



Comments on the final draft National Action Plan (NAP) on Business and Human Rights (BHR) in Thailand



MARCH 2019

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Manushya Foundation
& Thai BHR Network,
*Comments on the final draft
National Action Plan (NAP) on
Business and Human Rights (BHR)
in Thailand, (March 2019).*

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For more information about the
NAP on BHR:



Visit our website at:

<https://www.manushyafoundation.org/comments-on-the-nap-on-bhr>



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About the Thai BHR Network

The Thai Business and Human Rights Network (TBHRN) is an informal, inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non - governmental organisations from the local, national and regional spheres, who are joining hands to ensure local communities are central to the business and human rights response in Thailand. The Network engages in advocacy, dialogue, and monitoring of business and human rights commitments made by the Royal Thai Government, in particular in engaging in the development and monitoring of the National Action Plan on Business and Human Rights. More information on the TBHRN and its role can be accessed at:
<https://www.manushyafoundation.org/coalition-building-workshop-report>

ACKNOWLEDGEMENTS

Manushya Foundation and the Thai BHR Network would like to convey our sincere gratitude to all the individuals who have engaged in Manushya’s business and human rights strategy, who have all contributed sincerely and meaningfully to the development of the Independent CSO National Baseline Assessment (NBA) on Business & Human Rights in Thailand and who made meaningful comments to the Final Draft NAP on BHR. They all share our common vision of communities at the heart of our work, thus bringing to focus and empowering local and affected communities to be at the center of the business and human rights response in Thailand.

We also express our heartfelt gratitude and deepest appreciation to all the grassroots community members, civil society and academics who are part of the Thai BHR Network, including representatives from and/or working on the following issues: *rights of migrant workers, labour rights (formal and informal workers), trade unions, indigenous peoples, stateless persons, community rights, land-related rights, environmental rights, people with disabilities, LGBTI individuals, sexual and reproductive health, drug users, people living with HIV, sex workers, women’s rights, the protection of human rights defenders, the impact of Thai outbound investments and trade agreements.*

We are forever thankful to them for the important contribution of their valuable time, their knowledge, their unique insight into their experiences and the situation on the ground in Thailand, and for providing meaningful input into the Independent CSO National Baseline Assessment (NBA) on Business & Human Rights in Thailand, and/or critical comments into the draft NAP on BHR. **In particular, we would like to thank the following organisations, networks and individuals who provided direct comments to the Final Draft NAP on BHR, on behalf of all the members of the Thai BHR Network:**

List of Organisations, Networks and Individuals who provided direct comments to the Final Draft NAP on BHR on behalf of the overall Thai BHR Network			
No.	Priority Areas and Issues commented on	Organisations or Networks	Individuals
1	All Priority Areas and NAP Chapters	Manushya Foundation	
2	Priority Area 1: Labour		Pairach Aurfur Forersia Emission Control Technologies Labour Union
3	Priority Area 1: Labour		Kraitong Ngamsurach Valeo Rayong Labour Union
4	Priority Area 1: Labour <i>Issues: Child Labour and Migrant Workers</i>	CRC Coalition Thailand	

5	Priority Area 1: Labour <i>Issue: Migrant Workers</i> Priority Area 3: Human Rights Defenders		Sugarnta Sookpaita Migrant Workers Federation (MWF)
6	Priority Area 1: Labour <i>Issue: Sex Workers</i>	EMPOWER Foundation	
7	Priority Area 1: Labour <i>Issue: Sex Workers</i>	Health Opportunity Network (HON)	
8	Priority Area 1: Labour <i>Issue: Rights of the Elderly</i>		Wiraphat Wilaisilpdeler Foundation For Older Persons' Development (FOPDEV)
9	Priority Area 1: Labour <i>Issue: Persons with Disabilities</i>		Supawat Samurpark Disabled Peoples' International Asia-Pacific Region (DPI/AP)
10	Priority Area 1: Labour <i>Issue: People Living with HIV</i>	Thai Positive Women Foundation	
11	Priority Area 1: Labour <i>Issues: People Living with HIV & Injecting Drug Users (IDUs)</i>		Kunlakan Jintakanon Network of Women Living with HIV in Thailand
12	Priority Area 1: Labour <i>Issues: LGBTIQ & People Living with HIV</i>		Sulaiporn Chonwilai Tamtang Group
13	Priority Area 1: Labour <i>Issue: LGBTIQ</i>		Wannapong Yodmuang Transwoman Activist
14	Priority Area 1: Labour <i>Issue: LGBTIQ</i>		Nada Chaiyajit SOGIESC Rights Advocate
15	Priority Area 1: Labour <i>Issues: LGBTIQ & Sex Workers</i>		Sirisak Chaited LGBTI Activist & Sex Worker Activist

16	<p>Priority Area 1: Labour <i>Issue: Women</i> Priority Area 3: Human Rights Defenders</p>		<p>Panjit Kaewsawang Women’s Rights Activist</p>
17	<p>Priority Area 1: Labour <i>Issue: Women</i> Priority Area 3: Human Rights Defenders</p>		<p>Buppavan Angkurasee Amnat Charoen Women’s Friend Center</p>
18	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>	<p>Center for Protection and Revival of Local Community Rights (CPCR) (Northern Thailand)</p>	
19	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>	<p>Esaan Land Reform Network (Northeastern Thailand)</p>	
20	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>	<p>Green World Network (Southern Thailand)</p>	
21	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>		<p>Dr. Somnuck Jongmeewasin Silpakorn University International College (Eastern Region)</p>
22	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>		<p>Nattaporn Artharn Coordinator of Ban Na Moon-Dunsad Environmental Conservation Group</p>
23	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>		<p>AsmahTanyongdao Southern Working Group for Monitoring on International Mechanisms</p>
24	<p>Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders</p>		<p>Junnapa Kuendee, Assembly of the Poor & Samacha Khon Jon KoraniKuen Pakmoon</p>

25	Priority Area 2: Community, Land, Natural Resources and the Environment <i>Issues: Indigenous Peoples</i> Priority Area 3: Human Rights Defenders	Indigenous Women Network of Thailand (IWNT)	
26	Priority Area 2: Community, Land, Natural Resources and the Environment <i>Issues: Indigenous Peoples</i> Priority Area 3: Human Rights Defenders		Katima Leeja Committee member of Asia Indigenous Peoples Pact (AIPP)
27	Priority Area 2: Community, Land, Natural Resources and the Environment <i>Issues: Indigenous Peoples</i> Priority Area 3: Human Rights Defenders		Phnom Thano Indigenous Peoples' Foundation for Education and Environment (IPF)
28	Priority Area 2: Community, Land, Natural Resources and the Environment Priority Area 3: Human Rights Defenders Priority Area 4: International Investments and Transnational Corporations (TNCs)		Professor Chainarong Sretthachau Maharakham University

We hope that all our comments will be taken into consideration in order to continue an open, constructive and collaborative approach in the process of finalisation and implementation of the NAP on BHR. We believe this policy document can serve as a starting point to address corporate accountability, ensure responsible business conduct and promote a Thai economy that is sustainable and respectful of human rights, with Thai businesses meaningfully consulting and engaging with affected and marginalised communities to assess and mitigate human rights risks and impacts of their activities, and to guarantee Thai corporations are not committing or involved in human rights abuses wherever they may operate, in the country and abroad.

Manushya Foundation & Thai BHR Network

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Towards a strong Thai National Action Plan (NAP) on Business and Human Rights (BHR) to regulate corporate activity, that is inclusive of communities voices' affected by the adverse impacts of businesses conducts and operations, communities' challenges and their recommendations

Comments on the final draft National Action Plan (NAP) on Business and Human Rights (BHR) in Thailand

by Manushya Foundation & Thai BHR Network

15 March 2019

[Manushya Foundation](#)¹ and the Thai Business & Human Rights Network ([Thai BHR Network](#)), its inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non-governmental organisations together ensure local communities are central to the business and human rights response and discourse in Thailand. This is achieved through advocacy, dialogue and monitoring of business and human rights commitments made by the Royal Thai Government (RTG), in particular by engaging in the development and monitoring of the National Action Plan (NAP) on Business and Human Rights (BHR). The Thai BHR Network is an inclusive and intersectional network of grassroots communities, civil society, academics and experts, including representatives from and/or working on the following issues: *rights of migrant workers, labour rights (formal and informal workers), trade unions, indigenous peoples, stateless persons, community rights, land-related rights, environmental rights, people with disabilities, LGBTI individuals, sexual and reproductive health, drug users, people living with HIV, sex workers, women's rights, the protection of human rights defenders, the impact of Thai outbound investments and trade agreements.*

We sincerely appreciate the efforts of the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ) towards the drafting of a National Action Plan (NAP) on Business and Human Rights (BHR), in accordance with its international commitments under the second Universal Periodic Review (UPR) of Thailand that took place on 11 May 2016 and to comply with the United Nations Guiding Principles on Business and Human Rights (UNGPs). We also welcome the efforts of the RLPD in ensuring a transparent process through a publicly available

¹ Manushya Foundation is a women-led organization promoting community empowerment to advance social justice, peace and human rights. One core area of Manushya Foundation focuses on Business and Human Rights with the goal to ensure communities are at the center of the Business & Human Rights discourse, speaking with one strong unified voice, following a bottom-up approach to tip the balance of power and hold private actors and ASEAN governments accountable for their human rights obligations and business-related actions, using the lens of the UNGPs to do so. In Thailand, Manushya Foundation supported the creation and is working with an inclusive and intersectional coalition, the 'Thai Business & Human Rights Network' (TBHRN). Manushya Foundation builds the capacity of the network members to enable them to all advocate together serving as Agents of Change, bringing about positive change to the lives of their communities, through awareness raising campaigns, community-led and participatory research, BHR capacity building and sub-granting. More info on Manushya Foundation can be accessed here: <https://www.manushyafoundation.org/>

[draft of the NAP on BHR](#), while opening it for [comments](#) from civil society and other relevant stakeholders. Furthermore, with respect to the content of the NAP, we acknowledge and appreciate the significant efforts made by the RLPD to strengthen the provisions that comprise the overview, challenges and the action plan that reflect aspects, laws, policies and practices to be undertaken.

However, in our role as independent civil society and grassroots organisations and while representing, and working with as well as for communities affected by the adverse impacts of business activities; we believe that it is essential for us to address all shortcomings to ensure the adoption of an effective NAP on BHR that is inclusive of all the issues faced by affected communities, resulting in the creation of a policy document that reiterates already existing business and human rights commitments while holding the State and businesses accountable for them; through a process of protecting rights, ensuring respect for these rights, and providing for the access to remedy for the violation of rights.

