

Acknowledgment

THE DEVELOPMENT of this training manual received support from many institutions and individuals in terms of information, materials, facilities (meeting venue and equipment), and comments/suggestions. HURIGHTS OSAKA acknowledges the following people for their support: (grouped according to institution)

1. Ms Resurreccion Lao, Ms Ma. Rosario Garcia, Ms Niva Gonzales, Ms Lucy Lazo – Asian Consortium for Human Rights-based Access to Justice (HRBA2J-Asia);
2. Dean Sedfrey Candelaria and Atty Ray Paolo J. Santiago – School of Law, Ateneo de Manila University;
3. Mr Dylan Scuddel and Professor Yasunobu Sato – Center for Documentation of Refugees and Migrants, Tokyo University;
4. Ms Bembet Muego-Madrid – Fastenopfer;
5. Ms Heidi Fernandez - Regional Office for South East Asia and Pacific, ICCO (Interchurch Organization for Development Cooperation);
6. Mr Max Tunon, Ms Mamic Ivanka, Mr Houtan Homayounpour and Ms Josée Laporte – International Labour Organization;
7. Ms Vicky Bowman and Ms Junko Kikuchi - Multistakeholder Advisory Group (MSAG), Thilawa Special Economic Zone Project;
8. Ms Jessica Spanton and Mr Bo Bo Aung – EarthRights International;
9. Chairperson Jose Luis Martin C. Gascon, Commissioners Karen Lucia S. Gomez Dumpit, Leah C. Tanodra-Armamento and Roberto Eugenio T. Cadiz, and Ms Marizen Santos – Philippine Commission on Human Rights;
10. Ms Felice Yeban – Philippine Normal University;
11. Mr Livio Sarandrea, Mr Sanny Ramos Jegillos, Mr Phil Matsheza, Mr Nicholas Booth - Bangkok Regional Hub, United Nations Development Programme.

The representatives of the Northeast Asian member-institutions of HRBA2J-Asia are also acknowledged for the participation in the project: Mr Pillkyu Hwang (also HRBA2J-Asia Chairperson), Mr Kinam Kim, Ms Zhong Huang, Ms Erdenechimeg Dashdorg, Ms Urantsooj Gomdosuren and Professor Yasunobu Sato.

Mr Fidel Rillo is acknowledged for doing the lay-out of this training manual, while Mr Jefferson R. Plantilla is acknowledged for coordinating the training manual project and editing the training manual.

Introduction

SOMETIME IN 2010, during a meeting of the Board of Councilors of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA), Mr. Kenzo Tomonaga (a member of the Board of Councilors) suggested the development of a training manual on business and human rights. Mr. Tomonaga, who was then the Director of the Buraku Liberation and Human Rights Research Institute (BHLRRI) proposed a training manual that could be used in the Asia-Pacific region. BHLRRI had its own project on assessing the subscription of Japanese companies to the United Nations principles on business and human rights.

That initial proposal in HURIGHTS OSAKA linked up with a similar discussion among the representatives of the Northeast Asian member-institutions of the Asian Consortium for Human Rights-based Access to Justice (HRBA2J-Asia) during its meeting in Bangkok, Thailand in December 2012. But instead of proceeding to the development of a training manual on business and human rights, they agreed on a research project on the situation in the Northeast Asian subregion that would become the basis of the training manual. The collaborative research project was completed in 2014 by the HRBA2J-Asia member-institutions in China, Japan, Korea (South) and Mongolia* with the printing of a book compiling all the research reports. In November 2014, the book entitled *Bridging Human Rights Principles and Business Realities in Northeast Asia* was launched during a workshop on business and human rights in Makati city, Philippines.**

The development of a training manual on business and human rights started just after the completion of the research project in 2014.

