



MANUSHYA

Empowering Communities | Advancing Social Justice



EXECUTIVE SUMMARY

First Experts Meeting to Inform the CSO National Baseline Assessment on Business and human rights in Thailand

Sampran Riverside Hotel,
Nakhon Pathom, Thailand
2 - 3 September 2017





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EXECUTIVE SUMMARY

FIRST EXPERTS MEETING TO INFORM THE CSO NATIONAL BASELINE ASSESSMENT ON BUSINESS AND HUMAN RIGHTS IN THAILAND

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ABBREVIATIONS

AICHR	ASEAN Intergovernmental Commission on Human Rights
ASEAN	Association of South East Asian Nations
BHR	Business and Human Rights
BOI	Bureau of Investment of Thailand
CPCR	Centre for the Protection and Revival of Local Community Rights
CRC	Community Resource Centre
CSO	Civil Society Organisation
DIHR	Danish Institute for Human Rights
EEC	Eastern Economic Corridor
EHRIA	Equality and Human Rights Impact Assessments
EIA	Environmental Impact Assessment
EU	European Union
HRDs	Human Rights Defenders
ICAR	International Corporate Accountability Roundtable
ICESCR	International Covenant on Economic, Social and Cultural Rights/ International Committee on Economic, Social and Cultural Rights
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MWGT	Migrant Working Group of Thailand
NAP	National Action Plan
NBA	National Baseline Assessment
NCPO	National Council for Peace and Order
NHRCT	National Human Rights Commission of Thailand
OAS	Organisation of African States
PM	Prime Minister
RSAT	Rainbow Sky Association of Thailand
RTG	Royal Thai Government
SEZ	Special Economic Zone
UN	United Nations
UNGPs	United Nations Guiding Principles
UPR	Universal Periodic Review

OUR ROLE IN BUSINESS & HUMAN RIGHTS IN THAILAND

At Manushya, we strongly believe in the importance of collaboration and cooperation to further human rights and social justice, and recognise the importance of approaching our work in a constructive manner to ensure the greatest positive change for the communities we serve. However, while we work with any and all willing partners to advance these causes, Manushya is a completely independent human rights organisation. Our willingness to work with 'champions' to create a fairer, more equitable world is based solely on the needs of communities, with the singular purpose of ensuring no individual or group is the victim of human rights abuses caused by business conducts. Our approach lies on the empowerment of invisible and marginalised communities, sharing knowledge with them so they can assert for their rights, facilitating their meaningful engagement in the NAP process so they can become 'Agents of Change' providing solutions to improve their livelihoods.

Working with the Rights and Liberties Protection Department of the Ministry of Justice in Thailand is a crucial element of achieving this. However, we see a key difference between working with and working for. For us, collaboration and critique are inseparable partners, and while we are enthusiastic to cooperate, we do so with our driving force of community empowerment at its core. This means that when we work with others, the working relationship has to be based on mutual respect for each other, ideally safeguarded by applying a bottom-up approach and not a top-down one. Our primary motivation and guiding principles are the needs of communities, not the needs of those we are collaborating with. So while we believe the value of strong relationships with those in power cannot be denied as essential tools in the fight for human rights, we will not develop and maintain such relationships based on anything other than achieving the goals of the communities we serve, and we will not and have not ever shied away from being strong, critical voices against those we are working with when necessary to advance the needs of communities. Our independence is crucial to us, and is what enables us to effectively tackle rights violations and inequality in Thailand.

ACKNOWLEDGEMENTS

As part of its work in Thailand, the Manushya Foundation (Manushya) aims to further strengthen the capacity of local communities, members of the Thai CSOs Coalition for the UPR, of which many are experiencing adverse human rights impacts of corporations, to effectively engage in the Universal Periodic Review (UPR) implementation phase and to hold the Royal Thai Government (RTG) accountable on its UPR commitments related to business and human rights.

After the Thai government received, during its Second Universal Periodic Review (UPR), a recommendation from Sweden to develop a National Action Plan (NAP) on Business and human rights (BHR) with the view to implement the UN Guiding Principles on Business and human rights (UNGPs), Manushya developed a strategy aiming at empowering communities to be at the centre of the business and human rights response in Thailand, by guaranteeing their central role throughout the development, implementation and monitoring of the NAP. To this end, since the beginning of 2017, Manushya has reached out to local communities, national, regional and international experts on business and human rights to:

- Develop a **CSO national baseline assessment (NBA)** on Business and human rights, with communities' challenges and needs put at the centre of the assessment,
- **Empower local communities** to conduct evidence-based research and, together with academics, document Business and human rights issues they face, and
- **Empower grassroots** to tip the balance of power between businesses and governments versus CSOs, and encourage more bottom-up approaches that view CSOs as equal partners.

As part of its Business and human rights strategy and in order to inform the development of the CSO National Baseline Assessment, Manushya Foundation organised the *First Experts Meeting to Inform the CSO National Baseline Assessment on Business and human rights in Thailand*, which was held on 2-3 September 2017 at the Sampran Riverside Hotel in Nakhon Pathom, Thailand. The meeting was co-organised with the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice, government agency responsible for the

development of the NAP on Business and human rights, to ensure communities and experts could also share knowledge with the RTG and inform the government NAP. Therefore, this executive summary recaps the proceedings of the 2-day experts meeting, including key findings from the community-led research and recommendations from experts.

Manushya Foundation wishes to thank and express its deep appreciation to all those who participated in the First Experts Meeting, which gathered more than thirty-five participants, comprising representatives from community-based human rights organisations, civil society organisations, academia, UN agencies, the National Human Rights Commission of Thailand and the Royal Thai Government.

Manushya Foundation wishes to give special thanks to **H.E. Dr. Seree Nonthasoot**, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and **Ms. Pitikan Sithidej**, Director-General of the Rights and Liberties Protection Department at the Ministry of Justice, for providing insightful welcoming remarks.

The panellists and session chairs provided clear and concise presentations on their work and research, facilitating discussion and providing key recommendations to inform the CSO National Baseline Assessment (NBA), and ultimately the NAP. Manushya Foundation would like to highlight the excellent contribution of all the panellists involved; in particular: **Mr. Adisorn Kerdmongkol**, Coordinator of the Migrant Working Group of Thailand; **Ms. Angkhana Neelapaijit**, Human Rights Commissioner of the National Human Rights Commission of Thailand (NHRCT); **Mr. Chainarong Srettachau**, Professor Lecturer at the Faculty of Humanities and Social Science, Mahasarakham University; **Ms. Cindy Woods**, Legal and Policy Associate at ICAR; **Ms. Debbie Stothard**, Secretary-General of FIDH; **Mr. Ekachai Pinkeaw**, Human Rights Official and Director of the human rights assessment unit of the NHRCT; **Ms. Emilie Pradichit**, Founder & Director of the Manushya Foundation, for her overall guidance in implementing Manushya's strategy; **Ms. Golda Benjamin**, Southeast Representative of the Business and human rights Resource Centre (BUSINESS AND HUMAN RIGHTS RC); **Ms. Nada Chaiyajit**, LGBTI Activist and Capacity Building Coordinator at Manushya Foundation; **Ms. Napaporn Songprang**, Vice-Chair of Manushya Foundation and (former) Deputy Director at the Center for the Protection and Revival of Local Community Rights (CPCR); **Ms.**

Nareeluc Pairchaiyapoom, Director of the International Human Rights Law Division, Rights and Liberties Protection Department at the Ministry of Justice; **Ms. Nattaporn Artharn**, Environmental Activist and Community Empowerment Coordinator at Manushya Foundation; **Ms. Nattaya Petcharat**, Programme Manager at Stella Maris Songkla; **Mr. Pakron Areekul**, Environmental and Political Activist; **Mr. Prabindra Shakya**, Human Rights Campaign and Policy Advocacy Coordinator at the Asia Indigenous Peoples Pact (AIPP); **Ms. Pratubjit Neelapajit**, Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR); **Ms. Saovanee Kaewjullakarn**, Professor Lecturer at the Faculty of Law, Thaksin University; **Mr. Sarawut Pinkanta**, Human Rights Paralegal at CPR; **Ms. Sor Rattanamanee Polkla**, Co-founder and Coordinator of the Community Resource Centre (CRC); **Mr. Thornthan “Neung” Kanmangmee**, Mekong Staff Attorney at Earth Rights International (ERI); **Ms. Wannapong Yodmuang**, Advocacy Officer at the Rainbow Sky Association of Thailand (RSAT); and **Ms. Wora Sukrarook**, Mekong Campaigns Coordinator at Earth Rights International (ERI).

Thanks are also extended to **Ms. Suphamat Phonphra** and **Tanida Itthiwat**, Programme Officers at Manushya Foundation, for the great organization of the two-day experts meetings.

Manushya would like to sincerely thank **Ms. Nira Bhattacharjee** and **Ms. Kanika Sirikumarku**, interns at Manushya Foundation, for supporting the development of the executive summary and meeting report, and **Ms. Ananya Ramani**, Human Rights Research Volunteer at Manushya Foundation, for its finalisation. Special thanks to **Ms. Charlotte Lush**, Human Rights Research & Advocacy Officer at Manushya Foundation, for the design of the executive summary and meeting report.

Manushya Foundation would also like to acknowledge the financial contributions of Internews and the Foreign Commonwealth Office (FCO) – without whom the First Experts Meeting would not have been possible.

PARTICIPANTS PROFILES

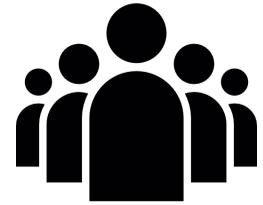
A total of 48 participants from 15 organisations attended the 'First Experts Meeting to Inform the CSO National Baseline Assessment (NBA) on Business & Human Rights.'



