



SUMMARY REPORT

AICHR REGIONAL WORKSHOP ON GENDER LENS PERSPECTIVE ON BUSINESS AND HUMAN RIGHTS IN ASEAN

30 June to 1 July 2025
Kuala Lumpur, Malaysia

Introduction

1. Discrimination faced by women in the business-related environment across the Southeast Asia region is closely linked to a deeply entrenched patriarchal system that shapes gender power dynamics and perpetuates structural inequalities. As businesses do not operate in isolation from broader social, cultural, and political contexts, these norms are often reproduced in business operations, labour relations, supply chains, and access to effective remedies.

2. Across the Association of Southeast Asian Nations ('ASEAN') Member States, addressing discrimination in the business and human rights ('BHR') context requires a fundamental shift in attitudes, supported by sustained education and awareness-raising on women's rights. Businesses require greater knowledge of existing legal frameworks addressing discrimination, while States must strengthen enforcement and oversight. The integration of gender impact assessments into human rights due diligence ('HRDD') processes was repeatedly emphasised as a key tool for identifying, preventing, and mitigating adverse impacts on women and girls.

3. International frameworks such as the United Nations ('UN') Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'), the Vienna Declaration and Programme of Action, and the Beijing Declaration and Platform for Action provide important normative guidance for achieving substantive gender equality. In the BHR sphere, standards are increasingly gender-responsive, as reflected in instruments such as the Women's Empowerment Principles established by UN Women and UN Global Compact, and the Organisation for Economic Co-operation and Development ('OECD') Due Diligence Guidance for Responsible Business Conduct.

4. Despite these developments, women who experience business-related human rights violations continue to face significant barriers in accessing effective remedies. Judicial, non-judicial, or operational-level mechanisms often adopt gender-neutral approaches that fail to account for power imbalances, social stigma, fear of retaliation, and intersecting forms of

discrimination. Women human rights defenders, including those working on labour rights, land rights, environmental protection, and Indigenous Peoples' rights, face heightened risks such as sexual violence, online harassment, criminalisation, and Strategic Lawsuits Against Public Participation ('SLAPPs').

5. Notable programmes the ASEAN Intergovernmental Commission on Human Rights ('AICHR') has conducted relating to the rights of women and BHR include:

- a) AICHR Workshop on the Implementation of Human Rights Obligations Relating to the Environment and Climate Change (26–27 September 2015; Mandalay, Myanmar).
- b) AICHR Regional Dialogue on Sharing Good Practices on Business and Human Rights and Recovery from COVID-19 in ASEAN (19–20 July 2022; Bangkok, Thailand).
- c) AICHR Regional Consultation: Business and Human Rights, Environment and Climate Change in ASEAN (29 May 2023; Kuala Lumpur, Malaysia).
- d) AICHR Consultation on Human Rights and Countering Trafficking in Persons 2023: Referral Systems for Gender-Based Violence and Trafficking in Persons in ASEAN (26–28 June 2023; Yogyakarta, Indonesia).
- e) AICHR Cross-Sectoral Dialogue on the Effective Implementation of ASEAN Commitments on Human Rights of Women and Children (25 August 2023; ASEAN Secretariat, Jakarta, Indonesia).
- f) AICHR Thematic Study on Corporate Social Responsibility ('CSR') and Human Rights in ASEAN (2014).
- g) AICHR Thematic Study on Women in Natural Disasters (2017).
- h) AICHR Study on Migration: Migration Management for the Most Vulnerable Groups within ASEAN (2023).
- i) AICHR Training Manual: Human Rights, Gender-Sensitive and Child-Friendly Approaches to Trafficking in Persons Cases for Frontline Officers (2023).

6. Against this backdrop, the AICHR Regional Workshop on Gender Lens Perspective on Business and Human Rights in ASEAN ('Workshop') was convened to build on ASEAN's commitments under CEDAW and AICHR's existing work on BHR, while strengthening collaboration with other ASEAN sectoral bodies adopting gender-responsive approaches.

7. The two-day Workshop, led by AICHR Malaysia, aimed to raise awareness among stakeholders of the importance of applying a gender lens in implementing the UN Guiding Principles on Business and Human Rights ('UNGPs'). The Workshop intended to enhance the understanding of how business practices can create opportunities for the protection and promotion of human rights — especially vulnerable groups such as women, girls, persons with disabilities, and migrant workers — while finding ways and means to mitigate or prevent

adverse impacts of business on human rights. It provided a platform for consultation, exchange of good practices, and identification of practical entry points for gender mainstreaming in the BHR agenda. In addition, the Workshop was convened to develop guidance for both the States and business enterprises with practical recommendations on what it means to protect, respect and remedy the rights of women in a business context in line with UNGPs.

8. Conducted in a hybrid format, the Workshop brought together over 80 participants from AICHR and ASEAN sectoral bodies — including the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (‘ACWC’) and the Senior Economic Officials Meeting — as well as national human rights institutions, government agencies, the private sector, civil society organisations, and international organisations.

9. The Workshop was organised in collaboration with the Ministry of Foreign Affairs of Malaysia and the Human Rights Commission of Malaysia (‘SUHAKAM’), and jointly supported by ASEAN through its AICHR Fund and the Government of Japan through the Japan-ASEAN Integration Fund (‘JAIF’).

Opening Session

10. The AICHR Chair 2025 and Representative of Malaysia to AICHR, **H.E. Edmund Bon Tai Soon**, welcomed participants to the Workshop, underscoring the timeliness of the Workshop amid global and regional challenges affecting gender equality, human rights, and sustainable development. He highlighted the rising gender-based discrimination and sexual and gender-based violence, including in conflict and business contexts, and their disproportionate impact on women and girls, particularly those in vulnerable and marginalised situations. Gender equality was reaffirmed as a right rather than a privilege, with emphasis on the need for BHR frameworks to meaningfully address lived realities rather than perpetuate structural and ostensibly gender-neutral practices that reinforce inequality.

11. Reference was made to key ASEAN documents and commitments, including the Kuala Lumpur Declaration on *ASEAN 2045: Our Shared Future*, the *ASEAN Community Vision 2045 “Resilient, Innovative, Dynamic, and People-Centred ASEAN”* and its Strategic Plans, and the ASEAN Regional Plan of Action on Women, Peace and Security, all of which call for stronger integration of gender perspectives across ASEAN policies and institutions.

12. The AICHR Chair further highlighted the need for ASEAN institutions to be more responsive, coordinated, and future-ready in addressing cross-cutting issues such as gender and BHR, and positioned the Workshop as a catalyst for regional-level change. The opening remarks of the AICHR Chair 2025 are set out in **Annex A**.

13. **H.E. Ambassador Kiya Masahiko**, Ambassador of Japan to ASEAN, delivering his pre-recorded remarks, shared Japan’s longstanding support for AICHR’s initiatives, including in relation to trafficking in persons, gender equality, the rights of persons with disabilities, and

effective remedies for migrant workers. He noted that BHR would remain a key focus of Japan's cooperation with ASEAN, and highlighted that gender equality is increasingly recognised as essential to business competitiveness. The Workshop was viewed as an opportunity to deepen ASEAN-Japan cooperation and advance practical implementation of BHR principles.

14. **Tengku Mohamed Fauzi Tengku Abdul Hamid**, Vice-Chairperson of SUHAKAM, welcomed participants to the Workshop and reaffirmed SUHAKAM's support for Malaysia's role as ASEAN Chair and its guiding theme of 'Inclusivity and Sustainability'. He highlighted ASEAN's commitments to gender equality and the protection of migrant workers, including through the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers and the ratification of CEDAW by ASEAN Member States and Timor-Leste. SUHAKAM's longstanding engagement on BHR in Malaysia, including its work on forced labour, migrant workers, and the development of the national baseline assessment on BHR, was outlined. While progress was acknowledged, persistent legal and policy gaps in addressing gender-based discrimination in the private sector were noted. The opening remarks of the Vice-Chairperson of SUHAKAM appear as **Annex B**.

Keynote Address: Gender in Business And Human Rights — A Conceptual Framework

15. **Dr. Pichamon Yeophantong**, Chairperson of the UN Working Group on Business and Human Rights, delivered the keynote address, highlighting the integration of an inclusive gender lens into the implementation of the UNGPs as both a practical and necessary entry point for advancing the BHR agenda in ASEAN. She underscored that the UNGPs, together with complementary international standards, provide a robust framework for preventing business-related human rights violations and addressing the disproportionate impacts on women and girls.

16. Key elements of a gender-responsive approach were outlined, including gender-responsive assessments, gender-transformative measures, and effective remedies that address structural inequalities and power imbalances. While acknowledging progress within ASEAN in norm-setting, strategic frameworks, capacity-building, and private sector engagement, she highlighted persistent gaps such as entrenched gender norms, limited access to effective remedies, legal and data gaps, and uneven protections across the region. She emphasised that ASEAN is well positioned to lead on BHR due to its policy commitments, economic significance, and evolving regulatory environment. Gender inclusion was presented as a pragmatic entry point that can deliver tangible social and economic benefits, enhance compliance with emerging global standards, and strengthen ASEAN's credibility as a responsible and people-centred regional community. Her address appears as **Annex C**.

Setting the Tone: Unpacking Gender Dimensions and their Intersections in Business and Human Rights

17. Moderated by **H.E. Associate Professor Dr. Bhanubhatra Jittiang**, Representative of Thailand to AICHR, the session aimed to set the tone for unpacking gender dimensions in the different facets of BHR, such as labour rights, land and natural resources management, trade and investment, and access to effective remedies. The session would also highlight the cross-cutting elements of gender, providing an understanding of how it impacts individuals and communities.

