, such as the pursuit of political power, traditional security, economic development and other programs that can threaten human rights. The ASEAN Intergovernmental Commission on Human Rights may be a mark of progress in the region, but there remain questions about the independence of ASEAN's principal human rights body. Further, AICHR, like the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) possess 'only weak protection mandates to address rights violations' (Buit, 2016)<sup>6</sup>. When pairing this enforcement gap with ASEAN's commitment to non-interference, the result is a human rights regime that struggles to hold governments or business in the region to account.

6. Bui, H. (2016). The ASEAN Human Rights System: A Critical Analysis. *Asian Journal of Comparative Law*, 11(1), 111-140.

Underlying obstacles around regional accountability is another concern: does the ASEAN Human Rights Declaration, the intergovernmental compass for human rights, provide a framework for compliance with international norms? Critics of the ASEAN Human Rights Declaration argue that while the regional Declaration reaffirms the commitments of member States to the UDHR and other international human rights instruments, Principles 6 and 7 seem to qualify or retract from international norms. Principle 6 states:

The enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and society where one lives.

This implies that human rights are not inherent, but rather contingent on citizens adhering to subjective or ambiguous rules or modes of behaviour. Extending this to the field of BHR, such a principle could be understood as implying that governments and business enterprises need only safeguard the human rights of deserving or dutiful individuals.

After stating that 'all human rights are universal, indivisible, interdependent and interrelated,' in line with the Vienna Declaration and Programme of Action, Principle 7 proposes:

At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.

International human rights norms embrace diverse systems and backgrounds but reiterate that context is not a legitimate excuse to lessen or undermine the promotion and protection of all human rights and fundamental freedoms. Principle 7 subjectively qualifies the realisation of human rights and opens the possibility of problematic interpretations. These concerns around Principles 6 and 7 provide crucial context to understand the regional BHR context. ASEAN mechanisms and frameworks leave member states with significant onus to interpret, employ and enforce human rights commitments. In this arrangement, NAPs and corresponding action becomes crucial. This can be read as an opportunity, in that stakeholders could focus on NAPs as catalysts for advancing BHR agendas. However, this can also be read as a significant constraint and conundrum, as national governments may be unwilling or unable to adequately safeguard human rights in business settings.

The state of human rights disclosure in ASEAN reflects a regional landscape where human rights are subject to many constraints and complexities. For companies in the region, this landscape is not easy to navigate. At the same time, governments and business enterprises alike now have the UNGPs as an authoritative global measure of responsible business. Both companies and governments in ASEAN are in a position to take action and trailblaze the BHR agenda.

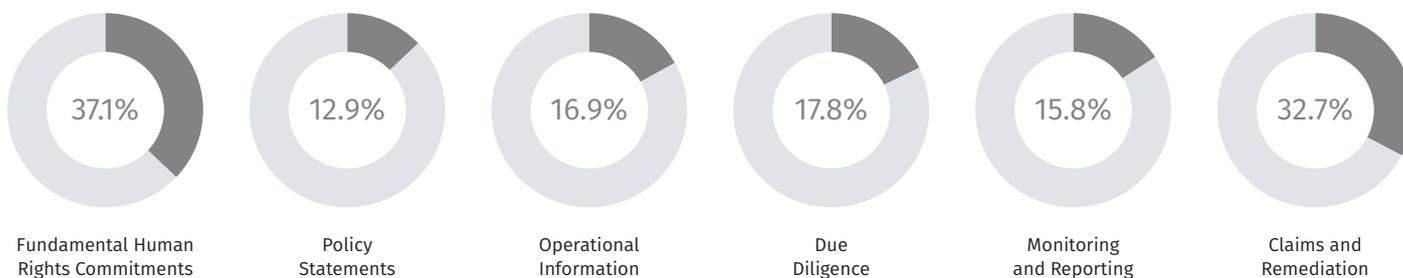
Furthermore, there is no doubt that the BHR agenda is being picked up by ASEAN officials, as highlighted through recent events organized by the ASEAN Intergovernmental Commission on Human Rights (AICHR), such as an interregional dialogue<sup>7</sup> to share good practices among stakeholders and representatives from the UN family, regional human rights mechanisms, National Human Rights Institutions (NHRIs), diplomats, businesses and civil society organizations and a training programme<sup>8</sup> on the linkages between business and human rights that brought together key stakeholders in the field to discuss the development and the implementation of the UNGPs. Such events increase the regional body of knowledge and are useful steps towards mainstreaming. These initiatives provide a valuable space to engage governments, businesses and civil society stakeholders in discussions. Nonetheless, there remain notable questions, particularly in terms of human rights disclosure, to be addressed before all stakeholders are in a position to hold businesses accountable for failing in their responsibilities to respect human rights. This study aims to be useful to this end, by offering a baseline against which to plan and assess progress and by highlighting good examples of human rights disclosure in the region.

7. AICHR Interregional Dialogue: Sharing Good Practices on Business and Human Rights held on 4-6 June 2018 in Bangkok, Thailand.

8. AICHR Training Programme on Business and Human Rights held on 13-16 November 2018 in Bangkok, Thailand.

## Disclosure per the UN Guiding Principles on Business and Human Rights

Average UNGP diagnostic disclosure scores across all 250 companies by category



The average scoring around human rights policy statements (12.9%) is noteworthy. Human rights policies are force multipliers as they are the principle vehicles for disclosure. Human rights policies act as a foundational blueprint or strategy. Without a policy, companies are left with vague commitments to human rights without a clear path to operationalization, which may lead to a “pick and match” scenario where companies commit to rights that they embrace and ignore others. Human rights statements of policy indicate how a company will respect human rights. Those companies that had human rights policies tended to score relatively well. Those companies that lack a human rights policy experience a cascade of non-compliance as they have no platform to meet subsequent norms or disclosure expectations.

The average scoring on due diligence (17.8%) indicates that less than a fifth of top-listed companies are taking requisite action to measure and manage their human rights impact. Only those companies that conduct due diligence are able to identify and plan around areas of concern. When narrowing focusing on particular diagnostic questions, one is able to gain a fuller sense of what mature human rights disclosure entails and the room for improvement in the region. 20% of companies provide any information on human rights due diligence efforts (diagnostic Q12). 16% of companies specify what stakeholders are engaged during due diligence (diagnostic Q13). 11% of companies

“Without a policy, companies are left with vague commitments to human rights without a clear path to operationalization, which may lead to a “pick and match” scenario where companies commit to rights that they embrace and ignore others.”

disclose information on the result of human rights due diligence (diagnostic Q14). Such insight is a prerequisite to designing a sound human rights strategy. 20% disclose how they track their performance or assess the effectiveness of human rights efforts (diagnostic Q15).

Intentions, commitments and effort signal a resolve to comply with international human rights norms, but full compliance is measured in performance and impact. 11% identify salient human rights issues and a number of those companies proclaim that no violations or areas of concern were located during due diligence (diagnostic Q16). By identifying salient issues companies convey an awareness of areas that deserve particular attention and an intention to give particular consideration to those issues.

11% disclose which persons and/or departments have a mandate to operationalize the company's human rights efforts (diagnostic Q10). This is a critical piece of information without which there is no way of knowing how the company holds itself accountable to its own human rights commitments. Only 8% provide information on remediation processes or mechanisms (diagnostic Q20). Along with Protect and Respect, Remedy is the third pillar of the UNGPs. If a company has a sound human rights strategy, they should be able to prevent harm or adverse impact. Even if prevention is the goal, companies must have remediation protocols in place as a show of readiness, awareness and compliance.

## Thematic Coverage

### Average thematic diagnostic disclosure scores across all 250 companies



The prevalence of disclosure in the areas of non-discrimination, workplace safety and the environment is a strong indicator that top-listed companies in ASEAN are willing and able to disclose around themes when compelled or directed to do so.

While the percentage of non-discrimination disclosure is quite high, it is important to note that the study gave a positive score to any company that made any type of commitment to non-discrimination. This was done as part of a premise that the study would error on the side of companies, giving each company the benefit of the doubt. Many companies in the region fail to make absolute commitments to non-discrimination. Rather they make exclusive commitments to avoid discrimination in the appointment of board members.

Less than half of companies commit to combat forced labour despite The Forced Labour Convention of 1930 being one of the eight core conventions of the International Labour Organization (ILO). Human trafficking is a point of rare disclosure despite the regional prominence of the Palermo Protocol and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children. The study also revealed notable gaps of disclosure around child labour and sexual harassment. Sexual harassment protocols are necessary to establish an environment of awareness and accountability with regards to an area of misconduct that continues to be pervasive.

59% of companies commit to freedom of association and collective bargaining (diagnostic Q28). Freedom of association and collective bargaining are fundamental rights rooted in the ILO Constitution and reaffirmed 1998 ILO Declaration on Fundamental Principles and Rights at

Work. However, it is important to note that many companies commit to freedom of association and collective bargaining under national regimes that are not compliant with ILO norms. Beyond referring to national legislation, there are a range of different types of unions and collective bargaining schemes covered.

The study did not make distinction between these schemes, such as distinguishing company, industry or independent unions. Such distinctions are immensely important when looking at human rights impact. If a company's commitment does not explicitly tie to the international norms that company remains non-compliant, but those companies still received credit for disclosure in this study. Again, this was to ensure that the baseline has given companies the benefit of the doubt. Some companies expressly state that employees do not need collective organizing agreements or they simply say that employees don't have any labour agreement. Despite all of these nuances, the study gave any company with any kind of commitment to freedom of association and collective bargaining a positive score for disclosing the information in question.

65% of companies commit to respect the rights of persons living with disabilities (diagnostic Q30). The majority of these top-listed companies do so through blanket commitments to non-discrimination. What is lacking is depth with regards to how the company utilizes or employs principles like addressing barriers, reasonable accommodation, universal design, effective participation and inclusion.

