

CORPORATE ACCOUNTABILITY FOR GENDER-BASED HUMAN RIGHTS VIOLATIONS IN SOUTH AND EAST ASIA: THE ROLE OF INTERNATIONAL STANDARDS AND LOCAL COMPLIANCE

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GLOBAL
HUMAN
RIGHTS
DEFENCE

INTRODUCTION

Gender-based violence (GBV) and discrimination within corporate supply chains and workplaces remain a critical and under-addressed human rights issue in South and East Asia. From garment factories in Bangladesh to electronics assembly lines in Malaysia and agricultural plantations in the Philippines, women and gender minorities frequently experience harassment, unsafe working conditions, unequal pay, and restricted access to justice. Multinational corporations (MNCs), local businesses, and subcontractors often operate in environments where legal protections for women are weak, poorly enforced, or undermined by corrupt and patriarchal systems.¹ In many cases, economic dependency, fear of retaliation, and the absence of grievance mechanisms prevent victims from reporting abuse.²

While states bear the primary responsibility for protecting human rights, corporations have increasingly been scrutinised for their role in perpetuating or failing to prevent violations within their business operations. The adoption of international frameworks such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) has set clear expectations for corporate actors to respect human rights, including those related to gender.³ Nevertheless, the effectiveness of these standards hinges on local implementation, corporate willpower, and meaningful accountability mechanisms.⁴

This report explores the intersection between corporate conduct and gender-based human rights violations in South and East Asia. It evaluates the effectiveness of international human rights standards, assesses regional legal frameworks and compliance, and recommends measures to improve corporate accountability and survivor protection.

1. CORPORATE-LINKED GENDER-BASED HUMAN RIGHTS VIOLATIONS IN CONTEXT

In many countries across South and East Asia, corporate sectors rely heavily on female labour, particularly in export-driven industries. In Cambodia, Myanmar, China, Vietnam, and India, women dominate the workforce in garments, electronics, and service sectors, yet continue to face systemic abuse and discrimination. Harassment by male supervisors is widespread, with many incidents going unreported due to the power imbalance

¹ Amnesty International, 'Bangladesh: Garment Workers Must Receive Rights-Based Compensation and Justice Immediately' (1 May 2024)

<<https://www.amnesty.org/en/latest/news/2024/05/bangladesh-garment-workers-must-receive-rights-based-compensation-and-justice-immediately/>> accessed on 14 March 2025.

² International Labour Organization, 'Eliminating Violence and Harassment in the World of Work' (2019).

³ United Nations Human Rights Office of the High Commissioner, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) HR/PUB/11/04.

⁴ *ibid.*

and fear of job loss.⁵ Pregnant workers are frequently pressured to resign or denied benefits, while women often receive lower pay than their male colleagues for equivalent work.

In Malaysia, migrant women working as domestic helpers or in the palm oil sector endure conditions that amount to forced labour. These include long working hours, confiscation of identification documents, verbal and physical abuse, and restrictions on movement.⁶ Victims often lack access to justice because of their immigration status, language barriers, or the absence of formal employment contracts. The structural power imbalance between employer and worker, compounded by weak regulatory oversight, enables widespread exploitation with little fear of legal consequence.⁷

Across the region, grievance mechanisms within workplaces are either non-existent or inaccessible, especially to women in informal or subcontracted positions. Even where multinational corporations adopt codes of conduct, the absence of independent monitoring and accountability means that violations often remain hidden.⁸

2. INTERNATIONAL STANDARDS AND GUIDELINES ON CORPORATE RESPONSIBILITY

Various international instruments have established clear expectations for corporations to respect and uphold human rights, including gender-specific protections. The United Nations Guiding Principles on Business and Human Rights, adopted in 2011, outline a three-pillar framework: the state's duty to protect, the corporate responsibility to respect, and the need for access to remedy.⁹ Under these principles, companies are expected to conduct human rights due diligence assessments, identify and address risks, and avoid contributing to human rights abuses. Principle 3 of the UNGPs explicitly encourages the incorporation of gender-sensitive approaches into corporate assessments and response mechanisms.¹⁰

The International Labour Organization's (ILO) Convention No. 190 on Violence and Harassment, adopted in 2019, establishes the right to a world of work free from violence and harassment, including those based on gender.¹¹ Although only a few Asian countries have

⁵ International Labour Organization, 'Eliminating Violence and Harassment in the World of Work' (2019).

⁶ Margie Mason and Robin McDowell, 'Rape, Abuses in Palm Oil Fields Linked to Top Beauty Brands' (*AP News*, 18 November 2020) <<https://apnews.com/article/palm-oil-abuse-investigation-cosmetics-2a209d60c42bf0e8fcc6f8ea6daa11c7>> accessed 9 June 2025.

