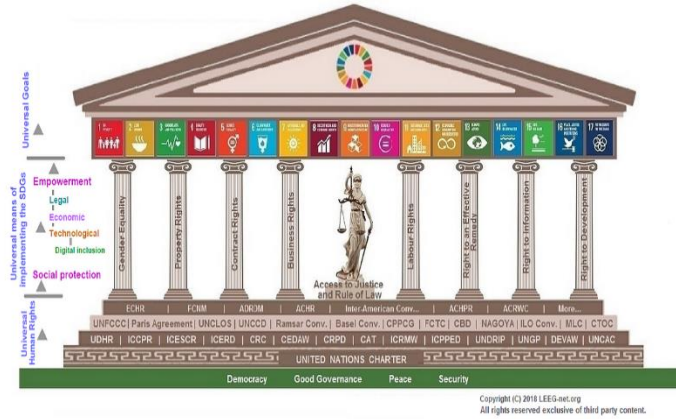


# National Dialogue on Business and Human Rights

On the Occasion of International Human Rights Day 2021



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## 1. Background

A key message from the 2018 UN Forum on Business and Human Rights was that governments must step up their action and leadership. Currently, they are not doing enough to meet their duty to protect against business-related human rights abuse. While important legal developments are evolving in some jurisdictions, and the number of countries developing national action plans on business and human rights continues to grow, the effectiveness of current efforts and the lack of wider action are being called into question.

This recent burgeoning of initiatives is not only responding to the evidence of the scale of the human rights deficits connected to global supply chains. Most of these initiatives call out explicitly the responsibility of companies to respect human rights, as set out in the UN Guiding Principles on Business and Human Rights. The UN Guiding Principles were endorsed by all members of the UN Human Rights Council in June 2011.

This unanimous backing reflected strong support from business, government and civil society groups for their three-fold proposition: that states have a duty to protect human rights, including against abuse by business; that companies have a responsibility to respect human rights throughout their activities and business relationships; and that both states and companies have a role in ensuring that anyone whose human rights are harmed by business activities has access to effective remedy. The Guiding Principles set out a



basic blueprint for what companies should do in order to be confident - to “know and show” - that they are meeting their responsibility to respect human rights:

The lack of government leadership, reflected in governance gaps and a lack of policy coherence at all levels - national, regional and global - remains a fundamental challenge to ensuring that the human rights and dignity of all are upheld in the context of business activities.

These gaps have been a recurrent theme at all Forums since the first edition in 2012, and a key reason for the development of the UN Guiding Principles on Business and Human Rights, which provide the main reference for Forum discussions. At the Forum, civil society organizations, affected stakeholders and business alike have called on States to step up

action, through strengthened regulation, improved policy coherence, and through leading by example in the various roles States have as economic actors.

The national dialogue on "**Business and Human Rights**" will focus on the need for all governments to demonstrate progress, commitments and plans in implementing the State duty to protect and strengthening accountability. As the Guiding Principles clarify, ensuring access to effective remedy is also a part of the State duty to protect against business-related human rights abuse, and discussions on government action need to address the full spectrum of measures from prevention to remediation. The dialogue agenda will look at what governments need to do to foster business respect for human rights, including by getting their own house in order and by setting clear expectations and creating incentives for responsible business conduct. In doing so, the agenda will consider the Guiding Principles' call for "a smart mix of measures - national and international, mandatory and voluntary, incentives and sanctions - to foster business respect for human rights" and what this can mean in practice.



This year's Human Rights Day theme relates to "Equality" and the article art. 1 of the UDHR - "All human beings are born free and equal in dignity and rights". The

principles of equality and non-discrimination are at the heart of human rights. Equality is aligned with the 2030 Agenda and with the UN approach set out in the document Shared Framework on Leaving No One Behind: Equality and Non-Discrimination at the Heart of Sustainable Development. This includes addressing and finding solutions for deep-rooted forms of discrimination that have affected the most vulnerable people in societies, including women and girls, indigenous peoples, people of African descent, LGBTI people, migrants and people with disabilities, among others.