## GRI/SDG Prevalence

The research team observed that select companies frequently refer to the Global Reporting Initiative (GRI) and/or the Sustainable Development Goals (SDGs). Commitments to the SDGs can be seen as positive or problematic for human rights disclosure. If the SDGs become another layer or supplement to human rights disclosure, this can enhance or complement human rights commitments. However, this can also be an area of concern if SDGs or similar commitments are treated as alternatives to commitments to the UNGPs. The same could have been said for the GRI, however the GRI has recently come to self-identify as a vehicle to promote compliance with the UNGPs:

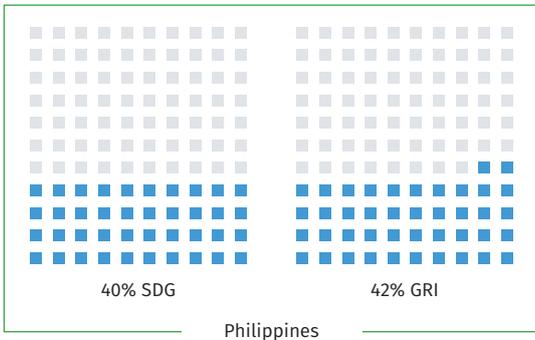
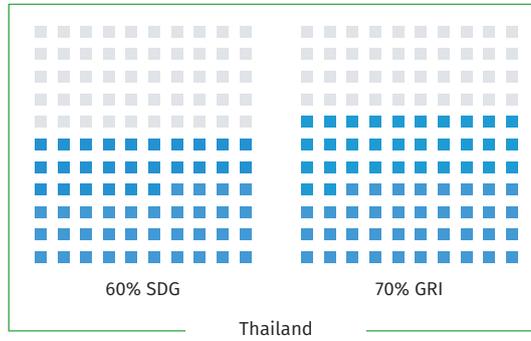
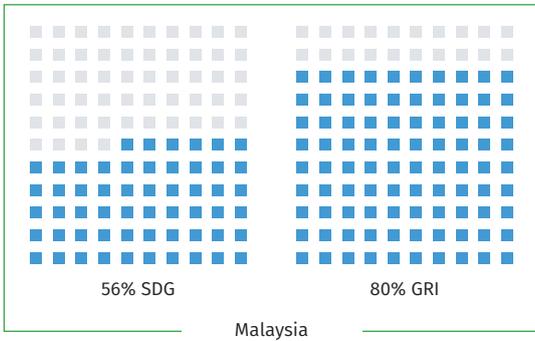
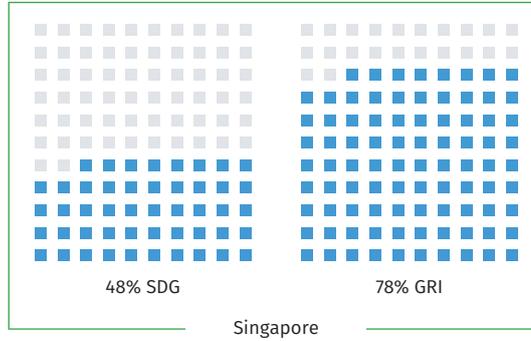
The project aims to align the human rights-related GRI Standards with key authoritative intergovernmental instruments, such as the UN Guiding Principles on Business and Human Rights. It also aims to review and revise the range of human rights-related topics covered in the Standards and the related disclosures, to ensure they reflect best practice <sup>9</sup>.

9. <https://www.globalreporting.org/standards/work-program-and-standards-review/review-of-human-rights-related-gri-standards/>

## Average number of companies that refer to the SDGs and GRI, respectively, in each country

Note that this study did not aim to speculate about the causalities of these cross-industry distinctions. These comparisons exhibit the need for further inquiry.

### Sustainable Development Goals (SDGs) and Global Reporting Initiative (GRI)





## 3 | METHODOLOGY

The study focused on the top 50 market capitalized companies in 5 ASEAN countries (Indonesia, Malaysia, the Philippines, Singapore and Thailand). This scope reflects an assumption that these companies would be most likely to uptake the UNGPs, given their global profiles, the profile of the national stock exchanges and the extensive human and material resources these companies possess. It further reflects the assumption that information on these companies would be more readily available as their market listing requires public disclosures and the global reach prompts English language material.

### Disclosure per the UNGPs

The research team began to build questions around the disclosure requirements detailed in HR/PUB/11/04: “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, which offers Foundational and Operational Principles. To measure disclosure, the team identified those Operational Principles that prompt business enterprises to disclose public information. In an attempt to capture the entirety of the UNGP’s disclosure requirements, the team built an exhaustive tool of over 45 questions, capturing each direct or indirect disclosure directive found in the UNGPs. This proved unfeasible as too many directives were subjective or otherwise impossible to assign compliance or lack thereof.

After piloting, revising and refining the research tool, the team settled upon a 21-question master-list. These 21 diagnostic questions are direct extractions from the disclosure directives in the UNGPs. In other words, each question is a diagnostic to assess whether companies meet a specific standard found in HR/PUB/11/04.

### Thematic Diagnostic Coverage

Beyond measuring human rights disclosure vis-a-vis the UNGPs, the study utilized nine additional diagnostic questions to assess whether companies disclose information regarding some of the most salient and/or talked about human rights themes in ASEAN. These are human rights themes that all top-listed companies in the region need to manage. In all, each company was scored against the following 30-point diagnostic framework:

## List of UNGP Diagnostic Criteria

Category		
UNGP DISCLOSURE	Fundamental Human Rights Commitments	<ul style="list-style-type: none"> <li>Commitment to human rights</li> <li>Commitment to UN Guiding Principles on Business and Human Rights</li> <li>Commitment to international laws and standards</li> </ul>
	Policy Statements on Human Rights	<ul style="list-style-type: none"> <li>Statement of policy on human rights</li> <li>Policy approved by the most senior level of the company</li> <li>Persons / departments who helped to draft the policy</li> <li>Human rights experts help to draft the policy</li> </ul>
	Operatioinal Information	<ul style="list-style-type: none"> <li>Communicate the human rights policy across the supply chain</li> <li>Person / department to operationalize human rights efforts</li> <li>Process / protocols for human rights efforts</li> </ul>
	Due Diligence	<ul style="list-style-type: none"> <li>Human rights due diligence efforts</li> <li>Stakeholders engagement during due diligence process</li> </ul>
	Monitoring and Reporting	<ul style="list-style-type: none"> <li>Central source of human rights information</li> <li>Result of human rights due diligence</li> <li>Track performance or effectiveness of human rights efforts</li> <li>Identify salient human rights issues</li> <li>How the company manage salient human rights issues</li> </ul>
	Claims and Remediation	<ul style="list-style-type: none"> <li>Direct stakeholders to a channel</li> <li>Complaints handling</li> <li>Remediation process and mechanisms</li> <li>Correct areas of concern</li> </ul>
	Thematic Questions	<ul style="list-style-type: none"> <li>Commit to non-discrimination</li> <li>Commit to combat forced labour</li> <li>Commit to combat human trafficking</li> <li>Commit to combat child labour</li> <li>Commit to combat sexual harassment</li> <li>Commit to safe and healthy work conditions</li> <li>Commit to freedom of association and collective bargaining</li> <li>Commit to protection of the environment</li> <li>Commit to protect the rights of the person with disabilities</li> </ul>

## Information Sources

Information was drawn from formal company reports and the company's website. This includes, for example, any reports, sustainability or other reports, statements, policies or procedures that convey human rights commitments. Information provided by a second party does not constitute disclosure and was not included. The study utilized the company's most recent, as of the date that our researchers began to investigate each company, publicly available materials available on May 2018. One of the most notable challenges encountered during the study related to information sources. Companies in the region tend to scatter human rights content throughout a range of reports and web pages. In other words, company information on human rights tends to be elusive in ASEAN, resulting in a situation where information is disjointed and stakeholders may have to cover as many as nine different resources to locate a specific piece of information on human rights.

## Development of a Scoring System

Binary questions are an appropriate method to assess human rights disclosure because a duty bearer either meets the standard or does not. Where there was subjectivity, the research tool and assessment worked towards the most binary, empirical measure possible. Each of the above questions are, thus, diagnostic and binary in nature. For each diagnostic question, the company either meets the standard of disclosure or does not (0 or 1). The result of every diagnostic question adds into a cumulative score. The cumulative score of each company was then converted into a percentage between 0 and 100%, with 100 being full disclosure. Each company was given a score, allowing for a range of analysis between sector, size, country, etc.

To accomplish maximum coherence in the study, the research team did internal crosschecking. The research team came to a collective agreement when uncertainty arose, recalling the team's decision to give companies the benefit of the doubt (discussed below). This cross-checking ensured maximum coherence. The result is a study that establishes a baseline analysis of the available data in the field. The study sought to establish a baseline and encourage good practice and thus does not name, shame or praise particular company's relative to specific content.

Like the UNGP Reporting Framework we assessed disclosure relative to the Operating Principles set out in HR/PUB/11/04: "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework". While the UNGP Reporting Framework captures the information disclosed by companies and assesses the maturity of companies reporting on human rights through a tiered maturity scale this initiative asks a binary question of whether a company has disclosed the requisite information. By scoring each company individually this initiative was able to conduct country level analyses and reach a snapshot of how much disclosure is underway at the regional level.

Early in the study, the research team found incidences of subjectivity or situations where company's disclosed information but did so in a way that was incomplete or otherwise inconsistent with the spirit of a standard. To be consistent and given that the aim of this study to establish a baseline of human rights disclosure in ASEAN, the decision was made to always give companies the benefit of the doubt. For example, companies may have information on non-discrimination that only covers the board of directors. While far short of a comprehensive commitment to non-discrimination those companies were given credit. On the question about channel(s) for stakeholder questions and/or complaints, those companies that had a whistleblowing mechanism but nothing else were still given full credit. This commitment to the 'benefit of the doubt' was done so that the study can be seen as a fair, even lenient baseline.

Taking the 'benefit of the doubt' principle into account, how should readers interpret 0's and 1's? A 0 indicates that a company did not provide any information that indicates disclosure or

an attempt to disclose. Partial disclosure and disclosure with obvious flaws received a positive score of 1. 1 only indicates that a company disclosed information and is not an assessment of performance. 1 does not indicate that a company disclosed correctly or substantially. A score of 1 does not imply that a company is doing enough or being effective. 1 simply indicates that a company provides some type of information relative to the particular criterion of disclosure. This approach results in an objective picture of whether companies are providing information, however thoroughly or imperfectly, relative to human rights or not.