18. In highlighting UN Women's approach on the intersection between gender equality and corporate accountability within the BHR framework, the Programme Specialist for Women's Economic Empowerment and Private Sector Engagement at UN Women, **Amy Baum**, provided an overview of her organisation's mandate on matters concerning gender equality, governance, and cybersecurity. Practical tools were presented, including a gender gap analysis tool for the private sector that enables them to assess their current level of commitment. Six hundred companies in the region had taken the survey and showed good progress, though significant gaps remain. In particular, limited transparency in grievance mechanisms, low uptake of gender sensitivity training, and weak data collection and measurement practices were identified as key challenges in the private sector.

19. Regarding gaps in addressing gender-specific risks or harms that women face in business-related contexts, **H.E. Professor Emeritus Dr. Amaryllis Tiglaio-Torres**, Representative of the Philippines to ACWC (Women's Rights), highlighted the structural gender inequalities affecting women's participation in the labour market, including lower labour force participation rates, unequal access to leadership roles, and discriminatory property and credit systems that disadvantage women, particularly in agricultural and rural economies. She pointed out various workplace vulnerabilities faced by women, including sexual harassment, psychological abuse, and other forms of sexual and gender-based violence, underscoring the need for gender-responsive information systems and stronger protections for women's rights to organise, unionise, and participate in decision-making processes.

20. **Dr. Sugumari S. Shanmugam**, Senior Director, ASEAN Economic Integration Division of the Malaysian Ministry of Investment, Trade and Industry, contextualised gender equality within ASEAN's economic integration agenda, noting ASEAN's trajectory towards becoming the world's fourth-largest economic bloc by 2030. She emphasised that trade and investment policies can unintentionally reinforce gender inequalities if gender impacts are not assessed in advance. Gender impact assessments, inclusive consultation with women's groups and civil society organisations, and cross-pillar coordination were identified as essential to ensuring that economic growth is inclusive. These also encourage structural transformation beyond tokenistic measures.

21. In summarising the session, the moderator underscored the need for systemic and structural transformation, unpacking HRDD as a core component of the UNGPs, and drew attention to the value of establishing a sustained public-private dialogue platform to address gender and BHR issues.

Session 1: Applying a Gender Lens to States' Initiatives, Policies, and Mechanisms

22. Moderated by **Jehan Wan Aziz**, Rule of Law Analyst and Lead for Human Rights and Institutions at the UN Development Programme ('UNDP'), the session focused on how States can operationalise gender-responsive approaches through laws, policies, administrative measures, and institutional coordination. The forthcoming launch of Malaysia's first National Action Plan on Business and Human Rights ('NAPBHR') was highlighted as a key opportunity to embed gender considerations across State-led BHR initiatives.

23. **Nareeluc Pairchaiyapoom** from the Ministry of Justice of Thailand shared detailed views on how gender perspectives have been tangibly incorporated into the design and implementation of Thailand's BHR policy framework. She explained that Thailand's NAPBHR adopts a balanced approach, combining State obligations with voluntary measures for businesses, and focuses on four priority areas: labour, the environment, human rights defenders, and investment. The NAPBHR establishes clear indicators, identifies responsible agencies, sets implementation timeframes, and links its measures with the UNGPs and Sustainable Development Goals ('SDGs'). Protection for women and children is mainstreamed throughout the NAPBHR through the application of a gender lens.

24. She highlighted that one key State obligation under the NAPBHR is the dissemination of knowledge on gender equality across all sectors. This includes ensuring that government officials and businesses are sensitised to gender implications when engaging with groups in vulnerable and marginalised situations, including women; children; and lesbian, gay, bisexual, transgender, queer and intersex+ ('LGBTQI+') persons, prior to carrying out their duties.

25. Among the additional initiatives advanced by the Government of Thailand under the NAPBHR are measures encouraging businesses to register workplace childcare centres with the Ministry of Social Development and Human Security; initiatives to promote children's participation in community-level policy development and management; development of curriculum and educational programmes on BHR for children; and ongoing studies on the establishment of a dedicated fund to support victims of sexual harassment and workplace violence.

26. She noted that while measures directed at businesses under the NAPBHR remain largely voluntary, they clearly articulate the Government's expectations of responsible business conduct. She shared that some businesses have gone above and beyond the minimum legal requirements by introducing inclusive workplace policies, such as leave entitlements for medical procedures, caregiving leave for sick spouses, marriage leave, and bereavement leave. Importantly, these benefits are extended to all spouses, reflecting Thailand's legal recognition of marriage irrespective of gender, and several companies have begun extending social welfare benefits to same-sex couples.

27. She underscored that, at a minimum, businesses are expected to establish mechanisms and measures to address sexual and gender-based violence in the workplace, noting that Thailand's Gender Equality Act has been in force for over a decade. Under this Act, the Committee on Unfair Gender Discrimination Complaints was established, with statistics indicating that more than 80 per cent of reported workplace discrimination cases involve LGBTQI+ individuals.

28. While acknowledging that specific protection measures for women human rights defenders remain limited, she outlined a range of existing mechanisms to protect women affected by business-related human rights violations. These include the Ministry of Justice's mandate to receive complaints from all persons, including women and girls; provision of free legal advice through Justice Provincial Offices nationwide; a 24-hour hotline service; the 'Justice Care' application, which enables users to access legal advice and Ministry services free of charge; and legal consultations through the LINE mobile application.

29. She elaborated that additional measures include the 'Interpreter in the Justice Process' initiative to support women and persons with disabilities; provision of pro bono legal representation for children and victims of serious business-related criminal offences; State compensation for bodily harm regardless of the victim's nationality or status; the extension of witness protection to foreigners and stateless persons under the Witness Protection Act; access to the Justice Fund to cover legal and forensic costs; implementation of the Mediation Act as a non-judicial grievance mechanism through over 2,600 community mediation centres nationwide; and the adoption of an anti-SLAPP bill.

30. She concluded by emphasising that capacity-building and empowerment of officials and service providers are essential complements to laws and policies, stressing that duty bearers must understand gender sensitivity and the specific needs of the communities they serve.

31. The next speaker, **Ravinderjit Kaur**, Senior Prosecution Officer at the Companies Commission of Malaysia ('CCM'), provided a detailed overview of the BHR landscape in Malaysia from a regulatory perspective. The speaker noted that more than 1.6 million companies are currently incorporated and registered in Malaysia, including foreign companies. These range from small enterprises to large corporations, both listed and non-listed. She highlighted that some large non-listed companies record annual revenues exceeding 2 billion Malaysian ringgit, while small and medium-sized enterprises ('SMEs'), many of which are family-owned, constitute a significant proportion of the corporate sector.

32. She emphasised that regulatory reporting mechanisms to monitor and track corporate performance on gender sensitivity have become increasingly important within the environmental, social, and governance ('ESG') framework, particularly under its social component. Environmental, social and governance considerations are now being discussed and applied across both the private and public sectors. Publicly listed companies, which are listed on Bursa Malaysia's Main Market and generally have a market capitalisation of 2 billion Malaysian ringgit and above, are required to disclose their board diversity policies in their

annual reports. With effect from June 2023, all publicly listed companies are required to appoint at least one woman to their board of directors, and compliance with this requirement is monitored by the regulator.

33. She noted that while these requirements are mandatory for publicly listed companies, non-listed companies are encouraged to adopt similar practices under the Malaysian Code on Corporate Governance. The Code, first introduced in 2000 and subsequently revised, is currently under review, with proposed recommendations including setting a target of at least 30 per cent women's representation on boards. Where companies, particularly listed entities, are unable to meet this target, they are required to provide an explanation and outline alternative measures in their annual corporate governance reports submitted to regulators.

34. Referring to the Companies Act 2016, she explained that the Act strengthens transparency and accountability in corporate governance by clearly outlining the responsibilities of boards of directors. For publicly listed companies, this includes the requirement to establish a dedicated nomination committee composed of non-executive, independent directors. This is intended to ensure fairness and objectivity in board appointments, including in achieving gender diversity targets and selecting appointees with the requisite qualifications and experience. The Act also allows companies to submit a business review report to regulators on a voluntary basis, disclosing policies and practices on diversity, including gender, race, age, and other relevant considerations.

35. She highlighted that in September 2024, the Malaysian Government introduced a National Sustainability Reporting Framework, which will require companies, including non-listed entities, to disclose their sustainability practices with effect from the financial year ending 2027. Companies operating in high-risk sectors may be subject to mandatory sustainability disclosures, reflecting the Government's broader efforts to strengthen transparency, accountability, and responsible business conduct.

36. **Pravind Premnath**, Communications Officer at International Women's Rights Action Watch Asia Pacific ('IWRAP Asia-Pacific'), pointed out that all BHR efforts, initiatives, and mechanisms must be grounded in a human rights-based approach and, more specifically, a feminist approach, in both conceptual framing and implementation. He underscored that a gender lens in BHR goes beyond a narrow focus on women's participation in the labour market or limited indicators of economic growth. It requires a critical examination of the role of the private sector, including transnational and multinational corporations, as active stakeholders that may contribute to either the fulfilment or the violation of women's human rights.

37. Drawing on findings from the Global Tribunal of Women Workers — convened by IWRAP Asia-Pacific and partners in 2022/2023 and which brought together testimonies from 73 women workers from Asia, Africa, and Latin America — he highlighted persistent and systemic accountability gaps. These gaps relate to the lack of effective legal and policy mechanisms to hold corporations accountable for direct and indirect human rights violations affecting women. Such infringements include involvement in environmental degradation, land

grabbing, pollution, shrinking civic space, gender-based violence, linkages between corporate interests and militarisation, surveillance, and armed conflict. The resulting impacts disproportionately affect women in marginalised situations, including Indigenous women, women living in poverty, women with disabilities, migrant women, women workers, and women from religious and ethnic minorities.