⁷ *ibid.*

⁸ OECD (2011), *OECD Guidelines for Multinational Enterprises*, OECD Publishing. <<http://dx.doi.org/10.1787/9789264115415-en>> accessed 9 June 2025.

⁹ 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) HR/PUB/11/04 (n 3).

¹⁰ *ibid.*

¹¹ International Labour Organization, Violence and Harassment Convention, C190 (adopted 21 June 2019, entered into force 25 June 2021).

ratified this convention, it sets a global standard that urges both state and private actors to address abuse in the workplace.¹²

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by every country in the region, obligates governments to protect women against rights violations by private entities.¹³ This obligation indirectly extends to corporations by requiring states to regulate business practices that perpetuate gender inequality.¹⁴

Additionally, the OECD Guidelines for Multinational Enterprises, while not legally binding, provide ethical standards for corporate behaviour, including non-discrimination and respect for workers' rights.¹⁵ Although grievance mechanisms exist under these guidelines through National Contact Points, their enforcement is often inconsistent and lacks the authority to impose penalties.¹⁶

Despite the availability of these frameworks, implementation remains weak, particularly in countries where corporate influence is high and regulatory capacity is low. Many multinational companies continue to benefit from legal loopholes and lax enforcement in host countries, undermining the effectiveness of international standards.¹⁷

3. LOCAL COMPLIANCE AND ENFORCEMENT CHALLENGES

Legal compliance with international norms varies across South and East Asia. While many countries have enacted legislation aimed at promoting gender equality and labour rights, enforcement is often undermined by structural weaknesses, corruption, and political interference. In Bangladesh, for example, labour reforms introduced after the 2013 Rana Plaza disaster have improved factory inspections on paper, but garment workers, the majority of whom are women, still report harassment, long working hours, and inadequate complaint mechanisms.¹⁸

¹² International Labour Organization, 'The ILO Violence and Harassment Convention, 2019 (No. 190): exchanges between practitioners and academia on preventing and ending violence and harassment in the world of work' (*IABWH-ILO Webinar*, 11 December 2023)

<<https://www.ilo.org/meetings-and-events/ilo-violence-and-harassment-convention-2019-no-190-exchanges-between>> accessed 9 June 2025.

¹³ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

¹⁴ UN Women, 'Convention on the Elimination of All Forms of Discrimination Against Women' (*UN*) <<https://www.un.org/womenwatch/daw/cedaw/>> accessed 9 June 2025.

¹⁵ *OECD Guidelines for Multinational Enterprises* (n 8).

¹⁶ *ibid.*

¹⁷ Human Rights Watch, 'Bangladesh: 2 Years After Rana Plaza, Workers Denied Rights' (22 April 2015)

<<https://www.hrw.org/news/2015/04/22/bangladesh-2-years-after-rana-plaza-workers-denied-rights>> accessed 9 June 2025.

¹⁸ *ibid.*

In Malaysia, domestic labour is not adequately covered under the national Employment Act, which leaves thousands of migrant women workers without legal protections. Despite international pressure, comprehensive reforms remain stalled, and enforcement remains minimal due to weak political will and the dominance of powerful industry lobbies.¹⁹

In Vietnam, the 2019 Labour Code includes a prohibition against workplace sexual harassment, yet its vague definitions and the absence of implementation guidelines make the law difficult to apply in practice. Employers often fail to create safe reporting channels, and victims remain reluctant to speak out due to cultural stigma and job insecurity.²⁰

Indonesia and the Philippines have passed progressive gender equality legislation, but informal workers, many of whom are women, remain outside the coverage of such laws. In rural and marginalised communities, labour rights violations go unmonitored, and the absence of unions or civil society oversight exacerbates the issue.²¹

In more politically repressive contexts, such as China and Myanmar, efforts to report or investigate corporate-linked abuses are often thwarted by government censorship and surveillance. The suppression of civil society organisations and the criminalisation of human rights defenders create an atmosphere of fear, preventing workers from voicing grievances or organising for better conditions.²²

4. CASE STUDIES ON CORPORATE INVOLVEMENT

In Cambodia, the garment industry employs women predominantly, many of whom report frequent verbal abuse, forced overtime, and punitive measures for becoming pregnant. Despite voluntary codes of conduct issued by global fashion brands, violations persist due to insufficient monitoring and the use of announced audits, which allow factories to conceal abusive practices in advance.²³

In Malaysia, a 2020 investigation revealed systematic sexual abuse of women working in the palm oil sector. Victims described rape, sexual coercion, and physical violence, often at the hands of supervisors.²⁴ Although some multinational buyers issued

¹⁹ Amnesty International, 'Bangladesh: Garment Workers Must Receive Rights-Based Compensation and Justice Immediately' (1 May 2024)

<<https://www.amnesty.org/en/latest/news/2024/05/bangladesh-garment-workers-must-receive-rights-based-compensation-and-justice-immediately/>> accessed 14 March 2025.