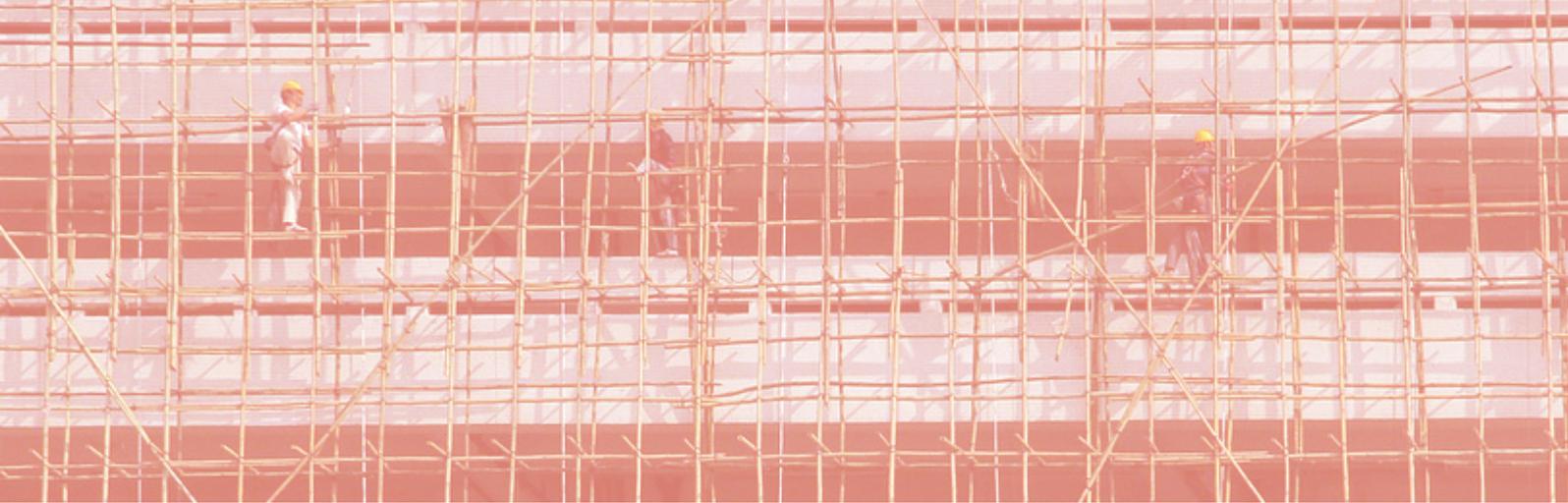
## Rights Language

For content to meet the standard as human rights disclosure, rights language must be present. Rights language indicates that a company self-identifies as a duty bearer and recognizes stakeholders as rights holders. Hence if a company talks about CSR, philanthropy, charity, or generally doing good they have not made a commitment to accountability, nor international human rights norms. Here it is also important to point out the distinction between acknowledgment and commitments. A company may acknowledge certain human rights principles or issues but fail to make a clear commitment to uphold those standards. The research team thus sought rights language and, where appropriate, commitments as prescribed by the UNGPs.

## Limitations

Beyond the inherent limitations this type of research entails, there are a couple of notable limitations that deserve focus. Firstly, a study of disclosure has inherent limitations. Disclosure is simply information, but that information may not translate to action or impact. Disclosure may communicate intent but not necessarily results or outcomes. When disclosure is haphazard or incomplete, stakeholders may be left with more questions than answers. Further, disclosure can be a smokescreen. Those companies that are subject to the most scrutiny may provide the most extensive disclosure, but this does not necessarily mean that substantive changes are underway. Then there is the issue or question of whether the information has integrity. Can this information be seen as credible, as companies have good reason to appear responsible and righteous?

This study was not able to interrogate information, test claims, assess strategies, or take full account of what is getting attention and what is missing. Secondly, the study was unable to obtain the level of detail and coverage that one may desire. For example, the thematic diagnostic questions do not specifically cover women's rights, sexual orientation and gender identity, or minority or indigenous groups. The research team determined it necessary to limit the diagnosis to the most overarching (non-discrimination) themes and topics that most commonly surface reviewing human rights disclosure when surveying business enterprises worldwide (i.e. sexual harassment).



## 4 | CROSS-COUNTRY COMPARISONS

There appears a strong correlation between the level and type of human rights disclosure in a country and the disclosure rules or requirements set by the stock exchange in that country. Thailand's relative leadership may relate to the *Guide to Sustainability Reporting for Listed Companies*, released by the Stock Exchange of Thailand (SET) in 2012. Those guidelines include an 'Approach to Social Responsibility Implementation for Corporations' within which can be found the most definitive directive to disclose information on human rights of those countries in focus.

The Sustainable Stock Exchanges Initiative's database of Environmental, Social and Governance reporting requirements provide an interesting backdrop to these human rights disclosure figures:

Beyond the *Guide to Sustainability Reporting for Listed Companies* the SET offers the *Sustainability Development Road Map for Listed Companies, SD Focus*, a newsletter that aims to keep listed companies 'abreast with the up-and-coming sustainability-related trends in the global business world' and ongoing documents and manuals accessible through the SET's Social Responsibility Center and Corporate Governance Center.

The Indonesia Stock Exchange does not require ESG reporting as a listing rule nor does the Exchange provide guidelines. However, the Indonesian Capital Market and Financial Institution Supervisory Agency (Bapepam-LK) requires listed companies to include information on the activities and budget spent to enforce social and environment responsibility in their annual corporate reports. In all, nothing in the Indonesia Stock Exchange's regulations or guidelines clearly prompts human rights disclosure.

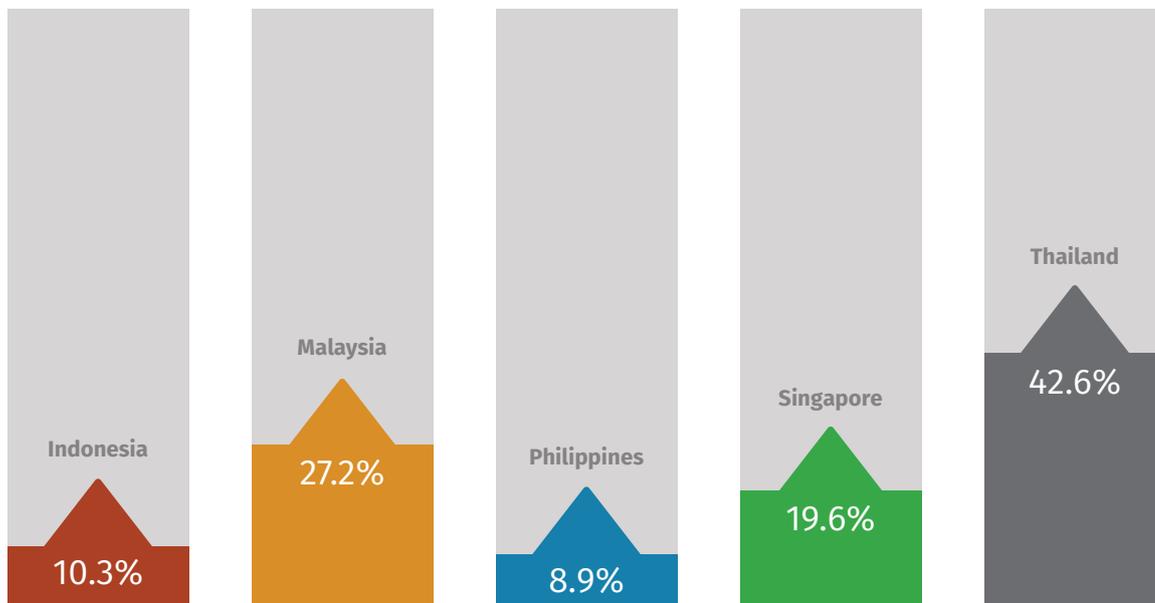
Malaysia does require ESG reporting as a listing rule and provides guidelines. Those guidelines provide a less definitive disclosure directive than Thailand with regards to human rights: Bursa Malaysia includes human rights as one of the common sustainability issues impacting companies and industries and as one of the information needs for stakeholders (including non-governmental organizations, suppliers and the community at large)<sup>10</sup>.

The Singapore Exchange requires ESG reporting as a listing rule and provides guidelines. Those guidelines call upon companies to "disclose its sustainability policy, including mitigation of risks, performance data and other material information which deepens stakeholders' understanding of corporate performance," but make no explicit reference to human rights.

10. All of the country summaries below are extractions from the most recent information made available by the Sustainable Stock Exchanges Initiative's database on ESG.

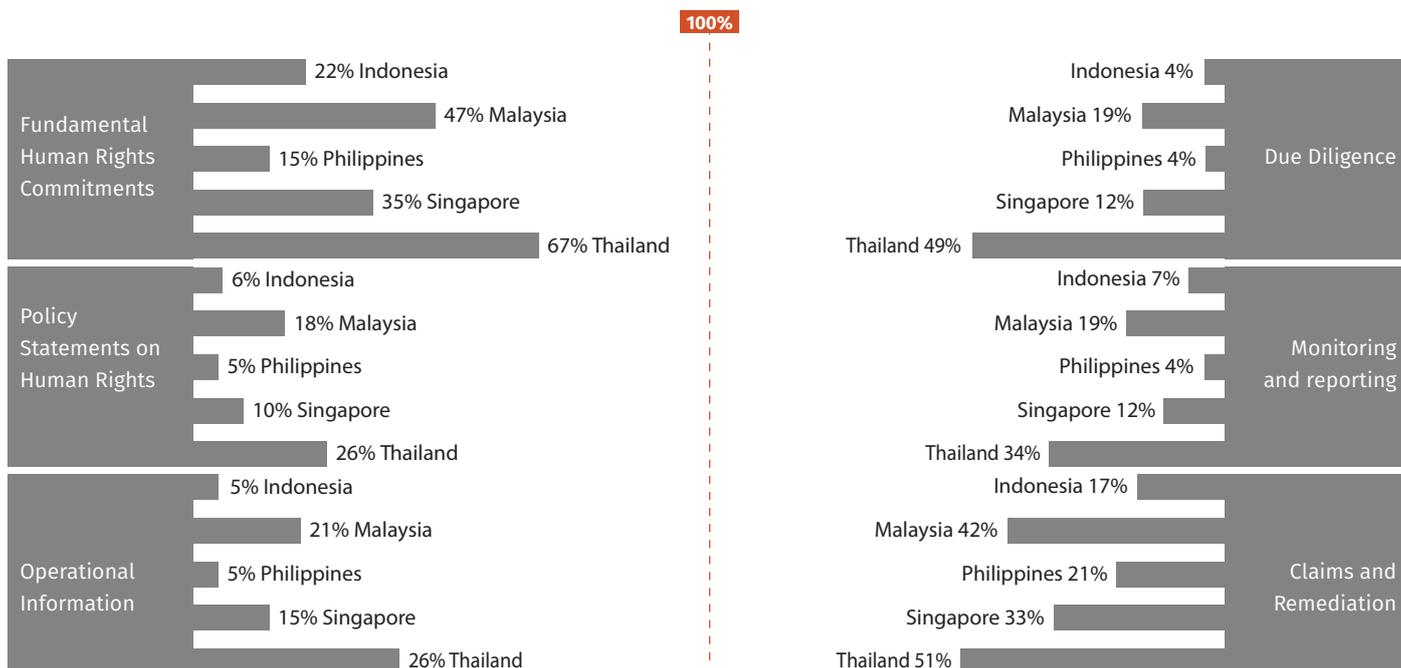
The Philippine Stock Exchange (PSE) does not require ESG reporting and does not offer ESG guidelines. The Exchange does offer *Corporate Governance Guidelines*, which includes 'best practice recommendation' 8.1: 'Establish and disclose a clear policy statement that articulates the company's recognition and protection of the rights and interests of key stakeholders specifically its employees, suppliers and customers, creditors, as well the community, environment and other key stakeholder groups.' Notable is the positioning of this guidelines as a 'best practice' rather than a definitive guideline and the absence of specifying language to human rights or international human rights norms.