International Level
4 People
4 Organisations



National level
11 People
3 Organisations



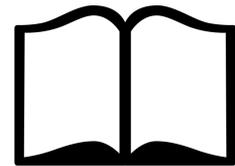
Community level
6 People
4 Organisations



Academics
3 People
2 Organisations

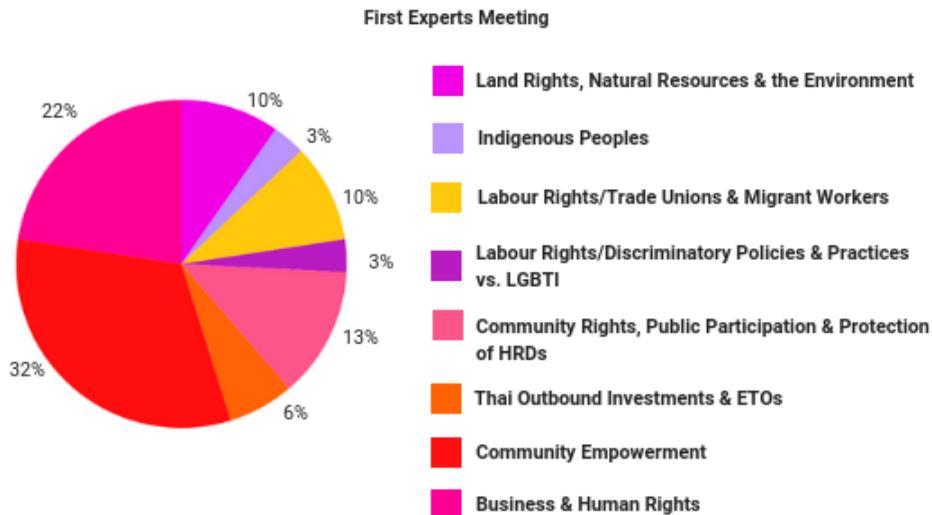


Government
18 People
2 Organisations



Other
2 People
1 Organisation

Below, the total number of participants has been shown according to their human rights focus.

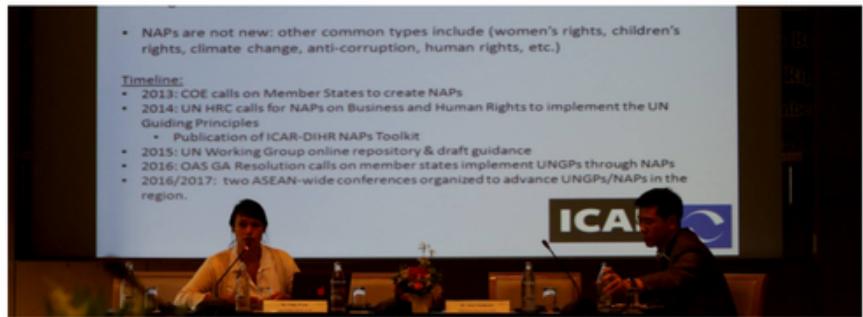


EXECUTIVE SUMMARY

On 2nd and 3rd September 2017, Manushya Foundation, in cooperation with the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ) of Thailand organised the First Experts Meeting to inform the CSO National Baseline Assessment (NBA) on business and human rights. The meeting brought together members of local communities, Human Rights Defenders (HRDs) as well as CSOs, NGOs, Commissioner and human rights official of the National Human Rights Commission of Thailand (NHRCT), government officials, the Office of the High Commissioner for Human Rights (OHCHR), the Representative of Thailand to AICHR, and other experts from the national, regional, and international level with expertise on, who constitute mechanisms for, or are affected by violations in the field of Business and human rights in Thailand.

Addressing human rights challenges in the context of business and human rights and to find solutions to address them, the 2-day meeting brought together stakeholders with a varied background, who could comprehensively provide an in-depth insight both into the law and policy on business and human rights as well as views and experiences on its actual application and the deficiencies that resulted. The overall goal of the 2-day experts meeting was to further inform the CSO NBA under the initiative of Manushya Foundation, and provide the MOJ with reliable and experts input for the government NAP.

DAY ONE



2 SEPTEMBER 2017

WELCOMING REMARKS
SESSIONS 1 - 5

WELCOMING REMARKS

The First Experts meeting commenced with an introductory welcome address by **Dr. Seree Nonthasoot**, Representative of Thailand to AICHR, and **Ms. Pitikan Sithidej**, Director-General of the RLPD, MoJ. **Dr. Seree Nonthasoot** outlined the four vital aspects to be analysed through this experts meeting as being the substance, strategies, products and processes that are relevant with respect to business and human rights. To elaborate, he explained these concepts. The substance necessitated discussion with respect to the duty to protect of governments and the duty to respect of businesses set out in the UNGPs. The strategy to be employed to achieve these would have to be discussed. Tools and incentives that aid with compliance to due diligence are to be determined. Finally, processes that ensure continuous review to secure the enforcement of the NBA and NAP must be deliberated on. **Ms. Pitikan Sithidej** in her remarks highlighted the importance of having all stakeholders, partners and sectors working together through the process of cooperation and partnership, to ensure the successful path towards the drafting of the NAP.

SESSION 1

ASSESSMENT OF EXISTING NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS & THE IMPORTANCE OF THE NATIONAL BASELINE ASSESSMENT (NBA)

Following the welcome address, the first session of the day covered the importance of NBAs in addition to assessing existing NAPs on business and human rights. **Ms. Cindy Woods**, Legal and Policy Associate at the International Corporate Accountability Roundtable (ICAR) brought focus to examples of shadow or government NBAs that have through varying degrees informed the creation of the NAPs in different countries. On the drafting of the NAP, she brought attention to the ICAR-DIHR toolkit that sets out criteria to inform the NAP process and content. These include transparency in assigning responsibility for drafting process; framing of terms of reference, a timeline and development process; addressing jurisdictional scope and extraterritorial action; commitments must be SMART (specific, measurable, achievable, relevant, and time specific); and inclusion of follow up, monitoring, reporting and other future actions with respect to the document. Looking at best practices in other NAPs on business and human rights shows positive trends such as: the inclusion of a range of government entities in the development and oversight of the document; provision of more information on the follow up, implementation and monitoring; commitment to fulfil future action; adherence to international standards; move towards regional adherence; and inclusion of vulnerable and excluded groups.

Drawbacks ranged from lack of general transparency with respect to terms of reference and timelines; failure to obtain effective NBAs reflecting the realities on the ground; lack of clarity in content; failure to explore regulatory options for businesses; ineffective access to remedy options; and absence of jurisdictional scope analysis. **Mr. Nonthasoot** serving as the moderator for the session provided recommendations that reasserted the need for the NBA to serve as a yardstick for the NAP. He also stated that SDGs and details of the access to remedy mechanisms must be incorporated in the NAP. In case of emerging issues such as

jurisdictional scope and extraterritorial actions, he suggested the drafting of standalone policy documents to address them. Finally, he voiced his belief that the NHRCT should educate stakeholders on the General Comment 24 of the ICESCR with respect to state obligations in the context of business activities.

SESSION 2

THAILAND'S PROCESS TO DEVELOP A NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS & THE ROLE OF STAKEHOLDERS TO INFORM THE NAP

Session 2 moved from a general ideation to specifically look at Thailand's process to develop a NAP on business and human rights and the role of stakeholders in the development and the implementation of the NBA and the NAP.

MOJ's Leadership in Developing the NAP

To begin with, **Ms. Nareeluc Pairchaiyapoom**, Director of the International Human Rights Law Division at the RLPD, MOJ, outlined the government's plan to develop a NAP and to launch it in September 2018. She mentioned about the government's recognition of business and human rights as an emerging area of concern evidence by NHRCTs report that a third of all human rights abuse complaints were against businesses. In an effort to produce a comprehensive document, the government has engaged in capacity building, along with cooperation amongst agencies and committees such as the Department of Foreign Affairs, the Chamber of Commerce, the Ministry of Commerce, the UN Global Compact Network Thailand, the Ministry of Finance, the NHRCT, and the Representative of Thailand to AICHR to draft and implement the NAP.

Manushya's Strategy and Initiative to Empower Local Communities to be at the Centre of the Business and Human Rights Discourse in Thailand

Providing insight into the Manushya's strategy for including local voices in the NAP process, content, implementation and monitoring, **Ms. Emilie Pradichit**, Founder & Director of Manushya Foundation (Manushya), presented the foundation's ideology of the centrality to not just NGOs, and CSOs but also grassroots voices, community based HRDs, and individuals facing direct threat and intimidation from the business sector. Manushya has developed a bottom-up strategy to ensure local communities are at the centre of the business and human rights response in Thailand. Through this CSO-driven initiative, supported by regional BHR experts, Manushya and local communities would build credible evidence and develop its own Shadow NBA to inform the development of the NAP, monitor its

implementation and assess its effectiveness. This bottom-up initiative, lying on capacity building and an inclusive engagement process, she disclosed, involved three key objectives: the first objective is the development of an evidence-based Shadow-CSO National Baseline Assessment (NBA) on business and human rights, reflecting community voices and realities on the ground, including recommendations for the development of the NAP – the systematic inclusion of local voices would result in informing, monitoring and implementing the NAP; the second objective is to build the capacity of local communities on the UNGPs and provide them with the tools to document adverse impacts of business conducts, understand corporate accountability and hold the RTG and businesses accountable for corporate abuses; and the third objective is balancing power between the government, private sector and local communities, by empowering communities through the provision of sub-grants to conduct community-led data collection and further share BHR and UNGPs' knowledge with their peers, at the grassroots level.

The current process of synthesising a CSO NBA falls under the first objective and is the goal at present. This is achieved through the Foundation's vision of having the reality on the ground reflected by evidence-based policy. NBA regional dialogues, held from January to March 2017, and BHR capacity building workshops, held in May and June 2017, with local communities were organised to capture realities of business adverse impacts related to land grabbing and land evictions targeting farmers, peasants and indigenous peoples, environmental violation, SEZ violations, and violation of labour standards (particularly against migrant workers, sex workers, people living with HIV and LGBTI), in addition to other cases. These helped build credible evidence for government accountability, overcoming obstacles of discrediting, threat and intimidation by the private sector. As the moderator, **Mr. Nonthasoot** recommended the used of the evidence-based content of the NBA to gauge the implementation of the NAP, when it is adopted. He also pointed to the necessity for capacity building workshops for businesses and NAP consultations with the UNGC Thailand to inform the UNGPs-Pillar 2 aspects.