38. The speaker further highlighted the role of States in legitimising corporate power within decision-making spaces, including through trade and investment agreements and closed-door negotiations that prioritise investment interests. Concerns were raised regarding the prevailing use of ‘multi-stakeholder’ approaches that, in practice, privilege corporate actors and may marginalise workers and affected communities. He noted that access to justice remains a foundational principle for the realisation of rights; however, in practice, SLAPPs are frequently used against Indigenous women, women human rights defenders, and trade unionists seeking accountability for land dispossession, gender-based violence, and labour exploitation. In this regard, he stressed that accountability and access to justice frameworks should incorporate considerations of extraterritorial obligations, ensuring that States and businesses are held accountable for human rights impacts arising from their operations both within and beyond national borders.

39. Attention was also drawn to the persistent lack of recognition of care work, and the centrality of the care economy to women’s human rights. The speaker encouraged States to adopt the International Labour Organization’s ‘5R’ framework — to recognise, reduce, and redistribute care work, and to reward and represent paid care workers — and to re-examine development models that prioritise unlimited economic growth and profit maximisation. A care-centred economic approach was presented as one that places people before profit and acknowledges that existing care systems are sustained by underpaid and undervalued labour, predominantly performed by migrant women.

40. In closing, he emphasised that a gender lens in BHR must include the promotion and protection of fundamental labour rights — including freedom of assembly, freedom of association, and the right to collective bargaining — as essential conditions for women’s empowerment and accountability in business contexts.

41. In response to a question from the moderator on engagement with companies, particularly SMEs, **Ravinderjit Kaur** from CCM shared that many SMEs in Malaysia are family-owned and continue to reflect male-dominated organisational cultures, with limited initiatives to promote women’s participation. She explained that CCM has undertaken awareness-raising programmes and training with a particular focus on boards of directors and senior management, where gender diversity issues are often least discussed. Public consultations with large non-listed companies and SMEs have also been conducted to better understand implementation challenges. Based on these engagements, CCM has developed a compendium of best practices to guide companies in formulating internal policies. She concluded by highlighting the importance of public-private engagement and non-tax

incentives, such as training and capacity-building, as effective tools to promote gender diversity and responsible business conduct.

42. On good practices for ASEAN Governments and businesses to meaningfully integrate a gender lens and intersectional considerations into BHR frameworks, **Pravind Premnath** from IRAW Asia-Pacific shared that the 2022 Buenos Aires Commitment, initiated by the UN Economic Commission for Latin America and the Caribbean ('ECLAC'), provides a useful reference. The Commitment recognises that BHR and gender equality cannot be addressed in isolation from broader macroeconomic policies, including taxation, debt, austerity measures, and development strategies. The speaker encouraged continued engagement with international processes on BHR, including ongoing discussions on a legally binding instrument.

Session 2: Integrating Gender Perspectives in Business Policies, Processes, Mechanisms, and Operations

43. Moderated by **Tengku Mohamed Fauzi Tengku Abdul Hamid**, Vice-Chairperson of SUHAKAM, the session explored policies, processes, and mechanisms that businesses have established and implemented to address gender-related harms and impacts.

44. The first panellist, **H.E. Anita A. Wahid**, Representative of Indonesia to AICHR, highlighted existing ASEAN mechanisms and bodies relevant to advancing a gender lens in BHR, including AICHR, ACWC, the ASEAN Committee on Women ('ACW'), the ASEAN CSR Network (now known as Advancing Responsible Business for Sustainable, Equitable, and Inclusive ASEAN Community ('ARAIBA')), and the ASEAN Business Advisory Council ('ASEAN-BAC'). She emphasised that these mechanisms could play a more coordinated and supportive role in assisting businesses to integrate gender perspectives into their operations and decision-making processes.

45. She proposed that ASEAN could consider issuing regional-level guidance on HRDD with a gender lens; establishing an ASEAN hub as a collaborative platform involving AICHR, ACWC, the ASEAN CSR Network, and other stakeholders, including businesses and civil society organisations; and strengthening policy coherence by aligning ASEAN initiatives more closely with international standards such as CEDAW, the UNGPs, and the OECD Guidelines for Multinational Enterprises.

46. In elaborating on gender-responsive HRDD, she noted that while HRDD aims to identify, prevent, mitigate, and account for human rights impacts, a gender-responsive approach requires additional considerations. These include assessing gender-differentiated risks, consulting women workers and affected communities, designing grievance mechanisms that are inclusive and accessible to women and girls, and monitoring and tracking impacts using gender-sensitive indicators.

47. She shared emerging practices from Indonesia, where gender considerations are being integrated into business operations and HRDD processes. These include the ongoing development of Indonesia's national strategy on BHR; the use of a business risk assessment tool known as the 'PRISMA tool', which incorporates gender elements; and a pilot initiative in West Java applying a multi-stakeholder approach that actively involves women's groups. Regional examples were also cited, including Fairtrade Indonesia's training programmes for cooperatives and SMEs in 2023, and the Thai Union Group's incorporation of a gender lens into its HRDD processes and workplace policies.

48. In concluding, she highlighted potential areas for future collaboration, including the establishment of a multi-sectoral ASEAN platform on gender and business; the development of national BHR hubs involving governments, businesses, and civil society organisations; and the creation of shared reporting and learning tools to support the systematic integration of gender perspectives into HRDD.

49. The next speaker, **Yoshitaka Watanabe**, Manager of Legal Policy at the Economic Research Institute for ASEAN and East Asia ('ERIA'), reiterated that understanding the nature and process of HRDD is important and that, in a risk-based approach, rights holders must be prioritised. A tailored approach must be adopted for effective implementation, as HRDD is not a one-time process but rather an ongoing exercise. He added that the data on gender-responsive policies is still lacking, and that corporate disclosure standards need to be put in place, and mechanisms need to be enhanced.

50. On corporate sustainability reporting, he pointed out that companies need to indicate which standards they are applying. Specifically on gender disclosure, companies must demonstrate their commitment through an established policy. He encouraged reflection on how research on gender can be utilised, and noted that trends need to be examined closely to determine whether incorporating a gender lens makes a meaningful difference to the implementation of HRDD in practice.

51. **Nurul Hasanah Ahamed Hassain Malim**, Chief Sustainability Officer at FGV Holdings Berhad, shared her experience in integrating gender considerations into corporate sustainability practices. She explained that FGV has adopted a group sustainability policy that embeds a commitment to gender empowerment. While acknowledging that women remain under-represented at senior management level, accounting for less than 15 per cent, she noted that the company has established a Gender Equality and Women's Empowerment Committee. The Committee is chaired by a male human resources officer and comprises male division heads, reflecting ongoing efforts to institutionalise shared responsibility for gender equality across leadership.

52. She outlined several policies rolled out by FGV, including a gender-inclusive policy aimed at enabling women employees to progress into leadership positions, the establishment of a gender equality and women's empowerment committee, an anti-sexual harassment policy, and an internal grievance mechanism through which employees may lodge complaints. The

grievance mechanism has been actively utilised, including in cases of sexual harassment, which subsequently triggered internal investigations and, where appropriate, disciplinary action, including dismissal. In addition, FGV has conducted roadshows and training programmes to raise awareness of workers' rights, and has reported increased levels of awareness and understanding among employees as a result of these initiatives. While progress was reported, challenges remain, particularly regarding women's representation at senior management levels, underscoring the need for sustained institutional commitment.

53. The Co-Chief Operating Officer for Retail of AEON Co. (M) Berhad, **Audrey Lim Suan Imm**, presented detailed good practices demonstrating the integration of gender diversity and inclusion across the company's operations. She shared that women comprise 59 per cent of the company's workforce, 40 per cent of its board, and 33 per cent of top management. Women also hold 59 per cent of managerial positions, and 21 out of 35 stores are managed by women. The company has committed to mentoring and career advancement programmes to support women to progress into leadership roles.

54. The company adopts a zero-tolerance approach to misconduct and has established accessible and structured reporting channels for complaints. Employees may raise concerns through an internal hotline that connects directly to the company's headquarters in Japan, while external parties may submit reports through a whistleblowing channel. Complaints are escalated to Malaysia for investigation, with technical assessments undertaken where necessary, followed by domestic inquiries managed by investigation teams from separate business units to ensure objectivity. Where wrongdoing is established, disciplinary measures, including formal warnings or dismissal, are applied. In 2024, the company received 42 reports through its internal hotline, nine of which were escalated to the audit committee. She highlighted that a gender-sensitive corporate culture is reinforced from the onboarding stage. Existing employees receive annual training on the company's code of conduct, including case studies drawn from previous years.

55. In reflecting on enabling factors for effective gender-responsive business conduct, speakers underscored the importance of practical partnerships involving businesses, civil society organisations, and local governments. It was emphasised that civil society organisations play a critical role in policymaking and implementation processes due to their close engagement with grassroots actors and trusted relationships with communities, and that their involvement strengthens inclusive decision-making and accountability outcomes.

Session 3: Access to Effective Remedies for Gendered Impacts in the Business and Human Rights Context

56. Moderated by **H.E. U Nyunt Swe**, the Representative of Myanmar to AICHR, the session identified the structural, legal, and social barriers faced by women in accessing effective remedies, highlighted gender impacts, and explored practical and inclusive approaches.

57. Based on his experience working on the ground, **Dr. Andika Ab Wahab** from the Institute of Malaysian and International Studies, Universiti Kebangsaan Malaysia (National University of Malaysia), shared insights from ground-level research and practice on access to justice and grievance mechanisms. Drawing on field experience, he outlined two recurring scenarios encountered in business-related human rights cases.

58. The first scenario involves situations where companies directly violate workers' rights, such as paying wages below the statutory minimum or informally employing women who are spouses of workers. In the Malaysian context, particularly in certain sectors and geographic areas, foreign workers may bring their spouses and children with them. In Sabah, while workers may legally bring their spouses, spouses are not permitted to work. In practice, however, spouses are often engaged informally in business operations, resulting in indirect employment without legal protection, wages, or access to effective remedies.