### What Success Looks Like

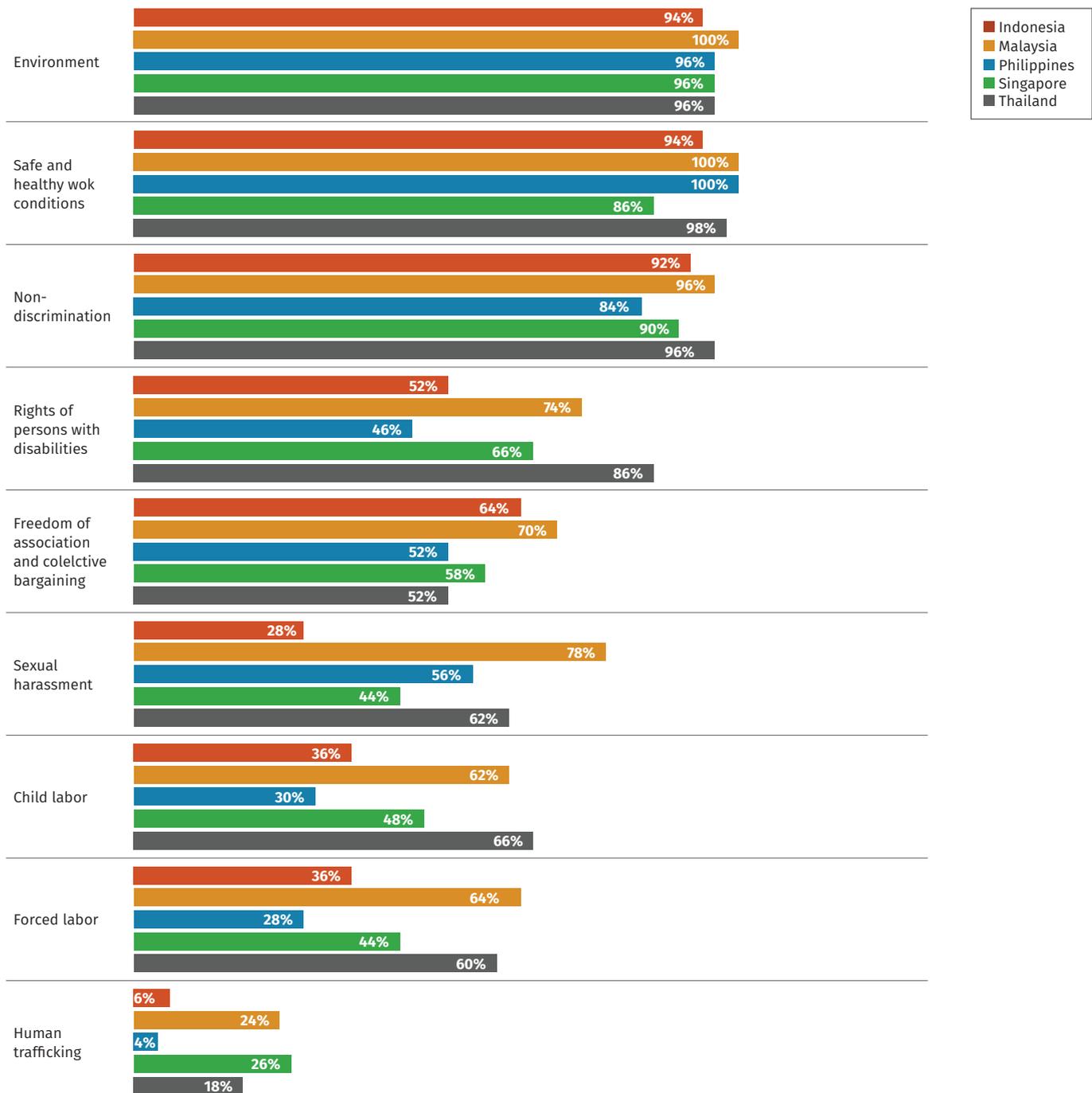


The graphic above illustrates the room for improvement in each country relative to the benchmark set by the UNGPs. Success entails raising the maturity of human rights disclosure across the board. This visualization also shows the potential for shifts in leadership. For instance, it is certainly possible for the Philippines to move from the lowest scoring country to the highest. Overall, there is much work to be done in terms of increasing uptake of the UNGPs, at least from a disclosure perspective.

### Comparative Look at UNGP Disclosure by Categories and Country



## Comparative Scores of Thematic Disclosures per Theme and Country

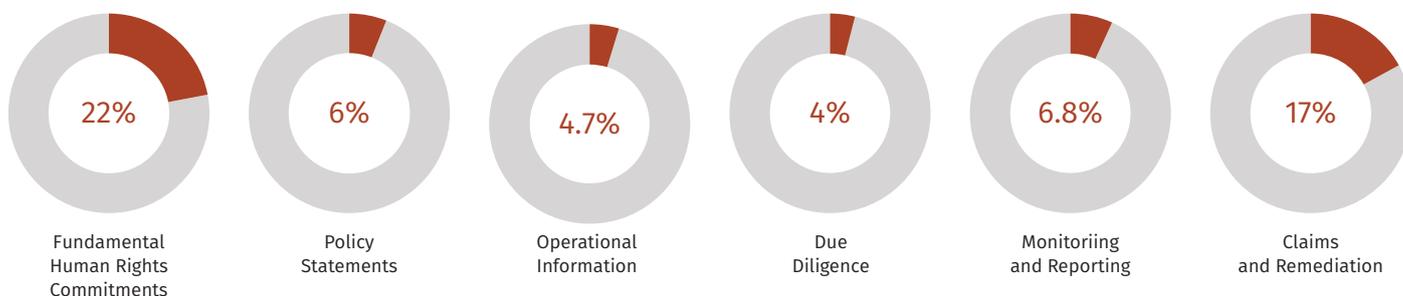


Thematic coverage in certain areas varied widely. For instance, nearly 80% of the top-listed companies in Malaysia disclosed information around sexual harassment while less than 30% of companies disclosed such information in Indonesia. These may be areas for company-to-company learning opportunities in the region. Any attempts to explain causality around such findings are only speculative and strive to prompt further discussion and investigation.



# 4.1 | INDONESIA

## UNGP Diagnostic Disclosure



Juxtaposing the UNGP diagnostic disclosure scores with the thematic diagnostic disclosure scores, one notices a significant contrast. While few companies in Indonesia provide the points of information called for by the UNGPs, many touch on a range of salient themes. This suggests that top-listed companies in Indonesia are taking up specific issues but not through the business and human rights agenda.

The rarity of human rights disclosure in Indonesia and the Philippines made it difficult to identify dynamics worthy of discussion. Nonetheless, one noteworthy issue surfaced in Indonesia that recurs in other countries. 44% of companies in Indonesia direct stakeholders to a channel where they can ask questions or raise complaints (diagnostic Q18). This is a high rate of disclosure compared to the other UNGP diagnostic questions. However, this data-point deserves some unpacking. Firstly, companies got a positive score for disclosure on diagnostic Q18 even if the communication channel in question is not human rights specific. In Indonesia and other countries, companies were given credit for having whistleblowing or general communication channels meant to enable stakeholders to raise questions or concerns. Secondly, there were many examples where these communication channels are setup in a way that may deter stakeholders. From a human rights perspective, it is good practice to provide avenues where stakeholders can bring forward sensitive information or inquiries anonymously.

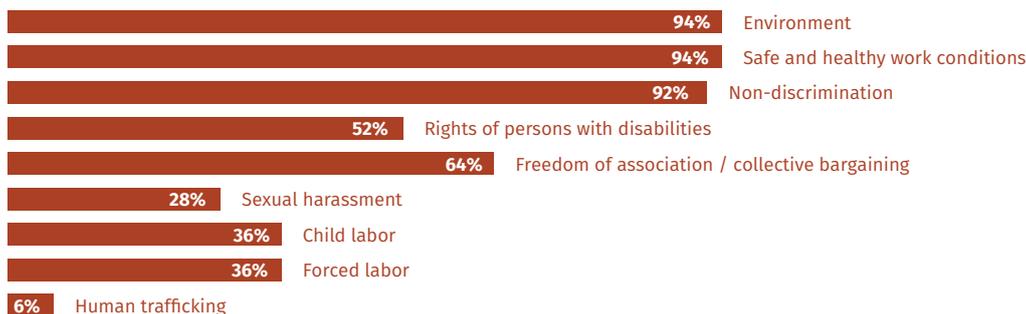
“Top-listed companies in Indonesia are taking up specific issues but not through the business and human rights agenda.”

In many cases, companies would only receive communications if extensive personal information was provided <sup>11</sup>.

11. An example from Thailand exhibits a concerning example of threatening punishment for unmerited communications, which can be read as an attempt to deterring access:

“...false information / or lack of evidence is subject to disciplinary action” and declaring that the company can take “legal action against whistle-blowers that cause damage to the company on false grounds”. In a number of cases companies provided channels that were inaccessible or no longer existent.

### Thematic Diagnostic Disclosure



Companies often provide accurate information and details, including policies, outlining how the company manages their environmental impact. Of the 52% of companies that commit to respect the rights of persons with disabilities (PWD) many do so by citing PWD as a target group in their non-discrimination pledges.

In Indonesia, the study brought focus to one example of a company using human rights disclosure as a platform to dismiss or dispel the company’s responsibilities under the UNGPs:

“...does not require human rights screening or clauses incorporating human rights concerns in its investment agreements and contracts, or human rights screening of its suppliers. Nor are employees required to undergo training on human rights as this aspect is generally considered not relevant to our operations.”

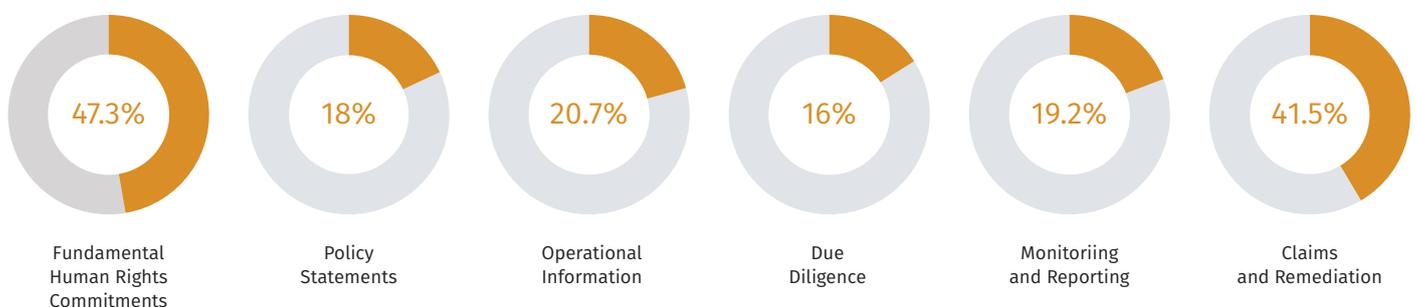
### Top 5: Indonesia

The following companies had the highest UNGP diagnostic disclosure scores across Indonesia and hence represent the most mature companies.