Gender Lens: Additionally our analysis of the final draft of the NAP on BHR, led us to the conclusion that it fails to provide an effective gender lens. As a women-led organisation that recognises the importance of protecting and empowering women to guarantee a dynamic response to business and human rights activities and their impacts, we have ensured to include a strong gender lens² throughout our comments. This we do by addressing all women groups that participated and contributed to the [Regional National Baseline Assessment Dialogues](#)³, the [first experts meeting](#) to inform the independent national baseline assessment on business and human rights in Thailand⁴, and the [second experts meeting](#) to discuss the findings and recommendations of the independent national baseline assessment on business and human rights in Thailand.⁵ This gender lens has been applied throughout our comments, including with respect to labour rights and protections guaranteed to women workers and sex workers; discrimination of women and LGBTI individuals; rights of rural and indigenous women including access to information and participation in decision-making processes related to the management of land, natural resources and the environment; and protection of women human rights defenders.

² For a more in-depth analysis and understanding of the application of a gender lens to the implementation of the UN Guiding Principles of Business and Human Rights (UNGPs) in Thailand, please refer to the **Working Paper on 'Applying a Gender Lens to the UN Guiding Principles on Business and Human Rights in the context of Thailand' developed by Manushya Foundation** to guarantee the inclusion of women's concerns and solutions to regulate the negative gender impact of corporate activities. The paper is available at: <https://www.manushyafoundation.org/bhr-cso-nba-thailand>

³ The four regional NBA dialogues were conducted by Manushya Foundation as follows: The Northern Regional NBA Dialogue in Chiang Mai (29 - 30 January 2017), The Northeastern Regional NBA Dialogue in Khon Kaen (23 - 24 February 2017), The Southern Regional NBA Dialogue in Hat Yai (20 - 21 March 2017) and The Eastern and Central Regional NBA Dialogue in Rayong (30 - 31 March 2017). Please access the NBA Regional Dialogues Report here: Manushya Foundation, *Meeting Report: Regional Dialogues for the CSO National Baseline Assessment (NBA) on Business and Human Rights*, (2017), available at: <https://www.manushyafoundation.org/nba-dialogues-report>

⁴ Manushya Foundation, *Executive Summary: First Experts Meeting to inform the independent national baseline assessment on business and human rights in Thailand, 2-3 September 2017*, (2017), available at: <https://www.manushyafoundation.org/single-post/RELEASE-OF-FIRST-BHR-NBA-EXPERTS-MEETING>

⁵ Manushya Foundation, *Executive Summary: Second Experts Meeting to discuss the findings and recommendations of the independent national baseline assessment on business and human rights in Thailand, 28 February-1 March 2018*, (2018), available at: <https://www.manushyafoundation.org/single-post/2018/07/31/RELEASE-OF-SECOND-BHR-NBA-EXPERTS-MEETING>

1. Sharing our Story & Perspective on the Process to develop the NAP on BHR:

We, Manushya Foundation and Thai BHR Network welcome the acknowledgment by the RLPD of our work and the contributions made by representatives from our BHR coalition, who work on aspects related to the rights of migrant workers, labour rights (formal and informal workers), trade unions, indigenous peoples, stateless persons, community rights, land-related rights, environmental rights, people with disabilities, LGBTI individuals, sexual and reproductive health, drug users, people living with HIV, sex workers, women's rights, the protection of human rights defenders, the impact of Thai outbound investments and trade agreements. We also were grateful to the RLPD for the safe space provided by cooperating in implementing Manushya Foundation's business and human rights' [strategy](#); in particular, the co-hosting of four [Regional National Baseline Assessment Dialogues](#) (January-March 2017), the [first experts meeting](#) to inform the independent national baseline assessment on business and human rights in Thailand (2-3 September 2017), and the [second experts meeting](#) to discuss the findings and recommendations of the independent national baseline assessment on business and human rights in Thailand (28 February-1 March 2018). We are truly grateful for our mutual cooperation in ensuring that concerns and solutions of affected communities are central to the NAP on BHR.

1.1. Clarification on Manushya Foundation and the Thai CSOs Coalition for the UPR's role in the First National Dialogue on Business and Human Rights, 22 December 2016

We would like to provide some clarity on the information shared in the introduction to the final draft NAP on BHR. The First National Dialogue on Business and Human Rights was organised by the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ), along with the Representative of Thailand to AICHR, Global Compact Network Thailand and the National Human Rights Commission of Thailand on 22 December 2016. Manushya Foundation and its community coalition, the Thai CSOs Coalition for the UPR, were not co-organisers. Manushya Foundation and communities we work with were merely present as participants only. As a reminder, Manushya Foundation was still in the process of being established end of December 2016 and was officially founded in January 2017. Moreover, we would like to highlight the fact that there was no civil society representative on the panel discussion that took place during this meeting. In addition, at that stage, civil society was not included in the NAP Committee that was established for the purpose of overseeing the drafting of the NAP.

1.2. Our Independent CSO National Baseline Assessment (NBA) on Business and Human Rights to inform the four key priority areas of the NAP on BHR and center community voices in the business and human rights discourse

Manushya Foundation decided to push back on the absence of critical community voices through our [business and human rights strategy](#)⁶ and we invited the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ) to collaborate on the process to inform the NAP, by ensuring communities are at the center of this process and to provide them with a safe space to share evidence-based information on the issues they face and their recommendations to resolve these challenges. For that purpose, we decided to develop our own [Independent CSO National Baseline Assessment \(NBA\) on business and human rights in Thailand](#)⁷ to identify the key priority issues to inform the NAP on BHR,

⁶ Manushya Foundation, *Business & Human Rights Strategy*, (2017), available at: <https://www.manushyafoundation.org/thailand-bhr-strategy>

⁷ Manushya Foundation & ThaiBHRNetwork, *Independent CSO National Baseline Assessment on Business and Human Rights in Thailand*, (2019), available at: <https://www.manushyafoundation.org/bhr-cso-nba-thailand>

ensuring the most challenging human rights issues and adverse impacts of business conducts could be addressed in the next five years plan (2019-2023).

This collaboration resulted in the [Regional National Baseline Assessment \(NBA\) Dialogues](#)⁸, co-organised by Manushya Foundation along with the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ), and the Global Compact Network Thailand, with communities directly sharing with the government and businesses the issues they face related to business and human rights in Thailand and identifying challenges, gaps and ways to implement the UNGPs at the domestic level through the provision of action-oriented recommendations. These dialogues that took place in the four regions of Thailand, Chiang Mai on 29 and 30 January 2017; Khon Kaen on 23 and 24 February 2017; Hat Yai on 20 and 21 March 2017; and Rayong on 30 and 31 March 2017, were organised as a result of equal monetary contributions by both Manushya Foundation and the RLPD. As previously explained, these dialogues informed our independent CSO NBA and not an official government NBA, ensuring voices and evidence from the ground are captured to inform an evidence-based National Action Plan (NAP), and led to the identification of three main priority areas by communities and Manushya Foundation.

We are grateful to the RLPD for following the three priority areas in their drafting of the NAP, as identified by Manushya Foundation and the affected and marginalized communities involve in our strategy during our four National Baseline Assessment (NBA) Regional Dialogues, which includes the priority areas of:

- Violation to Labour Rights and Standards;
- Community Rights, Indigenous Peoples, Land-related Rights, Natural Resources and the Environment; and
- Protection of Human Rights Defenders.

Following this, on 2-3 September 2017, a [First Experts Meeting on Business and Human Rights \(BHR\) in Thailand](#)⁹ was organised to bring together national, regional, and international experts in the field of Business and Human Rights. At this meeting, Manushya Foundation presented its methodology to develop an Independent CSO National Baseline Assessment (NBA) on business and human rights in Thailand, including findings of its desk review, findings of the Regional NBA dialogues and community led-research involving local communities and members of the Thai CSOs Coalition for the UPR. At this meeting, a fourth priority area was identified related to **‘trade agreements and Thai outbound investments’**. We appreciate the addition of this priority area as well through the development process of the draft National Action Plan (NAP) on Business and Human Rights (BHR).

From 28 March to 1 February 2018, we organised a [Second Experts Meeting to discuss the Findings and Recommendations of the CSO National Baseline Assessment \(NBA\) on Business and Human Rights](#)¹⁰ which brought back together relevant stakeholders to discuss the findings and recommendations of the CSO NBA on BHR in Thailand. While co-hosted with the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice and Thailand's Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR), this event was entirely

⁸ Supra Note 3.

⁹ Supra Note 4.

¹⁰ Supra Note 5.

organised by Manushya Foundation. Professor Surya Deva, member of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises (also referred to as the Working Group on Business and Human Rights), was invited as a key expert to provide input into the CSO NBA on BHR.

1.3. A zero draft NAP on BHR not taking into consideration voices from the ground

Subsequently, the Right and Liberties Protection Department (RLPD) uploaded the zero draft NAP on BHR on its website for the public to give comments between 27 June and 31 July 2018. The challenge herein remained that those most affected by the adverse impact of business activities who are thus important stakeholders in this process, often do not have access to such online forums whereby submission of comments can be made. Thus, we urged the RLPD to ensure it engages those communities that are most affected through inclusive, accessible processes by following other good practices such as seen in the case of [India's Scheme for Para-Legal Volunteers \(PLVs\)](#)¹¹, whereby the government empowers PLVs to serve as a bridge with people at the grassroots level by reaching out to individuals at their doorstep to impart awareness on the law and access to systems and services.

1.4. Consecutive Draft NAPs not made public for comments and not widely disseminated

Furthermore, the NAP was further amended to create a second and [third draft of the NAP](#) (version of 22 August 2018) that was to be deliberated upon. However, this information was only shared with a few community members and CSOs by the RLPD through unofficial channels without any effort to widely disseminate it. Additionally, this draft NAP (version of 22 August 2018) was shared only two hours prior to a CSO consultation organised by the RLPD. This CSO consultation to discuss the draft National Action Plan (NAP) on Business and Human Rights (BHR) was organised by the RLPD along with the National Human Rights Commission of Thailand (NHRCT), UNDP and OHCHR on 23 August 2018. While Manushya Foundation and the Thai BHR Network welcomed the initiative, to protest the lack of transparency in the process of drafting the NAP and sincerity towards the adoption of community input on priority issues, challenges, recommendations and action towards implementation; we did not attend the event during the morning and organised a [press conference](#)¹² [calling on the government](#)¹³ to:

- Ensure information of consultations, particularly the drafts of the NAP, are circulated widely and well in advance so that the concerned communities and civil society groups can provide comments and meaningfully participate in the drafting process.
- Include representation of the concerned communities and civil society groups in the NAP drafting committee, so as to secure sincere participation and transparency in the process.