SESSION 3

THE HUMAN RIGHTS SITUATION RELATED TO BUSINESS AND HUMAN RIGHTS IN THAILAND

Ms. Parinya Boonriderthaikul, Chair of Amnesty International Thailand, moderated the third session analysing the human rights situation related to business and human rights.

Literature Review of Existing Evidence in the Context of Business and Human Rights in Thailand

This session began with an introduction to existing literature review and evidence related to business and human rights and an insight into the building of new evidence by **Ms. Emilie Pradichit**, Founder & Director, Manushya Foundation. Manushya's desk review analysis of the existing data related to the adverse human rights impacts of business activities in Thailand (and of the activities of Thai corporations operating abroad), through observation of NGO reports, UN reports, Treaty Bodies, UPR recommendations, Special Rapporteurs' reports, communications, media and court decisions, indicates that the following **concerns** have been, thus far, the subject of most documentation:

- Forced labour and abusive labour practices
- Trafficking of persons linked to abusive labour practices
- Migrant workers' rights
- Child labour

The desk research also indicates that **sectors** that have been the most researched in terms of business and human rights concerns are

- Fisheries and sea food processing industry;
- Food industry (fruit processing, poultry, frozen food);
- Extractive industry (mining)

On the other hand, the following **issues** have been reported more recently, been subject to less documentation, and would need to be furthered documented:

Violations to Labour Standards:

- Discrimination against marginalised and excluded communities: LGBTI, women, people living with HIV, religious minorities, indigenous peoples, stateless persons, and people with disabilities by private companies and/or in access to work;
- Migrant workers' living and working conditions in construction sites;
- Sex workers' abusive working conditions in the entertainment industry;
- Violations of freedom of association and criminalisation of trade union membership.

Impacts on Community Rights, Indigenous Peoples, Livelihoods and the Environment:

- Violations of community rights to information and right to participation;
- Violations to the environment and communities' rights to sustainable livelihoods impacted by development projects and mining of natural resources;
- Reclamation of the forest, Land grabbing and Special Economic Zones;
- Violations of the rights of indigenous peoples to their ancestral land and natural resources;
- ETOs and Trans-boundary human rights violations negatively impacting the environment and communities in neighbouring countries.

Examples of restrictive laws include NCPO orders used to reclaim forests and those that impact the EIA process by authorising projects without community engagement. In relation to indigenous peoples, not being recognised by the government, they are unable to exercise any right of claim over reclaimed forests.

The Protection of Human Rights Defenders:

- Violations of freedom of expression and assembly of land and environmental human rights defenders opposing development projects;
- Intimidation, threats, enforced disappearances and judicial harassment (SLAPP cases) against environmental activists and indigenous peoples.

Trade Agreements and Outbound Investments:

- Trade agreements negatively impacting labour rights, food security and access to affordable medicines;
- Thai outbound investments financing controversial development projects.

Building of New Credible Evidence

Building of credible evidence by fieldworkers can be undertaken through processes of community and academic led documentation on adverse impacts of business conduct on human rights, livelihood, health and environment, and other significant business and human rights issues. Following this, a regional overview was provided through the lens of community and academic led research cases in Northern; North-Eastern; Southern; and Eastern and Central Thailand.

NORTHERN THAILAND

Ms. Napaporn Songprang, Vice-chair of Manushya Foundation, Deputy-Director and human rights lawyer at the Centre for the Protection and Revival of Local Community Rights (CPRC), and **Mr. Sarawut Pinkanta**, Attorney, CPRC provided an overview of the region and case-based analysis.

Regional Overview

Patterns in the region see the rise of three problems. The first is illegal land appropriation of indigenous peoples due to their rights not being recognised, while their culture is appropriated to boost tourism. The second area of concern is the economic development through SEZs where the government revokes land-related rights of local communities, without public hearings, compensation or any form of negotiation, worsened by restriction of information from the government and private sector. Thirdly, labour laws are a problematic area in need of reform as migrant and stateless workers are unable to negotiate proper salaries, hampered by language barriers and the lack of remedies and adequate grievance processes.

Case Studies

The fieldwork conducted focused on cases of land grabbing in Lamphun and in Tak Province. Both cases were developed from focus group discussions; participation in meetings and activities; recording of interviews; and collection of documents

from cabinet resolutions and meetings. Both of these cases are ultimately about land grabbing, the first being a case of government land grabbing under NCPO order 64/2014 to reclaim the forest, and the second a case where the government grabbed land for the establishment of SEZ and then gave it to private businesses who exploited it.

Case Study: The Case of Lamphun

The case of Lamphun involved land grabbing of communal land by the government under NCPO order 64/2014 for reforestation, moving those living on it to inhospitable areas. Following a survey of the land, illegal deeds were forged and issued which although taken to court was held as being beyond their jurisdiction. The Land Department has not remedied the situation claiming that the employees responsible for forging the documents were already convicted. The land continues to be tied in through corruption, opposition and intimidation.

Case Study: Tak Province

In Tak Province, the government repossessed a 63 year old rubber plantation as nation reserve land following NCPO orders. Here the local community was displaced, were threatened for participating in negotiations and dispute resolution, their access to decision makers has been restricted, and were given unfair compensation without negotiation. The land was then handed over for the development of an SEZ. Here too the Administrative Court ruled that this is only within the jurisdiction of the Provincial Court.

Challenges Faced by the Community Researchers

There are two problems with collection of credible evidence in these cases. They are old, so many documents and incidents have been forgotten or mis-recorded; and villagers are afraid to provide evidence as they had been threatened or are fearful of receiving threats. Data collection from government and private sectors is impossible, as they align fieldworkers and CSOs with the community and view them as litigating parties.

NORTH-EASTERN THAILAND

Mr. Chainarong Sretthachau, Lecturer from the Faculty of Humanities and Social Science at Mahasarakham University and Ms. Nattaporn Artharn, Community Empowerment Coordinator at Manushya Foundation, analysed regional patterns and cases.

Regional Overview

This region presented two major issues. The first was critical deterioration of the environment with controversial management of natural resources that resulted in issues of water pollution and toxic waste and failure to address these violations as it would go against the goal of increasing productivity and investment. An example is Order 9/2559, which negates the need to conduct an EIA, EHIA and to respect the public participation principle. The lack of informed consent is problematic. The second issue is labour standards, and the presence of contradictory laws. For example, the Public Demonstration Act is used to suppress public assembly rights of labourers; and article 44 perpetuates martial law and severely restricts the right of assembly.

Case Studies

Community and academic-led research addresses two cases on petroleum drilling in Dongmoon, and the Tapioca Starch Factory in Nampong Khon Kaen.

Case Study: Petroleum Drilling

In the first case, the community complained of a lack of transparency, access to information and public participation in project development; the use of technical language; physical inaccessibility; bribing of villagers, local government and administration for community support; HRD harassment and intimidation.

Case Study: Tapioca Starch Factory

In the second case, the intentions for the factory site were hidden with a license being issued without a public hearing, and development beginning before public consultation. Exacerbated by harassment of HRDs, the Administrative Court halted development permanently due to the absence of a reference to waste management by the factory.

SOUTHERN THAILAND

Ms. Saovanee Kaewjullakarn, Lecturer from the Faculty of Law at Thaksin University, provided a brief on the situation in Southern Thailand and presented two cases she is currently documenting.

Regional Overview

This region presents issues with respect to large-scale development projects; problems on land, agriculture and the environment; issues in irreversible harm cause due to seaport development; and discriminatory practices related to migrant workers and LGBTI individuals.

Case Studies

Two major cases from this region are the Pak Bara Deep Seaport and the Thepa Coal-fired Powerplant. In both cases, fieldworkers were unable to talk to government agencies or local departments and so information was obtained solely from individuals.

Case Study: Pak Bara Seaport

The Pak Bara seaport faced mixed responses to development owing to a lack of trust in the developers, and the damage it would cause to the environment. It was, however, suggested by some locals that the reports of public opinion were skewed. It was difficult to establish the truth due to the harassment of HRDs.

Case Study: Thepa Coal-fired Powerplant

In the Thepa Coal-fired Powerplant case, government and private actors were insincere since the projects inception with the EHIA falsified, and HRDs threatened leading to uneasy relations between developers and the community.

In both cases, the EIA and EHIA were only used to justify the actions of the government as legal, with steps being taken without public participation, without transparency, and neglecting the HRIA of businesses.

EASTERN AND CENTRAL THAILAND

Ms. Wannapong Yodmuang, Advocacy coordinator at the Rainbow Sky Association of Thailand (RSAT) and **Mr. Pakron Areekul**, Political Activist, provided a regional overview and covered cases from their respective regions.

Regional overview

In Eastern Thailand, there is the development of the Eastern Economic Corridor (EEC), many special economic zones and industrial areas. This corresponded with findings that businesses did not consider the impact of their activities on the environment and on the surrounding communities. Labour rights were also found to be a cause for concern, especially for fishing crews. Discrimination against LGBTI and people living with HIV is also prevalent in Eastern and Central Thailand.

Case studies

Mr. Pakron Areekul presented a case related to the environment deterioration caused by a biomass powerplant, while Ms. Wannapong Yodmuang, presented a case of discrimination against a transgender woman during the recruitment process at a high-end hotel chain in Pattaya.

Case Study: Biomass Powerplant in Krasae Bon District

The case of the Biomass Powerplant in Krasae Bon district, two specific issues were relevant. The first is the right to manage natural resources and the second is unfair employment. On the management of natural resources, the project was developed intentionally avoiding the completion of an EIA and restricted community involvement in all aspects, including on their access to resources. On unfair employment, migrant workers were particularly affected through unfairly negotiated work contracts under Thai law with insecure employment and no termination benefits; and unsafe working conditions. Information for this case was collected through focus groups in the local community, video and photo evidence, court records and other records (including those of the labour union).