N	Company	GICS Description	HR Disclosure
1	VALE INDONESIA TBK	Materials	52%
1	BUKIT ASAM TBK PT	Energy	52%
2	UNILEVER INDONESIA TBK PT	Consumer Staples	43%
3	ADARO ENERGY TBK PT	Energy	38%
3	ASTRA AGRO LEST	Consumer Staples	38%

## 4.2 | MALAYSIA

### UNGP Diagnostic Disclosure

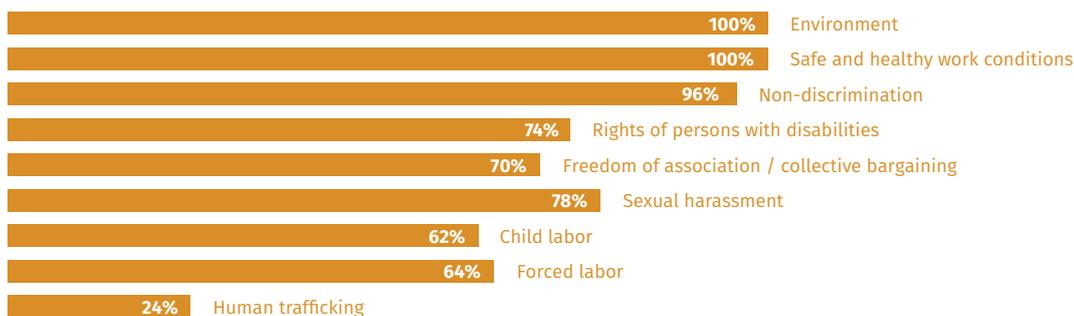


Malaysia and Thailand stood apart as leaders in this five-country study of human rights disclosure in ASEAN. With 84% of the top-listed companies in Malaysia making some type of commitment to human rights, there is a foundation in place (diagnostic Q1). Gaps remain around statements of policies in particular. Statements of policies are not readily available and those that are do not outline the details that stakeholders need to assess whether a company is doing enough with regards to human rights. In other words, the notable drop-off from overall commitments to policy statements cascades into low scores in the details of disclosure. This need not be read as entirely negative. High scoring on foundational commitments and comparatively low scoring on operational details could be a sign of awareness or capacity gaps that can be filled.

Palm Oil and tobacco companies stand out as the most thorough and active with regards to due diligence. Notably one of the companies in Malaysia positioned their procurement department as mandated with overseeing the company's human rights impact. Whether the procurement department is an appropriate body to monitor human rights is a question worthy of further discussion. Another company in Malaysia emphasizes the importance of contracts in managing their human rights impact. While such disclosure articulates awareness and some kind of plan, it is worth reiterating that disclosure does not necessarily say anything about effectiveness, performance or impact.

“High scoring on foundational commitments and comparatively low scoring on operational details could be a sign of awareness or capacity gaps that can be filled.”

## Thematic Diagnostic Disclosure



Companies in Malaysia clearly display their potential to execute disclosure well on a range of themes. Top-listed companies in Malaysia bring particular attention to gender when committing to non-discrimination. A unique example surfaced that portrays a desire to overcome constraints that prevent women from occupying positions of leadership:

“The Company shall provide a suitable working environment that is free from harassment and discrimination in order to attract and retain women participation on the Board.”

Workplace health and safety is clearly a discursive and regulatory priority in Malaysia. Some of the disclosure on this issue is as minimal as a short sentence. Other versions are more extensive. One example that seems to put significant onus on the workforce, which can be seen as either enabling employees or passing the burden of duty-ship:

“[The company] is committed to conducting business in a manner that protects the health, safety and security of [company] employees and stakeholders while they are on [company] premises. In the event, that may pose a health, safety, security or environmental hazard, employees must report to management or human resources immediately after the event.”

### Top 6: Malaysia

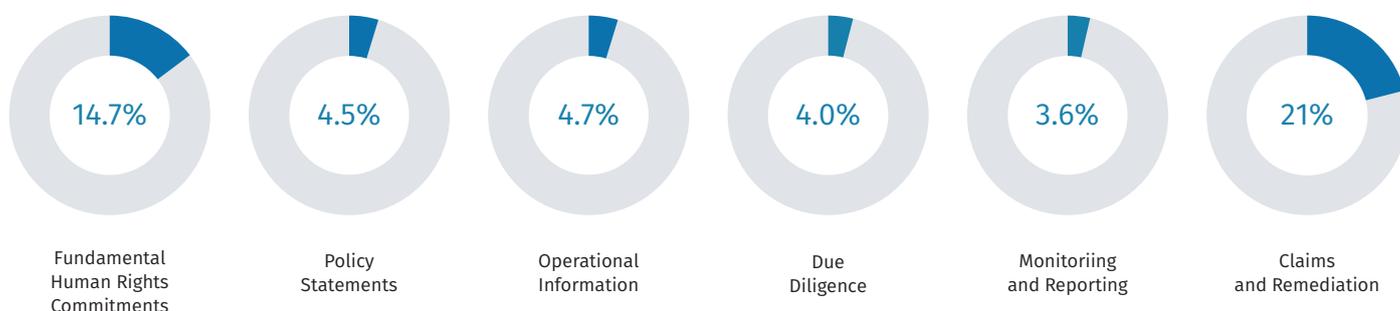
The following companies had the highest UNGP diagnostic disclosure scores across Malaysia and hence represent the most mature companies.

N	Company	GICS Description	HR Disclosure
1	SIME DARBY PLANTATION BHD	Consumer Staples	95%
1	SIME DARBY BERHAD	Industrials	95%
2	KUALA LUMPUR KEPONG BHD	Consumer Staples	81%
3	IOI CORP BHD	Consumer Staples	67%
3	BRITISH AMERICAN TOBACCO BHD	n/a	67%
3	PETRONAS CHEMICALS GROUP BHD	Materials	67%



## 4.3 | THE PHILIPPINES

### UNGP Diagnostic Disclosure

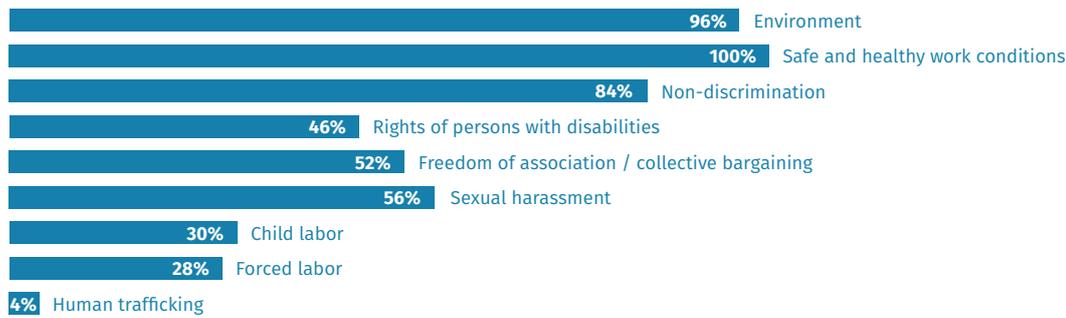


The top-listed companies in the Philippines have the most room for improvement in the cohort. Most top-listed companies in the Philippines are operating without any kind of publicly available human rights blueprint. What is interesting is that these companies are doing well on disclosure around whistleblowing, health and safety, the environment and non-discrimination, and many companies have extensive information on philanthropy or voluntary CSR efforts. Top-listed companies in the Philippines show consciousness around responsibility but lack information and strategies around human rights. It is unclear why top-listed companies are struggling so much in this regard. An interesting example from the Philippines is that of a company which refers specifically to mitigating risks relating to armed groups:

“Most top-listed companies in the Philippines are operating without any kind of publicly available human rights blueprint.”

“The company supports responsible sourcing of minerals to ensure that tantalum, tin, tungsten and gold in the products it manufactures do not directly or indirectly finance or benefit armed groups that perpetrate human rights abuses.”

## Thematic Diagnostic Disclosure



The 100% score on safe and healthy work conditions and 96% disclosure on protection of the environment are notable. Most of the top-listed companies in the Philippines provide information on non-discrimination. However, a significant number of these companies position their non-discrimination commitment as applying exclusively to board members. Relative to forced and child labour, a number of companies refer to the GRI on this issue, specifically: GRI 409: Forced or Compulsory Labour 2016, 409-1: Operations and suppliers at significant risk for incidents of forced or compulsory labour. A number of companies refer to GRI 408: Child Labour 408-1 Operations and suppliers at significant risk for incidents of child labour. A good practice case that stood out provided extensive details on a sexual harassment policy, including the employment of that policy:

“[The company] also implements a policy on Handling Employment-Related Sexual Harassment...Cases where the appropriate union sits in the Committee on Workplace Decorum...In 2017, there were two dismissals related to sexual harassment... [The company] has an Anti-Sexual Harassment Policy in place, incorporated in its Code of Discipline to ensure protection of all its employees.”

Top-listed companies in the Philippines provide notable details on collective bargaining agreements. Numerous companies provide statistics on union membership and CBA coverage:

“Approximately 22% of our total employees, equivalent to 22,200, are covered by collective bargaining agreements.”

### Top 5: The Philippines

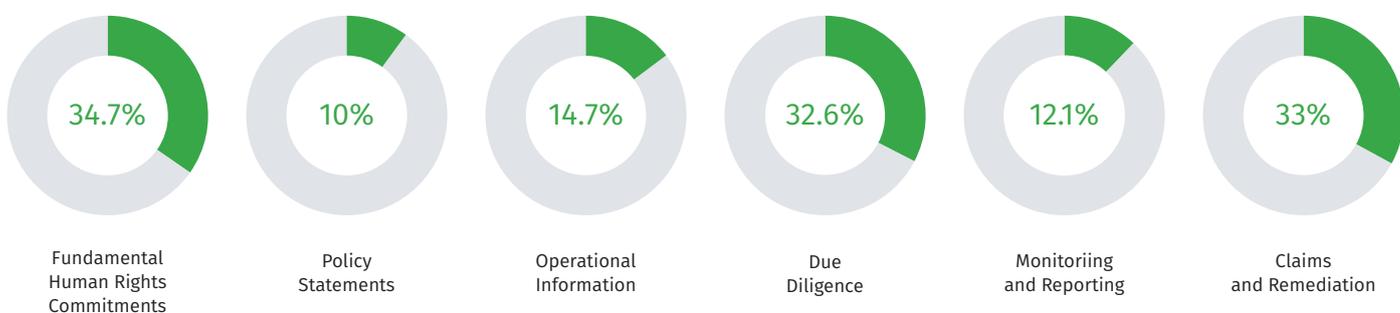
The following companies had the highest UNGP diagnostic disclosure scores across the Philippines and hence represent the more mature companies.