59. The second scenario arises where companies fail to adequately protect the rights of women and girls. This includes restrictions on freedom of association and collective bargaining, where policy statements or workplace practices explicitly or implicitly discourage women from joining unions or participating in collective bargaining processes. In response to such gaps, informal and community-based mechanisms often emerge. The speaker highlighted the role of community mobilisers, workers' associations, and informal working groups that operate at the grassroots level to identify grievances and support workers in navigating complaints.

60. He noted that in varying contexts, workers gravitate towards trusted institutions rather than formal company grievance mechanisms. In Sabah and Sarawak, for example, alternative learning centres serving children of plantation workers often become informal entry points for complaints. When children experience harm, including sexual abuse (sometimes within the family), teachers are often the first point of contact. However, teachers face significant constraints, as reporting cases to company management may place victims at risk or undermine the grievance process. In response, some alternative learning centres have developed child-sensitive grievance pathways that engage parents and workers, and facilitate mediation. The speaker emphasised that trust is a critical factor. Where no trusted platform exists, formal complaint boxes located within company premises are ineffective, particularly for sensitive cases. As a result, complainants often rely on informal channels, including diaspora networks.

61. In terms of proposals, he emphasised the need to strengthen and diversify grievance and mediation pathways. This includes developing both internal and external mechanisms, ensuring non-retaliation, and carefully considering the placement and design of complaint mechanisms to ensure trust and protection. At the regional level, he proposed establishing platforms to address cross-border cases, particularly those involving migrant workers. He further underscored the importance of building networks of community mobilisers and non-governmental organisations to address complex and sensitive cases, investing in awareness-raising and training as part of network-building, and supporting community-based solutions.

62. **Surti Handayani** from the Indigenous Peoples Human Rights Defenders Network, and also a member of the Asia Indigenous Peoples Pact ('AIPP'), provided a comprehensive overview of the situation of Indigenous women in Southeast Asia. She noted that ASEAN Member States, including Indonesia, the Philippines, Myanmar, Thailand, Malaysia, Viet Nam, Lao PDR, and Cambodia, are home to millions of Indigenous Peoples, yet legal recognition varies significantly across the region.

63. She highlighted that Indonesia has the largest Indigenous population in ASEAN, but Indigenous Peoples are not constitutionally recognised and are instead classified as *masyarakat adat* [customary communities]. The Philippines was cited as the most progressive, with the Indigenous Peoples' Rights Act of 1997 recognising ancestral domains and self-governance, though challenges remain in implementing self-determination and Free, Prior, and Informed Consent ('FPIC'). In Myanmar, the status of Indigenous Peoples overlaps with that of recognised ethnic nationalities, with many communities facing conflict and displacement. In Viet Nam and Lao PDR, Indigenous Peoples are referred to as 'ethnic minorities', with limited recognition of their rights, and with development projects often overriding land claims. In Thailand and Malaysia, Indigenous communities such as the Karen, Hmong, and Orang Asli face systemic marginalisation despite partial policy recognition.

64. The speaker underscored that Indigenous women experience intersecting forms of discrimination based on gender, ethnicity, socio-economic status, and geographic isolation. These vulnerabilities are exacerbated by business activities affecting Indigenous lands, territories, and livelihoods. She highlighted the relevance of CEDAW General Recommendation No. 39 (2022) on the rights of Indigenous women and girls, describing it as a critical framework calling for respect for collective and individual rights, meaningful participation, protection from violence and exploitation, and access to justice, land, and resources.

65. Key gendered BHR issues identified included land grabbing and dispossession, environmental harm and health impacts, lack of access to effective remedies, gender-based violence, and exclusion from decision-making. Case examples shared included criminalisation of and violence against Indigenous women resisting expansion of palm oil plantations, mining, geothermal projects, and national strategic projects in Indonesia; red-tagging and threats against Indigenous women leaders opposing mining in the Philippines; land-use restrictions

and exclusion of undocumented Indigenous women in Thailand; sexual violence and displacement linked to the socio-economic impacts and human rights challenges related to business operations in Myanmar; and criminal charges against Indigenous women defending fishing livelihoods in Sabah, Malaysia.

66. Recommendations for ASEAN Member States included legal recognition of Indigenous Peoples and customary land tenure, harmonisation of national laws with CEDAW General Recommendation No. 39 (2022) and the UN Declaration on the Rights of Indigenous Peoples ('UNDRIP'), institutionalisation of gender-sensitive FPIC, establishment of culturally appropriate grievance mechanisms, protection for women human rights defenders, land demarcation and restitution processes that are inclusive of Indigenous women, integration of Indigenous women's rights into NAPBHRs, and mandatory HRDD for business activities affecting Indigenous territories.

67. Recommendations for businesses included conduct of gender-responsive and Indigenous-sensitive HRDD, establishment of accessible grievance mechanisms and remedies, involvement of Indigenous women at all stages of project development, and disclosure of gender-disaggregated environmental and social impact data.

68. **Lim Puay Tiak**, Chairperson of the ASEAN Disability Forum ('ADF'), highlighted systemic barriers faced by women with disabilities in accessing justice and remedies. Citing a 2022 Asian Development Bank report, he noted that social protection schemes rarely include women with disabilities, resulting in limited access to financial assistance, social security, and emergency relief. Challenges identified included the failure of legal frameworks to recognise specific violations faced by women with disabilities; physical, informational, and financial barriers; and entrenched gender- and disability-based stereotypes that persist even where legal reforms exist.

69. The speaker emphasised the need for systems that are available, accessible, accountable, and provide reasonable accommodation (the 'four As'). This includes comprehensive ecosystems of legal aid, shelters, hotlines, counselling, and support services, extending to rural areas. Accessibility must address transport, physical infrastructure, affordability, and communication needs. Accountability requires mechanisms for monitoring and evaluation by rights holders. Reasonable accommodation, as required under the UN Convention on the Rights of Persons with Disabilities ('CRPD'), obliges service providers to take all necessary measures to facilitate access, including measures as basic as ensuring sign language interpretation.

70. **Sumitha Shaanthinni Kishna**, representing Migrant Forum in Asia ('MFA'), highlighted the gendered vulnerabilities of migrant women workers, noting that approximately 70 million women globally are migrant workers. Many originate from culturally and racially marginalised communities, migrating irregularly or into hard-to-reach sectors. Women migrate for diverse reasons, including poverty, unemployment, patriarchal norms, abusive relationships, forced marriage, and gender-based violence. She outlined barriers to accessing

effective remedies, including restrictive migration policies, stigma, lack of information and digital access, fear of retaliation, and the loss of income when grievances are pursued, which directly affects families.

71. Practical safeguards proposed included removing protectionist policies that restrict women's migration rather than addressing harms; promoting women migrant workers into supervisory and managerial roles; integrating gender-specific risks into company policies; establishing women-led workplace committees; and ensuring that grievance mechanisms are managed in gender-sensitive ways, and deliver outcomes aligned with women's needs.

72. **Nina**, a child speaker, shared lived experiences from East Java, Indonesia, highlighting the gendered impacts of environmental degradation on children and girls. Living near the Brantas River, a major source of drinking water for over five million people, she described how industrial activities, including plastics recycling facilities and paper mills, discharge untreated wastewater, contaminating water with chemicals and microplastics. She noted that in many rural areas, girls are required to travel long distances to collect clean water, exposing them to risks of harassment. Pollution and open burning contribute to serious health impacts, including reproductive health issues for women.

73. She emphasised the mental health impacts of climate change on young people, particularly girls. Survey findings among Gen Z respondents indicated high levels of climate anxiety, with 93 per cent reporting fear about the impact of environmental harm on their future. Regional studies were cited linking climate disasters to increased violence, food insecurity, and health risks. She called for stronger enforcement of environmental laws, safe reporting spaces for youth, accountability for polluting industries, adherence to waste treatment standards, investment in education and mental health support, and meaningful participation of children and youth in decision-making.

Presentation: Insights from Japan on the Gender Lens Perspective in Business and Human Rights

74. The President of the International Civil and Commercial Law Centre ('ICCLC'), **H.E. Kotaro Ohno**, provided an overview of Japan's constitutional and legal framework on gender equality. He explained that the Japanese Constitution, adopted after the Second World War, enshrines the principle of equality between men and women. However, deeply entrenched gender roles have historically shaped Japanese society, where women were traditionally expected to remain at home while men engaged in paid work. These norms were also reflected in past labour regulations, including restrictions on women's participation in late-night work.

75. He explained that Japan ratified CEDAW in 1985, and subsequently enacted legislation to promote equal employment opportunities. Further legal reforms were later introduced to address gender-based violence and strengthen protections for women. While these developments contributed to gradual improvements in the social status of women, progress has

remained uneven. Referring to the World Economic Forum's *Global Gender Gap Index 2025*, he noted that Japan ranked 118 out of 148 countries, indicating persistent challenges in achieving substantive gender equality.

76. The speaker observed that workplace culture remains a significant barrier, particularly long working hours and rigid employment practices that make it difficult for women to advance into senior and managerial positions. As these practices are deeply embedded, women often face structural disadvantages in competing for leadership roles. He emphasised that women's social participation is increasingly recognised as a critical indicator of progress towards an inclusive society where no one is left behind. From a business perspective, he also noted growing evidence that companies with limited representation of women in management positions experience declining performance, underscoring the link between gender equality and business sustainability.

77. He concluded his presentation by highlighting Japan's longstanding cooperation with ASEAN in supporting the development of legal and institutional systems that underpin economic growth. This includes assistance in strengthening legal frameworks, facilitating access to legal services, and supporting regulatory development related to economic activity. He reaffirmed Japan's continued collaboration with ASEAN Member States in advancing the BHR agenda through equal partnership, capacity-building, and knowledge-sharing initiatives.