Case Study: The LGBTI Community

RSAT collected data and evidence on concerns of the LGBTI community through individual interviews, group discussions, community meetings and other local community interactions, and discovered that transgender women in Pattaya are often targets of discrimination with respect to their identity. Looking at outright discrimination in employment of a transgender woman as one of many examples, several suggestions were provided. These are the enforcement of the 2015 Gender Equality Act through collaboration between the Ministry of Social Development and Human Security and the Ministry of Labour; reporting by the business sector on gender equality, discrimination and sexual harassment, and the publicly availability of these; simplification, easy accessibility, and time-bound grievance mechanisms; provision of funding for remedies by the business sector; and collection of employment data with respect to vulnerable groups.

RECOMMENDATIONS

Recommendations with respect to the CSO NBA and government NAP following evidence-based documentation include the following:

Violations to Labour Standards

- With respect to specific recommendations on formal and informal workers, migrant workers, and human trafficking; private actors are to respect human rights due diligence and commit to a supplier code of conduct that requires them to act with transparency and respect fundamental rights; they are to treat their employees/workers with fairness, respect and dignity; and they must follow practices that protect the environment, as well as the health and safety for the people working for them.
- With respect to anti-discrimination policies on LGBTI, People living with HIV (PLHIV), sex workers, people with disabilities, the elderly, and stateless persons: private actors are not to discriminate and must promote the principle of equal opportunity and take affirmative action to prevent discrimination in employment, recruitment, advertisement of employment, compensation,

termination, upgrading, promotions, and other conditions against any employee or job applicant on the basis of race, creed, color, national origin, sex, sexual orientation and gender identity, age, and health status (particularly PLHIVs, persons with disability and elderly persons);

- Banks and Insurance companies must take measures to avoid discrimination in accessing loans, banking and insurance services, particularly for PLHIVs and stateless persons.

Community rights, indigenous peoples, and the environment

- On environment, community and indigenous rights, private actors must establish a process that respects the right to free, prior and informed consent (FPIC) of Indigenous Peoples and other affected communities, to ensure their meaningful participation in the decision-making process, including timely and systematic stakeholder engagements related to forest conservation and sustainable resource management;
- Inclusion of Human Rights Impact Assessments (HRIAs) and Social Impact Assessments (SIAs); and covering all stakeholders in impact assessment studies;
- Private actors should ensure the processes of EIA, EHIA and HRIA are conducted by an independent organisation accepted by the local communities; and that the project is not implemented while being assessed.

Access to effective remedy

- Stop the intimidation and judicial harassment of HRDs;
- Adoption of a participatory approach in drafting, implementation, and accessing justice through the NBA and NAP;
- Inclusion of provisions that specifically deal with jurisdictional overlap in accessing remedies.

SESSION 4

ANALYSIS OF THE LEGAL & POLICY FRAMEWORK RELATED TO LABOUR STANDARDS

In the fourth session, the panel analysed the existing legal and policy framework related to labour standards, identifying gaps with respect to special categories of workers and individuals.

Violations to Labour Standards Related to Formal & Informal Workers; Migrant Workers; and Cases of Human Trafficking

The first speaker, **Mr. Adisorn Kerdmongkol**, Coordinator of the Migrant Working Group of Thailand, presented labour standards related to formal and informal workers, in addition to migrant workers and victims of human trafficking. Contemplating the laws and policy in Thailand, he revealed that the pros found in labour laws are punishment of employers who confiscate personal documents, and a robust anti-trafficking law. Meanwhile, shortcomings of labours laws and policies are of two types: general deficiencies and deficiencies that affect a specific category of individuals. General deficiencies include a short two-year period of limitation for violations under the Labour Protection Act, and child labour laws that only protect those under 15 years old. Deficiencies with respect to special categories of workers result because of forced labour not being covered by the Labour Protection Act; gaps in labour laws which fail to protect workers during negotiation; the term 'alien' applied to all non-Thai nationals; migrant workers facing forced repatriation; the presence of conflicting laws; allowing the unionisation only of Thai workers; unregistered labour protection extending only to Thai nationals; denying migrant workers social welfare and secure working conditions; funds to protect labour rights not applying to migrant workers; charging only of a fine for the violation of rights of migrant workers; workers with non-Thai nationality and certain occupations (such as fishermen, domestic and agricultural workers) not having access to health insurance and social security under the National Health Insurance Act and the Social Security Act; and a limited identification process under anti-trafficking laws. Gaps in implementation of laws and policies occur due to the presence of a limited number of interpreters to facilitate access to administration and the grievance mechanisms, minimal

translation of grievance forms, less coverage of labour inspection, a complicated grievance process, and counter-suing by employers on trumped up charges. Looking at the rights of children, **Ms. Debbie Stothard** as the moderator, addressed this by drawing from General Comment 16 of the CRC that covers impact of business activities on child rights, as identified by looking at Articles 2, 3, 6 and 12 of the UN Child Rights Convention.

Lack of Anti-Discrimination Policies Protecting Women; LGBTI Individuals; Sex Workers; People Living with HIV; Persons with Disabilities; Indigenous Peoples; Stateless Persons and Religious Minorities.

The second speaker of the session **Ms. Nada Chaiyajit**, Capacity Building Coordinator at Manushya Foundation discussed the protection of women, LGBTI individuals, sex workers, people living with HIV, persons with disabilities, indigenous persons, stateless persons and religious minorities under the anti-discrimination policy. Analysing existing domestic policy on discrimination, she points out that these documents set out future action instead of implementing present laws with binding provisions. Findings show that the Equal Gender Committee, created under the 2015 Gender Equality Act, which has jurisdiction over issues of gender equality does not investigate complaints in a timely manner. Other minorities also have little protection; no information on access to remedies; and inconsistent implementation of non-discrimination laws because of failure of government agencies to collaborate. Taking an example of a specific category, she looked at sex workers, who are not entitled to benefits under labour law, and agreements with clients are criminalised under the Prostitution Act. There is a clear need to decriminalise sex work to ensure sex workers could be protected under the Labour Protection Act when working in entertainment industries, could benefit from decent working conditions and not be exploited due to the criminalisation of their activity. Analysing another group of individuals, **Ms. Chaiyajit** highlighted that labourers who are drug users face random testing, arrest and their prosecution results in them being labelled as criminals. These hard cases need to be resolved.

Recommendations

To conclude the session, **Ms. Debbie Stothard** shared her recommendations in line with good practices on labour standards. She suggested measures such as the reform of policy and practice to ensure the protection of minority groups (including

migrant workers, sex workers, stateless, and other categories of minority workers); provision of safe working conditions in accordance with law to all minorities; enforcement of appropriate punitive action for violations of law and policy; guarantee health insurance and social security provided under the National Health Insurance Act and the Social Security Act to non-Thai national workers; decriminalisation of sex workers; obstructing punitive measures against workers that result in denial of justice; preventing the use of informal methods for administration of justice and grievance mechanisms that intensify the power imbalance between worker and employer; carrying out risk assessments to determine the threat posed to workers on their accessing justice; institution of protective measures and anti-discriminatory mechanisms that look to implementation; organisation of capacity building and sensitivity trainings on anti-discrimination for those who formulate, administer and enforce the laws; and utilising the implementation of the terms of business and human rights and child rights in general comment 16 of CRC as an entry point for protection of migrant workers and their children.

SESSION 5

ANALYSIS OF THE LEGAL & POLICY FRAMEWORK RELATED TO THE IMPACTS OF BUSINESS CONDUCTS ON COMMUNITY RIGHTS, LIVELIHOODS, HEALTH & THE ENVIRONMENT

Environmental Law and the Requirements Related to EIA, EHIA

In the last session of the day, to analyse the legal and policy framework related to the impact of business conduct on community rights, livelihoods, health and the environment, **Mr. Thorntham Kanmangmee**, Staff attorney, Earth Rights International began by providing an understanding of environmental Law and the requirements related to EIA, and EHIA. The conduct of EIA and EHIA is an important step to ensure accountability that has several defects. These include the absence of jurisdictional scope in cross-border projects; investment in neighbouring countries to avoid laws at the project development stage; hindering public participation (through the use of technical jargon, or a different dialect or language not understood by indigenous peoples and religious minorities), carrying it out improperly or after the EIA or EHIA is conducted; absence of an agency or authority to monitor projects and limitation in government resources, staff and funding to do so; the bribing of government officials to avoid an EIA or EHIA altogether; and the use of the EIA or EHIA as a stamp of approval to violate rights. The EHIA has an additional shortcoming in that it needs to be carried out for 'high impact' projects, which are without a definition. Examples of inefficient EIAs comprise the Xayaburi case where the process was conducted in a 100km away without considering those at a higher risk who were located at 10km of the dam; and the Hatgyi Dam case where the EGAT Commission gave the university that was commissioned to conduct the EHIA a limited and narrow timeframe to effectively study the local environment.

Indigenous Peoples, Community Rights & Management of Natural Resources

Mr. Ekachai Pinkaew, Human Rights Official, Director of the human rights assessment unit, National Human Rights Commission of Thailand (NHRCT), tackled the subject of indigenous peoples, community rights and management of

natural resources. In 2016, the NHRCT highlighted the management of natural resources of indigenous persons as an area in need of attention and reform. However, this is a difficult goal to achieve as there are several gaps in the domestic law, policy and process. Although the RTG voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, Indigenous Peoples are not recognised under the Thai Constitution. Further, there is a lack of harmonisation of policy that highlights indigenous rights and the law. For instance, article 70 of the 2017 Constitution only talks about 'ethnic minorities' with respect to national security and tourism. Other challenges faced by indigenous peoples in the context of businesses include: difficulty in access to remedies due to the absence of translators, interpreters, understandable translated material, support and outreach; lack of public participation, consultation, and consent; absence of legal recognition and identity of indigenous people resulting in charges of encroachment; slow administrative court processes in cases against indigenous groups; lack of principles of non-discrimination in domestic law; no effective implementation of international law; statelessness of indigenous children due to low birth registration; and the difficulty in monitoring compliance and conduct fact finding across jurisdictions.