²⁰ International Labour Organization, 'Eliminating Violence and Harassment in the World of Work: ILO Convention No. 190, Recommendation No. 206, and the accompanying Resolution' (2019).

²¹ *ibid.*

²² 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) HR/PUB/11/04 (n 3).

²³ Annie Kelly, 'Fashion's Dirty Secret: How Sexual Assault Took Hold in Jeans Factories' (*The Guardian*, 20 August 2020) <<https://www.theguardian.com/news/2020/aug/20/fashion-industry-jeans-lesotho-garment-factory-workers-sexual-violence>> accessed 9 June 2025.

²⁴ Margie Mason and Robin McDowell (n 6).

public statements, very few took meaningful action to investigate the abuses or support the survivors.²⁵

In South Korea, the #MeToo movement exposed widespread workplace harassment across multiple sectors, including the corporate and entertainment industries.²⁶ While some companies responded with updated internal policies and anti-harassment training, survivors still faced career setbacks, public backlash, and retaliatory lawsuits, highlighting the persistent gap between formal protections and lived experiences.²⁷

5. RECOMMENDATIONS FOR STRENGTHENING CORPORATE ACCOUNTABILITY

Improving corporate accountability for gender-based human rights violations in South and East Asia requires binding legislation at the national level that enforces the principles outlined in international frameworks.²⁸ States must introduce mandatory human rights due diligence laws that compel corporations to identify, prevent, and address risks to women and marginalised groups throughout their operations and supply chains.²⁹ Such laws must include provisions for gender-sensitive risk assessments and consultation with affected communities.³⁰

Corporations should be required to conduct independent audits that include gender-aware methodologies and interviews with female workers in private and safe conditions. These audits should be unannounced and involve credible civil society partners with expertise in gender and labour rights.³¹

Governments and corporations must collaborate to establish grievance mechanisms that are accessible, confidential, and culturally appropriate. These mechanisms should ensure that victims of harassment or abuse can report incidents without fear of retaliation and with the assurance of follow-up action.³²

²⁵ Al Jazeera, 'Rape, Abuses in Palm Oil Fields Linked to Top Cosmetic Brands: AP' (18 November 2020) <<https://www.aljazeera.com/news/2020/11/18/rape-abuses-in-palm-oil-fields-linked-to-top-cosmetic-brands-ap>> accessed 9 June 2025.

²⁶ Sue Mi Terry and Lisa Collins, 'South Korea Is in the Middle of Its Own #MeToo Movement' (*The Washington Post*, 26 February 2018) <<https://www.washingtonpost.com/news/democracy-post/wp/2018/03/26/south-korea-is-in-the-middle-of-its-own-metoo-movement/>> accessed 9 June 2025.

²⁷ Mark Sample, 'MeToo Movement in South Korea' (*Asia Society*, 2018) <<https://asiasociety.org/korea/metoo-movement-south-korea>> accessed 9 June 2025.

²⁸ 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) HR/PUB/11/04 (n 3).

²⁹ *OECD Guidelines for Multinational Enterprises* (n 8).

³⁰ 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) HR/PUB/11/04 (n 3).

³¹ *OECD Guidelines for Multinational Enterprises* (n 8).

³² International Labour Organization, 'Eliminating Violence and Harassment in the World of Work: ILO Convention No. 190, Recommendation No. 206, and the accompanying Resolution' (2019).

Partnerships with women's rights organisations can enhance both corporate understanding and state policymaking by grounding interventions in local contexts and survivor experiences. These partnerships can also improve the delivery of support services such as legal aid, psychosocial counselling, and economic empowerment programs.³³

Governments must ensure that labour laws are enforced uniformly across both formal and informal sectors. They should also establish independent oversight bodies to monitor corporate conduct and impose meaningful sanctions for non-compliance. Transparency should be mandated through public reporting obligations that require companies to disclose their efforts in combating gender-based violations and supporting affected individuals.³⁴

CONCLUSION

Corporate-linked gender-based human rights violations in South and East Asia remain pervasive due to systemic gaps in both international and national accountability frameworks. Although international instruments such as the United Nations Guiding Principles and ILO Convention 190 provide valuable guidance, their voluntary nature and uneven adoption limit their effectiveness. Domestic legal frameworks often fall short of protecting women workers, particularly in informal sectors and low-wage industries where abuse is most widespread.

To bridge the gap between global standards and local realities, states must legislate binding obligations for corporate actors and ensure that enforcement mechanisms are both robust and gender-sensitive. Corporations must move beyond symbolic commitments and invest in meaningful reforms that address structural inequalities within their operations. Only through sustained political will, corporate transparency, and civil society engagement can South and East Asia advance towards a future where businesses uphold, rather than undermine, the rights and dignity of women and marginalised workers.

³³ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

³⁴ *OECD Guidelines for Multinational Enterprises* (n 8).

LEGISLATION

Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

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