¹¹ National Legal Services Authorities (NALSA) of India, *Scheme for Para-Legal Volunteers (Revised)*, (2014), available at: https://nalsa.gov.in/sites/default/files/scheme/Scheme_%28Para_Legal_Volunteers%29.PDF

¹² Manushya Foundation, *'We Are Not Quiet, You're Just not Listening': Morning Press Conference*, (23 August 2018), available at: <https://www.manushyafoundation.org/single-post/Morning-Press-Conference-%E2%80%9CWe-Are-Not-Quiet-You-Are-Just-Not-Listening%E2%80%9D>

¹³ Manushya Foundation, *'Nothing About Us, Without Us' Thai BHR Network delivers its Statement calling on a Transparent & Sincere NAP process and content*, (23 August 2018), available at: <https://www.manushyafoundation.org/single-post/%E2%80%9CNothing-About-Us-Without-Us%E2%80%9D-Thai-BHR-Network-delivers-its-Statement-calling-on-a-Transparent-Sincere-NAP-process-and-content>

- Undertake additional regional consultations with meaningful engagement of all relevant stakeholders on successive draft NAPs developed, to ensure the formulation of a NAP that addresses all relevant concerns and adopts concrete actions with respect to the actual situation on the ground.

Furthermore, the [statement](#)¹⁴ also urged the government to ensure that the process of finalisation of the NAP is not rushed; and that communities, as well as involved government authorities and companies are educated about the rights and processes of business and human rights to contribute to the development and future implementation of the NAP. This statement was also presented to the government and international organisations during the afternoon session of the public consultation.

1.5. We Welcome a non-rushed NAP process but note that the final Draft NAP on BHR is still excluding affected communities

As a result of these community led endeavours, we are glad to note and are deeply obliged that the RLPD did not rush the process to release the National Action Plan (NAP) on Business and Human Rights (BHR) by September 2018, as announced during the 23 August 2018 CSO consultation. We also welcome the efforts of the RLPD, to fulfil our other calls by ensuring that the content of the National Action Plan (NAP) on Business and Human Rights (BHR) is more detailed in comparison to previous drafts. However, following our review of the final draft NAP on BHR, we were disappointed to find that the draft NAP on BHR fails to acknowledge and address the circumstances of all communities, through its failure to capture certain challenges and recommendations made by them or by ignoring whole communities and their rights altogether, or addressing these communities in a manner that is detrimental to addressing the adverse impacts they face as a result of business activities. Further, we also welcome the attempt by the RLPD to adopt a more transparent process, through the provision of a publicly available draft of the NAP on BHR, while opening it for comments from civil society, from 15 February 2019 to 15 March 2019. **Nevertheless, we remain disappointed that the RLPD will not be undertaking additional regional consultations with meaningful engagement of all relevant stakeholders, as requested in our statement¹⁵ of 23 August 2018.** .

As an independent CSO, Manushya Foundation recognises the importance of [engaging, mobilising and empowering communities](#) at the grassroots level; to ensure that their voices are at the center of the response to engage constructively with and provide effective solutions to address concerns related to the enjoyment of and the violation of their rights due to the negative impact of business conducts and activities. Therefore, throughout the process on the development of the NAP, Manushya Foundation and the Thai BHR Network have constantly contributed to and ensured the engagement of local communities in Thailand through their substantive contributions in the development process and the content of the NAP. However, we would like to highlight that the duty to obtain input from affected communities on the challenges they face owing to the adverse impact of business conducts and activities, is one that should be undertaken by the government. It is unfortunate that the resources dedicated to the development of the NAP were redirected to other aspects in the development process that were considered more important, with the monetary resources thus being insufficient for such community consultations.

¹⁴ Thai BHR Network, *Statement to the government: 'Thailand: Call On The Government To Be Sincere And Transparent In The Drafting Process Of The National Action Plan On Business & Human Rights With Respect To The Process And Content'*, (23 August 2018), available at: <https://www.manushyafoundation.org/nap-statement>

¹⁵ *Ibid.*

2. Sharing our Comments on the Final Draft NAP on BHR to ensure a strong NAP on BHR to regulate corporate activities in Thailand

We submit these comments as a means to ensure a constructive engagement with the RLPD, in order to ensure the development of an effective and inclusive NAP that is representative of all communities and the issues faced by them, and that adequately address all these challenges through the provision of detailed step by step and timebound actions, which are comprehensive while ensuring the smooth operation and implementation of the NAP at all levels of society. To achieve this, as part of our comments to the NAP, we are providing changes and additions to the NAP to ensure compliance with international human rights standards and the UNGPs, and address the concerns, gaps and needs as identified by grassroots communities, civil society, academics and experts, throughout the implementation of Manushya Foundation's business and human rights [strategy](#), and analysed in Manushya Foundation and the Thai BHR Network's [Independent National Baseline Assessment on Business & Human Rights in Thailand](#). For that purpose, we are suggesting the following comments below:

- changes to the wording of the NAP in **red colour**,
- additions to the wording based on concerns and gaps identified in **blue colour**, and
- additional action points (in **blue colour**) to enable and ensure that this document is actionable as a whole in order to guarantee the compliance of State actions and business practices with the UNGPs and other international commitments made and obligations set out therein. In order to produce a more-accessible and user-friendly NAP, we also suggest that the government includes the table of the 'action plan' as an annex or appendix, rather than inside the content of the NAP itself, as it has been applied with success in other countries including [France](#)¹⁶ and [Switzerland](#).¹⁷

While we submit these comments, we are cognisant of a fact related to the structure of the final draft of the NAP that must be highlighted. Structurally, a National Action Plan (NAP) should not be a replication of a National Baseline Assessment (NBA). Instead, it should be developed following the guidance of the UN Working Group (UNWG) on Business and Human Rights (BHR), as set out in the [2016 Guidance on National Action Plans on Business and Human Rights](#).¹⁸ According to this guidance, a NAP must explain what constitutes government action with a good mix of mandatory and voluntary measures that clearly and effectively outlines current and planned activities by the government. This should be compiled under each guiding principle of the UNGPs; through the provision of the text of the guiding principle, current activities, and planned activities with an inclusion of specific objectives, activities to be carried out, an attribution of clear responsibilities of relevant entities, a timeframe for implementation, and performance indicators to evaluate the implementation and impact of the action. Under each guiding principle, the NAP should also endeavour to address each of the priority areas identified.

¹⁶ Ministère des Affaires Etrangères et du Développement International, "National Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights", (2017), available at: <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/business-and-human-rights/article/the-national-plan-for-the-implementation-of-the-united-nations-guiding>

¹⁷ Confédération Suisse, *Report on the Swiss strategy for the implementation of the UN Guiding Principles on Business and Human Rights*, (2016), available at: <https://www.news.admin.ch/news/message/attachments/48579.pdf>

¹⁸ UN Working Group on Business and Human Rights, *Guidance on National Action Plans on Business and Human Rights*, (2016), available at: https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf

Although aware of this shortcoming in the structure of the final draft of the NAP, owing to the time constraint we are just providing comments within the framework of the government developed final draft of the NAP. Additionally, we are aware and acknowledge the fact that this is the first NAP being drafted by the Royal Thai government and that it is due within a short timeframe, by 2019. Therefore, we instead express our hope that this is resolved in the next NAP drafted by the government that will be operational from 2024-2029, and that it will follow the guidance of the UNWG; identifying new priority areas and planning actions, guiding principle by guiding principle, with the comprehensive activities of the action plan indexed as an annex.

While clear gaps remain to be resolved in the final draft NAP on BHR in order to guarantee that Thai businesses are not committing or involved with human rights abuses wherever they operate, we strongly believe that our comments, if taken into consideration for the finalisation of the NAP on BHR, could strengthen it and could create a starting point to address corporate accountability and ensure responsible business conduct. We see the Thai NAP on BHR as a critical opportunity for civil society and grassroots communities to engage collectively to promote a Thai economy that is sustainable and respectful of human rights, while building understanding of private actors on the adverse impacts of their activities. We hope the final Thai NAP on BHR will allow for open, frank, transparent and constructive dialogues among all relevant sectors, so that we could all work together to ensure that Thai corporations respect human rights at home and/or abroad.



Chapter 1: Introduction

Note:

- changes to the wording of the NAP in **red colour**,
- additions to the wording based on concerns and gaps identified in **blue colour**, and
- additional action points (in **blue colour**) to enable and ensure that this document is actionable as a whole in order to guarantee the compliance of State actions and business practices with the UNGPs and other international commitments made and obligations set out therein.

1.1. United Nations Guiding Principles on Business and Human Rights (UNGPs)

Original Text	Suggested changes in the wording
<p>Pg 1: Pillar 1 on Protection (Protect) sets out the state duty to protect human rights (Principles No.1-10). In other words, the state has a duty to protect individuals from rights violations, whether by the state or individuals/non-state actors, or business enterprises. Even though the state does not have to take responsibility for human rights violations perpetrated by the private actors, it has the duty to take actions to ensure that there is prevention, punishment, and provision of remedy, such as access to justice, for cases in which violations occurred due to policies or measures.</p>	<p>Pg 1: Pillar 1 on Protection (Protect) sets out the state duty to protect human rights (Principles No.1-10). In other words, the state has a duty to protect individuals from rights violations, whether by the state or individuals/non-state actors, or business enterprises. Even though the state does not have to take responsibility for human rights violation perpetrated by the private actors, it has the duty to take actions to ensure that there is prevention, punishment, and provision of remedy, such as access to justice, for cases in which violations occurred due to policies or measures. States are not per se responsible for human rights abuse by private actors. However, States may breach their international human rights law obligations where such abuse can be attributed to them, or where they fail to take appropriate steps to prevent, investigate, punish and redress private actors’ abuse. Comment: The UNGPs when referenced must only be used as a whole and its language must not be modified, to suit the needs of those utilising their guiding principles.</p>

1.3. The process in developing the National Action Plan (NAP) on Business and Human Rights (BHR)

Original Text	Suggested changes in the wording
<p>Pg. 4: 2. The First National Dialogue on Business and Human Rights: The Rights and Liberties Protection Department of the Ministry of Justice collaborated with the Representative of Thailand to AICHR, Global Compact Network Thailand,</p>	<p>2. The First National Dialogue on Business and Human Rights: The Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ) collaborated with the Representative of Thailand to AICHR, Global Compact Network Thailand, Manushya Foundation and the Thai CSOs Coalition for the UPR to organise the first national meeting on 22 December 2016.</p>