N	Company	GICS Description	HR Disclosure
1	ENERGY DEVELOPMENT CORP	Utilities	48%
1	AYALA LAND INC	Real Estate	48%
2	ALLIANCE GLOBAL GROUP INC	Industrials	29%
3	AYALA CORPORATION	Financials	24%
3	BANK OF THE PHILIPPINE ISLANDS	Financials	24%



# 4.4 | SINGAPORE

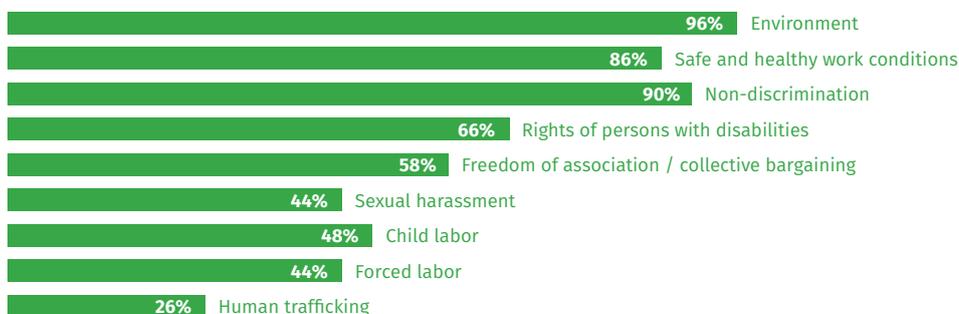
## UNGP Diagnostic Disclosure



Human rights disclosure is a domain where top-listed companies in Singapore are notably behind the trend. Only half of the studied companies make any kind of commitment to human rights (diagnostic Q1) and only 28% of companies in Singapore have human rights statements of policy (diagnostic Q2). Singapore has yet to begin developing a NAP on BHR and government leadership certainly contributes to a situation where companies have yet to align with the UN Guiding Principles on Business and Human Rights.

“Human rights disclosure is a domain where top-listed companies in Singapore are notably behind the trend. Only half of the studied companies make any kind of commitment to human rights.”

## Thematic Diagnostic Disclosure



Similar to the Philippines, top-listed companies in Singapore exhibit high levels of disclosure in certain domains. Singapore had the highest percentage of companies that made some type of disclosure around human trafficking. Many non-discrimination commitments simply refer to relevant regulations or guidelines on equality around business operations. One company in Singapore stood out as providing significant details to clarify a dynamic that could be seen as discriminatory:

“However, due to the manual work nature of the plantation activities, our plantation and mill workers are predominately male. While male workers perform heavier physical tasks, like harvesting FFB and carrying them to trucks for transportation to the palm oil mills, women are assigned tasks like weeding, fertilising and collecting loose fruits that have fallen to the ground.”

Top-listed companies in Singapore tend to refer to specific domestic guidelines as their commitments to a particular imperative. For example, relative to freedom of association and collective bargaining one company states:

“We adhere to the practices spelt out by Singapore’s Tripartite Alliance for Fair Employment Practices (TAFEP), and endorse the Singapore Employers’ Pledge of Fair Employment Practices. We comply with minimum wage laws in countries where such laws exist and the local labour legislations.”

### Top 5: Singapore

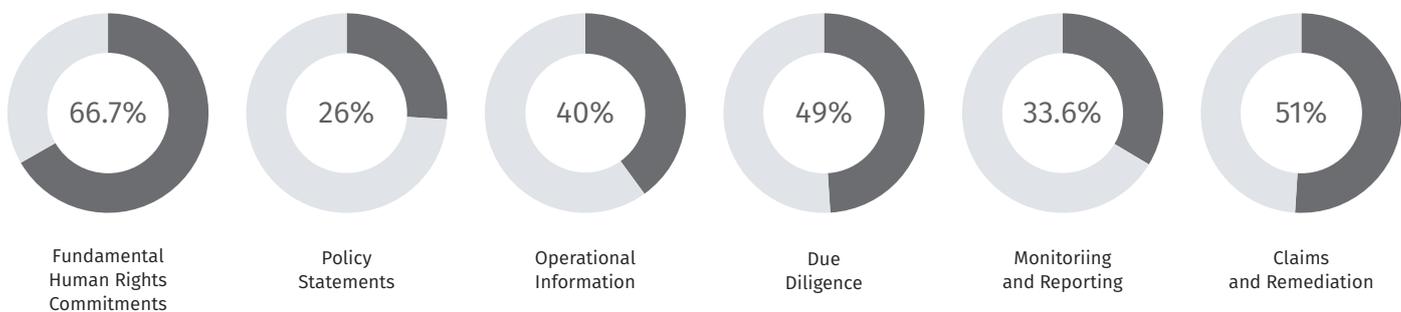
The following companies had the highest UNGP diagnostic disclosure scores across Singapore and hence represent the most mature companies.

N	Company	GICS Description	HR Disclosure
1	WILMAR INTERNATIONAL LTD	Consumer Staples	90%
2	OLAM INTERNATIONAL LTD	Consumer Staples	76%
2	GOLDEN AGRI-RESOURCES LTD	Consumer Staples	76%
3	KEPPEL CORP LTD	Industrials	67%
4	STARHUB LTD	Telecommunication Services	52%



# 4.5 | THAILAND

## UNGP Diagnostic Disclosure



Thailand scored the highest amongst the five countries in focus and appears to be trailblazing on human rights disclosure in ASEAN. 94% of top-listed companies in Thailand make a commitment to human rights (diagnostic Q1). This is notable coverage, but begs the question of why a select few companies have yet to make such a commitment. Have these companies simply fallen behind or have they made a deliberate decision to dismiss the business and human rights agenda? Only 50% of companies in Thailand have human rights statements of policy (diagnostic Q2). This puts Thailand slightly below Malaysia in terms of companies with information on their human rights strategies. Still, what is interesting about Thailand is not only the extent but also the depth of disclosure relative to the other countries studied. Top-listed companies in Thailand generally provide comparatively more details in their human rights disclosure. This level of detail allowed the research team to do more in-depth qualitative analysis in select areas. At the same time, companies in Thailand seem to scatter and confine information on human rights in more places than companies in other countries. Several companies in Thailand distribute information on human rights throughout a range of company materials. This information may or may not be unique and consistent. The problem with this practice is that stakeholders are forced to chase information when they have concerns or pertinent information that could directly influence the company's impact on individuals, communities and society.

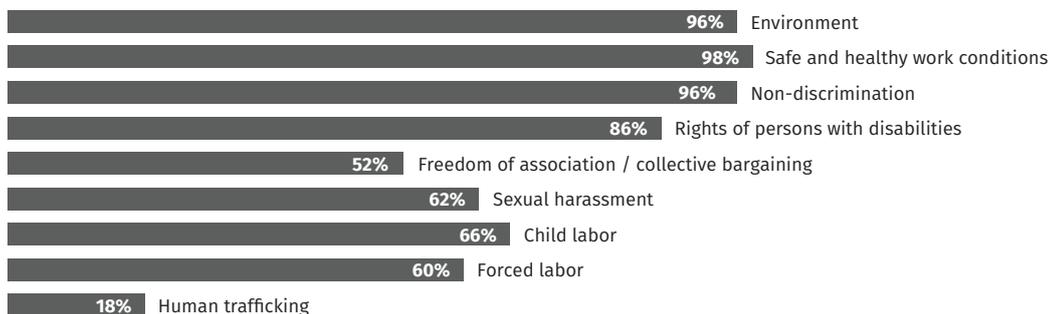
“Thailand scored the highest amongst the five countries in focus and appears to be trailblazing on human rights disclosure in ASEAN.”

No mention is made on the expertise used in drafting human rights policies and carrying out HRDD. This, beyond a communication issue, is problematic in that such disclosure provides assurance that human rights efforts are being designed and carried out properly, which requires deep technical knowledge and experience. 28% of companies disclose which persons and or departments have a mandate to operationalize the company’s human rights efforts (diagnostic Q10). There is an interesting case in Thailand of a company that discloses significant information and scores well on most other diagnostic questions, but does not provide information on who is in charge of managing human rights within the company. There were four or more different hierarchies that seemed to have human rights somehow within their mandate. However, stakeholders are left uncertain about which part of the company has the authority to handle and makes decisions on important human rights issues.

30% of companies in Thailand either lack a commitment or make retractions or qualifications to their commitment to international human rights standards by giving pre-eminence to domestic regulations (diagnostic Q5). While retraction or qualification in Thailand was relatively rare, it was possible to observe a number of different forms: “[The company] strives to comply with voluntary standards,” committing to “Citizen rights in accordance with constitution and laws,” “must comply with Thai law,” and “seeks to exceed where possible national and international legislation but activities must comply with local rules and legislation.”

Lastly, 20% of companies provide information on remediation processes or mechanisms (diagnostic Q20). Companies that disclose this information tend to take one of two approaches. One, the company provides extensive details and case studies of remediation, a good example being the case of the oil spill around Koh Samet, Rayong, Thailand. By contrast other companies simply state that no remediation was necessary during the financial year as there were no actual human rights violations in the business operations.

### Thematic Diagnostic Disclosure



On the topic of child labour, one company provides a good example of how disclosure can recall and utilize specific legislation:

“The company has defined clear guidelines for staff employment both for the Company and its business partners to strictly conform to the Labour Act of Prohibition of Child Labour or Abusive Hiring.”

86% of companies in Thailand commit to respect the rights of persons living with disabilities (diagnostic Q30). Two companies in Thailand are good examples of how a company can go beyond simply committing to the rights of persons with disabilities or other target populations to detail their efforts to reckon with obstacles and constraints. These two companies provide details on how the company takes special measures to deal with barriers that often constrain persons with physical and intellectual impairments.

## Top 7: Thailand

The following companies had the highest UNGP diagnostic disclosure scores across Thailand and hence represent the most mature companies.

