

Event Report

Safeguarding the Indo-Pacific: Human Security and Migrant Workers

Contextual Background

Migrant workers, while vital for enriching societies and sustaining commercial activity by filling labour market skills shortages in sectors like agriculture, construction, healthcare, and domestic work, are consistently at risk of business-related human rights abuses and violations. These risks are compounded by intersectional realities such as gender, LGBTI+ status, age, or statelessness, and belonging to Indigenous or minority groups, or living with disabilities. More specific risks include forced labour, precarious employment, wage theft, debt, xenophobia, criminalisation, diminished freedoms, and social exclusion, with undocumented workers facing even greater risks.

On the 20 June 2025, the Indo-Pacific Research Centre (IPRC) and the Institute for Security and Development Policy (ISDP) organised a talk by Dr Pichamon Yeophantong on the topic of human security in the Indo-Pacific. Dr Yeophantong is Head of Research and Associate Professor at the Centre for Future Defence and National Security, Deakin University. She is also a member of the United Nations (UN) Working Group on Business and Human Rights which is due to table a report to the UN General Assembly shortly on the topic.

The discussion led by Dr. Yeophantong, in the context of the UN Working Group on Business and Human Rights, provides a critical framework for examining the complex challenges and evolving standards governing migrant worker protections. Drawing from the forthcoming report that the working group will submit to the UN General Assembly, Dr Yeophantong's insights underscore the urgent need for systemic transformation in how states and businesses approach the rights of migrant workers. Rooted in the UN Guiding Principles on Business and Human Rights (UNGPs), her analysis draws attention to the multidimensional crises facing migrant workers in the Asia-Pacific and beyond—especially under the mounting pressures of a deteriorating global human rights environment. It is stated in the discussion that the Indo-Pacific region has the highest number of migrant workers.

The United Nations Working Group on Business and Human Rights functions under the auspices of the Human Rights Council's Special Procedures. This group operates similarly to special rapporteurs, tasked with promoting, implementing, and disseminating the UN Guiding Principles on Business and Human Rights (UNGPs). As part of their mandate, the Working Group engages a diverse range of stakeholders which include states, businesses, civil society organizations,

and academics. Engagement activities include country visits, thematic reporting to the UN Human Rights Council and General Assembly, and the organization of the annual UN Forum on Business and Human Rights in Geneva, which has grown to become the largest global gathering of business and human rights practitioners, drawing over 4,000 attendees in its most recent iteration.

Central to the Working Group's efforts are the UNGPs, which were unanimously endorsed by the Human Rights Council in 2011 and have since become a foundational normative framework in the field. The UNGPs articulate the distinct but complementary responsibilities of states and businesses: states have the duty to protect human rights, businesses have the responsibility to respect them, and both share the obligation to provide access to effective remedy. It focuses on preventing and addressing adverse impacts as baseline responsibility, but does not preclude further responsibility of business for broader development. Importantly, the UNGPs do not create new legal obligations but instead elaborate on existing ones under international human rights and international labour law. This flexible "soft law" structure has been equally praised and critiqued. While some argue it lacks enforcement teeth, others note its strategic advantages, particularly in politically sensitive contexts, because its voluntary nature allows for broader adoption and durability in the face of regulatory rollback.

The evolving interplay between mandatory and voluntary approaches—referred to as the "smart mix"—has become central to the global conversation. This synergy blends hard law (such as forced labour regulations and supply chain due diligence requirements) with soft law mechanisms (National Action Plans and

industry-led initiatives), offering both flexibility and resilience. For instance, as DEI (diversity, equity, and inclusion) mandates have come under political attack in countries such as the United States, many companies have maintained such initiatives under alternative labels like "human development," enabled by the voluntary, self-regulatory nature of the soft law framework.

Human Rights Due Diligence (HRDD) is a key mechanism in the UNGPs, particularly under Pillar II, which outlines the corporate responsibility to respect human rights. Unlike traditional due diligence—which focuses on risks to the business—HRDD requires companies to assess and address the human rights impacts and risks their operations pose to people, including workers in distant or outsourced segments of their supply chains. Dr. Yeophantong highlighted the importance of this shift, especially in the context of migrant labour, where abuses can occur deep within supply chains and are therefore harder to detect and address. She stressed that companies may not be the immediate perpetrators of harm but nonetheless still bear responsibility through their business relationships. The expectation, under the UNGPs, is that companies should use their leverage to influence suppliers and partners, and to mitigate adverse human rights impacts even when they occur indirectly.

