

**2nd UN South Asia Forum on Business and Human Rights
17-19 March 2021**

Concept Note

Background

2021 marks a turning point in the COVID-19 pandemic as several vaccines have been authorized for use and inoculation has begun in several countries. The advent of the vaccine brings hope for return towards normalcy, but the devastating impact due to the economic and social disruption caused by the pandemic will continue to be experienced in the years to come. South Asia is no exception to this state of play in the post-COVID-19 world.

The sub-region has one-fourth of the world's population with some of the highest population densities in the world, particularly in urban areas. According to the World Bank, South Asia might well experience its worst economic performance in 40 years, with at least half of the countries falling in a deep recession. [South Asia accommodates a significantly large share of multidimensional poor compared to other regions](#) and is [one of the most unequal regions in the world](#). These inequalities have been exacerbated by the COVID-19 pandemic as millions lost their livelihood and left them vulnerable to many forms of exploitation including forced labour and child labour. Workers in informal economy are particularly vulnerable because they lack legal and social protections and access to quality health care. The pandemic has also heightened instances of gender-based violence and human trafficking.

All governments in the sub-region responded rapidly to the pandemic by imposing social-distancing measures and lockdowns, introducing economic relief measures, and by expanding the net of health services, while further efforts are necessary. This was followed by efforts to restart the economy and "returning to normal" as soon as possible. Similarly, many businesses have risen to the challenge posed by COVID-19 by manufacturing medical supplies, implementing worker well-being initiatives, and offering support to impacted communities.

At the same time, some governments have weakened labour and environmental laws to revive the economy or did not provide adequate financial assistance to vulnerable individuals and groups. Similarly, many businesses indulged in practices which left room for improvement, especially in times of COVID-19. Therefore, it is critical that both governments and businesses contribute to "Building Back Better" by ensuring that the response to the pandemic leads to increased respect for human rights as well as enhanced opportunities for decent work and inclusive and sustainable development. International instruments such as the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) and the [ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#) (ILO MNE Declaration) can guide all actors in this regard.

2nd UN South Asia Forum on Business and Human Rights

It is in this context that the UN Working Group on Business and Human Rights (UNWG) in collaboration with the United Nations Development Programme (UNDP) and the International Labour Organization (ILO) is organising the 2nd UN South Asia Forum on Business and Human Rights on 17-19 March 2021. The

Forum aims to facilitate a robust and multi-stakeholder dialogue which will foster joint action to prevent, mitigate and remediate business-related human rights abuses and advance decent work in South Asia. It will build on the [1st UN South Asia Forum on Business and Human Rights](#) – held in New Delhi, India, on 14-15 March 2019 – which brought together over 200 participants representing over 90 organizations from 16 countries. This South Asia Forum will also inform the UNWG’s project ‘[Business and human rights: towards a decade of global implementation](#)’, which is taking stock of practice to date, identifying gaps and challenges, and developing a vision and roadmap for scaling up implementation of the UNGPs over the course of the next decade.

Business and human rights in South Asia

Endorsed unanimously by the Human Rights Council in June 2011, the UNGPs provide the authoritative global framework for the respective duties and responsibilities of Governments and business enterprises to prevent and address business-related human rights abuses. They also offer a blueprint for how business respect for human rights can support the implementation of the Sustainable Development Goals (SDGs) in line with international human rights standards. The ILO MNE Declaration, most recently updated in 2017, provides the most comprehensive guidance on business and decent work and is consistent with the UNGPs in reflecting the different roles and responsibilities of governments, social partners and enterprises in achieving decent work in business operations.

South Asia has made an encouraging progress on business and human rights by taking specific initiatives to implement the UNGPs in the recent past: India launched the zero draft of its National Action Plan on Business and Human Rights and released the National Guidelines for Responsible Business Conduct in early 2019; Pakistan started the process of developing its National Action Plan on Business and Human Rights; the Governments of Nepal and the Maldives are considering including sections on business and human rights in their National Action Plans on Human Rights. Non-state initiatives to promote the implementation of the UNGPs, including by the private sector, are underway in several States, including Bangladesh and Sri Lanka. Moreover, South Asian Governments, in collaboration with businesses, are taking various measures to achieve the SDGs and implement the ILO MNE Declaration to advance decent work.

South Asian countries have also made considerable progress on the generation of decent work and protection of labour rights including through further ratification of international labour standards. Yet, elimination of child labour and forced labour, equality at work, freedom of association and collective bargaining, informality, low productivity and migration are amongst the current key challenges. Leading initiatives such as the Better Work in Pakistan, the [Vision Zero Fund](#), and the [MNED projects in Pakistan and Nepal](#) have promoted compliance while forging a partnership approach through dialogue for advancing sustainable and responsible business practices. More recently, in December 2020, Pakistan became the first country in the Asia-Pacific region to appoint a national focal point for the promotion of the ILO MNE Declaration and the application of its principles.