Recommendations

To remedy this, it is necessary that the NAP or NBA address acceptance of the identity of indigenous peoples. Beyond official recognition, indigenous persons should have specific laws aimed at protecting human rights and due diligence including in the supply chain. The recommendations by the NHRCT to the Cabinet on business and human rights and indigenous people should be considered while shaping future law and policy. Also, indigenous children should also have access to education in their mother tongue.

Land Grabbing due to the Master Forestry Plan, NCPO Orders & Special Economic Zones

The third speaker of the session **Ms. Napaporn Songprang**, Vice-chair of Manushya Foundation, Deputy-Director & Attorney, Centre for Protection and Revival of Local Community Rights (CPCR) addressed the master forestry plan, NCPO orders & Special Economic Zones. Commodification of land in Thailand started sixty-five years ago under the Land Act, which resulted in a category of individuals, and

indigenous peoples who live in forests, being without land ownership, as land titles are restricted to Thai nationals. In addition, commodification of forests over the last 20 years has led to major deforestation for wholesale commercial use. The government's response to this has been to increase conservation and protection through the Forest Act, National Park Laws and Wildlife Conservation Areas. In addition, in June 2014, the military government introduced a policy on the reclamation and restoration of protected areas nationwide, which has also adversely affected rural poor communities and indigenous peoples. While NCPO

Order 64/2014 states that encroachers into protected areas shall be punished according to the law, Order 66/2014 acknowledges that the poor and settlers who have lived in areas overlapping with protected areas before the policies were announced would not be affected. Although the military government announced the Orders as targeting investors and large-scale land encroachers, the reality is totally different. The enactment of these laws has led to military arrests of more than 500 individuals by June 2016, charged for encroaching into protected areas. Nearly 1,800 families, mostly from Thailand's Northern and Northeastern regions have endured negative impacts from the NCPO Orders, including around 80% from poor communities. On Special Economic Zones (SEZs), the military government introduced a policy in 2014 expected to be an effective tool to make the country's economy move in a positive direction with the upcoming regional economic drivers. **The Bureau of Investment of Thailand (BOI) supports the government's SEZ policy providing incentives in strategic industries that will be located in SEZs. Investment projects in designated SEZ developments will be eligible for BOI's new investment promotion privileges, including the maximum privilege of 8-year corporate income tax exemption and a 50% reduction of corporate income tax for extra five years after the corporate income tax exemption period expires. However, SEZs policy has allowed** for the revocation of designated forest areas and for the issuance of land titles for these areas to the Ministry of Finance, resulting in the government leasing the land for 99 years to investors for SEZs, and legitimating land evictions of poor communities.

Recommendations

With respect to these violations, the cessation of NCPO orders 64/2014 and 66/2014, a halt to the destruction of trees and crops, a stop to forced evictions,

encroachment and charges against persons was recommended.

Extra-Territorial Obligations (ETOs) and Thai Outbound Investments

Ms. Wora Sukraroeek, Mekong Campaigns Coordinator, Earth Rights International, focused on Extra-Territorial Obligations (ETOs) during her presentation. ETOs have been defined as “obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State’s territory”. Therefore, they represent an important guidance mechanism crossing territorial borders as opposed to states’ usual interpretation of justice mechanisms bound to their national territories. Simultaneously, Thai companies have become key investors across South-east Asia. Human rights violations regarding their activities abroad have been reported, especially with regards to large-scale land acquisitions. Transnational corporations either move projects abroad or move their investment to projects across borders. Access to new resources, better materials, cheaper labour, increased efficiency in production and distribution of risk has influenced this move. However, it results in weaknesses in businesses’ monitoring systems in other countries. These projects have human rights and environmental impacts across national borders, while some have the potential to impact areas of Thailand as well. While working to promote expansion and market domination, these transnational corporations also commodify resources in the region and export them to other countries at cheap prices. To facilitate this monopoly practice, human rights violations, land grabbing, and environmental destruction have increased especially in factory sites. This is especially severe for individuals who rely on natural resources for sustenance. Problems resulting from such projects need to be assessed in two steps. The first is the location of the project, and the second is the nature of the problems that result. Sometimes problems are direct, such as human rights violations, environmental degradation and social problems. At other times the problems are harder to detect and may occur as a result of secondary problems, such as negative crop outcomes stemming from water pollution. Additionally, many cases of land grabbing result in mass migration of labour forces across transnational boundaries giving rise to ETOs enshrined in the UNGPs, which are not acknowledged.

Recommendations

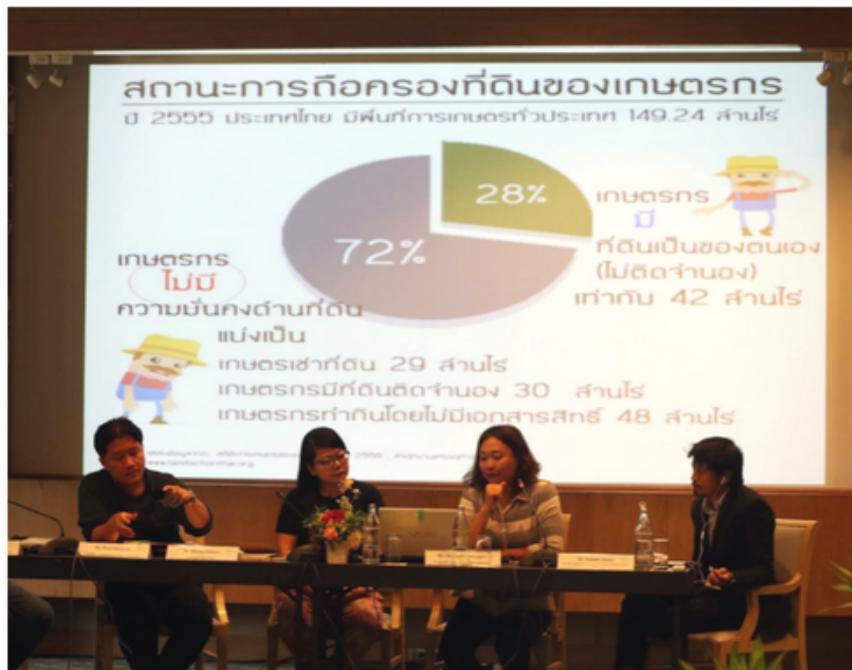
Currently, Thailand does not have specific laws or regulations in place to supervise public or private sector businesses outside its borders in relation to human rights abuses, or to protect possible victims. The Thai government does not control, monitor or prevent human rights violations committed by Thai actors in foreign countries. Hence, the complex nature of extraterritoriality and the increase of investments abroad require laws that would oblige Thai companies to respect human rights, protect the environment, and follow standards and procedures. There are several key points to be addressed, such as finding solutions to increase governance of Thai investors to encourage responsible business practices through standardized business practices, implementation of NHRCT recommendations and 2016 Cabinet Resolution, guidance for mandatory reporting, by focusing on grievance mechanisms and access to remedies, or by targeting their ability to access funding through the Thai Commercial Bank.

Overall Recommendations

Mr. Prabindra Shakya, Human Rights Campaign and Policy Advocacy Programme Coordinator of the Asia Indigenous Peoples Pact (AIPP), concluded the last session of the first day by providing recommendations to be considered. He underscored the importance of participation and public engagement not just in the EIA, EHIA but also in the NAP. Recognition of indigenous peoples and their identity in Thailand can be strengthened through the identification of specific ministries in the NAP, who would work on this issue. A minimum standard for the recognition of indigenous peoples in the NAP should be included in the form of specific reference to the UN Declaration on the Rights of Indigenous Peoples, ILO Convention 169 including the right to free, prior and informed consent (FPIC). In addition, human rights due diligence for indigenous peoples regarding business and human rights cannot be neglected. International law must be implemented and adopted domestically starting with new laws (particularly with respect to the recognition of indigenous peoples), legal reform, along with harmonisation with policy and implementation. Globalization with its export of human rights violations require the inclusion of trans-boundary grievance mechanisms like those prescribed by OECD or Operational Grievance Mechanisms. Following the best practices of the Norwegian NAP, the Thai NAP should include specific actions for businesses under

pillar 2 such as special round tables for businesses and NGOs, inclusion of respect for human rights and environmental rights in their investment agreements with other countries, and a country by country report by local companies' investing in other countries with respect to forest logging and extractive activities.

DAY TWO



3 SEPTEMBER 2017

SESSIONS 6 - 7
CONCLUSION

SESSION 6

THE PROTECTION OF HUMAN RIGHTS DEFENDERS IN THE CONTEXT OF BUSINESS & HUMAN RIGHTS

On 3rd September, the second day of the expert meeting commenced with a panel on the protection of HRDs in the context of business and human rights. The session was moderated by **Ms. Pratubjit Neelapaijit**, National Human Rights Officer at the OHCHR Regional Office for Southeast Asia.

The Ministry of Justice Initiative to Protect Human Rights Defenders

The first speaker of the session **Ms. Nareeluc Pairchaiyapoom**, Director of the International Human Rights Law Division, Rights and Liberty Protection Department, MOJ, elaborated on the Ministry of Justice Initiative to protect HRDs. To enable protective measures for HRDs, the MOJ has the responsibility to review existing measures and propose possible solutions to gaps in the law through two types of tasks: the first is to review criteria and qualifications of HRDs, work to develop a definition of HRDs, define the threats and incidents, and work to identify measures to protect HRDs. The second involves working with HRDs who have already been subject to human rights violations (on a case by case basis), to enable them to share their experiences. The problem that arises in the first task is that while developing a definition, the starting point is the UN definition, which, according to the MOJ, is considered too broad to be effective, as it may be applied to anyone. With respect to the second task, **Ms. Pairchaiyapoom** pointed out that due to the delay in solving these cases, administrative issues arise as government officers involved have move to other departments or retire. The result of the MOJ's work has been a roadmap with short, medium and long-term measures for the protection of HRDs. In the short term, it is important to create awareness and understanding; to develop a HRD Protection Manual; to go into the field and study incidents and develop measures to address them case-by-case. In the mid-term, it is necessary to develop regulations that utilize the HRDs Protection Manual in a pilot area by testing channels of access to protection for HRDs and an established justice fund. The long-term plan is to establish a national board, with a balanced number of CSOs and government representatives to represent a multi-departmental, coordinated and informed effort to address HRD protection.