In this context, Nepal Development Initiative (NEDI) in partnership with IM Swedish and in collaboration with Nepal SDGs Forum, NGO Federation of Nepal, National Social Entrepreneurs' Forum (NSEF), Social Entrepreneurship Associations of Nepal (SEAN) and

NGO Federation of Nepal, is planning to organize national dialogue on Business and Human Rights in Nepal.

## 2. Objectives of national dialogue

- The overall objective of the dialogue was to help participants gain a thorough understanding of the Business and Human Rights agenda and provide leadership perspectives on the potential and challenges to implement the UN Guiding Principles as an essential means to achieving the Sustainable Development Goals (SDGs).
- Make a public commitment to respect human rights and embed this into their core values and daily business.

## 3. Date

2078/09/ 25 (2021 December 9th)

## 4. Venue

**Hybrid type** ( Alpha House, Kathmandu and Zoom Platform)

## 5. Workshop Modality

The workshop was organized on hybrid model to ensure participation for different part of Nepal. Participations from Kathmandu valley was invited on the venue and the zoom platform link was shared the participants for outside Kathmandu Valley. The zoom link was created in advance and sent with invitations in advance.

## 6. Participants

In total, there were 52 participants from different part of the country. Among them 35 participants were presented in the venue physically and 17 participants were connected via Zoom link. Out of the total physically presented participants, 34.28% (12 in number) were female participants. Details of the participants who attended the workshop is presented in Annex-1.

## 7. Workshop Schedule

The one day workshop was facilitated as per the planning and schedule as follows:

### **Interaction Workshop Schedule:**

Activities	Time	Facilitation/ Responsible
<b><u>Date : 2078-09-25 (9<sup>th</sup> December, 2021)</u></b>		
Tea/Coffee	12:45-1:00	All Participants
Registration, Opening Session Welcome & Objective sharing	1:00 -1:20	NEDI
Presentation on Business and Human Rights	1:20- 1:50	Navaraj Sapkota NHRC
Sharing participant's perspectives/experiences, discussion, Questions and Answer	1:50-2:30	Arjun Bhattarai/Participants
Remarks on Business and Human Rights	2:30- 2:55	Participants
Closing and Vote of Thanks	2:55-3:05	Arjun Bhattarai
Hi-tea	3:00-4:00	All participants

#### 8. Major Activities of the workshop

The program activity was started with registration and tea/coffee. After the registration of participants, Mr. Purushottam Bista, The event coordinator and reporter welcomed formally to all the participants and invited guest to chair. He further shared the objectives and schedule of the workshop. Furthermore he invited Mr. Arjun Bhattarai, National Coordinator of NEDI to moderate the workshop. Mr. Bhattarai requested to all participants to introduce themselves with their name, organizations and role in their respective organizations. He further explain rational to organize the workshop and hand over to Mr. Nabaraj Sapkota, Vice-Secretory of National Human Rights Commission (NHRC) to present the brief about the Business and Human Rights status in Nepal.

Mr. Sapkota covered government let activities on human rights focusing on business sectors, some serious of issue in business sector related to human rights, some of example of harassment on way to home and work for women, inappropriate business activities, violation of human rights. The presentation covered following aspect:

Possible action/misconduct against the Human rights in business:

- Occupational Hazard
- Child Labour
- Effect on Environment

- Quality of goods produced

Similarly, The presentation also covered Business and Human rights related 3 pillars United Nations declared in 2011 are i)State duty to protect ii) Corporate responsibility to respect and iii) Access to remedy. To prevent it the Human Rights Due diligence are:

- Action Oriented works
- National Human Rights organizations role
- Monitoring
- Promotion

He also suggested some works can be done in the business and Human rights sector

- Advocacy
- Partnership /Coordination
- Monitoring and research
- Planning and policy review
- Human rights to the consumers
- Implemented monitoring policy

He also urged that we should also express concern not only had human rights, there should be discussion about ecological rights. And If we keep state's military power in side there is most human right violence in business sector i.e.- work place sexual harassment, child labor, working environment . Business always concern about maximize the profit not for people and their health.