<b>N</b>	<b>Company</b>	<b>GICS Description</b>	<b>HR Disclosure</b>
1	CP ALL PCL	Consumer Staples	90%
1	PTT GLOBAL CHEM	Materials	90%
1	INDORAMA VENTURE	Materials	90%
2	KASIKORNBANK PCL	Financials	86%
2	PTT PCL	Energy	86%
2	THAI OIL PCL	Energy	86%
2	SIAM COMMERCIAL BANK PUB CO	Financials	86%



# 5 | GOOD EXAMPLES OF HUMAN RIGHTS DISCLOSURE ACROSS SELECT ASEAN COUNTRIES

Throughout the research process, which was largely quantitative and based on binary determinations, the project team tracked what were considered to be good examples of human rights disclosure. These examples stand out because they seemingly capture and convey the letter and spirit of international human rights norms, even if only in part. The team selected a number of examples for consideration below. The following qualitative extractions are indeed merely examples and cannot be considered as good or 'best' practice, beyond the practice of disclosure. This study did not measure the performance behind or around disclosed information. As this study was not designed as explanatory in nature, but rather exploratory, offering a baseline of human rights disclosure in the region, the research team decided to omit the origin of the following examples and rather draw attention to the desirable attributes of the content.

## Committing to Human Rights and the UNGPs

A number of top-listed companies committed to human rights and the UNGPs in a way that conveys a comprehensive understanding of the UNGPs and the broader human rights regime.

“We believe that businesses have a responsibility to respect, support and uphold fundamental human rights as expressed, amongst others, in the Universal

Declaration for Human Rights and the United Nations Guiding Principles on Business and Human Rights. This is reflected in our business core values and governed by our Code of Business Conduct and Group Policies and Authorities. Where adverse human rights impacts arising from our business activities are identified, we are committed to mitigating the negative effects and where possible to address and resolve such impacts in a timely manner.”

The example above and the following extract exhibit commitments to the UNGPs that also position the global benchmark as their operational compass:

“Following the determination to conduct a fair business, [the company] adheres to the UN Guiding Principles on Business and Human Rights (UNGP), including the “Ruggie Framework” pertaining to the protection of and respect for rights, and the impact remediation of rights violations (Protect, Respect, and Remedy) as guidelines for the organization’s human rights management.”

Yet another example following this same general trend provides specific details on how the company’s commitment is put into motion:

“[The company’s] practical guidelines regarding human rights are part of its code of conduct and business ethics, and the [the company] has encouraged companies in its [industry] group to apply these in a way that is appropriate to the business context of each company. The security service company which serves [the company’s] branches, business centers, and other operation sites is required to send their staff to attend training courses on human rights on a rotational basis to perform their tasks correctly.”

With regards to communicating the company’s human rights commitment throughout their supply chain, a number of companies explain how they embed human rights in specific sections of their company, employment and sourcing contracts and agreements. This coverage does not necessarily extend to impacted communities and other stakeholders, but remains noteworthy as the disclosure seemingly binds the company as a duty bearer:

“[The company] has designed a tool for evaluating risks relating to human rights for all its business groups at the practitioner level in order to monitor risks involved in each process of the business, such as the production process, and the sales and procurement process. In 2017, [the company] organized trainings on safety for 5,714 employees at the practitioner level, which is equal to 17% of all practitioners.”

A common thread in these good examples is the level of detail. These companies go beyond vague or abstract commitments to specify what and how the company intends to realize or uphold those commitments. Such depth gives stakeholders direction that can be interrogated further.

## Non-discrimination

The research revealed several encompassing commitments to non-discrimination that go beyond blanket or exclusive pledges. In the following example the company clearly signposts the coverage of their non-discrimination efforts:

“[The company] implements the principles of equality and fairness in managing human resources in recruitment, education and training, performance evaluation, career ladder and remuneration.”

While most statements on discrimination tended to be vague, the following examples are notable for their specificity:

“It is our priority as a company to give equal opportunity to all, including people with disabilities (PWDs). Regardless of circumstance, we...enable our employees and contractors to have a voice.”

And an example that focuses specifically on sexual harassment:

“[The company] also implements a policy on Handling Employment-Related Sexual Harassment Cases where the appropriate union sits in the Committee on Workplace Decorum. In 2017, there were two dismissals related to sexual harassment. [The company] has an Anti-Sexual Harassment Policy in place, incorporated in its Code of Discipline to ensure protection of all its employees.”

Lastly, one example shows that commitments to non-discrimination can go beyond mitigation to detail how the company aims to address barriers and marginalization that persist in and around their business activities:

“We have continued our efforts to enhance livelihoods in our extended value chain by advancing human rights, focusing on women’s empowerment and developing inclusive business models. In 2015, we were the first company to produce a stand-alone human rights report using the UN Guiding Principles Reporting Framework.”

## Claims and Remediation

Even in countries that scored comparatively weak on their overall human rights disclosure, many companies direct stakeholders to some type of channel for communications (although many of these are whistleblowing channels that are put in place to deal with compliance issues such as corruption). Nonetheless, a number of good examples are available, including disclosure that provides a specific number for a hotline or link for filing a communication. Numerous companies articulate their procedures so that it is clearly accessible to all stakeholders in the value chain. For example:

“[The company] aims to create an environment where concerns and issues, made in good faith, may be raised freely within the organization. Any director, officer, employee, customers, shareholders, vendors, suppliers and other stakeholders may accomplish an incident report on suspected or actual violations of the Code of Ethics, the Company’s Code of Conduct or any other applicable policy, law or regulation.”

While it may be desirable for companies to establish a channel dedicated specifically to human rights complaints or grievances, the research offered interesting examples of how a company can use existing mechanisms while developing their human rights management:

“We have not specifically established human rights grievance mechanism; however, concerning parties can utilize the available grievance mechanism, i.e. environmental grievance mechanism, to file their complaints about human rights aspects.”

The above example directs stakeholders to accessible channels but remains ambiguous about what stakeholders should expect. This ambiguity makes it impossible to assess or demand integrity in the process. By contrast, the example below provides some details on how complaints are handled. In theory, this information enables stakeholders to follow up and monitor the integrity of the process. An exceptional good example in this regard follows:

“The [company] has established grievance procedures and whistleblowing channels which all employees and external parties are encouraged to use to report potential or actual ethics, human rights, legal or regulatory violations, including improper or unethical business practices, and there are mechanisms in place to ensure that the person making such a report shall do so without fear of intimidation. All complaints will be investigated and any breaches can lead to disciplinary measures, including removal or dismissal.”

## Human Rights Due Diligence

Human rights due diligence is the means through which companies actually realize their responsibility to respect human rights. A noteworthy illustration of how companies can reiterate their commitment to the UNGPs in their due diligence plan reads:

“Human Rights Due Diligence (HRDD): Formalises the assessment of human rights risks over the project lifecycle and developing mitigation plan, aligned with the United Nations Guiding Principles on Business and Human Rights (UNGPs), and other widely-accepted industry good practices. A Human Rights Task Force was then formed, and among their tasks included benchmarking with peers in the energy industry.”

Another company provides thorough information on the process and product of due diligence efforts:

“Our Workplace Human Rights Assessment (WHRA) involves a three-stage process called IACM – Identify, Assess, Communicate and Mitigate. We adopted this process in 2016 with our Online Self-Assessment WHRA survey. Based on the aggregate risk impact, the Human Rights Risk Propensity (HRRP) was analyzed and areas of improvement were identified. In 2017, we rolled out remedial actions, ensured the closure of risks and as a continual process, carried out the three-stage assessment process for a second time.”

One particular company stood out as a regional leader in terms of taking due diligence seriously and providing extensive details on their methods and results. That company commissions external party studies and details the grievance mechanisms that accompany due diligence processes:

“Respecting human rights in our supply chain: As we continue to progress with our supply chain mapping and develop deeper support for our key suppliers, we have started initial steps to address salient labour and human rights issues within our supply chain. In late 2017, the [external party] conducted an assessment of four supplier mills and one smallholder. We will publish more information on the assessment as that becomes available.”

This same company provides:

“All suppliers assessed carried significant actual or potential risks in their operations. We found that the environmental risks associated with our suppliers were mostly around the clearance of HCV, HCS and peat areas. Social impacts were predominantly related to human rights, including child labour, as well as community and land tenure disputes. As a result, we have been working with all of them to develop improvement plans going forward.”

Good examples of disclosure relative to HRDD convey both awareness and action. As HRDD is an ongoing process of identifying, preventing and mitigating evolving human rights risks, hence disclosure around due diligence ought to be current and illustrate ongoing efforts.

## Environmental Commitments

Top-listed companies, especially those in the real-estate industry exhibit good examples of information regarding protection of the environment/environmental rights. Good examples in this realm go beyond information on reducing risks or threats and detail their proactivity. The following example highlights the ways in which a business can strategize and act to have a positive impact around environmental protection and human rights more broadly.

“Taking proactive steps to work with tenants to share their environmental behaviour and operational practices, through the Green Tenant’s Guides which include criteria such as requirements on renovation works, repair of water fittings in the toilets, and use of energy-efficient light bulbs.”

Environmental commitments of this kind may or may not align with international human rights norms, depending on whether the environment is positioned as a human rights issue. Such an example is noteworthy, nonetheless, as it conveys structure and foresight.

## Freedom of Association and Collective Bargaining

A final example is that of a company providing helpful details with regards to how they approach freedom of association and collective bargaining, namely why and how the company has sought deeper engagement with unions:

“Facilitating better involvement of unions in decision making. Throughout the last 12 months we have taken a more proactive approach to working with unions in [country]. We recognize that they play a significant role in helping our workers understand their rights, and to help provide input to companies to improve work conditions.”

These good examples of human rights disclosure in ASEAN are proof positive that select companies have the awareness and desire (whether resulting from incentives or pressures, or otherwise) to publicly align with international norms. Indeed, all of the 250 companies that were subjects in this study are in a position to feature as good examples in every facet. The expectations are explicit, even if not easy. The expertise is available. The conditions are ripe for companies to publicly convey their commitment to social responsibility and sustainability by doing human rights disclosure well. Success in this area depends on a decision to take human rights seriously and own this commitment publicly.

The table below illustrates the country (or countries) with the highest and lowest scores on each diagnostic question. The table may indicate where to concentrate attention for both lesson learning and addressing areas of need. Filling prominent gaps seems a reasonable first step. As expectations raise and mainstreaming occurs, companies that score a 100 across the board could very well become commonplace.

