



The State duty to protect in the marketplace: embedding human rights in the rules and relationships that shape the Asian economy

Parallel session – Wednesday 20 April, 11:45-13:15

As the rise of Asia in the global economy continues, there is a growing need to ensure that standards for responsible business and human rights are embedded in the rules and relationships that shape national economies. Key among international standards for responsible business, the UN Guiding Principles on Business and Human Rights clarify the legal and policy implications of the legal obligation of States to protect against human rights abuses involving business. They provide an authoritative international framework for applying the State duty to protect human rights in relation to the activities of business as well as in relation to their own economic activities.

The State plays different roles, all relevant to an increased respect for human rights in the economic sphere. States act as regulators of business conduct and as shapers of business practices, and also conduct transactions with businesses: as owners, investors, insurers, procurers or simply promoters. This provides States — individually and collectively — with unique opportunities to help prevent adverse corporate-related human rights impacts. Underpinning all these roles is the need for policy coherence and for the State to lead by example. Opportunities in the region exist for strengthening corporate governance and accountability in line with the Guiding Principles. Some Governments in the region are beginning to provide guidance to companies, including through sustainability reporting requirements, or through agencies such as national stock exchanges and corporate regulators, official investment insurance or guarantee agencies. National human rights institutions in the region are also increasingly active on business and human rights. There is also a growing recognition that corporate social responsibility and business sustainability, including human rights factors, are conducive to sustainable investment and development. Key global standards of responsible business conduct, such as the OECD Guidelines for Multinational Enterprises and ISO 26000 reinforce these trends. Gaps in policies and practices remain however, as shown for instance by the absence of national action plans on business and human rights in the region, and little attention to ensuring those enterprises owned or controlled by the State respect human rights. Against this backdrop, the session will examine the role of Governments and regulators in promoting responsible markets both through the Government's own economic activities (such as through procurement and the operations of companies owned by the State) and by creating the conditions to enable responsible investment and sustainable supply chains. It will aim to identify good practices in the Asia-Pacific region on ways to ensure greater coherence business-focused policies on the one hand, and commitments to sustainable development in line with human rights standards on the other hand. Insights from research for the UN Working Group's forthcoming report to the Human Rights Council, focused on the duties of States with respect to those enterprises they own or control, and the responsibilities of these enterprises themselves, will help kick off discussions.

Multi-stakeholder panel followed by discussion with the audience:

- Dante Pesce, UN Working Group on Business and Human Rights (moderator)
- Seree Nonthasoot, Representative of Thailand to the Asean Inter-governmental Commission for Human Rights (AICHR)
- Asya El Meehy, UNESCWA
- Martin Neureiter, The CSR Company
- Yukako Kinoshita, Japan Business Council in Europe
- Additional Government speaker TBC