Finally, while some companies—especially large multinationals—have begun to internalize and lead on business and human rights agendas, access to remedy remains the most underdeveloped pillar of the UNGPs. Judicial and non-judicial mechanisms are often inaccessible to migrant workers, especially in the Asia-Pacific, where corruption, language barriers, and legal intimidation such

as Strategic Lawsuits Against Public Participation (SLAPPs) are prevalent. Moreover, she identified a structural flaw in how “remedy” is implemented: in some cases, reparations are directed to the state rather than to victims themselves, thereby distorting the core purpose of remediation. Migrant workers, who often lack knowledge of operational-level grievance mechanisms or legal rights, remain excluded from justice systems and corporate accountability frameworks. These realities form the basis for the report’s deeper inquiry into labour migration and the human rights responsibilities of both businesses and states.

The discussion focused on some important data presented by the UN Working Group. The ILO estimates that there are 169 million migrant workers in the world, with the Asia-Pacific region constituting the biggest source of migrants. Furthermore, Asia-Pacific migrant workers work across both the formal and informal sectors, with the vast majority being adults aged between 25 and 64. Women’s labour migration has been encouraged by countries of origin in recent years, with many women migrants destined for care work (including domestic work) as well as the manufacturing, agricultural, and hospitality sectors.



Photo by Ian Wilson

Key Takeaway 1: Businesses Must Address Root Causes of Abuse, Not Just Symptoms

While businesses have increasingly acknowledged and attempted to address abuses such as forced labour, child labour, and unethical recruitment, these surface-level fixes fail to tackle the structural conditions that perpetuate harm. Many corporate responses remain narrowly focused on identifying violations through audits or certification schemes, while ignoring the underlying systems of power, legal precarity, and economic dependency that leave migrant workers vulnerable. These include recruitment debt, tied visa regimes, subcontracted labour arrangements, and discriminatory employment structures.

The concept of Human Rights Due Diligence (HRDD), a core pillar of the UNGPs, is presented not merely as a compliance tool but as a transformative framework. HRDD shifts the focus from risks to business operations toward risks to people, urging companies to proactively assess, prevent, and mitigate adverse impacts. This is particularly critical in global supply chains where companies may not be the direct perpetrators of harm but remain complicit through business relationships. Even if businesses are not immediately causing adverse impact, they still have the responsibility to ensure that their partners are in line with international human rights standards. One illustrative case from Malaysia involved over 200 Bangladeshi migrant workers who were unpaid for several months and housed in dangerous conditions by a supplier, Kawaguchi Ltd. Although the company declared bankruptcy and evaded accountability, Japanese firms in the supply

chain, Sony and Daikin, intervened voluntarily to provide unpaid wages and refund illegal recruitment fees. Their response, framed explicitly through the lens of the UNGPs, shows how HRDD can operate across tiers of a supply chain when companies take responsibility for their indirect relationships.

In this light, the call is not just for businesses to implement due diligence mechanisms, but to embed ethical reflexivity and accountability into how value chains are constructed. Businesses, particularly large multinationals and investors, are increasingly recognizing that proactive compliance costs less than remediation after harm occurs. However, smaller and medium-sized enterprises (SMEs), often shielded from regulation, pose an ongoing challenge due to their limited capacity and lack of incentives. The discussion noted this gap and stressed the need for targeted guidance and state support to bring these actors into the fold. The discussion also considered the challenge of complex supply chains and the difficulty of establishing the limits whereby businesses are responsible for human rights abuses that may have taken place.

Crucially, the discussion noted that the root causes of abuse are not only economic or structural, they are deeply social and intersectional. Discrimination based on gender, class, legal status, and ethnicity compound the risks faced by migrant workers. Women, LGBTQ+, and indigenous migrants, especially in informal sectors such as domestic work or agriculture, often face systemic stigmatization and isolation, with little recourse to justice. Businesses must therefore move beyond technical fixes and adopt a rights-based, intersectional lens in their operations.

Key Takeaway 2: States Must Fulfill Their Duties to Prevent Abuse and Guarantee Remedies

While businesses have a responsibility to respect human rights, the state remains the primary duty-bearer under international human rights law. The UNGPs emphasize this in the first pillar: the state's duty to protect. Many governments, especially in the Asia-Pacific, are failing to uphold this obligation, either due to lack of capacity, political will, or outright abdication of responsibility. Instead, there is an emerging and troubling trend of the privatization of state obligations, wherein enforcement and protection mechanisms are delegated to businesses, Non Governmental Organizations (NGOs), or third-party certifiers.