Session 4: Framing a Gender Lens in Business and Human Rights in ASEAN

78. Moderated by **H.E. Associate Professor Eugene Tan Kheng Boon**, Representative of Singapore to AICHR, this session examined gender dimensions, intersections, and perspectives in BHR, and how these may be meaningfully applied within the ASEAN context. In his introductory remarks, he highlighted that persistent gender gaps continued to characterise societies globally, including in Asia and Southeast Asia. Despite decades of progress, women remained under-represented in corporate leadership, political decision-making, and other key sectors.

79. He noted that a 'glass ceiling' continued to constrain women's advancement, even where their qualifications and experience were comparable to that of men. Women were often required to navigate competing expectations arising from career demands, unpaid care responsibilities, and multiple social roles. Motherhood and spousal roles continued to carry economic and professional penalties. He observed that women were disproportionately concentrated in the informal economy, which offered lower pay and less job security, while gender stereotypes persisted even within the formal sector. While digital technologies have enabled some women to establish home-based businesses, this assumed access to technology and digital literacy, which were not universally available.

80. **Dr. Pichamon Yeophantong**, Chairperson of the UN Working Group on Business and Human Rights, drew on comparative experiences from different regions, including Argentina,

Japan, and Colombia, to illustrate how gender-responsive approaches can be integrated into BHR frameworks. She noted that, across contexts, women and girls continue to face systemic barriers to equality and access to justice, and that businesses must address these structural issues to ensure the effectiveness of remedies.

81. She elaborated that during consultations on business, human rights, and migration, businesses frequently sought deeper analysis of the root causes affecting rights holders. Examples of positive State interventions were highlighted, including efforts by the Government of Japan to address gender pay gaps and introduce generous paternity leave policies as measures to reduce workplace inequality. While incremental, such measures were described as meaningful steps in challenging entrenched gender roles. During visits to Colombia and Argentina, she observed more advanced initiatives promoting gender equality in business, including proactive Government-led awareness-raising programmes and progressive policy frameworks.

82. She emphasised the importance of accessible and gender-disaggregated data to enable businesses to identify gender-related risks and monitor progress in mitigating those risks. Persistent gaps in anti-discrimination legislation and limited access to effective remedies for women and girls were identified as continuing challenges within ASEAN.

83. **Putu Elvina**, Commissioner of the National Commission on Human Rights of Indonesia ('Komnas HAM'), highlighted that patriarchal norms, limited understanding of gender issues, unequal access to opportunities, and weak enforcement of human rights standards remain key barriers to mainstreaming gender in the BHR agenda. She underscored the importance of inclusive education and legal reform in addressing these challenges. National human rights institutions were identified as important agents of change through their roles in research, policy advice, monitoring, and engagement with businesses. She shared that Komnas HAM has convened consultation forums on BHR involving women with disabilities, Indigenous Peoples, and other marginalised groups, providing platforms for direct engagement with government actors. These forums enable affected groups to share lived experiences, articulate aspirations, and raise concerns regarding business-related human rights violations, thereby strengthening access to effective remedies and accountability.

84. Reflecting on the structural and cultural challenges in the region, **H.E. Professor Emeritus Dr. Amaryllis Tiglao-Torres**, Representative of the Philippines to ACWC (Women's Rights), drew attention to the need to transform recruitment systems, labour supply-and-demand structures, and the valuation of domestic and care work. She called for more inclusive business environments that enable all individuals, regardless of gender, to participate meaningfully in the workforce. She suggested that ASEAN explore the development of regional support mechanisms for women entrepreneurs to facilitate networking, peer support, and collective empowerment.

85. During panel and floor discussions, participants highlighted several cross-cutting themes. It was emphasised that whistleblowing mechanisms are not equivalent to grievance

mechanisms and cannot substitute for effective remedies. Concerns were raised that some companies adopt superficial compliance approaches, including ‘box-ticking’ or ‘blue-washing’, without addressing underlying human rights risks. Participants further stressed that corporate social responsibility initiatives cannot replace HRDD or compensate for harm caused to Indigenous Peoples and other affected groups. Finally, the need for a shared understanding of gender and intersectionality was reinforced, alongside calls to explore practical ways for businesses to operationalise intersectional approaches in policy and practice.

Session 5(A): Breakout — Common Position on Gender Lens in Business and Human Rights in ASEAN

86. For the breakout session, participants were divided into groups to discuss the following guiding questions:

- a) What are some pressing gender-related issues and challenges in the BHR landscape across ASEAN?
- b) Where do you see key gaps in current laws, policies, or business practices that limit gender responsiveness in BHR across the region?
- c) What good practices have emerged in your country or others in ASEAN where gender has been meaningfully integrated into business operations or State initiatives?
- d) What are the elements of a gender-responsive framework in BHR in ASEAN?
- e) What practical recommendations would you propose as next steps for ASEAN — including ASEAN human rights bodies such as AICHR, ACWC, and ACW — to protect, respect, and remedy the rights of women and girls, including those in vulnerable and marginalised situations in the BHR space?

Session 5(B): Plenary and Presentations by Groups — Common Position on Gender Lens in Business and Human Rights in ASEAN

87. During the breakout group discussion on the preceding day, participants responded to a series of guiding questions to identify key challenges, gaps, good practices, and priority actions for advancing a gender-responsive BHR agenda across ASEAN.

88. On the pressing gender-related issues and challenges in the BHR landscape across ASEAN, participants identified persistent structural and systemic discrimination rooted in patriarchal norms, harmful cultural and social attitudes, and stigmatisation. These challenges manifest in limited access to effective remedies, protection, and support services; unequal standards and opportunities for women across ASEAN Member States; persistent gender wage gaps and unequal pay; occupational segregation; and insufficient protection for women migrant workers. Participants also highlighted the continued under-representation of women in leadership and decision-making roles, as well as the prevalence of gender-based violence, including technology-facilitated gender-based violence, referring to acts of violence

committed, enabled, or amplified through digital technologies such as the internet, social media, mobile devices, and online platforms.

89. In response to the question on key gaps in current laws, policies, and business practices, participants identified a common and overarching gap: the weak enforcement, implementation, transparency, and monitoring of existing frameworks. Other gaps include the lack of gender-disaggregated and intersectional data to inform policy design; insufficient depth in the integration of gender considerations into laws, policies, and business practices; weak coordination among stakeholders, particularly between public and private actors; limited understanding and application of intersectionality; and funding constraints that undermine sustainability and scale.

90. Participants also shared good practices from their respective countries where gender considerations have been meaningfully integrated into State initiatives or business operations. Examples included:

- a) Indonesia: Comprehensive anti-sexual harassment legislation with mandated monitoring working groups; labour law protections ensuring non-discriminatory wages; menstrual leave; maternity and paternity leave; women's participation in development planning at all administrative levels; and Law No. 7 of 2017 on General Elections, requiring a minimum of 30 per cent representation of women among legislative candidates.
- b) Malaysia: Implementation of a national policy for women; establishment of the 30% Club to support women's representation on corporate boards; and a corporate governance framework introduced in 2000 requiring disclosure and reporting.
- c) Lao PDR: Establishment of a Business Women's Association to support women entrepreneurs.
- d) Cambodia: Creation of a Women Entrepreneurs Association; adoption of a National Strategy on the Development of the Informal Economy 2023–2028 to support women in informal work; and development of a national gender policy.
- e) Thailand: Integration of gender considerations into its NAPBHR.
- f) The Philippines: Adoption of the Magna Carta of Women (Republic Act No. 9710), the Safe Spaces Act (Republic Act No. 11313), maternity and paternity leave policies, and the establishment of women's associations at national, regional, and local levels.
- g) ASEAN level: Development of the ASEAN Gender Mainstreaming Strategic Framework 2021–2025.

91. Participants identified key elements of a gender-responsive BHR framework in ASEAN, including:

- a) gender-responsive HRDD;
- b) cross-sectoral and cross-pillar collaboration;

- c) women's economic empowerment and representation in business and decision-making;
- d) social protection measures;
- e) effective, accessible, and trusted grievance mechanisms;
- f) equal, meaningful, and effective participation of rights holders and stakeholders;
- g) monitoring, evaluation, and gender-impact assessments; and
- h) gender-transformative policies and effective remedies that address root causes of inequality.

92. Finally, participants proposed practical recommendations for ASEAN as next steps to protect, respect, and remedy the rights of women and girls in the BHR context, aligned with *ASEAN 2045: Our Shared Future*. These included:

- a) Establishing child protection procedures that are co-designed, implemented, and monitored with the involvement of children from diverse backgrounds, and with due regard to their best interests.
- b) Ensuring inclusive participation of people in vulnerable and marginalised situations — including women, children, LGBTQI+ persons, and persons with disabilities — in decision-making processes.
- c) Standardising corporate disclosure processes — including consideration of mandatory national reporting requirements — in line with the UN Convention on the Rights of the Child ('CRC') and CEDAW, and ensuring public disclosure of gender-disaggregated and intersectional data.
- d) Developing clear policy and referral pathways aligned with national laws and reporting requirements, and ensuring access to information for rights holders and affected communities.
- e) Enhancing review mechanisms by conducting or enforcing independent third-party audits of companies' non-financial disclosures and social practices, including their human rights performance.
- f) Strengthening data collection, transparency, reporting, and monitoring through the development and utilisation of clear indicators to assess gender impacts and track progress over time.
- g) Enhancing coordination between AICHR and bodies under the ASEAN Economic Community ('AEC') pillar, particularly the Senior Economic Officials Meeting, recognising that BHR issues are closely linked to economic, trade, and investment policymaking.
- h) Exploring longer-term regional initiatives, including the development of a regional plan of action on BHR, supported by capacity-building workshops and locally adapted guidelines that integrate gender and intersectional perspectives.