<p>Manushya Foundation and the Thai CSOs Coalition for the UPR to organise the first national meeting on 22 December 2016.</p>	<p>Comment: Manushya Foundation and the Thai CSOs Coalition for the UPR did not co-organise this event with the RLPD, but solely attended the event as participants.</p>
<p>Pg. 4: 3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation): The participants were also asked to select three key priority issues in the area, which needed to be urgently addressed. These issues would be used for the development of a baseline to inform the National Action Plan (NAP) on Business and Human Rights (BHR).</p>	<p>3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation): The participants were also asked to select three key priority issues in the area, which needed to be urgently addressed. These issues would be used for the development of a baseline an independent CSO National Baseline Assessment (NBA) to inform the National Action Plan (NAP) on Business and Human Rights (BHR).</p>
<p>Pg. 5: 4. The First Experts Meeting to Discuss the Assessment of the Situation related to Business and Human Rights and the Development of the National Action Plan on Business and Human Rights: The Rights and Liberties Protection Department of the Ministry of Justice, together with the Representative of Thailand to AICHR, Manushya Foundation and Thai CSOs Coalition for the UPR, held a meeting on 1 to 3 September 2017 at Sampran Riverside, Sampran, Nakhon Pathom.</p>	<p>4. The First Experts Meeting to Discuss the Assessment of the Situation related to Business and Human Rights and the Development of the National Action Plan on Business and Human Rights: The Rights and Liberties Protection Department of the Ministry of Justice, together with the Representative of Thailand to AICHR, Manushya Foundation and Thai CSOs Coalition for the UPR, held a meeting on 1 to 3 2 to 3 September 2017 at Sampran Riverside, Sampran, Nakhon Pathom.</p>
<p style="text-align: center;">Original Text</p>	<p style="text-align: center;">Suggested additions to address gaps in the NAP</p>
<p>3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation): The participants were also asked to select three key priority issues in the area, which needed to be urgently addressed. These issues would be used for the development of a baseline to inform the National Action Plan (NAP) on Business and Human Rights (BHR).</p>	<p>3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation): The participants were also asked to select three key priority issues in the area, which needed to be urgently addressed. These issues would be used for the development of a baseline an independent CSO National Baseline Assessment (NBA) to inform the National Action Plan (NAP) on Business and Human Rights (BHR). Communities affected by the adverse impact of business activities and civil society organisations present provided beneficial comments and recommendations, which the RLPD used to inform the revision of the draft accordingly.</p>

<p style="text-align: center;">1.5. The connection between National Action Plan on Business and Human Rights and other national plans and policies, as well as the SDGs</p>	
<p style="text-align: center;">Original Text</p>	<p style="text-align: center;">Suggested additions to address gaps in the NAP</p>
<p>Pg. 8: 2. Improving the quality of life to be environmentally</p>	<p>2. Improving the quality of life to be environmentally friendly - The National Action Plan places</p>



<p>friendly - The National Action Plan places emphasis on the importance of sustainable development and not harming the environment. In other words, the operation of projects that might have an impact on the environment require the conduct of an Environmental Impact Assessment (EIA), by emphasising on the duties and responsibilities of the business sector for both domestic businesses or transboundary investments. There also needs to be opportunity for the people affected by such projects to have access to the data and participate in giving their opinions. Those that have been negatively affected should receive a fair compensation.</p>	<p>emphasis on the importance of sustainable development and not harming the environment. In other words, the operation of projects that might have an impact on the environment require the conduct of an Environmental Impact Assessment (EIA), by emphasising on the duties and responsibilities of the business sector for both domestic businesses or transboundary investments. There also needs to be opportunity for the people affected by such projects to have access to the data and participate in giving their opinions, through a mandatory Social Impact Assessment (SIA), Community Human Rights Impact Assessment (CHRIA) and a Gender Impact Assessment (GIA). Those that have been negatively affected should receive a fair compensation.</p>
<p>Pg. 9: 3. Balancing and improving the public administration system - The goal is to be “The public sector of the people and for the people”. The National Action Plan gives importance to the creation or improvement of the mechanisms for complaints and remedy, so that they are effective. There is a mechanism to monitor and report results to the general public who submits complaints through technology as a communications channel, used for convenience and swiftness.</p>	<p>3. Balancing and improving the public administration system - The goal is to be “The public sector of the people and for the people”. The National Action Plan gives importance to the creation or improvement of the mechanisms for complaints and remedy, so that they are effective. There is a mechanism to monitor and report results to the general public who submits complaints through technology as a communications channel, used for convenience and swiftness. However, a challenge that remains is access of this technology based complaints mechanism by those most affected by the adverse impact of business activities, often living in rural areas, who are important stakeholders in this process. Therefore, to guarantee their access, other methods and channels of communication will also be strengthened, particularly at the grassroots level.</p>
<p>Pg. 9: The 12th National Economic and Social Development Plan - Strategy 2: Creating a just society and reducing inequality; and Strategy 3: Strengthening the economy, and underpinning sustainable competitiveness - Even though the 12th National Economic and Social Development Plan does not explicitly refer to the business sector and human rights (BHR), it does emphasise the promotion of Corporate Social Responsibility (CSR) in order to create a just society and reduce inequality in the society.</p>	<p>The 12th National Economic and Social Development Plan - Strategy 2: Creating a just society and reducing inequality; and Strategy 3: Strengthening the economy, and underpinning sustainable competitiveness - Even though the 12th National Economic and Social Development Plan does not explicitly refer to the business sector and human rights (BHR), it does emphasise the promotion of Corporate Social Responsibility (CSR) in order to create a just society and reduce inequality in the society. However, while stating this, it must also be acknowledged that CSR and BHR do not refer to the same concepts, with CSR only broadly requiring responsible behaviour from businesses and BHR mandating specific rights and responsibilities with respect to business activities.</p>
<p>National Human Rights Plan - Currently, the 4th National Human Rights Plan, which is in the process of being developed, will refer and link to the National Action Plan as well.</p>	<p>National Human Rights Plan - Currently, the 4th National Human Rights Plan, which is in the process of being developed, will refer and link to the National Action Plan as well. This development of the 4th National Human Rights Plan is vital to the implementation of the NAP on BHR, and so the importance of adopting such a document at the earliest is reiterated.</p>

Chapter 2: Labour

We would like to suggest the following title: Chapter 2: Labour Rights & Standards

Explanation: We, Manushya Foundation and Thai BHR Network welcome the efforts of the Royal Thai Government (RTG) to adhere to international labour rights and standards, through the ratification of 5 of the 8 ILO Core Conventions. However, it is vital that the RTG considers the ratification of the remaining 3 ILO Core Conventions and that all domestic implementation take these commitments into consideration. In this respect, it is important that while addressing labour rights and standards, this chapter 2 covers labour rights not just in corporations but also in its subsidiaries and throughout its supply chains. In addition, the rights of specific groups of individuals that face more marginalisation and a higher risk of violation to their rights, such as those of informal workers, migrant workers, LGBTI individuals, people living with HIV, drug users, women, indigenous peoples, religious minorities, the elderly and sex workers must also be addressed.

We thank the RLPD for following our first priority area as identified during our [National Baseline Assessment \(NBA\) Regional Dialogues](#) held in January-March 2017 to address violations to labour rights and standards, and we appreciate its efforts to ensure it is more detailed in comparison to the previous drafts of the National Action Plan (NAP) on Business and Human Rights (BHR). Nevertheless, following our review of the action plan and for the UNGPs to be upheld on the ground, we believe that this has to be further broken down into detailed step by step and timebound actions, which are comprehensive while ensuring the smooth operation and implementation of the NAP at all levels of society. To achieve this, as part of our comments to the NAP, we are providing changes and additions to the NAP to ensure compliance with international human rights standards and the UNGPs, and address the concerns, gaps and needs as identified by grassroots communities, civil society, academics and experts, throughout the implementation of Manushya Foundation's business and human rights [strategy](#), and analysed in Manushya Foundation and the Thai BHR Network's [Independent National Baseline Assessment on Business & Human Rights in Thailand](#). For that purpose, we are suggesting the following comments below:

- changes to the wording of the NAP in **red colour**,
- additions to the wording based on concerns and gaps identified in **blue colour**, and
- additional action points (in **blue colour**) to enable and ensure that this document is actionable as a whole in order to guarantee the compliance of State actions and business practices with the UNGPs and other international commitments made and obligations set out therein. In order to produce a more-accessible and user-friendly NAP, we also suggest that the government includes the table of the 'action plan' as an annex or appendix, rather than inside the content of the NAP itself, as it has been applied with success in other countries including [France](#) and [Switzerland](#).



General Comments: This chapter on labour sees the misuse of certain words and an absence of identification and/or misrepresentation of groups of individuals. This takes place through the failure to recognise sex work as work in the action plan and to recognise indigenous peoples. In addition, there are several gaps as a result of issues, dimensions of rights and violations, actions and groups of affected individuals that are either addressed very briefly or entirely ignored. For instance, the action plan only addresses the rights of the children of workers and fails to address child labour, the rights of sex workers and the rights of indigenous peoples in their entirety.

Finally, to ensure compliance with the State duty to protect under Principle 3 of the UNGPs, effective guidance must also be provided to business enterprises on how to address and mitigate human rights impacts throughout their operations. While the final draft NAP attempts to regulate large-scale businesses registered with the Stock Exchange of Thailand (SET), we note that the draft NAP lacks mandatory measures to hold Thai businesses accountable for the adverse impacts of their actions in the workplace at home and abroad, and should be inspired by global good practices, such as the [UK Modern-Slavery Act 2015](#), and the [French Corporate Duty of Vigilance Law 2017](#). Finally, the draft NAP fails to provide a detailed action plan for businesses which could guide their actions to be in compliance with the UNGPs; and these comments seek to remedy this shortcoming by providing such a detailed action plan.

I. Overview	
Original Text	Suggested additions to address gaps in the NAP
<p>Pg 11: The government gives importance to the protection of the rights of all workers without discrimination, based on their ethnicity or race by amending laws and measures to increase protection and welfare of the workers; and for it to be in line with the standards of the International Labour Organization (ILO).</p>	<p>Pg 11: The government gives importance to the protection of the rights of all workers without discrimination, based on their ethnicity or race, religion, nationality, gender, sexual orientation and gender identity by amending laws and measures to increase protection and welfare of the workers; and for it to be in line with the standards of the International Labour Organization (ILO) and those set out in other international commitments, including international treaties and their treaty body mechanisms as provided for by the UDHR, ICCPR, ICESCR, CEDAW, CAT, CERD, CRPD and CRC.</p>

II. Challenges	
Original Text	Suggested changes in the wording
<p>Pg 15: Enforcement of the law related to prostitution- Implement the recommendations received from the Committee on the Elimination of Discrimination against Women in 2017, by regulating the entertainment business to ensure it fully complies with labour laws and consider</p>	<p>Pg 15: Enforcement of the law related to prostitution- Implement the recommendations received from the Committee on the Elimination of Discrimination against Women in 2017, by regulating the entertainment business to ensure it fully complies with labour laws and consider repealing the Prevention and Suppression of Prostitution Act B.E 2539 (1996), especially criminal charges placed on prostitutes sex workers.</p>