One of the most critical failures identified is in the area of access to remedy, the third pillar of the UNGPs. Across the region, migrant workers face significant barriers in seeking justice. These include language barriers, complex visa systems, fear of deportation or retaliation, high legal costs, lack of documentation, and unfamiliarity with their rights. Even when judicial or non-judicial mechanisms exist, they are often inaccessible, corrupted, or structurally biased. One such example is the misuse of Strategic Lawsuits Against Public Participation (SLAPPs), where companies silence workers or human rights defenders through legal intimidation is prevalent in Southeast Asia.

A vivid example is the JP-MIRAI grievance mechanism established by the Japanese government, which is meant to provide a one-stop platform for technical interns to file complaints and seek legal support. While an

important step, the program fails to guarantee protections for undocumented or irregular workers, whose access to justice may expose them to immigration penalties. Undocumented migrant workers are among the least protected and most vulnerable. If remedies are conditional, they are not truly remedies.

Some states have taken steps toward regularization of undocumented migrant workers as a protective measure. Thailand has implemented an amnesty program for undocumented workers, allowing them to register and access formal employment. This has reportedly reduced irregular migration and improved legal protections. Such efforts show that states can take bold and effective measures when they choose to.

Beyond enforcement, states also have a critical role to play in capacity building. Many Southeast Asian governments, lack the institutional knowledge or infrastructure to regulate labour migration effectively. Until recently, the Office of the High Commissioner for Human Rights and International Organization for Migration (IOM) had supported state actors with training and technical support. However, these programs are now at risk. The discussion noted that the human rights pillar is the least funded of the UN system. With major funders like the United States withdrawing support and donors shifting priorities, essential initiatives within the IOM in particular are being defunded, staff laid off, and programs terminated with minimal notice. This financial and political crisis is not only hampering state capacity but undermining the foundations of migrant protection globally.

Key Takeaway 3: Political Backsliding and Blue-Washing Threaten Hard-Won Gains

The broader geopolitical context looms heavily over all efforts to advance migrant worker protections. The rise of nationalist politics, the rollback of human rights commitments, and the politicization of key concepts like diversity, equity, and inclusion (DEI) are eroding the legitimacy of international frameworks and weakening state accountability.

This phenomenon is particularly visible in the United States, once a central actor in shaping the business and human rights agenda. The discussion noted the swift change in public discourse where even basic terms like “migrant workers” or “DEI” are now flagged as politically sensitive. In some United States-influenced settings, the language of human rights has become so contested that UN drafters are being advised to substitute it with alternatives such as “human development initiatives.” Such rhetorical shifts signal the risk of deeper forms of erasure and undermine consensus around universal human rights norms.

Against this backdrop, “blue-washing” becomes a pressing concern. Like green-washing in the environmental space, blue-washing refers to corporations aligning themselves with the optics of human rights compliance such as participating in forums, issuing vague statements, or publishing glossy reports despite taking little or no substantive action. This is enabled by the voluntary nature of many softlaw frameworks, including the UNGPs. As states scale back enforcement and

public scrutiny diminishes, businesses face fewer risks for performative compliance.

However, the report also provides evidence that meaningful resistance is still possible. In some parts of Asia and Scandinavia, businesses, investors, and civil society actors are stepping up. In Sweden, pension funds and investment firms are putting boots on the ground, conducting on-site inspections and demanding real accountability from suppliers. Investor networks like the Principles for Responsible Investment (PRI) are advocating for stricter Environmental, Social and Governance (ESG) standards, even as governments waver. These examples underscore the importance of multi-stakeholder coalitions that operate independently of, but in dialogue with, state power.

The future of these initiatives hinges on continued resourcing and political support. The defunding of protection programs, especially for vulnerable groups like migrant workers, women, and LGBTQI+ communities, threatens to undo decades of progress. Is it still useful to talk to countries like the United States that are stepping back from championing human rights, or should we be looking to Indo-Pacific governments that appear to be more open to active engagement? Should we be looking to Asia-Pacific governments, who may be more open to real engagement?

SPEAKER



Dr Pichamon Yeophantong

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Disclaimer: This report is solely based on the discussion and does not represent the views of either the IPRC or the ISDP

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