Conclusion

93. One of the key recommendations emerging from the Workshop, which also raised critical questions among participants, concerned the meaningful involvement of businesses in advancing the BHR agenda. While BHR continues to evolve in response to emerging challenges, human rights are still widely perceived as primarily the responsibility of States. Participants observed that a central challenge lies in identifying creative and effective strategies to mobilise businesses as active stakeholders in protecting and respecting human rights.

94. This challenge is compounded by the non-binding nature of the UNGPs, which limits their enforceability. Participants noted that while NAPBHRs increasingly provide for the introduction of HRDD, including consideration of mandatory approaches, such measures may be ineffective or counterproductive in the absence of supporting legal and regulatory frameworks. Mandatory HRDD was nevertheless recognised as an important tool for both rights holders and businesses, as it can promote legislative harmonisation, clarify expectations, strengthen accountability, and ultimately reduce business costs by preventing adverse human rights impacts and mitigating them where they arise.

95. Participants reflected on issues that arise within the broader ASEAN context, noting that ASEAN cooperation has traditionally relied on soft law approaches, including declarations, frameworks, and guidance documents that are non-binding in nature. Against this backdrop, participants raised questions on how gender-responsive BHR discussions could be more effectively integrated into the AEC pillar, recognising the central role of economic, trade, and investment policies in shaping business conduct. Advancing BHR as a cross-cutting issue within the AEC pillar, particularly through engagement with the Senior Economic Officials Meeting, was identified as a continuing institutional challenge.

96. It was noted that while AICHR has established relatively strong working relationships within the ASEAN Socio-Cultural Community ('ASCC') pillar, engagement with the AEC pillar has been more limited, even though numerous business-related human rights impacts are directly linked to economic policymaking. Participants emphasised that achieving the vision of *ASEAN 2045: Our Shared Future* requires closer and more structured coordination between the human rights and economic pillars, including the systematic integration of human rights-based and gender-responsive approaches into economic governance.

97. Building on these reflections, several cross-cutting issues and challenges were reaffirmed during the Workshop. These included:

- a) The persistent gap between policy commitments and practical implementation, particularly in enforcing gender-responsive standards in business conduct.
- b) Limited incentives and regulatory clarity for businesses, especially SMEs, to integrate gender and human rights considerations into their operations.

- c) Insufficient engagement between human rights institutions and economic policymaking bodies at both national and regional levels.
- d) Continued reliance on voluntary approaches without adequate monitoring, accountability, or remedy mechanisms.
- e) Uneven capacity among States, businesses, and other stakeholders to operationalise HRDD in a gender-responsive and intersectional manner.

98. Drawing on the recommendations set out in paragraph 92, participants emphasised several priority areas for ASEAN, AICHR, and relevant stakeholders in shaping future activities and initiatives on a gender lens in BHR, in line with *ASEAN 2045: Our Shared Future*. In summary, these include strengthening child protection and inclusive participation; enhancing corporate transparency, accountability, and human rights performance; improving policy coherence, referral pathways, and access to information; reinforcing data collection, monitoring, and evaluation; advancing cross-pillar coordination; and exploring longer-term regional initiatives, including the development of a regional plan of action on BHR.

ANNEX A

**OPENING REMARKS DELIVERED BY THE CHAIR OF THE
ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR)
AND REPRESENTATIVE OF MALAYSIA TO AICHR, H.E. EDMUND BON
TAI SOON, AT THE AICHR REGIONAL WORKSHOP ON GENDER LENS
PERSPECTIVE ON BUSINESS AND HUMAN RIGHTS IN ASEAN**

**30 JUNE 2025
KUALA LUMPUR, MALAYSIA**

Yang Mulia Tengku Mohamed Fauzi Tengku Abdul Hamid, Vice-Chairperson of the Human Rights Commission of Malaysia ('SUHAKAM'),

Dr. Pichamon Yeophantong, Chairperson of the United Nations Working Group on Business and Human Rights,

Kotaro Ohno, President of the International Civil and Commercial Law Centre ('ICCLC') Japan,

Dr. Punitha Silivarajoo, Deputy Director General for Policy and Development of the Legal Affairs Division, Prime Minister's Department, Malaysia,

Dr. Sugumari S. Shanmugam, Senior Director, ASEAN Economic Integration Division of the Ministry of Investment, Trade and Industry ('MITI') Malaysia and on behalf of the Senior Economic Officials Meeting ('SEOM'),

Representative of the Ministry of Women, Family and Community Development ('MWFC'),

Representative of the Ministry of Human Resources ('MOHR') and on behalf of the Senior Labour Officials Meeting ('SLOM'),

Excellencies, distinguished guests, ladies and gentlemen.

Salam sejahtera and good morning.

I warmly welcome you to Kuala Lumpur again for this two-day meeting: the AICHR Regional Workshop on Gender Lens Perspective on Business and Human Rights in ASEAN led by Malaysia on behalf of the ASEAN Intergovernmental Commission on Human Rights ('AICHR').

The world faces unprecedented challenges today. We are falling behind on realising the Sustainable Development Goals ('SDGs') on gender equality, decent work and economic growth, and reduced inequalities. We are witnessing terrible genocides and wars. Sexual and gender-based violence ('SGBV'), including physical, psychological, and economic harm, is on the rise. SGBV is rooted in power imbalances and gender inequality, and it can have devastating consequences for survivors, impacting their physical and mental health. Conflicts have also provided opportunities for the increased incidence in the use of rape as weapon of war. There is

growing distrust and mistrust in international law stemming from the hypocrisy of powerful governments.

Unfortunately, these real-time events around us also influence the way we treat each other in society, in the workplace, and in our daily lives. Gender discrimination manifests itself in business operations, negatively impacting women and girls.

Today's workshop addresses a critical challenge we are facing in the region, that is to ensure that gender equality and human rights are not matters that are left behind in all facets of ASEAN development. While ASEAN has made important progress, women and girls continue to face systemic barriers such as gender-based discrimination, limited access to justice, and exclusion from economic opportunities.

We need to be clear. Gender equality and equity is not a favour we extend but a right. Business and human rights are not solely about trade regulations or governance. They impact people, especially women and girls from groups in vulnerable and marginalised situations. Their voices have often been excluded from decision-making and they face real, disproportionate harms.

There is no doubt that ASEAN has made strides in advancing gender equality and realising the rights of women and girls. However, barriers still remain. They are deeply entrenched. Too often, business structures and practices appear gender-neutral but continue to reinforce inequality in effect.

On 26 May 2025, ASEAN leaders signed the Kuala Lumpur Declaration on *ASEAN 2045: Our Shared Future* and adopted the *ASEAN Community Vision 2045 "Resilient, Innovative, Dynamic, and People-Centred ASEAN"* along with its Strategic Plans. The term 'women' is mentioned at least 38 times in the Vision and its Strategic Plans, calling for empowerment, participation, leadership, and protection of women and girls across all spheres of life. It envisions a "[c]ommunity where women are empowered to participate fully and effectively in ASEAN Community-building and realise their full potential in its decision-making processes".

The ASEAN Socio-Cultural Community ('ASCC') Strategic Plan 2025 reinforces the aspiration by calling for specific strategies to protect the rights of women and girls, eliminate structural barriers, ensure access to quality work and social protection, and integrate gender perspectives across all policymaking processes.

ASEAN's Regional Plan of Action on Women, Peace and Security ('WPS') adopted in 2022 with its landmark matrices on prevention, participation, protection, relief and recovery, implementation, coordination, reporting, monitoring, and evaluation calls on ASEAN bodies and relevant stakeholders to implement initiatives to ensure that women are meaningfully included in peace processes, protected from all forms of violence, and empowered to contribute to sustainable peace and security across the region.

Importantly, the new 2045 Vision calls for a Community anchored on ASEAN Centrality with enhanced institutional capacity and effectiveness, and with ASEAN organs, bodies and mechanisms that are more future-ready in addressing global and regional challenges. To achieve these goals, ASEAN endeavours to strengthen its institutions and refresh processes to be more resilient, innovative, agile, adaptive, responsive, and decisive in addressing increasing cross-cutting issues. Further, ASEAN aims to strengthen its institutional capacity and effectiveness by

arriving at decisions on urgent and specific situations in a timely manner, promoting greater synergy and coordination in cross-pillar and cross-sectoral issues, optimising work processes, effective mobilisation of resources, and strengthening the ASEAN Secretariat. This is the current challenge for us in ASEAN institutions. How do we do this?

This workshop comes at an opportune time and can be one of the catalysts for real, regional-level change. As global standards such as the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework (‘UNGPs’) continue to shape international expectations and up-and-coming regulations, ASEAN must also evolve to ensure that our frameworks reflect the lived realities of women and girls in our region and that they are not treated as an afterthought in economic growth.

Today, we are joined by over 80 participants, including representatives from ASEAN bodies, national governments, national human rights institutions, and civil society organisations, both in person and online. This diverse participation reflects ASEAN’s strength and what AICHR does best: bringing stakeholders together to build consensus and seek common positions on shared, practical solutions.

Over these two days, we will delve into the intersections of gender, labour rights, and access to effective remedies through the economic integration and trade perspectives. We will hear from experts, practitioners, and implementers on how gender-based discrimination in businesses is both a symptom and a cause of wider inequality and inequity, and how we can address and break this cycle.

I hope that in this workshop, we will map practical entry points to integrate gender into business and human rights policies and in business operations and mechanisms. We will also explore a regional gender lens framework that can address gender-based barriers, tackle structural and cultural discrimination, and strengthen the protection of the human rights of women and girls given that structural and cultural discrimination are also forms of violence. Finally, we hope to have concrete and actionable recommendations that can be brought forward in future regional deliberations and commitments by AICHR.

I thank all my AICHR colleagues, representatives from ASEAN sectoral bodies, government agencies, businesses, civil society organisations, and experts for being a part of this workshop today. I look forward to the breakout sessions and consultations to develop a common position for ASEAN on the gender lens perspective. I hope this meeting will lay the foundation for forward-looking steps that can strengthen protection, respect, and remedy for the rights of women and girls, particularly those in vulnerable and marginalised situations, and reaffirm our shared commitment towards a resilient, inclusive, people-centred, and future-ready ASEAN where no one is left behind.