<p>repealing the Prevention and Suppression of Prostitution Act B.E 2539 (1996), especially criminal charges placed on prostitutes.</p>	
Original Text	Suggested additions to address gaps in the NAP
<p>Pg 15: Promotion of the employment of peoples with disabilities, elderly persons, and ex-convicts - Promote the employment of people with disabilities, elderly persons, and ex-convicts that match their skills and abilities. Also, it should build the occupational skills for these groups of people to prepare them for employment and also use the benefits from various funds to help peoples with disabilities, elderly persons, and ex-convicts get employed and truly have their capacities built.</p>	<p>Promotion of the employment of peoples with disabilities, elderly persons, and ex-convicts - Promote the employment of people with disabilities, elderly persons, and ex-convicts that match their skills and abilities, on a voluntary basis. This must be in accordance with the demand of the job market and to ensure that their living conditions are improved for the better. Also, it should build the occupational skills for these groups of people to prepare them for employment and also use the benefits from various funds to help peoples with disabilities, elderly persons, and ex-convicts get employed and truly have their capacities built.</p>
<p>Pg 16: Elimination of discrimination in recruitment and employment - Review and amend laws to protect and eliminate discrimination in employment for all cases. Review the Gender Equality Act, B.E. 2558 (2015), particularly Article 17, and raise awareness about the Act and its complaint mechanism amongst all sectors. Promote equal employment without gender-based discrimination; solve the problem of dismissal due to pregnancy and forced HIV/AIDS testing during recruitment and employment; address the problem related to HIV/AIDS in the workplace; not giving women the opportunity to be promoted; discrimination due to nationality; sexual harassment at the workplace; the use of violence; discrimination in the payment of wages to women; and discrimination in employing LGBT persons and female workers in some contexts and situations, such as in their employment as domestic workers, migrant workers, sex workers, etc.</p>	<p>Pg 16: Elimination of discrimination in recruitment and employment - Review and amend laws to protect and eliminate discrimination in employment for all cases. Review the Gender Equality Act, B.E. 2558 (2015), particularly Article 17, and raise awareness about the Act and its complaint mechanism amongst all sectors. Promote equal employment without gender-based discrimination; solve the problem of dismissal due to pregnancy and forced HIV/AIDS testing during recruitment and employment; address the problem related to HIV/AIDS related discriminatory practices in the workplace due to HIV status, perceived status, or due to higher risk posed such as amongst the LGBTI community, sex workers and drug users; not giving women the opportunity to be promoted; discrimination due to nationality, ethnicity or race, religion, sexual orientation and gender identity; sexual harassment at the workplace; the use of violence; discrimination in the payment of wages to women; and disproportionate discrimination during employment of as faced by indigenous peoples, LGBTI persons and female workers in some contexts and situations, such as in their employment as domestic workers, migrant workers, sex workers, etc.</p>
<p>Pg. 16: Human trafficking and forced labour - Apply the measures employed in the fishery industry to improve workers' conditions in other industries, such as agricultural and construction sectors, which employ many migrant</p>	<p>Human trafficking, forced labour, child labour and other exploitative practices - Apply the measures employed in the fishery industry to improve workers' conditions in other industries, such as agricultural and construction sectors, which employ many migrant workers, and consider requesting businesses in sectors with high risks to investigate and report on human rights according to the UNGPs. In addition,</p>

workers, and consider requesting businesses in sectors with high risks to investigate and report on human rights according to the UNGPs.	although laws on child labour exist there is often a failure to strictly enforce the law; due to the falsification of bone density tests by employers, inadequate number of labour inspectors, inadequate number of interpreters during labour inspections, ineffectual inspection processes in the informal and difficult to access workplaces, and the absence of identity documents among the children of migrants, indigenous peoples or those that are otherwise marginalized/from minority communities.
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For a deeper understanding of challenges faced by those affected by the adverse impact of businesses related to the violation of labour rights and standards, please refer to the [thematic assessment chapters developed as part of the Independent National Baseline Assessment on Business & Human Rights in Thailand, by Manushya Foundation](#) and the Thai BHR Network.¹⁹

III. Action Plan

Pillar I: State duty to Protect (Protect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Ratification of international treaties	Conduct a feasibility study regarding the ratification of Take immediate measures to ratify ILO No. C87, C97, C98, C131, C143, C156 and 189 by assessing the situation and context of Thailand, and ratify the treaties to ensure compliance with basic labour rights standards	Ministry of Labour	2562 B.E. (2019)	- The feasibility study regarding the ratification of ILO No. 87, 97, 98, 131, 143 and 189 is conducted by 2562 B.E. (2019) - Treaty is followed by implementation at the national level	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 5
		Study the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE declaration) of International Labour Organization and consider the roadmap to promote the declaration	- Ministry of Labour - Ministry of Foreign Affairs	2562-2563 B.E. (2019-2020)	A study on the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE declaration) of International Labour Organization is conducted.	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 5

¹⁹ Manushya Foundation & ThaiBHRNetwork, *Independent CSO National Baseline Assessment on Business and Human Rights in Thailand*, (2019), available at: <https://www.manushyafoundation.org/bhr-cso-nba-thailand>



2	Drafting, amendment and repeal of relevant laws, rules, regulations, policies and measures	Review laws related to the protection of labour, social welfare allocation, and social security that still have gaps between laws and in practice, and consider amending or improving laws for them to be in line with international standards; while ensuring that national laws do not contradict each other	- Ministry of Social Development and Human Security - Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of laws amended	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 5, and 7
		Review relevant laws and consider improving them to be in line with ILO Convention No. 138 and 182 ILO Core Conventions.	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of meetings held to review relevant laws	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 5, and 7
		Study ILO General Principle and Operational Guideline on Fair Recruitment, and review laws and guidelines that are enforced for it to be in line with such principle.	Ministry of Labour	2562-2566 B.E. (2019-2023)	Result gained from the study	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
		Review policies related to the employment of workers at border areas, by focusing on protecting workers who are protected under the law without discrimination as well as by providing protection to other individuals who accompany them. This is for it to be in line with ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. Review, amend or repeal policies	- Ministry of Labour - The Ministry of Justice	2562-2566 B.E. (2019-2023) 2562-2566 B.E. (2019-2023)	- Number of policies reviewed - Removal of disincentives that result in non-reporting and the creation of unsafe work environment for migrant workers - Consultation of both documented and undocumented migrants is undertaken during this	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7



	<p>that result in targeting of migrant workers, subject them to exploitation and place on them criminal penalties</p>			<p>process</p>	
	<p>Review and amend laws related to labour to be in line with the current situation and international standards, such as Labour Relations Act B.E. 2518 (1975) and State Enterprise Labour Relations Act B.E. 2543 (2000), to remove restrictions on the right to form a union and collectively bargain. For instance, amend the Fisheries Act, 2015 to be in line with the Work in Fishing Convention, 2007 (ILO Convention No. 188) and also through the provision of accountability mechanisms and measures that are not ambiguous or subject to narrow interpretation, and that ensure training of officials on these accountability features</p>	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Social Development and Human Security - Ministry of Justice 		<ul style="list-style-type: none"> - Number of draft acts approved by the Cabinet, in compliance with international standards and regional commitments - All establishments, no matter the size must be required to meet labour standards - Regular inspection should be undertaken to ensure their continued compliance - All legislations in Thailand adopt the same definition on forced labour - Provisions to raise public awareness about forced labour are included in the bill, with examples on the local context duly provided - No narrow and inflexible interpretation of international law and standards set out therein 	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7 - Articles 23 (3) and (4) of UDHR - Articles 7 and 8 (1)(a)-(b) of ICESCR - RES 2008/18 of ECOSOC - UNGA RES 31/15 - UNHRC Resolution 15/21 of the United Nations Special Rapporteur on the Right to Freedom of Peaceful Assembly and Association - CESCR General Comment No. 23 - Concluding Observations for Thailand made by the Committee on Economic, Social and Cultural Rights in 2015 and by the Committee on the Elimination of Discrimination Against Women in 2017. - ILO Protocol 2014 to the Forced Labour Convention - ILO Declaration on Fundamental Principles and Rights at Work - ASEAN Human Rights Declaration
	<p>Repeal the amendment to the Factories Act and ensure the activities of all industrial establishments continue to be regulated through compulsory licensing, inspections and overall regulation to ensure the compliance with labour standards</p>				
	<p>Amend the draft bill on forced labour prevention and ensure its implementation, in line with ILO</p>				



		<p>Protocol 2014 to the Forced Labour Convention, particularly with respect to the definition of forced labour, the punishment for violations, and the role and responsibility of state agencies in contributing to the end of forced labour; with forced labour punishable as a stand-alone criminal offence and not just as a part of human trafficking</p>				
		<p>Amend the Labour Protection Act No. 2, Section 16, to clearly define harassment and sexual harassment based on the ILO Declaration on Fundamental Principles and Rights at Work, and to cover harassment among employees of the same ranking. Additionally, include indigenous peoples as groups explicitly protected from discrimination.</p>				
		<p>Enact a singular anti-discrimination legislation that accounts for all people, who face marginalisation, stigmatisation and exclusion. It should not just protect against discrimination, but also address violations by providing remedies and promote non-discrimination. Address specific contexts, taking into consideration how each community is distinctly affected and how other factors may have a negative impact including the inherent vulnerability and</p>	<p>Ministry of Social Development and Human Security</p>	<p>2562-2564 B.E. (2019-2021)</p>	<ul style="list-style-type: none"> - Specific definitions provided in the intention document for each category of individuals addressed - Measures are evidence based, with all affected communities participating in their design and implementation - Accompanied by the overriding human rights 'do not harm' approach 	<ul style="list-style-type: none"> - UDHR - ICCPR & ICESCR Common Articles 2 and 3 - CEDAW Articles 2 and 11 - CERD Articles 2, 5, and 7 - CRPD, Articles 5 and 27 - ILO Conventions 100 and 111 - SDG No. 5, 10, and 16 - ASEAN Human Rights Declaration.



		marginalisation of certain groups				
		Review social security laws and social security mechanisms to ensure (1) improvement of conditions and benefits to the insured person (2) Involvement of a tripartite structure in managing the social security fund (3) Equal access to funds and services for all types of workers, especially informal labour, migrant workers and sex workers (4) Providing protection to retired employees (5) Compliance with ILO principles. For instance, amend Sections 33, 39, and 40 of the Social Security Act with respect to benefits for child allowance, annual holidays, traditional holidays, paid sick leave, sterilization leave, education and training leave, paid maternity leave, and guarantees to children and dependents of migrants, to guarantee the same rights to migrant workers as Thai workers are entitled to in accordance with ILO Conventions 87 and 98	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of benefits or criteria reviewed or improved	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 3, 8 - UNGP No. 1, 3, 4, 5, and 7
		Review laws related to the employment of public sector employees, to create fair conditions for state employees, including with respect to their ability to unionise and take part in collective bargaining	Ministry of Labour	2562-2566 B.E. (2019-2023)	Amount of time used to review relevant laws	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7