The National Human Rights Commission's Support to Human Rights Defenders. Human Rights Commissioner **Ms. Angkhana Neelapaijit** of the National Human Rights Commission of Thailand (NHRCT) expanded on the National Human Rights Commission's support to HRDs. In 2017, there has been an increasing number of judicial harassment cases against HRDs working in the context of business and human rights, including: intimidation, threats, defamation cases, SLAPP lawsuits aiming at silencing HRDs, discouraging them to fight back through long and costly legal proceedings. Looking at specific examples of cases of harassment of HRDs discovered through NHRCT investigations, there are many who are especially vulnerable to threat and harassment. For example, Women HRDs (WHRDs) and HRDs who are based in the local community with a difficulty to relocate (due to land concessions from the government to businesses or due to the reforestation policy) are more susceptible to threats and harassments. WHRDs are also often subjects of sexual harassment and rape. There is a power imbalance between companies and HRDs, which makes HRDs vulnerable to litigation and charges. Cases of human rights abuses brought to courts also make plaintiffs susceptible to counter-suing.

Recommendations

With the protection of HRDs brings the responsibility to conduct proper investigation and be able to respond to emergency cases. Therefore, **Ms. Neelapaijit** recommended for a new law to be adopted that allows the NHRCT to investigate emergency cases for the protection of HRDs. She also suggested that in addition to the NHRCT, investigation of cases of HRD harassment, enforced disappearance and extra-judicial killing should also be investigated by the international community, with mechanisms such as UPR, CAT, ESCR, CEDAW and ICCPR. Further, in relation to SLAPP cases, she recommended the adoption of an anti-SLAPP law in Thailand, to ensure HRDs can stand up for their rights and voices their concerns in relation to adverse business conducts, without facing charges or being sued.

Analysis of the Legal and Policy Framework Related to Human Rights Defenders' Rights in Thailand

The analysis of the Legal and Policy Framework related to the protection of HRDs in Thailand was explained by **Ms. Emilie Pradichit**, Founder & Coordinator, Manushya Foundation. At the international level, Thailand is a signatory of the International Convention for the Protection of All Persons Against Enforced Disappearance but has ratified it yet, causing a gap in the law for criminalisation of enforced disappearance and a legal vacuum in accessing remedies with respect to it. Moreover, while special rapporteurs have sent several communications to the Thai government, 8 of which are specific to HRDs, all have gone unanswered since 2010.

At the national level, there is incorrect harmonisation between national laws, as article 44 of the Interim Constitution is still enforced under section 265 and 279 of the 2017 Constitution, inconsistent with Thailand's obligations under the ICCPR, particularly on effective remedies to victims of human rights violations. There are no specific laws to protect HRDs domestically. Looking at mechanisms, the Witness Protection Office suffers from lack of clear procedures and appropriate expertise in government officials working there. Moreover, the RLPD in their witness protection program do not protect HRDs, as there is no definition of HRDs in domestic law. The Justice Fund of the RLPD has procedures for financial assistance, but they are complex and difficult to access. Also, the White List has caused concern as being public and accessible by anyone, which could lead to an increased risk of harm to HRDs. Since the 2014 military coup, there has been increased insecurity for HRDs, who are at heightened risk of judicial harassment, arbitrary detention, physical violence, killing and violation to their right to freedom of expression and assembly. Penal Code articles 116 on sedition, 327 related to defamation, 328 on libel, and 112 related to lèse majesté are used to silence and penalise HRDs. The Computer Crimes Act is also used to silence communities on social media by violating their online freedom to denounce abuses caused by corporate actors. In addition, a new cyber law has been drafted to protect against cybercrimes, but indications are that this law may instead be intended for online censorship. All NCPO Orders related to gathering, forestry master plans, the Referendum Act and the Public Assembly Act (NCPO orders 7/2014 and 3/2015) are also harmful to HRDs.

Recommendations

In conclusion, **Ms. Pradichit** made several recommendations. On international law, the State must ratify all international human rights instruments, withdraw reservations to relevant treaty provisions and bring national law in line with international obligations; and accede to the Extractive Industries Transparency Initiative and comply with it. Procedurally, Thailand must cooperate with UN Special Procedures by responding to urgent appeals and accepting mandate holder's outstanding requests to visit the country. Using the European Guidelines on HRDs as reference, steps must be taken to develop guidelines for recognition, support and protection of HRDs. At the grassroots level, investigations should be conducted promptly and impartially, perpetrators must be held accountable, victims should obtain appropriate remedies, and authorities should implement measures to prevent violations; investigations must be closed or charges dropped against HRDs; laws that violate their rights must be reformed or repealed; HRDs, CSOs, political activists, and the public must be engaged in open dialogue to promote a safe environment; the approval process of the draft organic law on NHRCT should be reviewed to ensure it complies with the Paris Principles; an independent civilian body must investigate complaints against law enforcement officials; the witness protection mechanisms, the justice fund mechanism, proposed legislation and policy, implementation, and oversight must be reviewed with HRDs and accessibility improved; and information on the findings, the mandate and the composition of the Working Group for protection of HRDs must be made accessible. To ensure that businesses comply with their duty to respect business and human rights, HRIAs should be institutionalised and used to issue or renew licences and permits; and public hearings for development projects affecting local communities must be carried through open, collective, and participatory consultations with affected communities and community-based HRDs. A plan of action to promote the Right to Peaceful Assembly and the Right to Freedom of Expression includes the repeal of announcement 7/2014, NCPO order 3/2015 and the Public Assembly Act; the taking of all measures necessary to guarantee the enjoyment of freedom of opinion and expression by decriminalising defamation and refraining from using criminal provisions, including the Computer Crimes Act (2007), the Sedition Act and other regulations, as tools to suppress the expression of critical and dissenting opinions; and the halting of arbitrary detention, intimidation, and all acts of harassment against HRDs, including media workers.

Finally, **Ms. Pradichit** also called on the Thai Government to enact an anti-SLAPP law to prevent judicial harassment against HRDs by businesses.

SESSION 7

ACCESS TO REMEDIES IN THE CONTEXT OF BUSINESS AND HUMAN RIGHTS IN THAILAND

The penultimate session of the day examined access to remedies in the context of business and human rights in Thailand and was moderated by **Ms. Golda Benjamin**, Southeast Asia Researcher and Representative at the Business and Human Rights Resource Centre (BHRRC).

Accessing State-based Judicial Mechanisms

To begin, **Ms. Sor Rattanamanee Polkla**, Co-founder & Coordinator, Community Resource Centre (CRC), explored the access to state-based judicial mechanisms. The two major courts in Thailand are the judicial and administrative courts. The judicial court includes the civil court, which handles litigation over tort and environmental issues. The court enforces strict liability for businesses, which means in cases of pollution, the burden of proof falls on the polluters to prove that pollution is not a result of their negligence in business activities. Cases in business and human rights are not pursued through criminal courts, as it is difficult to prove wrongdoing and complainants are vulnerable to being counter-sued. Shortcomings in the court's process include the time taken; the difficulty in finding legal practitioners with an understanding of the affected community; the lack of understanding amongst judicial officers of human rights and environmental issues; and the focus of legal remedies just on compensation instead of prevention of future violation as well. To explain these processes, **Ms. Sor Rattanamanee Polkla** brought to focus four case studies on major development projects that demonstrate available remedies in business and human rights context, and methods employed in accessing them.

Case Study: The Xayaburi Dam

This case study is an example of a Thai business operating overseas, which resulted in a dilemma, as it was a project outside Thai jurisdiction with negative impacts that were yet to occur. The administrative court that could be engaged is only open for complaints against Thai agencies and departments and so a case was brought against the **Electricity Generation Enterprise of Thailand (EGAT)**.

Case Study: Lampang Lignite Mine

At the **Lampang Lignite Mine**, there were violations such as land grabbing, false charges brought against individuals, and the use of political influence to avoid real public participation and engagement. Similarly, since the negative impacts were yet to occur, a case was brought against the wrongful issuance of a Mining and Forestry Permit.

Case Study: Khao Khua Stone Mine

Violations at the **Khao Khua Stone Mine** relate to controlled explosions being conducted that resulted in destruction to property, environmental pollution, noise pollution, disruption to local communities and psychological harm. Herein the Thai Supreme Court's wide interpretation of damage established psychological impact as grounds for remedy, since it concluded that there was a violation to the right to living in a proper environment.

Case Study: Rayong Oil-Spill Case

The final case, the Rayong Oil-Spill case, where the government agency **PTT Global Chemical Public Company Limited** and **Mr. Bowon**, who are the first and second defendants, were taken to court and were held responsible for infringing on Sections 420 and 437 of the Civil and Commercial Code and Section 96 of the environmental quality promotion and protection law in failing to maintain the company's oil pipelines to avoid the leak that triggered the spill on 23 July 2013, deteriorating the environment and affecting surrounding communities. The company and the former executive were supposed to ensure the Oil Companies International Marine Forum's standards requiring maintenance of oil pipelines every six months were followed strictly. On 25 August 2016, the civil court ordered the defendants to pay 203 plaintiffs between B30,000 and B50,000 each depending on the extent of the damage. This case is unique as remedies sought include a restoration fund to rehabilitate the area, implementation of appropriate preventative measures by the government and compensation. The trial hearing of the last two witnesses in the case will take place on 19-20 June 2018.