This workshop is jointly supported by ASEAN Member States through the AICHR Fund, the Government of Japan through the Japan-ASEAN Integration Fund (‘JAIF’) and the United Nations Development Programme (‘UNDP’), and is conducted in collaboration with Malaysia’s ministries and agencies and SUHAKAM. It is one of Malaysia’s key initiatives as ASEAN Chair aligned with our commitment to human rights within the framework of ‘Inclusivity and Sustainability’.

I want to thank the team led by Malaysia's AICHR Assistants — Nurul Aliaa Azman, Valen Khor, Umavathni Vathanaganthan, and Nurkamelia Ghazali — for putting together this programme, and the staff from the Ministry of Foreign Affairs of Malaysia for their invaluable support.

Thank you once again for being part of this meeting. I look forward to a rich exchange of ideas and, more importantly, meaningful collaborations that will emerge from this workshop.

ANNEX B

**OPENING REMARKS DELIVERED BY Y.M. TENGKU MOHAMED FAUZI
TENGKU ABDUL HAMID, VICE-CHAIRPERSON, HUMAN RIGHTS
COMMISSION OF MALAYSIA ('SUHAKAM'), AT THE AICHR REGIONAL
WORKSHOP ON GENDER LENS PERSPECTIVE ON BUSINESS AND
HUMAN RIGHTS IN ASEAN**

**30 JUNE 2025
KUALA LUMPUR, MALAYSIA**

Yang Berbahagia Dato' Mohd Suhaimi Jaafar, Undersecretary (Special Functions), High Level Task Force on ASEAN Community's Post-2025 Vision ('HLTF'), Ministry of Foreign Affairs, Malaysia,

His Excellency, Ambassador Kiya Masahiko, Ambassador of Japan to ASEAN,

His Excellency, Mr. Edmund Bon Tai Soon, Representative of Malaysia to the ASEAN Intergovernmental Commission on Human Rights ('AICHR'),

Excellencies, distinguished guests, ladies and gentlemen,

Good morning, *Salam Malaysia Madani* and *Salam Hak Asasi untuk Semua!*

On behalf of the Human Rights Commission of Malaysia ('SUHAKAM'), I would like to extend my warm welcome to everyone present this morning at the AICHR Regional Workshop on Gender Lens Perspective on Business and Human Rights in ASEAN.

I would also like to convey our appreciation to AICHR Malaysia for hosting the workshop and for inviting SUHAKAM to be part of this important and timely initiative.

The workshop is also made possible through the collaboration of the Ministry of Foreign Affairs of Malaysia and the Japan-ASEAN Integration Fund ('JAIF').

Distinguished guests, ladies and gentlemen,

Incorporating a gender lens perspective on business and human rights aligns so well with the ASEAN-Malaysia Chairmanship 2025 under the theme of 'Inclusivity and Sustainability'.

In the Chairman's Statement of the 46th ASEAN Summit, which was held in Kuala Lumpur, Malaysia on 26 May 2025, the Member States of the Association of Southeast Asian Nations ('ASEAN') applauded progress in implementing the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

In order to implement the Consensus, ASEAN Member States will act in accordance with several general principles which include to uphold fair treatment with respect to gender and nationality, and protect and promote the rights of migrant workers, particularly women, in

accordance with the obligations of ASEAN Member States under appropriate international instruments to which they are parties.

In this regard, it is important to highlight that all ten ASEAN Member States and Timor-Leste have either ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW').

Therefore, as this Consensus was adopted by all ASEAN Member States, it can be utilised as one of the platforms to discuss gender from the business's standpoint since it involves various levels of businesses, including ASEAN Member States, labour recruiters, and employers.

Distinguished guests, ladies and gentlemen,

As you may be aware, SUHAKAM has been involved in spearheading advocacy initiatives for the business and human rights agenda in Malaysia since 2010. Since our inception, SUHAKAM has received complaints on a wide range of human rights issues involving business entities, including gender discrimination in employment, exploitation of migrant workers, forced and child labour, Indigenous Peoples' rights, and environmental rights.

Based on the study conducted by the International Labour Organization ('ILO'), which highlighted the prevalence of forced labour conditions in Malaysia, with 29 per cent of domestic workers, who are predominantly women, reporting indicators of such exploitation. These findings were corroborated by a series of consultation sessions organised by SUHAKAM on forced labour. In response, SUHAKAM invited stakeholders for a Focus Group Discussion ('FGD') titled 'Empowering Domestic Workers' on 27 June 2024 to provide a platform for stakeholders to discuss the issues and primary challenges faced by domestic workers in Malaysia, to identify and review the legal framework and policies related to their protection, and to explore legal and social protection recommendations.

Starting from the year 2010, SUHAKAM has been actively embarked on the journey to develop the Strategic Framework on a National Action Plan on Business and Human Rights and presented it to the Government in 2015. Fast forward to 2024, the Legal Affairs Division of the Prime Minister's Department ('BHEUU') launched the National Baseline Assessment on Business and Human Rights ('NBA') in August 2024. The NBA provides a comprehensive overview of the current landscape of human rights in Malaysia and identifies gaps, challenges, and areas for improvement, assisting businesses in Malaysia in aligning with international human rights standards. The NBA covers key areas such as the environment, labour, and governance, in line with global standards, such as the United Nations Guiding Principles on Business and Human Rights ('UNGPs').

The NBA also integrates a gender perspective throughout its analysis, including a dedicated section under Chapter 4: Special Issues — Gender Issues. The NBA recognises that women and girls are disproportionately impacted by adverse human rights practices in business settings, facing structural inequalities such as the gender pay gap, workplace discrimination, and exclusion from decision-making roles.

It is worth noting that while the word 'gender' is repeated over 75 times throughout the NBA, and although gender has been included in Article 8(2) of the Federal Constitution, and gender elements exist in laws such as the Employment Act 1955 and Domestic Violence Act, among

others, the legal framework remains fragmented and lacks a cohesive approach to addressing gender-based harms in the business environment.

It shows that there are still a lot of efforts that need to be made. Notably, CEDAW calls on States to take steps to eliminate gender discrimination both in the public and private sectors, and Malaysia, as the state party to CEDAW since 1995, still does not have a standalone gender equality or anti-discrimination law that domesticates our treaty obligations and I would also like to highlight that Malaysia's reservations to Articles 5(a)ⁱ; 7(b)ⁱⁱ; 9(2)ⁱⁱⁱ; 16(1)^{iv}(a)^v, (c)^{vi}, (f)^{vii}, (g)^{viii}; and 16(2)^{ix} of CEDAW remain in effect.

As a result, there is a gap, particularly in the private sector, where women continue to face unregulated forms of discrimination, including during recruitment, contract negotiation, and promotion. Without binding legislation and institutional accountability, gender equality remains aspirational rather than operational.

Moving forward, during the Human Rights Day Forum 2024 which was held in conjunction with the International Human Rights Day on 10 December 2024, Y.B. Minister in the Prime Minister's Department (Law and Institutional Reform), Y.B. Dato' Sri Azalina Othman Said has announced that the National Action Plan for Business and Human Rights ('NAPBHR') is scheduled to be launched by 2025. SUHAKAM hopes that the NAPBHR will be able to mainstream the business and human rights agenda in Malaysia and the region with the inclusion of gender lens, as business and human rights is a cross-border human rights issues as well.

Distinguished guests, ladies and gentlemen,

We hope that this workshop will be able to hold momentum to bring positive changes to the human rights landscape, specifically on implementing gender lens in business and human rights, which is applicable not only in Malaysia but to the whole ASEAN Community as well.

SUHAKAM would like to take this opportunity to renew our support for Malaysia's Chairmanship of ASEAN for 2025, and we stand ready to work together with stakeholders including the Ministry of Foreign Affairs, Malaysia's Representative to AICHR, ministries and agencies, civil society organisations ('CSOs'), academicians and youth organisations, among others, to promote and protect human rights for all.

Before I end my welcoming address, I would like to once again take this opportunity to thank everyone present here today for your time and commitment to attend and participate in the AICHR Regional Workshop on Gender Lens Perspective on Business and Human Rights in ASEAN.

Thank you for your kind attention.

Kuala Lumpur
30 June 2025

ⁱ Article 5(a): To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

ⁱⁱ Article 7(b): To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

- iii Article 9(2): State Parties shall grant women equal rights with men with respect to the nationality of their children.
- iv Article 16(1): States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - v Article 16(1)(a): The same rights to enter into marriage;
 - vi Article 16(1)(c): The same rights and responsibilities during marriage and its dissolution;
 - vii Article 16(1)(f): The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount
 - viii Article 16(1)(g): The same personal rights as husband and wife, including the rights to choose a family name, a profession and an occupation;
- ix Article 16(2): The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

ANNEX C

**KEYNOTE ADDRESS DELIVERED BY DR. PICHAMON YEOPHANTONG,
CHAIRPERSON OF THE UNITED NATIONS WORKING GROUP ON
BUSINESS AND HUMAN RIGHTS, AT THE AICHR REGIONAL WORKSHOP
ON GENDER LENS PERSPECTIVE ON BUSINESS AND HUMAN RIGHTS IN
ASEAN**

**30 JUNE 2025
KUALA LUMPUR, MALAYSIA**

Excellencies, distinguished guests, and friends,

Thank you very much to the organisers of this ASEAN Intergovernmental Commission on Human Rights ('AICHR') Regional Workshop for inviting the UN Working Group on Business and Human Rights to speak today about an issue that sits at the heart of our region's aspiration for 'Inclusivity and Sustainability' under Malaysia's ASEAN Chairmanship.