* HRBA2J-Asia member-institutions in Northeast Asia:

- a. Public Interest and Development Law Institute, Wuhan University (China);
- b. Korean Public Interest Lawyers Group (South Korea);
- c. MINBYUN - Lawyers for a Democratic Society (South Korea);
- d. Center for Human Rights and Development (Mongolia);
- e. Asia Pacific Human Rights Information Center (Japan);
- f. NPO Human Security Forum (Japan).

** This was the workshop entitled “Profitable Partnerships: A Workshop on Business and Human Rights in Select Countries in Asia,” organized by RAFI-SHIFT- New York and the Economic, Social and Cultural Rights-Asia (ESCR-Asia), in cooperation with the Makati Business Club (MBC), the Commission on Human Rights of the Philippines (CHRP), the Asia Pacific Pathways to Progress Foundation (APPF) and the Asian Consortium on Human Rights-based Access to Justice (HRBA2J-Asia). See HURIGHTS OSAKA, “Workshop on Business and Human Rights,” *FOCUS Asia-Pacific*, December 2014, issue 78, www.hurights.or.jp/archives/focus/section3/2014/12/workshop-on-business-and-human-rights.html.

Need for Another Training Manual

There is a view that with so many training manuals already existing adding another one may not be useful. Taking this view seriously, the existence of this training manual should be properly justified.

The justification lies in the current efforts on promoting to all stakeholders the need for human rights to become part of business. The United Nations has continuing initiatives to help guide governments, business enterprises, labor unions, non-governmental institutions and even communities take action in this field. There are similar efforts at the inter-governmental level in Asia, particularly in Southeast Asia.

There are numerous international programs for business enterprises on how to integrate human rights principles into corporate policies and systems, and how to implement such adaptation. There are indications that the Asian business communities at the national and regional levels have taken notice of the new international framework on business and human rights.

Parallel to this are the existing initiatives on monitoring business operations and on holding business enterprises accountable for the human rights abuses that have been committed. These are mainly undertaken by non-governmental organizations and labor unions. National human rights institutions in the region have also been receiving complaints related to human rights abuses by business enterprises. Some of them have instituted programs to address this issue, including taking action on the complaints.

But there remains a significant question: how many of the communities adversely affected by business operations have been informed about the new international framework on business and human rights that may provide opportunities for them to address their own problems?

Human rights abuses of business enterprises continue to occur in different parts of the Asian region. The necessity of addressing them using the new international framework on business and human rights is obvious. It is thus necessary that such actions reach the level of the workplace and the communities, in addition to initiatives directed at governments and business enterprises.

In sum, there is still room for a training manual that addresses the affected workers and communities' right to adequate remedy to human rights abuses of business enterprises.

Contextualized Training Manual

This training manual pays close attention to the Northeast Asian business enterprises and the impact of their operations within and outside Northeast Asia. Similar to the research publication, this training manual concentrates on Chinese, Japanese, Korean and Mongolian experiences relating to business and human rights.

Access to Justice

This training manual concentrates on the third pillar of the United Nations' *Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework*. The third pillar speaks of the "need for rights and obligations to be matched to appropriate and effective remedies when breached."^{***}

^{***} *Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework*, Full text of the document available at www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf, page 1.

This training manual devotes a number of training modules on mechanisms that facilitate access to remedy at various levels including the workplace and community, and national and international levels.

The modules discuss the mechanisms by analyzing related cases involving Chinese, Japanese, South Korean and Mongolian business enterprises.

Training Manual Users

The concept of business operations subscribing to international human rights standards is still new to many members of the civil society organizations whose work relate in one way or another to issues arising from company operations.

There is a strong need to support the work of the non-governmental organization workers in seeking adequate remedies to the problems suffered by workers and members of the community where business enterprises operate. This training manual aims to address this need.

About This Training Manual

THIS TRAINING MANUAL is a tool for understanding human rights in the context of business operations. It provides both content and process for analyzing concepts, principles, standards, mechanisms and practices relevant to the link between business and human rights. It is designed to help facilitators hold training activities on the application of human rights standards to business operations.