	<p>Repeal Section 15, Paragraph 3 of Persons with Disabilities Empowerment Act that allows exemptions in legal protection of persons with disabilities from being subjected to discrimination.</p>	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Social Development and Human Security 	2562 B.E. (2019)	Protect the equal employment rights of disabled persons	
	<p>Study, analyse and review Amend or repeal the Prevention and Suppression of Prostitution Act B.E. 2539 and relevant laws, and regulate entertainment businesses to have them comply with these laws to refrain from criminalising sex work that would result in their arrest, detention, discrimination and exploitation of sex workers that violate their rights. Regulation of entertainment businesses must only be in so far as they prevent an unsafe work environment for sex workers, promote the ability of sex workers to report crimes committed against them to the police, and to end the continuing impunity in this respect. Sufficient training must also be provided to the police and other law enforcement officials to prevent unlawful entrapment, unjustified prosecution and other acts of corruption by police against sex workers.</p>	<ul style="list-style-type: none"> - Royal Thai Police - Ministry of Social Development and Human Security 	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Meetings are held and studies are conducted to review the Prevention and Suppression of Prostitution Act B.E. 2539 decriminalises sex work - Entertainment businesses and sex workers are also consulted - Accountability is ensured for violation of the rights of sex workers - Sex workers are provided with a safe working environment 	<ul style="list-style-type: none"> - National strategy on security - SDG No. 5 - UNGP No. 1 , 3, 4, 5, 7 - 2017 Recommendations received from the Committee on the Elimination of Discrimination against Women
	<p>Enact a law on sexual harassment, with a clear definition for sexual harassment, the inclusion of verbal</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Justice 	2562 (2019)	- The law addresses sexual harassment in an effective manner	- Recommendations No. 19 of the Committee on the Elimination of Discrimination Against Women



		harassment, and with express prohibition of sexual harassment at the workplace				- CEACR on the Discrimination (Employment and Occupation) Convention, 1958
		Ensure the implementation and enforcement of existing laws and standards, guaranteeing labour protection, social security, and inclusion of affected communities through the formulation of policies and regulatory measures; along with clear guidelines on preventive measures, remedies, and compensation for businesses that are to be implemented with immediate effect. Guidelines should extend to all workplaces, industrial sectors, especially small and medium enterprises where the violation of these rights is more likely to occur. These must address aspects such as prevention of discrimination, decent working conditions, minimum wage, overtime work, holiday pay, provision of annual holidays, occupational health and safety, formation of trade unions and collective bargaining.	- Ministry of Labour - Ministry of Health - Ministry of Social Development and Human Security	2562-2564 B.E. (2019-2021)	- Measures must cover all affected communities and apply to the local context, particularly addressing those communities that are at a higher risk of facing adverse impacts. For example, policies on HIV/ AIDS, and sexual harassment at the workplace. - These must be developed with the involvement of affected individuals and communities, organisations of employers, and organisations of workers - Guidelines for businesses must be free of the influence of businesses and taking into consideration the interest of those affected by the adverse activities of businesses	- ICESCR - CERD - CEDAW - CRC - CRPD - CMW - CESCR General Comment No. 9 - UNGA RES 31/15 - 2016 Report of the United Nations Special Rapporteur on the Right to Freedom of Peaceful Assembly and Association - Recommendations made by the Committee on Economic, Social and Cultural Rights in 2015 - Recommendations made by the Committee on the Elimination of Discrimination Against Women in 2017 - ILO Convention No. 111 - ILO Convention No. 187 - ILO Recommendation No. 200 - ASEAN Guidelines for Occupational Safety and Health
3	Improvement of labour management systems	Create a system to store the information and details of workers, for agencies and employers to be able to check the information of the workers. Ensure such systems monitor the occurrence of exploitative labour	- Ministry of Labour - Ministry of Justice	2562-2566 B.E. (2019-2023)	- Effective information storing system - Undertaken in all 77 provinces of Thailand, with additional monitoring in sectors with a higher risk of exploitative labour	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1 , 3, 4, 5, 7



	practices and attempt to identify it.			practices	
	Such a mechanism must also be used to collect data and statistics on employment/unemployment among Thai citizens, including type of employment, disaggregation based on gender, ethnicity, disability and age, among others towards informing policies for employment promotion with diversity in workforce in public and private sectors				
	Develop and effective and sustainable migrant registration policy and process; with time limits that allow for migrants to be able to enter the national verification process, and not have any barriers to access protections and services, through the de-linking of the migrant registration process from employers; and One-Stop Service (OSS) Centres that continue to assist in the process of providing work permits to registered migrants in an effective manner. An administrative framework, assigning tasks to various agencies and ministries, with short term and long term	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Interior 	2562-2564 B.E. (2019-2021)	<ul style="list-style-type: none"> - All registered migrants obtain work permits - The 80 One Stop Service Centres in Thailand are more effective in providing assistance - All stakeholders are consulted and involved, particularly migrant workers 	<ul style="list-style-type: none"> - General Recommendation No. 30 of the Committee on the Elimination of Racial Discrimination - Concluding Observation on the first and third periodic reports of Thailand to the the Committee on the Elimination of Racial Discrimination



		strategies must be devised				
		Ensure labour management and protection of rights extends to government transactions and the activities of state owned enterprises, in a transparent manner. For instance, in procurement, supply and recruitment under the Government Procurement and Supplies Management Act	Ministries and authorities involved in business transactions such as Ministry of Energy, Electricity Generating Authority of Thailand (EGAT)	2562-2564 B.E. (2019-2021)	Accountability measures must be provided	
4	Employment and dismissal	Improve measures to regulate and monitor fair employment, including their recruitment practices by applying uniformly a 'zero fee' or 'employer pays' policy; developing frameworks that strictly implement these within the country; with MoUs signed with neighbouring countries; address corruption in the stages of the recruitment process; investigate official complicity, misconduct and abuse of power in this regard; regulate services by brokers and private recruitment agencies; introduce a system of joint and several liability with respect to abuse and exploitation	Ministry of Labour	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Inspect companies that employ workers to work abroad - Have licenses for employment that people can check - Number of MoUs signed and implemented, with source and destination countries through government channels 	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1 , 3, 7 - ILO Private Employment Agencies Convention (No. 181) - Private Employment Agencies Recommendation (No. 188) - 2016 ILO General Principles and Operational Guidelines on Fair Recruitment



		Bring the whistleblowers against corruption into witness protection process or take other measures, to guarantee their protection against direct and indirect retaliation by employers and all others identified	<ul style="list-style-type: none"> - The Royal Thai Police - Ministry of Justice 	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Number of witnesses who are safe after going through the protection process - Number of safeguards in place, to protect against retaliation 	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 1, 3, 4, 10, 25
		Prevent unfair dismissal, to ensure it does not take place without advance notice and occurs following communication of the reason for dismissal	Ministry of Labour		Protection is guaranteed by remedies and compensation, based on the loss to livelihood and for adverse impacts arising	
5	Capacity building and dissemination of knowledge to workers	Organise trainings to provide knowledge on rights under labour protection laws, other labour rights, occupational safety, social security guarantees, human rights principles, policies and practices to workers, including migrant workers, sex workers, and indigenous peoples, LGBTI, the elderly, their families, trade unions, and worker associations and develop various types of media to disseminate the aforementioned knowledge in languages that migrant workers they can understand easily. Government officials and the private sector must also be educated on the application of these legal and policy guarantees, at every level.	<ul style="list-style-type: none"> - Ministry of Labour - Rights and Liberties Protection Department, Ministry of Justice - Ministry of Education - Ministry of Interior - National Human Rights Commission of Thailand - Labour inspectors - Law enforcement officials - Immigration officials 	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Migrant workers, sex workers, indigenous peoples, LGBTI, and women receive practical knowledge on how to prevent their becoming the victim of human trafficking or other exploitative practices - Number of participants - Percentage of increased knowledge - Number of documents published in foreign languages - Potential and actual impact of rights and violations are addressed - Address legal and contextual developments through regular training updates 	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - SDG No. 8 - UNGP No. 1, 3, 4, 5, 7, 8



6	Elimination of discrimination in employment and at the workplace	<p>Promote careers and employment for people with disabilities in companies and state agencies by appointing officers to coordinate between the employers and people with disabilities, as well as setting up a system to screen the skills of people with disabilities in order to allocate suitable jobs for them; in accordance with the requirements of the job market and to improve their standard of living. In addition, provide a quota system for employment of PWDs, require payment by employers into the fund for empowerment of PWDs, provide greater access to freelance work, and address reports of involuntary detention as well as inhuman and degrading treatment against PWDs on the basis of impairment</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Labour 	<p>2562 (2019) B.E. Project to provide employment service to special groups</p> <ul style="list-style-type: none"> - Activities to provide jobs to people with disabilities - Activities to promote people with disabilities working in state agencies 	<p>Quantitative</p> <ul style="list-style-type: none"> - 1,750 persons with disabilities received support for employment <p>Qualitative</p> <ul style="list-style-type: none"> - Not less than 62% of people with disabilities received support for employment - 88 people with disabilities received support for employment in state agencies - Promote people with disabilities to work in state agencies in the ratio of 100:1 as specified by the law - Collect disaggregated data on basis of gender and type of impairment, for statistical analysis 	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 5, 8, 10 and 16 - UNGP No. 1, 3, 4, 5, 7, 8 - CRPD - CESCR General Comments No. 5 and 8 - Reports of the Special Rapporteur of the Human Rights Council on the Rights of Persons with Disabilities Reports - ASEAN Human Rights Declaration - Accepted recommendations on PWDs from the Second UPR of Thailand - Concluding Observations of the CRPD on the initial report of Thailand.
		<p>Improve the effectiveness of the fund to support and improve the living standard of people with disabilities</p>	<ul style="list-style-type: none"> Ministry of Social Development and Human Security 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Support 90% of people with disabilities to be employed and self-employed</p>	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, 7, and 10
		<p>Improve measures and mechanism that promote the employment of elderly persons in order for them to get employed more. Change the age of retirement from 60 to 65 for</p>	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Social Development and Human Security - Local Administrative Agencies (LAOs) 	<p>2562 (2019) B.E. Project to increase employment opportunity for elderly persons</p>	<ul style="list-style-type: none"> - 100,000 elderly persons received support in employment and have income - Two caregivers per tambon (or sub district) to 	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8