Accessing State-based Non-judicial Grievance Mechanisms

Addressing a different dimension, **Mr. Ekachai Pinkeaw**, Human Rights Official, National Human Rights Commission of Thailand (NHRCT) provided an insight into accessing state-based non-judicial grievance mechanisms. The NHRCT, he stated, serves as such a mechanism through fact-finding investigations, monitoring, reporting, and making recommendations on cases received through complaints. These cases highlight the continued obstruction of public participation and involvement of local communities in major projects. This creates a bigger challenge in the form of an inconclusive jurisdictional scope over violations by Thai companies outside the country, for which a solution must be found to ensure compliance with business and human rights. He shared the investigations conducted by the NHRCT for trans-boundary cases in Cambodia (Mitr Phol Sugar Co. LTD), Laos (Xayaburi Dam for energy purchased by EGAT) and Myanmar (Dawei Deep Sea Port and DSEZ). On 16 May 2016, the Thai government passed a Cabinet Resolution that has been informed by the NHRCT's recommendations on trans-boundary human rights violations involving Thai businesses and investments. The NHRCT recommended that the RTG adopt the UNGPs as the operating framework for the Dawei Deep Sea Port Project and Special Economic Zone in Myanmar, which would provide for the establishment of a mechanism with the responsibility to oversee investments of Thai nationals abroad to ensure that they respect fundamental human rights principles. Until now, this Cabinet Resolution represents a unique and significant step towards implementing recommendations put forward by the NHRCT. Similarly, on 2 May 2017, the RTG passed another resolution acknowledging the NHRCT's recommendations on the investigation of the Mitr Phol Sugar Co., Ltd and its impact on local communities in the north-east of Cambodia.

Establishing a Non-state-based Grievance Mechanism

To provide a complete picture on mechanisms and processes available, **Ms. Nattaya Petcharat** of Stella Maris Songkla assessed the establishment of a non-state-based grievance mechanism. With legal barriers (of no official recognition), language barriers, no alternative option and increasing amount of pressure placed by the NCPO; migrant workers have no recourse to state-based judicial grievance mechanisms. To combat this, Stella Maris works directly with the sea faring and other migrant workers. They provide workers and their families with education and awareness on their rights, health and well-being; supply recommendations to local

government agencies; impart pre-school education to children of migrant workers; provide them with basic healthcare, medicines, and access to a mobile clinic; function as a coordination centre in case of unfair treatment or other human rights violations; and assist them with overall translation to communicate with an individual or mechanism. Common cases include those on forced labour, low wages, abusive working hours, nationality-based discrimination, and discipline and punishment, especially among sea-workers, children and female labourers. Sea-workers are particularly at risk due to the difficulty in enforcing regular working hours, monitoring and ensuring favourable work conditions on ships at sea, with violations being acknowledged only after the fact.

Recommendations

Drawing from the information provided by the speakers, **Ms. Golda Benjamin**, Southeast Asia Researcher and Representative at the Business and Human Rights Resource Centre (BHRRRC) as the moderator proposed changes to the process and content of access to remedies. On the NAP process, to ensure the buy-in of all stakeholders, vital players and actors, including ministries and legislators crafting laws on business and human rights, all must be involved in the drafting and implementation of the NAP on BHR; strategic in-roads with the judiciary should be made to place it in the position to help those affected by violations and adverse impacts perpetrated by corporate actors. **Ms. Benjamin** provided recommendations such as:

- The institution of environmental protection orders as an interim ruling;
- Holding off on libel cases against individuals when there is a pending investigation of a ministry;
- Improving the witness protection and whistle blowing program;
- Creation of a framework to encourage other Ministries to submit reports before the courts as amicus curiae briefs; and
- Pursuance of strategies through a regional NAP that the ASEAN can adopt as policy on business and human rights.

With respect to the NAP content

Issues in the NAP should be analysed with respect to the nature of access to remedies; problem areas with respect to access to remedies based on whether it is caused due to flaws in implementation and enforcement or due to fundamentally

flawed policies; the use by companies of their own grievance mechanisms to block state mechanisms must be specifically addressed in the NAP; revising the rules defining an indigent; improving the ability of indigents to access remedies through rules to suspend court filing fees, or by placing a lien on the monetary award in cases of clear human rights violations; and formulation of alternative access mechanisms to ensure courts are accessed as last resort.

CONCLUSION

To conclude the First Experts Meeting to inform the CSO NBA on BHR, the second half of the second day was dedicated to a session dedicated to the establishment of the Experts Advisory Group (EAG) composed of relevant stakeholders from communities, civil society, academia, the NHRCT and regional BHR experts, aiming at providing technical advice and support at various stages of the development of the CSO NBA. With the documented evidence received, best practices outlined and recommendations suggested, the path moving forward was set out. While the contents of the session remain confidential, the RLPD of MOJ welcomed the extensive work done on the CSO NBA and appreciated the efforts of various stakeholders steered by Manushya Foundation. RLPD further indicated that it would consider the CSO NBA as an official document to inform the NAP being prepared by the Thai government. In light of this pronouncement, the Manushya Foundation will continue to engage with communities and regional experts in order to build credible evidence that will inform its CSO NBA. The First Experts Meeting, comprising of two days of intense contribution and engagement with members of local communities, NGOs, CSOs, regional experts, NHRCT, government officials, OHCHR and the Representative of Thailand to AICHR, came to an end with an assurance that a Second Experts Meeting would be held in February 2018 to further discuss the findings and recommendations of the CSO NBA.

The Manushya Foundation through its work and its actions carried out in this manner reaffirms its continuing independence in all its activities, associations and dedication to work with the local communities it serves, with the ultimate goal to centring their voices in the business and human rights discourse in Thailand, including in the Thailand's NAP process, content, implementation and monitoring of its effectiveness.

ANNEXE



AGENDA

ANNEX 1

AGENDA

Empowering local communities and the Thai CSOs Coalition for the UPR to be at the centre of the business and human rights response in Thailand & to engage in the National Action Plan on Business and Human Rights

First Experts Meeting to inform the National Baseline Assessment on Business and Human Rights in Thailand

2-3 September 2017, 8:30-18:30
Sampran Riverside Hotel, Nakhon Pathom, Thailand

Day 1 – Saturday 2 September 2017

8:00 – 8:30	Registration
8:30 – 9:00	WELCOMING REMARKS <ul style="list-style-type: none">• Ms. Pitikan Sithidej, Director of the Rights and Liberties Protection Department, Ministry of Justice• H.E. Dr. Seree Nonthasoot, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)
9:00 – 9:20	INTRODUCTION OF PARTICIPANTS <ul style="list-style-type: none">• Name, Organization, Expertise
9:20 – 10:15	Session 1: Assessment of Existing National Action Plans on Business and Human Rights & the Importance of the National Baseline Assessment (NBA)
	<ul style="list-style-type: none">• Ms. Cindy Woods, Legal and Policy Associate, International Corporate Accountability Roundtable (ICAR) <p><i>Moderator: H.E. Dr. Seree Nonthasoot, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)</i></p>

10:15 – 10:30	Coffee Break
10:30 – 11:30	Session 2: Thailand's process to develop a National Action Plan on Business and Human Rights & the Role of Stakeholders to inform the NAP
	<ul style="list-style-type: none"> • <i>Government's Plan</i> by Ms. Nareeluc Pairchaiyapoom, Director of the International Human Rights Law Division, Rights and Liberty Protection Department, Ministry of Justice • <i>Inclusion of Communities' Voices</i> by Ms. Emilie Pradichit, Founder & Director, Manushya Foundation <p><i>Moderator: H.E. Dr. Seree Nonthasoot, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)</i></p>
11:30 – 12:30	Session 3: The Human Rights Situation related to Business and Human Rights in Thailand
	<p><i>Analysis of Existing Evidence & Building New Evidence to inform the National Baseline Assessment</i></p> <ul style="list-style-type: none"> • <i>Presentation of the Preliminary Literature Review of Existing Evidence related to Business and Human Rights Issues in Thailand</i> by Ms. Emilie Pradichit, Founder & Director, Manushya Foundation • <i>Building new Evidence: findings from the sub-regional dialogues on business and human rights</i> by Ms. Tanida Itthiwat, Documentation & Research Officer, Manushya Foundation <p><i>Moderator: Ms. Parinya Boonridrerthaikul, Coordinator, Thai CSOs Coalition for the UPR</i></p>
12:30 – 13:30	Lunch Break
13:30 – 15:15	Session 3 (continue): The Human Rights Situation related to Business and Human Rights in Thailand
	<p><i>Building New Evidence "Community & Academic-led Research": Case Studies of abuses conducted by business actors</i></p> <ul style="list-style-type: none"> • <i>Cases from Southern Thailand</i> by Ms. Saovanee Kaewjullakarn, Professor Lecturer, Faculty of Law at Thaksin University: <ul style="list-style-type: none"> - <i>Tepah Coal Power Plan (Songkhla)</i> - <i>Pak Bara Deep-sea Port (Satun)</i> • <i>Cases from Northern Thailand</i> by <i>Northern Regional Nodes</i>: Ms. Napaporn Songprang,