## High and Low Scores on Diagnostic Questions

Category	Question	Countries with highest score	Highest Score	Countries with lowest score	Lowest Score
Fundamental Human Rights Commitments	Commitment to human rights	Thailand	94%	Philippines	34%
	Commitment to the UNGPs	Thailand	34%	Philippines	0%
	Commitment to international laws and standards	Thailand	72%	Indonesia	6%
Policy Statements on Human Rights	Statement of policy	Malaysia	54%	Philippines	12%
	Policy approved by the most senior level	Thailand	44%	Indonesia, Philippines	2%
	Department who help to draft the HR policy	Thailand	10%	Indonesia, Singapore	0%
	Human rights experts help to draft the policy	Malaysia, Philippines	2%	Indonesia, Singapore, Philippines	0%
Operational Information	Communicate the human rights policy across the supply chain	Thailand	66%	Indonesia	10%
	Operationalize human rights efforts	Thailand	30%	Philippines	6%
	Process for human rights efforts	Thailand	26%	Philippines	0%
Due Diligence	Human rights due diligence efforts	Thailand	50%	Indonesia	4%
	Stakeholders engagement on due diligence process	Thailand	48%	Philippines	2%
Monitoring and Reporting	Central source of human rights information	Thailand	46%	Philippines	6%
	Result of human rights due diligence	Thailand	32%	Indonesia	2%
	Track human rights efforts	Thailand	28%	Philippines	2%
	Identify salient human rights issues	Thailand	30%	Philippines	0%
	Manage salient human rights issues	Thailand	30%	Indonesia, Philippines	0%
Claims and Remediation	Direct Stakeholders to a channel	Thailand	90%	Indonesia	44%
	Complaints handling	Thailand	62%	Indonesia	18%
	Remediation processes and mechanisms	Thailand	20%	Philippines	0%
	Correct areas of concern	Thailand	32%	Philippines	0%
Thematic Questions	Commit to non-discrimination	Thailand, Malaysia	96%	Philippines	84%
	Commit to combat forced labour	Malaysia	64%	Philippines	28%
	Commit to combat human trafficking	Singapore	26%	Philippines	4%
	Commit to combat child labour	Thailand	66%	Philippines	30%
	Commit to combat sexual harassment	Malaysia	78%	Indonesia	28%
	Commit to safe and healthy work conditions	Malaysia, Philippines	94%	Singapore	86%
	Commit to freedom of association and collective bargaining	Malaysia	70%	Thailand, Philippines	52%
	Commit to protection of the environment	Malaysia	100%	Thailand	94%
Commit to respect the rights of persons with disabilities	Thailand	86%	Philippines	46%	



# CONCLUSION AND MOVING FORWARD

This study of human rights disclosure in ASEAN revealed overall low levels of disclosure of commitment, implementation and practice relative to international human rights norms. At present, human rights disclosure among top-listed companies in ASEAN falls substantially short of the benchmark set by the UNGPs. The lagging human rights disclosure in ASEAN reflects a lack of specific guidelines and oversight from national and regional authorities. It also shows that, as a collective, companies in the region have been minimally responsive to the global business and human rights (BHR) push. This is increasingly noteworthy as the UN Human Rights Council's Open-Ended Intergovernmental Working Group (IGWG) on transnational corporations and other business enterprises with respect to human rights published the 'Zero Draft' of a Business and Human Rights Treaty in July 2018. Such developments indicate a field that is evolving swiftly, even if not linearly, creating a situation where parties can become under or unprepared and non-compliant without realizing it. The ASEAN companies that did score well against the UNGP and thematic diagnostic questions tend to feature dedicated human rights policies. Human rights policies are the vehicle for companies to communicate how they manage their human rights impact. This study provides a baseline for stakeholders in ASEAN to move forward. By identifying disclosure gaps, offering good examples from the region and highlighting points of leverage such as National Action Plans (NAPs) and stock exchange disclosure regulations, the study aims to inform efforts to prepare ASEAN governments and companies for the possibility of a legally-binding treaty.

Looking ahead, the study recommends a number of specific measures for companies, industries, governments and ASEAN bodies that appear worthy of consideration:

## Everyone's Role

- Champions of the BHR agenda can bring focus to the many benefits of human rights in commercial settings, including greater assurance, accountability, buy-in, social capital, sustainability and beyond.
- All stakeholders should support the Global Reporting Initiative (GRI) in their effort to embed the UNGPs into the GRI. The GRI already has significant traction in the region, which can be leveraged as a vehicle to promote human rights disclosure.
- Promote cross-sector collaborations that streamline the BHR agenda locally, nationally and regionally.
- Consider ways to better acclaim companies that are trailblazing and/or improving on human rights impact, to include human rights disclosure.
- National stock exchanges are a key determinant as to the type of information that ASEAN companies disclose. All parties would be well advised to consider ways to engage and advance the BHR agenda through these channels.

## ASEAN

- ASEAN initiatives and institutions can be catalysts of regional change. Promoting human rights disclosure would be a concrete first step to promote UNGP compliance in ASEAN. Develop clear guidelines and expectations that can be mainstreamed throughout the region.
- Provide incentives for responsible business conduct. This would encourage and mainstream Responsible Business Conduct (RBC).
- Recall and work to incorporate the ASEAN Strategy to Promote Corporate Social Responsibility and Human Rights, which emphasizes the need to embed human rights in any and all CSR efforts.

## States

- Should set the example for RBC by having legislation that supports and implements RBC through BHR.
- Have State-Owned Enterprises and Government-Linked Companies act as leading examples in BHR and RBC.
- National Action Plans (NAPs) provide platforms to make human rights disclosure and the UNGPs more broadly a nation-wide benchmark that corresponds to institutions with enforcement capacity. States can use NAPs as vehicles to standardize human rights disclosure. For NAPs to have the intended impact around disclosure and beyond, policies must reflect a genuinely inclusive and transparent drafting process that meaningfully engages BHR concerns at the grassroots.
- Beyond promoting leadership within and between companies, there may also be opportunities to endorse governmental leadership to close the gap between countries in the region.
- Support tripartism and socialise the ASEAN Guidelines for CSR on Labour, and other ASEAN agreements that covers BHR issues.
- Develop mechanisms and improve processes to ensure effective remedies are available to affected stakeholders.

## **Business Entities**

- Commit to implement UNGPs with clear policies and practices that conform to the letter and spirit of the UNGPs.
- Seek expertise on the (implementation of the) UNGPs and pursue ways to continuously improve the entity's human rights record.
- Build a system that streamlines human rights efforts to avoid disconnects or inefficiencies throughout human rights policies, protocols, processes and HRDD efforts.
- Engage and work with trade unions and other stakeholders for effective stakeholder dialogues and social dialogue. Genuinely inclusive processes are a critical component of effective planning and policymaking.
- Communicate clear BHR performance according to internationally accepted standards and norms.
- Develop sectoral initiatives, guidance and standards that addresses sector specific issues.
- Industry-led initiatives have stimulated specific disclosures around palm oil and seafood, for example. This proof of concept suggests that if industry-led initiatives were to take on the UNGPs, this could catapult entire industries into compliance and a sustainable outlook.
- Support the socialisation of the UNGPs.

## **Trade Unions and CSOs**

- Consider how to utilize the UNGPs into your trade unions' advocacy, policies and procedures around union rights, complaints, grievances, and remediation.
- Work to socialise the UNGPs – incorporate the UNGPs into your advocacy agenda as a framework for leveraging BHR for societal impact.

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# ANNEX

Research Question	UNGP-HR/PUB/11/04 Principle/ sub-principle
1 Does the company make any type of commitment to human rights?	11.
2 Does the company provide a human rights statement of policy?	15. (a) & 16
3 Does the company have a central source of human rights information to include either a human rights report, 2. a dedicated human rights webpage that centralizes relevant information, 3. a chapter or dedicated section in the company's sustainability, CSR or other principle report?	21. (a) (b) (c)
4 Does the company explicitly commit to the UN Guiding Principles on Business and Human Rights?	An overarching diagnostic of whether a company positions the UNGPs as the authoritative global norm.
5 Does the company retract or qualify their commitment to international human rights norms by being vague or giving pre-eminence to domestic law? *Only those companies that make and maintain a commitment to international human rights norms receive credit here. An absent commitment is a 0 and retraction or qualification results in a 0. See other details on scoring below.	11. & Commentary to GP11: & 23. (a) (b)
6 Is the statement of policy approved by the most senior level of the company?	16.(a)
7 Does the company disclose which persons or departments were tasked with drafting the statement of policy?	16. (b)
8 Does the company disclose whether they employed human rights experts in the drafting of their policy?	16. (b)
9 Does the company disclose how they communicate or convey their human rights commitment across the supply chain?	16. (c) (d)
10 Does the company disclose which persons and/or departments have a mandate to operationalize/manage the company's human rights efforts?	16.(c)
11 Does the company provide specific information on the mandate or management processes/protocols of those persons and/or departments tasked with operationalizing/managing the company's human rights efforts?	16. (e)
12 Does the company disclose information on the company's human rights due diligence efforts?	15. (b)
13 Does the company specify what stakeholders are engaged during due diligence?	18. (a) (b)
14 Does the company disclose information on the result of human rights due diligence?	18.
15 Does the company explain how they track performance or effectiveness of human rights efforts?	20. (a) (b)

Research Question	UNGP-HR/PUB/11/04 Principle/ sub-principle
16 Does the company identify salient human rights issues?	18.
17 Does the company disclose specific information on how the company manages salient human rights issues?	19.
18 Does the company direct stakeholders to a channel where they can ask questions or raise complaints?	19.
19 Does the company specify how complaints or claims are handled?	29.
20 Does the company provide information on remediation processes or mechanisms?	15. (c) & 22.
21 Does the company provide information on how the company corrects areas of concern or adverse impact?	19.
22 Does the company commit to non-discrimination?	Non-discrimination has the character of jus cogens in international law
23 Does the company commit to combat forced labour?	The Forced Labour Convention of 1930 is one of the eight core conventions of the International Labour Organization (ILO).
24 Does the company commit to combat human trafficking?	In addition to the Palermo Protocol, responsibilities around human trafficking are outlined in the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children.
25 Does the company commit to combat child labour?	A range of ILO Conventions outline responsibilities relative to the prevention of child labour including both minimum age conventions and ILO Convention No. 182 on the worst forms of child labour.
26 Does the company commit to combat sexual harassment?	Sexual harassment protocols are necessary to establish an environment of awareness and accountability with regards to an area of misconduct that continues to be pervasive.
27 Does the company commit to safe and healthy work conditions?	Safety and health in the supply chain is a responsibility that surfaces throughout the international human rights regime, the ILO, standardization regimes and various trade agreements.
28 Does the company commit to Freedom of association and collective bargaining?	Freedom of association and collective bargaining are fundamental rights rooted in the ILO Constitution and reaffirmed 1998 ILO Declaration on Fundamental Principles and Rights at Work.

**Research Question**

**UNGP-HR/PUB/11/04 Principle/  
sub-principle**

29 Does the company commit to protect the environment?

The most recent report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment reiterates that 'Business enterprises should conduct human rights impact assessments in accordance with the Guiding Principles on Business and Human Rights'

30 Does the company commit to respect the rights of persons with disabilities?

The UNGP's HR/PUB/11/04 commentary identifies persons with disabilities 'as part of specific groups or populations that require particular attention.'

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