	elderly persons, with greater accessibility to work opportunities. Provide financial, technical, and general support for elderly persons, to increase opportunities for employment that they can access. Review existing roles and responsibilities, to ensure government set standards on care-giving services for older persons are up to standards.	- National Human Rights Commission of Thailand		provide their services - Number of persons accessing these services and the manner in which they do so	- UNGP No. 1, 3, 4, 5, 7, and 10
	Consider ways to promote the occupation of ex-convicts. Project to prepare the workers, activities, career counselling, and promote the occupation of detainees in jails, rehab centres, Clvilian Development Control Centres, and Juvenile Observation and Protection Centre; Project to provide employment services to special groups; activities to provide employment for ex-convicts	- Ministry of Justice - Ministry of Labour	2562 B.E. (2019)	Quantitative 500 workers from all groups of workers received the services that support their employment	- National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, 7, 8, and 10
	Study the feasibility and the impact of amending Amend and implement labour laws to be in line with the Gender Equality Act B.E. 2558 (2015). Prior to this, study the feasibility and impact of amending the Gender Equality Act, especially to eliminate the exemptions on security and religion in Section 17 paragraph 2, provision of regulatory mechanisms and access to justice	- Ministry of Labour - Ministry of Social Development and Human Security	2562-2566 B.E. (2019-2023)	- Number of times labour laws were reviewed - There is an elimination of exemption on grounds of security and religion in Section 17, paragraph 2 of the Gender Equality Act B.E. 2558 (2015)	- National strategy on creating opportunities and social equality - SDG No. 8, 10 - UNGP No. 1, 3, 4, 5, and 7



		and carry out such amendments				
		Consider measures on social protection for employees who are migrant workers, especially the ones in agricultural and fishery industries that work seasonally, as well as home-based workers	Ministry of Labour	2562-2563 B.E. (2019-2020)	Have measure to inspect migrant workers	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
		Disseminate knowledge and understanding about Gender Equality Act B.E. 2558 (2015) and mechanism under it, to change the attitude of people in society so they understand and accept equity and gender equality	- Ministry of Social Development and Human Security	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Amount of media disseminated - Number of participants 	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - SDG No. 5, 10 - UNGP No. 1, 3, 8
		Organise activities to provide a better understanding on gender diversity to relevant sectors, including business sector	Ministry of Justice	2562-2566 B.E. (2019-2023)	Amount of knowledge and understanding on the issue of gender diversity	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - SDG No. 5, 10 - UNGP No. 1, 3, 8
		Promote the issuance of policies, regulations, or measures by business owners to prevent sexual harassment and the use of violence in the workplace	- Ministry of Social Development and Human Security - Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of businesses engaged in Thai Labour Standards and receive support in order to have policies on the prevention of sexual harassment	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - SDG No. 5, 8, 10 - UNGP No. 1, 2, 3, 5, 7, 8
		Develop measures to protect and address HIV/AIDS issues at the workplace. Adopt and implement necessary laws to prevent and penalise discrimination against persons with HIV/AIDS; including discrimination in accessing jobs and throughout their	- Ministry of Labour - Ministry of Health - Ministry of Social Development and Human Security - Ministry of Health	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Number of business/ employees receiving support - Number of businesses and service providers adopting these guidelines and measures - Policies covering persons 	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - SDG No. 3 and 8 - UNGP No. 1, 3, 4, 5, and 7 - ILO Convention No. 111 - ILO Recommendation No. 200. - ILO code of conduct on HIV and AIDS



	<p>employment owing to HIV status; perceived status or vulnerability; mandatory and forced HIV testing; HIV/AIDS prevention and management at the workplace; and accessibility to health insurance and other social protection for prevention, treatment, care and support of workers, particularly those at the risk of occupational transmission; and the prevention of termination of employment based on HIV status. Address labour rights, sexual and reproductive rights, civil rights and economic rights irrespective of gender and status of PLHIVs</p>			<p>living with HIV/AIDS (PLHIVs), sex workers, drug users and transgender individuals</p> <ul style="list-style-type: none"> - Multi-dimensional approach adopted to build an understanding of rights involved, by developing and scaling up community-led HIV prevention programmes and services 	<ul style="list-style-type: none"> - 2006 concluding observations of the Committee on the Elimination of Discrimination against Women on Thailand
	<p>Consider providing measures, affirmative action, policies, procedures and mechanism to support the employment of women and allow them to take a part in the labour system in order to create gender equality and participation in decision-making processes in line with international standards</p>	<p>Ministry of Labour</p>	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Number of businesses inspected that support the employment of women to ensure gender equality - Number of policies, procedures and regulations created that ensure the responsibility of the government in this respect 	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - SDG No. 5, 8, 10 - UNGP No. 1, 3, 4, 5, and 7 - Recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW) on women in the labour force
	<p>Adopt and implement necessary laws to promote equality of opportunity and treatment as well as to prevent and penalize discrimination in respect to employment and occupation on the basis of ethnicity, gender or other grounds, including as per ILO Convention 111; and consider</p>	<ul style="list-style-type: none"> - Ministry of labour - Ministry of Social Development and Human Security - Office of the National Security Council 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Number of ethnic minorities and indigenous peoples that are granted employment.</p>	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 5, 8, 10 - UNGP No. 1, 3, 4, 5, and 7 - ILO Convention No. 111



		<p>providing measures and mechanisms to support employment of other vulnerable groups, such as ethnic groups, indigenous peoples, stateless, people without citizenship, and migrant population as well as individuals with diverse sexual orientation and gender identity, and transgender individuals into the labour system in the right manner and in line with human rights principles</p>				
		<p>Ensure legal gender recognition in the workplace, and the protection of LGBTI individuals as also by reviewing the dress code at civil services and private businesses for employees to dress in accordance with their identity, prevent harassment of all kinds faced by LGBTI persons, and set up mechanisms to report such discrimination, provide gender-neutral and transgender friendly facilities, prevent any other form of alienation during recruitment and in the workplace, and address discriminatory mindsets in the education system that result in the formation of biases. In the 4th National Human Rights Plan of Thailand, ensure these issues are prioritised as part of the sub-plan on sexual diversity and gender identity.</p>	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Education - Ministry of Social Development and Human Security - National Human Rights Commission of Thailand 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - Number of policies devised to address legal gender recognition that are being implement - Number of harmful social and cultural biases and misconceptions addressed 	<ul style="list-style-type: none"> - Gender Equality Act - National Social Welfare Promotion Commission Regulation - Report by the Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity



		Address structural and systemic causes of poverty and inequality, which result in workers being vulnerable to exploitative labour practices. Policies and practices must be put in place to create a safe space, address marginalisation and exclusion that bar access to resources and opportunities. Inequalities of opportunity or outcome, as well as income or gender must be specifically identified, and addressed. Analyse, document and resolve the disproportionate effect of discriminatory practices on women and girls	- Ministry of Labour - Ministry of Social Development and Human Security	2562-2563 B.E. (2019-2020)	- Policies and practices are studied for effectiveness in addressing inequalities cross-sectionally - A statistical report is put together based on this study and includes an identification of socio-economic risks	- Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequence - SDG No. 4, 5, 6, 7, 8
		State enterprises and private businesses should promote an increase in the hiring of indigenous peoples, people with disabilities, elderly, former convicts and others; by ensuring equity, fair wage, fair working hours, and their own choice of employment. In addition, suitable and appropriate facilities must be created for these individuals				
7	Receiving fair wages	Conduct a study on the current situation and wage structure, to improve mechanisms, measures, or policies to adjust wages to be fair, appropriate and in line with the standard of living on an annual basis.	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of times a study is conducted or the wage is adjusted	- National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7



		All workers must receive wages in line with the Thai national minimum wage in all businesses throughout the country, with similar wages being provided to all workers in equivalent positions or carrying out similar tasks; and to ensure they meet the expenses of three family members	Ministry of Labour	2562-2564 B.E. (2019-2021)	A comparison study of wages earned by all workers employed in the same sector and with the same level of skill is carried out	- In accordance with ILO standards - Ministerial regulations and applicable wage rules
8	Decent working conditions	Study international standards related to decent working condition and take the information Comply with international standards such as the ILO Conventions that have been ratified, to develop the regulation or rule in appropriate manner to be used as the guideline for businesses in employment	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of studies	- National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7 - ILO Core Conventions
9	Access to social security and healthcare by workers	Ensure measures providing social benefits and services guarantee their availability, accessibility, acceptability and quality; including with relation in functional and structural barriers, language, cultural sensitivity, economic affordability and information availability, without discrimination and irrespective of status.	- Ministry of Labour - Ministry of Social Development and Human Security	2562-2564 B.E. (2019-2021)	- Local and national health care systems meet these criteria - Monitor funds and services to determine if there is discrimination or other barriers	
		Provide social security measures through public systems and institutions, when possible. Ensure that if privatised, social	- Ministry of Labour - Ministry of Social Development and Human Security	2562-2564 B.E. (2019-2021)	- Inclusion of all individuals, particularly those that otherwise face marginalisation	- 2018 Report of the United Nations Special Rapporteur on extreme poverty and human right



		security and social protection is not sacrificed for economic efficiency and gain, with sufficient resources and time dedicated to the determination and provision of these services to all individuals			- Accountability in public welfare system and the privatised welfare provisions	
		Provide access to health services and education to workers, workers’ family members, especially their children and child labour migrants, which includes preventing and controlling diseases, promoting health, health care and rehabilitation. To achieve this, also remove or reduce the requirement for paperwork to access healthcare and education. Ensure that all children (particularly migrant and stateless children) must have access to free basic primary education with well trained and fully qualified teachers	- Ministry of Health - Ministry of Labour - Ministry of Education	2562-2566 B.E. (2019-2023) 2562-2564 B.E. (2019-2021)	- Number of insurers receiving health services - The pilot project on the 15-year free education programme, carried out by the government is assessed on quantitative aspects (number of migrant children enrolled, number of drop outs etc.) and qualitative aspects (root cause for school dropouts and the poor quality of education provided)	- National strategy on developing and building the capacities of human resources - SDG No. 3, 8 - UNGP No. 1, 3, 4, 5, and 7 - Observations of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) on ILO Convention C.182 in Thailand - Articles 13 and 14 of the ICESCR - Concluding observations of the Committee on Economic, Social and Cultural Rights on the combined initial and second periodic reports of Thailand
		Develop health services that are friendly to migrant workers, such as by having migrant workers as public health volunteers to create effective access.	Ministry of Health	2562-2566 B.E. (2019-2023)	Establish a mechanism to provide health services to migrant workers	- National strategy on developing and building the capacities of human resources - National strategy on creating opportunities and social equality - SDG No. 3, 8, 10 - UNGP No. 1, 3, 4, 5, and 7
10	Child care for workers’ children and other support for unpaid care	Address the problems in accessing education for children who accompany workers, by providing basic education that is suitable to their problems and	- Ministry of Labour - Ministry of Education	2562-2566 B.E. (2019-2023)	Number of business receiving support to allocate welfare, besides the ones required by law	- National strategy on developing and building the capacities of human resources - SDG No. 4 and 8 - UNGP No. 1, 3, 4, 5, and 7



work	needs for both formal (public and private) and informal (Non-formation Education) education in the language of their choosing, when possible				
	Children should be educated about the rights they are entitled to, including with respect to education and social protection	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Labour - Ministry of Education 	2562-2563 B.E. (2019-2020)		
	Recognise, reduce and redistribute unpaid care work that impacts the ability to undertake paid work, through transfer of unpaid care work to the State by the provision of public subsidies and quality state social care services; government funded parental leave for primary and secondary caregivers (regardless of gender); the improvement of infrastructure particularly in rural areas to reduce time spent on unpaid care work; and transfer of unpaid care work to other persons in the household by regulations that require paternity and parental leave, shorter work hours etc.	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Labour - Ministry of Justice - National Committee on Gender Equality 	2562-2564 B.E. (2019-2021)	<ul style="list-style-type: none"> - Closing of the employment wage gap, including gender gap, job segregation and access to income - Number of individuals provided assistance specifically those otherwise marginalised based on class, socio-economic status, geographic location, citizenship and type of work - Uniformity in application 	- ILO Convention No. 111
	Promote the provision of childcare by businesses in the workplace, by registering a child care centre with the Ministry of Social Development and Human Security. Businesses will get tax	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Labour 	2562-2566 B.E (2019-2023)	Number of businesses registered as the child care centre in a workplace	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - SDG No. 8 and 11 - UNGP No. 1, 3, 4, 5, and 7