	<p>Deputy-Director at CPRC & Mr. Sarawut Pinkanta, Attorney at CPRC:</p> <ul style="list-style-type: none"> - <i>Land grabbing at Ban Sri Tia (Lampun)</i> - <i>Special Economic Zone (Tak Province)</i> <ul style="list-style-type: none"> • <i>Cases from Eastern Thailand by Eastern & Central Regional Nodes: Ms. Wannapong Yodmuang, Advocacy coordinator at RSAT & Mr. Pakron Areekul, Political Activist:</i> <ul style="list-style-type: none"> - <i>Biomass Power Plant (Krasaebon, Rayong)</i> - <i>Discrimination against a Transgender woman at the workplace (Pattaya)</i> • <i>Cases from Northeast Thailand by Mr. Chainarong Sretthachau, Professor Lecturer, Faculty of Humanities and Social Science at Mahasarakham University & Ms. Nattaporn Artharn, Community Empowerment Coordinator at Manushya Foundation</i> <ul style="list-style-type: none"> - <i>Petroleum at Dongmoon gas field (Khon Kaen)</i> - <i>Tapioca Starch Factory (Khon Kaen)</i> <p><i>Moderator: Ms. Nattaporn Artharn, Community Empowerment Coordinator, Manushya Foundation</i></p>
15:15 – 15:30	Coffee Break
15:30 – 16:30	<p align="center">Session 4: Analysis of the Legal & Policy Framework related to Labour Standards</p>
	<ul style="list-style-type: none"> • <i>Labour Standards related to Formal & Informal Workers; Migrant workers; Human Trafficking by Mr. Adisorn Kerdmongkol, Coordinator, Migrant Working Group of Thailand (MWGT)</i> • <i>Lack of Anti-Discrimination Policies protecting Women; LGBTI individuals; sex workers; people living with HIV; persons with disabilities; indigenous peoples; stateless persons; religious minorities by Ms. Nada Chaityajit, Capacity Building Coordinator, Manushya Foundation</i> <p><i>Moderator & Sharing of Good Practices related to Labour Standards in NAPs by Ms. Debbie Stothard, Secretary-General at FIDH & Coordinator at Altsean-Burma</i></p>
16:30 – 18:30	<p align="center">Session 5: Analysis of the Legal & Policy Framework related to the Impacts of Business Conducts on Community Rights, Livelihoods, Health & the Environment</p>

- *Environmental Law and the requirements related to EIA, EHIA by*
Mr. Thornthan “Neung” Kanmangmee, Mekong Staff Attorney, Earth Rights International
- *Indigenous Peoples, Community Rights & Management of Natural Resources by*
Mr. Ekachai Pinkaew, Human Rights Official, Director of the human rights assessment unit, National Human Rights Commission of Thailand (NHRCT)
- *Master Forestry Plan, NCPO orders & Special Economic Zones by*
Ms. Napaporn Songprang, Deputy-Director & Attorney, Center for Protection and Revival of Local Community Rights (CPCR)
- *Extra-Territorial Obligations (ETOs) by*
Ms. Wora Sukraeok, Mekong Campaigns Coordinator, Earth Rights International

Moderator & Sharing of Good Practices related to IPs, Community Rights & the Environment in NAPs by

Mr. Prabindra Shakya, Human Rights Campaign and Policy Advocacy Programme Coordinator at the Asia Indigenous Peoples Pact (AIPP)

Day 2 – Sunday 3 September 2017

8:30 – 10:15

Session 6: The Protection of Human Rights Defenders in the context of Business & Human Rights

- *The Ministry of Justice Initiative to protect Human Rights Defenders by*
Ms. Nareeluc Pairchaiyapoom, Director of the International Human Rights Law Division, Rights and Liberty Protection Department, Ministry of Justice
- *The National Human Rights Commission’s support to Human Rights Defenders by*
Human Rights Commissioner Ms. Angkhana Neelapaijit, Co-Chair of the Sub-Committee on Civil & Political Rights, National Human Rights Commission of Thailand (NHRCT)
- *Analysis of the Legal and Policy Framework related to Human Rights Defenders’ Rights in Thailand by*
Ms. Emilie Pradichit, Founder & Coordinator, Manushya Foundation

Moderator & Sharing of Good Practices related to the Protection of HRDs in NAPs by **Ms. Pratubjit Neelapaijit**, National Human Rights Officer, OHCHR Regional Office for South-East Asia

10:15 – 10:30

Coffee Break

10:30 – 12:30

Session 7: Access to Remedies in the context of Business and Human Rights in Thailand

	<ul style="list-style-type: none"> • <i>Accessing State-based Judicial mechanisms</i> by Ms. Sor Rattanamanee Polkla, Co-founder & Coordinator, Community Resource Centre (CRC) • <i>Accessing State-based non-judicial grievance mechanisms</i> by Mr. Ekachai Pinkeaw, Human Rights Official, National Human Rights Commission of Thailand (NHRCT) • <i>Establishing a Non-state-based grievance mechanism</i> by Ms. Nattaya Petcharat, Stella Maris Songkla <p><i>Moderator & Sharing of Good Practices related to Access to Remedies in NAPs</i> by Ms. Golda Benjamin, Southeast Asia Researcher and Representative at the Business and Human Rights Resource Center (BHRRC)</p>
12:30 – 13:30	Lunch Break
13:30 – 16:30	Session 8: The Experts Advisory Group to inform Thailand's NAP
	<p><i>Review of the ToR, Mandate, Role of Experts</i></p> <ul style="list-style-type: none"> • <i>Support to Communities, to build credible Evidence-Based NBA and develop Policy Recommendations:</i> Ms. Emilie Pradichit, Founder & Director, Manushya Foundation • <i>Ensuring Thailand's NAP includes good practices applicable in the Thai context:</i> Ms. Nareeluc Pairchaiyapoom, Director of the International Human Rights Law Division, Rights and Liberty Protection Department, Ministry of Justice
	<p>End of Day 2</p> <p>Organizers to close the First Experts Meeting.</p>

ANNEXE 2

LIST OF PARTICIPANTS

First Experts Meeting to Inform the CSO National Baseline Assessment on Business & Human Rights 2-3 September 2017, 8:30-18:30 Sampran Riverside, Nakhon Pathom, Thailand				
LIST OF PARTICIPANTS				
No.	Title	Name	Organisation	Issue
1	Ms	Emilie Pradichit	Founder & Director, Manushya Foundation	UNGPs & Community Empowerment
2	Ms	Parinya Boonridrerthaikul	Chair, Amnesty International Thailand	UNGPs & Community Empowerment
3	Ms	Nada Chaiyajit	Capacity Building Coordinator, Manushya Foundation	UNGPs & Community Empowerment
4	Ms	Suphamat Phonphra	Programme Officer, Manushya Foundation	UNGPs & Community Empowerment
5	Ms	Tanida Itthiwat	Programme Officer, Manushya Foundation	UNGPs & Community Empowerment
6	Mr	Nattachai Pattanapanitchai	Consultant, Manushya Foundation	UNGPs & Community Empowerment
7	Ms	Kanika Sirikumarkul	Intern, Manushya Foundation	UNGPs & Community Empowerment
8	Mr	Adisorn	Migrant Working Group	Labour/Migrant workers
9	Mr	Emile Kinley- Gauthier	Human Rights Researcher, Manushya Foundation	UNGPs & Community Empowerment
10	Ms	Nattaporn Artharn	Community Empowerment Coordintaor, Manushya Foundation	UNGPs & Community Empowerment

11	Mr	Chainarong Sretthachau	Professor, Mahasarakham University	Land Rights, Natural Resources & Environment
12	Mr	Sarawut Pinkanta	Northern Regional Node, Thai CSOs Coalition Human Rights Lawyer, CPRC	Land Rights, Natural Resources & Environment
13	Ms	Napaporn Songprang	Northern Regional Node, Thai CSOs Coalition Deputy Director, CPRC	Land Rights, Natural Resources & Environment
14	Ms	Wannapong Yodmuang	Central Regional Node, Thai CSOs Coalition	Labour Rights/Discrimination/LGBTI
15	Mr	Pakorn Areekul	Eastern Regional Node, Thai CSO Coalition	Labour Rights/Trade Unions
16	Ms	Saovanee Kaewjullakarn	Professor, Faculty of Law, Thaksin University	Community Rights, Public Participation, Protection of HRDs
17	Mr	Nattawut Chotikan	Faculty of Law, Thaksin University	Community Rights, Public Participation, Protection of HRDs
18	Ms	Wora Sukraroek	Campaign Coordinator, Earth Rights International	ETOs
19	Mr	Ekachai Pinkaew	Human Rights Official, NHRCT	ETOs
20	Ms	Sor. Rattanamanee Polkla	Co-founder & Coordinator, CRC	Access to Remedy
21	Ms	Debbie Stothard	Coordinator, ALTSEAN-BURMA & Secretary General, FIDH	Regional Expert: Shadow NBA - Myanmar
22	Ms	Krizel Lopez	Senior Researcher, ALTSEAN-BURMA & FIDH	Regional Expert: Shadow NBA - Myanmar
23	Ms	Golda Benjamin	SEA Representative, Business & Human Rights Resource Centre	Regional Expert: Corporate Accountability & Access to Remedies
24	Mr	Prabindra Shakya	Human Rights Campaign & Policy Advocacy Programmes Coordinator, Asia Indigenous Peoples Pact (AIPP)	Indigenous Peoples

25	Ms	Patchareeboon Sakulpitakphon	Private Sector Engagement Specialist, USAID Asia Counter Trafficking in Persons, SSG Advisors	National Expert: Pillar 2 UNGPs
26	Dr	Seree Nonthasoot	Thailand Representative to the AICHR	Senior Advisor to NAP Committee & Representative of Thailand to the AICHR
27	Ms	Cindy Woods	Legal & Policy Associate, ICAR	NAP process & Content
28	Ms	Nattaya Petcharat	STELLA Maris	Labour/Migrant Workers
29	Ms	Darunee Kunchai	Translator	
30	Ms	Sutinna R.	Translator	
31	Ms	Angkhana Neelapaijit	Human Rights Commissioner, NHRCT	Protection of HRDs
32	Ms	Nareeluc Pairchaiyapoom	Director of the International Human Rights Law Division, Rights and Liberties Protection Department, Ministry of Justice	RLPD, MOJ
33	Ms.	Pitikan Sithidej	Director-General of the Rights and Liberties Protection Department, Ministry of Justice	RLPD, MOJ

Approximately 10 to 15 additional participants from the Ministry of Justice attended the 2-day Experts Meeting. Manushya Foundation does not have their names.





MANUSHYA

Empowering Communities | Advancing Social Justice

Founded in 2017, Manushya Foundation serves as a bridge to **engage**, **mobilise**, and **empower** agents of change by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices in the centre of human rights advocacy and domestic implementation of international human rights obligations and standards.

Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground.

Thai CSOs Coalition
for the UPR