However, despite encouraging progress made so far, the South Asia region continues to experience significant human rights challenges in business operations, with continuing barriers to access to effective remedies. South Asia remains home to the largest number of working children in the world, and the

exploitation of migrant workers from the region is well-documented. Many workers in South Asian countries in a range of sectors, including apparel, agribusiness, electronics, automobiles, construction, and manufacturing, suffer from unsafe working conditions and labour rights abuses. Workers in the informal economy are more vulnerable to such abuses. Moreover, civil society organisations (CSOs), human rights defenders and trade unions continue to face attacks, reprisals and criminalization in South Asia, including for opposing extraction of natural resources without meaningful consultations with affected communities. Gender-based discrimination and violence remain rampant in the region. Developments in artificial intelligence, automation and robotics in various sectors raise questions about potential impacts on human rights and decent work opportunities for women and men in the region. Last but not least, the negative impacts of fast economic growth on the environment and climate change are becoming quite alarming.

Given the multitude of human rights challenges in business operations as well as different levels of progress by governments and businesses in implementing the UNGPs in South Asia, it is critical for all relevant stakeholders – Governments, employers’ organizations, trade unions, national human rights institutions (NHRIs), businesses, CSOs, and academia – to work together to prevent, mitigate and remediate the adverse impact of business activities on human and labour rights. Doing so will contribute to achieving inclusive and sustainable development in South Asia. The 2nd UN South Asia Forum aims to contribute to enhanced respect for human rights in business operations through a stronger commitment by all actors to a more effective implementation of the UNGPs, the ILO MNE Declaration, and other international standards in the region.

Objectives

- To raise awareness and build the capacity of various stakeholders around business and human rights standards, including the UNGPs and the ILO MNE Declaration;
- To take stock of the key challenges, opportunities and progress made in South Asia on the business and human rights agenda, including in implementing the UNGPs by developing national action plans and encouraging business to conduct human rights due diligence;
- To explore linkages between the business and human rights agenda and the 2030 Agenda; and
- To encourage peer-learning amongst governments, national employers’ organizations, trade unions, NHRIs, businesses, and CSOs in South Asia, facilitating the regional exchange of good practices in implementing the UNGPs and the ILO MNE Declaration and contributing to achieving the SDGs.

Programme

The programme of the 2nd UN South Asia Forum will be developed in consultation with the relevant stakeholders. The following is a tentative list of topics that the organisers envisage to feature in the programme. The sessions will also take into account the impact of COVID-19 pandemic and will seek to address the ways forward in its response:

- General introduction to the UNGPs and the ILO MNE Declaration
- Potential pathways to implement the UNGPs and the ILO MNED through national action plans on business and human rights in South Asia
- Raising awareness of business and human rights standards among MSMEs

- Learning lessons from other countries with a national action plan on business and human rights
- Achieving policy coherence between realising human rights and promoting trade/investment
- Linkages between the UNGPs, the right to development and the 2030 Agenda
- Role of sustainable finance to business and human rights agenda
- Gender dimensions of BHR (including sexual harassment and gender-based violence)
- Occupational safety and health at the workplace
- ILO Convention 190 - Violence and Harassment in the World of Work
- Protecting the rights of migrant workers and workers in the informal economy
- Elimination of child labour to mark the International Year for the Elimination of Child Labour
- Reducing informality, and improving implementation of and compliance with national laws
- Business and human rights challenges faced by micro, small and medium-sized enterprises
- Creating sustainable enterprises and generating inclusive employment Environmental pollution and climate change
- Human rights due diligence, including environmental/social impact assessment
- Improving or addressing human rights impacts in selected sectors (e.g., extractive, manufacturing, agriculture, textile, electronics, technology, ship-breaking, tourism, hydropower, and infrastructure);
- The role of CSOs, human rights defenders, trade unions, business associations, and NHRIs in promoting business respect for human rights
- Improving access to effective remedy through both judicial and non-judicial mechanisms

Format

The 2nd UN South Asia Forum will be organized virtually over 3 days (17-19 March 2021). Safe space sessions – which will be held under the Chatham House Rule and aim to facilitate conversation among specific stakeholder groups – will be organised on 16 March prior to the official opening of the Forum.

The organisers aim to hold dedicated sessions for CSOs, businesses, trade unions, and NHRIs as well as country-specific sessions. In addition, there will be some space and opportunities for external partners to organize side events, workshops, consultations or meetings during the Forum. Those who are interested in organising such events, please indicate your interest with a 1-page concept note outlining the theme, objectives, format and proposed panellists latest by 15 February 2021. A draft program of the Forum will be available at the end of February 2021.

All the sessions will be live streamed. Participants will be informed on how to join sessions after they have registered for the Forum.

Queries related to program, sessions, speakers, participation, side events, etc:

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