After the presentation, the floor was opened for participants to share participant's perspectives/experience, discussion and question. During this session following participants shared following experiences from their end.

S.N	Participants	Concern and suggestion
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1.	Pampha Pariyar , ADWAN	<ul style="list-style-type: none"> <li>• There are lots of problem remain in human rights on business but management does not want to address them i.e. Gender inequality in salary, provision for pregnant women and massive engagement of child as labour.</li> </ul>
2.	Shrijana Pun, Mahila ko lagi Mahila Munch	<ul style="list-style-type: none"> <li>• No changes in employees' facility for long time</li> <li>• Health concern for the employee</li> <li>• Mensuration problem for the women</li> <li>• No dignity for women in work like Dohori Sajha and other Entertainment sectors</li> </ul>
3.	Milann Kumar Ghising General Secretary, NGO Federation of Nepal	<p>There are lots of issue related to business sector as follows:</p> <ul style="list-style-type: none"> <li>• Right to live</li> <li>• Food Quality</li> <li>• Effect on health by massive use of pesticides in vegetables and fruit</li> <li>• Water Quality</li> <li>• Health also being quick money making business</li> <li>• Unnecessary prescription of medicine</li> </ul>
4.	Prakriti Mainali, Shakti Milan	<ul style="list-style-type: none"> <li>• The Problem is Human Itself</li> <li>• Women are employed in lower level</li> <li>• Should be human rights with climate, environment and world</li> </ul>
	6 Bishnu Pokhrel, Jurry Nepal	<ul style="list-style-type: none"> <li>• Poor situation of implementing of law. ie. There should be max 20 % profit charge but in practice is not.</li> <li>• Government and Private Companies define law differently.</li> </ul>



		<ul style="list-style-type: none"> <li>• Private companies always looking for loop holes to violet human rights.</li> <li>• Should give emphasis to most marginalized people.</li> <li>• Should make policy framework on how to protect human rights in Business sector</li> </ul>
7	Keshab Dahal, IM Swedish	<ul style="list-style-type: none"> <li>• There should be done EIA while starting business, i.e the presentation reveals the impact of poultry farm in Biratnagar?</li> <li>• Promote ecological agriculture</li> <li>• Should promote organic product either by subsidy or taxation for imported things. (ie Women in Tharu community cannot competitive their grass product with plastic materials and they will lose their economic activities.</li> </ul>
8	Bishnu Dhakal (NFN Nepal)	<ul style="list-style-type: none"> <li>• In Kathmandu valley more than 80% Garbage managing by private company.</li> <li>• Government should support for garbage classification.</li> <li>• There should be policy to promote individual or company who can manage garbage internally.</li> <li>• Now there is same charge for everyone</li> <li>• There should be policy provision to appreciate for lower classes worker</li> </ul>
9	Roshna Khadka, Cocap	<ul style="list-style-type: none"> <li>• Business is directly connected with economy</li> <li>• Community and individual from vulnerable condition they are not still connected with business</li> </ul>

After the open floor, Moderator, Mr. Arjun Bhattarai summarized key point made by participants and thank all the participants for their valuable time to participate in the dialogue and request all the organization to raise Human rights issue in their networks and formally closed the workshop.

## 9. Conclusion

Participants expressed that this is new areas of concern which they have never thought before and now they are aware about this issue. All the participants agreed that the Human rights issue should be looked by civil society organization so that there are well respect of human rights in the business sector. Similarly, participants also requested for continuation of coordination and review activities among the stakeholders and business entities. The workshop was helpful to orient the basic concept of Business and Human Rights. Besides these, the workshop has also been fruitful for identifying the efficient service and potential areas of intervention and implementing Human rights. Participants have been able to understand the importance human rights to make a successful business.

Annex-1 Workshop Participants details

National Dialogue on Business & Human Rights  
Organized by NEDI AND IM Swedish

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## Annex-2 Photographs

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