Manual Objectives

This training manual has the main objective of enabling trainees/participants to employ the human rights-based approach to access to justice in dealing with business and human rights issues.

The more specific objectives of this training manual are the following:

1. To discuss the United Nations framework on business and human rights in the context of Northeast Asia;
2. To analyze issues arising from business operations of Northeast Asian companies based on the international framework on business and human rights; and
3. To review existing grievance mechanisms (local, regional and international) on business-related human rights issues, and to examine strategies on resolving issues arising from business operations.

The Modules

This training manual has nine modules corresponding to the nine themes relevant to the business and human rights issue; one module takes up one theme.

Each module has the following major parts:

- a. Objectives, timeframe and materials;
- b. Initial activity to introduce the module theme;
- c. Group activity to enable discussion and analysis of situations and issues;
- d. Input on specific concepts, issues and human rights;
- e. Another group activity to further analyze situations and issues; and
- f. Summary of the major ideas and reflections on the activities held.

The themes are progressively linked – starting with a general **assessment of the situation** (local and national) concerning business and human rights, proceeding to the **standards** (domestic and international) including the principles of human rights-based approach to access to justice, and ending with the **mechanisms** that facilitate access to justice.

Depending on the needs and situation of the trainees/participants, facilitators can focus on a few modules and even use them in different sequence (e.g., corporate standards module paired with corporate mechanisms module; situation/context analysis modules paired with modules on grievance mechanism).

However, the modules are also designed to allow “stand alone” use. The facilitator can focus on a specific theme/module.

Learning Process

This training manual employs the participatory adult learning approach. The facilitators are expected to provide trainees/participants every possible opportunity to share their experiences, express opinions, raise questions and to engage in activities designed to increase skills (regarding analysis, argumentation/debate, presentation of ideas/discussions, action strategizing/planning, etc.) through individual or group/collaborative work.

Facilitators

This is a training manual for facilitators. It is designed to assist them in training people who work on problems related to business and human rights.

There is no assumption that the facilitators have substantive knowledge on the business and human rights issue. The modules provide significant amount of information (along with annexes and references) to help the facilitators gain substantial grasp of the module content.

They are expected to subscribe to participatory adult learning processes, and are assumed to have the capability to improve on the participatory processes in the modules.

Resource Persons

This training manual needs resource persons who have knowledge and experience in discussing its contents. The modules require the discussion of international human rights standards, principles related to the nexus between business and human rights, and also different forms of remedies appropriate to “human rights impacts” of business operations.

Trainees/Participants

This training manual is primarily aimed at training members of the civil society organizations whose program relates to business and human rights issues. The expected trainees/participants are those who work in labor unions, community organizations, and non-governmental organizations that provide service (directly or indirectly) to workers and/or members of communities, as well as those who work at the national human rights institutions, human rights centers, and academic institutions with social outreach orientation.

The modules ensure that the trainees/participants can share field experience and knowledge on the themes involved during the training activity.

The participatory process employed in the modules is a key measure to facilitate joint learning among facilitators and trainees/participants.

Adaptable Manual Content

This facilitator’s training manual is adaptable in at least two senses:

- a. The context of issues can be changed from that of Northeast Asia to that of another subregion in Asia. Corresponding information on experiences and practices can be changed to those of a different subregional context without affecting the contents of

the training manual on concepts, principles and standards related to business and human rights;

- b. The focus of the training manual can also be shifted from members of the civil society organizations and related institutions to officials and managers of business enterprises. In this sense, other relevant experiences and practices can be used to suit these types of trainees/participants.

Duration of Training

A training program using this training manual may last for one day or one week, depending on whether to use a few of the modules or all of them.

The program can be on staggered basis, having once-a-week sessions instead of one program over successive days in a week.

In other words, in view of the “stand-alone” nature of the modules, facilitators may choose to develop a training schedule suitable to the trainees/participants instead of a week-long training program using this training manual in full.