As mandate holders appointed by the UN Human Rights Council, the UN Working Group is tasked with promoting, disseminating and implementing the UN Guiding Principles on Business and Human Rights ('UNGPs'). We, therefore, greatly value these types of engagements which enable us to appreciate BHR-related developments at the regional, national and local levels.

Today, we are gathered at a critical time for ASEAN as well as the business and human rights movement. In my remarks, I will address three key points:

- 1) How an inclusive gender lens can and must be woven into the implementation of the UNGPs;
- 2) Where we stand today — the progress we can celebrate and the gaps that still demand our collective action; and
- 3) Why ASEAN is uniquely placed to champion the business and human rights ('BHR') agenda, and how starting with gender is a pragmatic entry-point for both States and businesses in this region.

Let me now turn to the first point on how an inclusive gender lens can be applied to the UNGPs:

The UNGPs, which were endorsed unanimously by States in 2011, set out the State duty to protect human rights alongside the corporate responsibility to respect human rights, and the importance of ensuring access to effective remedies. They also highlight how human rights due diligence ('HRDD'), in particular, is integral to addressing the actual and potential impacts of business operations on human rights. Fundamentally, the UNGPs are about the prevention of business-related human rights abuses, in order to catalyse real, positive changes to the lives of rights-holders on the ground.

Noting the plethora of human rights abuses that women and girls face in the context of business activities — including, as Edmund Bon rightly articulated [in his opening remarks], “structural discrimination as a form of violence” — key observations from the UN Working Group’s 2019 report on a Gender Lens to the UNGPs, which focused on women and girls, can be distilled in the following gender-responsive framework:

- 1) The need for gender-responsive assessment — that is, a rigorous mapping of how laws, policies, business models and supply chains affect women, girls and gender-diverse persons, using gender-disaggregated and intersectional data;
- 2) The importance of gender-transformative measures — by moving beyond avoidance of human rights and gender-based harms to address root causes such as gender pay gaps, under-representation of women, and gender-based violence; and
- 3) Ensuring gender-transformative remedies — by ensuring that grievance mechanisms change power relations to prevent recurrence and not merely compensate for the human rights harms that have occurred.

Crucially, the report reminds us that the UNGPs already contain dimensions that lend themselves readily to gender sensitivity. This is seen in UNGP 3 which indicates how States should give tailored guidance to business; such guidance should include how to integrate gender-responsive considerations in their activities; UNGP 7 where businesses are expected to conduct heightened due diligence; this should include identifying gender-based risks in conflict-affected areas; and UNGPs 18 and 20, which speak to how businesses should track their human rights impacts, including differentiated ones on women and girls through the use of gender-disaggregated data, and integrate the findings into actions taken.

Similarly, the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, updated in 2023, set out how enterprises can conduct risk-based due diligence. Doing so should also include meaningful consultations with affected women and other gender identities. The Guidelines also note how women and other gender identities can face unique and disproportionate impacts across global value chains.

Likewise, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (‘MNE Declaration’) — which has been endorsed and referenced in various ASEAN initiatives, including the ASEAN Guidelines for CSR on Labour — calls on governments and enterprises to ensure equal opportunity and treatment for women, and to eliminate sex and gender-based violence in the workplace.

When businesses operationalise the UNGPs alongside these two international standards, they are no longer just avoiding harm; they would be contributing to *transforming* systems that have long excluded or marginalised women and people of other gender identities.

Inclusivity widens this lens. When talking about applying an ‘inclusive gender lens’, States and businesses need to bear in mind three relevant questions at every step of the HRDD process:

- 1) Who is invisible in our data?
- 2) Whose voices are missing?

- 3) Will the remedies provided also address the underlying structures that generated the human rights and gender-based harms?

Only when regulators, investors and businesses answer these questions honestly can they implement the UNGPs' 'protect, respect, remedy' framework in a way that truly 'leaves no one behind'.

Progress and Challenges

Let me acknowledge progress first. ASEAN is not starting from zero. Over the past five years we have seen:

- 1) Norm-setting and dialogue, as evident from AICHR's convening of regional dialogues on BHR and trafficking (Yogyakarta 2023), and of course, this week's Workshop on a Gender Lens on the UNGPs.
- 2) Strategic frameworks, such as the ASEAN Gender Mainstreaming Strategic Framework ('AGMSF') and the ASEAN Declaration on Gender-Responsive Implementation of the Community Vision 2025, which embed gender equality across all three ASEAN pillars, are cases in point.
- 3) Capacity-building tools, of which AICHR's Training Manual for Front-Line Officers on human rights, gender sensitive, and child friendly approaches to trafficking in persons cases is a good example of the concrete guidance provided to practitioners.
- 4) Private-sector engagement, including in collaboration with other regional and international actors like other UN entities. Indeed, countries like Malaysia, the Philippines and Thailand have integrated gender considerations into various National Action Plans issued pertaining to BHR and women's rights. Such engagement at the State level is necessary to getting businesses operating in and from the region to mainstream a human rights and gender-responsive approach to conducting HRDD in their operations and along their value chains.

Yet, gaps remain and structural barriers have proved to be stubborn. For instance:

- 1) Patriarchal norms still shape wage gaps, occupational segregation and weak board-level representation across the ASEAN region.
- 2) Gender-neutral grievance systems often reproduce bias; women human rights defenders face reprisals, online harassment and even violence when they seek remedy.
- 3) Remedies are often out of reach for women, who fear retaliation, reputational loss, or dismissal when they raise complaints. They are also under-represented in unions, underpaid, and often excluded from decision-making processes.
- 4) Legal gaps: Several ASEAN Member States lack comprehensive anti-discrimination statutes covering gender identity, sexual orientation or gender expression. This mirrors the global situation where only 77 countries prohibit workplace discrimination based on sexual orientation and far fewer protect gender identity. As a result, legal protections are uneven across the region.

- 5) Data gaps and intersectionality: Companies, especially those originating from the ASEAN region, rarely collect or publish gender-disaggregated, let alone intersectional, impact assessment data, making it difficult to track progress or design targeted interventions.

To provide more practical illustrations of these challenges, consider the following:

- 1) In the palm oil sector, while some companies have begun embedding gender-responsive due diligence in their plantations, the industry as a whole still struggles with gender-based violence in remote estates and with migrant women workers, in particular, lacking access to effective remedies.
- 2) Cross-border value chains in the electronics and garment sectors reveal how women dominate lower-skilled jobs yet remain absent from management. They are, therefore, disproportionately at risk of being the first to be laid off during economic shocks. This is an imbalance exacerbated by the Fourth Industrial Revolution's automation trends noted by the UN Working Group's latest report on artificial intelligence ('AI') to the UN Human Rights Council this year.
- 3) Women-led and grassroots micro-, small- and medium-sized enterprises ('MSMEs') — which power ASEAN's economies — are often invisible in due diligence processes, being frequently informal and under-capitalised. They would stand to benefit directly when States adopt inclusive policies on finance, digital access, and social protection.

In short, progress is real but fragile, and the gap between policy and lived realities is widest for those at the margins such as women migrant workers — a topic that the UN Working Group is addressing in our report to the UN General Assembly on labour migration this year — as well as women with disabilities, Indigenous women, and girls.

Why ASEAN Should Lead, and Why Gender is the Entry Point

It is imperative for ASEAN to lead on the BHR agenda in view of the following reasons:

- 1) Alignment with ASEAN's own vision: Recalling the 2025 ASEAN Socio-Cultural Community ('ASCC') Blueprint's call for an "inclusive community that promotes high quality of life, equitable access to opportunities for all", this underscores the need for a gender-responsive approach that operationalises this vision in boardrooms, factories and value chains.
- 2) Economic dividends: Global studies show that gender inclusion can boost Gross Domestic Product ('GDP') and firm-level performance, while consulting firms like McKinsey have consistently linked gender-diverse leadership with higher profitability. ASEAN's export-oriented economies also cannot afford to ignore investors' and consumers' rising environmental, social, and governance ('ESG') expectations, which effectively tie a business's reputation to its bottom-line.
- 3) Regulatory trajectory: The EU's Corporate Sustainability Due Diligence Directive and similar national legislation in Germany and the Netherlands, among others, are already

pushing human-rights and gender-risk reporting deeper into value chains. ASEAN firms that adapt early will enjoy smoother market access and lower compliance costs.

- 4) Soft power and partnership: By championing the BHR agenda, ASEAN can position itself as not only a regional but global norm-setter. This can further complement ASEAN's centrality in the Indo-Pacific and attract responsible investment tied to sustainable development finance.

It is in this way that gender serves as a tangible, pragmatic and exigent entry point for the region's BHR agenda. Every State and business can start by closing pay gaps, stamping out discrimination and harassment, designing childcare solutions, and ensuring women's access to grievance mechanisms. These 'quick wins' can contribute to building trust and confidence, while paving the way for tackling other salient human rights risks including in relation to labour migration, climate-related impacts, and digital rights.

Finally, ASEAN's and Malaysia's leadership in this space can serve as a counterweight to global regression. In the current geopolitical climate, where we are witnessing a rollback of diversity, equity and inclusion ('DEI') policies — even in places once considered champions of human rights, like the United States — ASEAN has an opportunity to lead with moral clarity and practical innovation. By defending gender inclusion and justice, alongside human rights protection, ASEAN can distinguish itself as a region that is not swayed by regressive tides but instead, one that charts a steady course grounded in human dignity, inclusivity, and sustainability.

This moment is ASEAN's opportunity. The UN Working Group looks forward to the outcomes of discussions today and tomorrow, especially those on a Common Position on the Gender Lens in Business and Human Rights, noting that the outcomes achieved at this workshop have the potential to also ripple beyond gender equality and the BHR agenda — and, in so doing, to also 'refresh' ASEAN's processes, while strengthening resilience and securing sustainable development for all human beings who call this region home. So, let us lead; let us listen; and let us act together.

Thank you.