		<p>exemption and the child of the employee/ worker would be provided with care and go through appropriate development</p>				
		<p>Consult with the business sector to develop guidelines for services which take into account children in the business sector, by allocating officers in mobile network companies to manage communication channels, and send information to the public sector if there are children who need help or give advice to children who are bullied in schools</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Digital Economy and Society - Ministry of Education - Royal Thai Police 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - Activities/services of business sector that are provided to children - Percentage of success in giving advice and coordinating to the relevant agencies 	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - SDG No. 11 - UNGP No. 1, 3, 4, 5, and 7
11	<p>Human Trafficking, Forced Labour, Child Labour and other forms of exploitative labour practices</p>	<p>Review and provide a flexible definition for exploitation to ensure that it covers all forms of exploitation to address constraints to the forms of exploitation that can be interpreted by the Anti-Trafficking in Persons Act, which law enforcement officials interpret strictly. Such provisions should include other forms of exploitation such as forced labour, debt bondage and withholding of identity documents; while providing clarity to avoid confusing sex workers and victims of trafficking; and migrant workers with those trafficked. Screening processes and contingency plans</p>	<ul style="list-style-type: none"> - Ministry of Justice, the - Ministry of Labour 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - A legal basis is provided to identify and investigate cases of individuals that are victims of trafficking and face other forms of exploitation - Effective screening processes, for example using the 8-page template developed by the Human Trafficking Prevention and Suppression Committee - Developed with contributions of affected persons, CSO, ministries/agencies, multi-disciplinary teams (MDTs), labour inspectors, and frontline officers 	



	<p>must be devised to apply these definitions</p>				
	<p>Consider the application of mechanisms currently employed in the fishery industry concerning over the condition of the workforces to apply to other industries, such as agricultural and construction industries that have a number of migrant workers. This can be achieved through the requirement to conduct and report on human rights due diligence</p>	<ul style="list-style-type: none"> - National Police Department - Ministry of Agriculture and Cooperatives - Ministry of Labour - Ministry of Industry 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Number of organisations that are at risk, of being inspected</p>	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
	<p>Protect all workers against violence, intimidation and other forms of gross human rights abuse and exploitation. Draft and implement policy measures that mandate businesses and their supply chain refrains from such rights violations. They should also be instructed to formalize this by putting policy in place policy</p>	<p>Ministry of Labour</p>	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - To enforce oversight, labour inspectors are given access to employers and employees, in informal and hard to reach places of work. - Reports on their findings are made publicly available and accessible 	
	<p>Enforce national legislations against child labour and its worst forms, including through the dissemination of this information on child protection laws and other rights they are entitled to; implement cross-sectional national action plans to eliminate the worst forms of child labour as a priority; and review to update national lists on hazardous work that is prohibited for children</p>	<ul style="list-style-type: none"> - Ministry of Justice - Ministry of Labour, and The Ministry of Social Development and Human Security 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - Periodic review of the implementation to ensure the rights of all children are protected, without exception - Enforcement undertaken following a participative consultation affected communities and social partners, with adequate resources provided to achieve it 	



	with particular attention paid to indigenous and migrant children				
	Adopt strategies to encourage and monitor school enrolment, attendance, retention and reintegration through scholarship and school meal programs to help poor families reduce the costs of education. Also, Create a child-friendly learning environment, in which children are protected from abuse, violence and discrimination	- Ministry of Social Development and Human Security - Ministry of Education	2562-2563 B.E. (2019-2020)	- Strategies adopted based on social conditions - Implemented in schools and other educational institutions throughout Thailand	
	Strengthen the effectiveness of labour inspectors in preventing exploitative working conditions, including their role in identifying trafficked persons in workplaces and worst forms of child labour in businesses and in the supply chain. Inspectors should be involved in multidisciplinary teams that detect trafficking cases and protect other labour rights	- Ministry of Labour - Ministry of Justice	2562-2564 B.E. (2019-2021)	- The number of labour inspectors is 1 to every 15,000 workers - Labour inspectors are assessed to determine their understanding of the law and its implementation	Report of the Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences
	Develop concrete actions and mechanisms to meet the needs of workers and children that have been engaged in exploitative labour practices such as forced labour, human trafficking and the worst forms of child labour, to support their transition out of it	Ministry of Social Development and Human Security	2562-2563 B.E. (2019-2020)	Periodic oversight and analysis of the effectiveness of these actions to ensure their rehabilitation and reintegration	ILO Convention No. 182

		Address trafficking and other exploitative labour practices with a cross-border component through international and regional cross-border mechanisms, such as the Schengen system in Europe, which allows participating States to exchange information on the movement of individuals	- Ministry of Labour - Ministry of Justice - Ministry of Foreign Affairs	2562-2564 B.E. (2019-2021)	Applied to the local context, when domestically implemented	
12	Protecting workers from the employment of technologies to replace workers	Consider the establishment of an action plan or measures to support, provide remedy, and provide assistance to groups of workers who are laid off, by helping employees according to the criteria required to mitigate grievances	Ministry of Labour	2562-2566 B.E. (2019-2023)	Action plans or measure to support, provide remedy, and provide assistance to groups of workers who are replaced by technology	- National strategy on developing and building the capacities of human resources - National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
13	Protection of workers in the supply chain system	Study and issue measures for the business sector with respect to their supply chain, in order to have a standardised labour management system according to Thai Labor-Standards (TLS 8001).	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of aspects studied	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
14	Protection of Thai workers overseas	Train jobseekers before they travel to work overseas by providing them with knowledge on benefits, according to the laws of the country they are going to work in and the mechanism in protecting the rights of workers in transit countries, which includes providing protection on challenges faced and recommendations on caring for the health of Thai workers while	- Ministry of Labour (Department of Employment) - Ministry of Foreign Affairs (Consular) - Ministry of Public Health	2562-2566 B.E. (2019-2023)	- Number of jobseekers trained, before traveling to work overseas - 90% of problems faced by the Thai workers are addressed - Amount of time taken to give recommendations and information on taking care of the health of Thai workers	- National strategy on developing and building the capacities of human resources - SDG No. 8 and 17 - UNGP No. 1, 3, 4, 5, 7, 10



		overseas				
15	Action taken on business	Promote the implementation of Good Labour Practice (GLP) by businesses in managing their activities.	Ministry of Labour	2562-2566 B.E. (2019-2023)	- 1,000 businesses are promoted per year	- National strategy on creating competitive capabilities - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
		Recognise companies for their efforts on inclusivity and diversity by granting workplace diversity awards or publishing an 'Inclusivity Index' in public media. Also, provide hiring grants and wage subsidies to companies that hire female, post-secondary STEM graduates.	Ministry of Labour	2562-2563 B.E. (2019-2020)	- Companies to hiring more female workers into STEM positions	
		Incentivise enterprises to seek Thai Labour Standards certification, by promoting the physical and mental health and safety of women, LGBTI persons, and minority groups at the workplace	Ministry of Labour	2562-2563 B.E. (2019-2020)	Enterprises meet international standards for labour	- ILO Convention No. 100 - ILO Convention No. 111
		Inspect service that provide venues, business services and employment companies by emphasising on the checking of licenses of the businesses, employment contracts, employment conditions and work permits (for migrant workers); to ensure protection of workers rights	- The Royal Thai Police - Ministry of Labour - Ministry of Interior	2562-2566 B.E. (2019-2023)	- Number of licensed employment companies investigated - Number of businesses and migrant workers investigated	- National strategy on security - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7
		Regulate and determine monitor large-scale business sector, other	- Ministry of Industry - Securities and	2562-2566 B.E. (2019-2023)	Publication of Human Rights Due Diligence and	- National strategy on creating competitive capabilities



		businesses enterprises (OBEs) and transnational corporations (TNCs) that are registered in the Stock Exchange of Thailand that employ migrant workers as the main manpower for their production to conduct Human Rights Due Diligence and Gender Impact Assessment to serve as a measure in preventing illegal exploitation of workers. The report produced has to be made public to raise awareness and for it to be easily monitored. This is also to give importance to transparency and traceability based on Corporate Governance principles.	Exchange Commission - Ministry of Justice		Gender Impact Assessment report by businesses	- SDG No. 8 and 12 - UNGP No. 1, 3, 4, 5, 7, 17, 18, 19
16	Informal Workers	Ensure the formalisation of the informal economy and protection of informal workers through effective enforcement and monitoring mechanisms, including with respect to their labour rights and social welfare or protections guaranteed through the provision of a minimum wage, overtime payment, decent working conditions, occupational safety, social security benefits (healthcare, universal education), maternity benefits and maternity leave in the case of women, as well as extending greater resources and access of opportunities to them.	- Ministry of Labour	2562-2566 B.E. (2019-2023)	- Measures to redress violations provided - Extended to all sectors, particularly to agricultural and domestic workers	- Article 7 of ICESCR - Article 5 of CERD - Article 11 of CEDAW - Article 33 of CRC - Article 27 of the CRPD - Article 25 of CMW - ILO Convention No. 187 - ILO COntention 183 - ILO Recommendation No. 204 - UNGA RES 31/15 - CESCR General Comment No. 9 - ASEAN Guidelines for Occupational Safety and Health - 2016 Report of the United Nations Special Rapporteur on the Right to Freedom of Peaceful Assembly and Association - 2015 Recommendations made by the Committee on Economic, Social and Cultural Rights



						- 2017 Recommendation of the Committee on the Elimination of Discrimination Against Women
17	Detention of migrant workers and victims of trafficking	Immigration detention should be based on individual circumstances that are reasonable, necessary and proportionate, and cases should be reassessed over time. There should also be effective access to judicial review, and provision of communication channels for contact with their embassies, counsels and family members	The Ministry of Justice, The Ministry of Interior	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Steps are taken to rectify failure to comply with these provisions on the conditions of the detention centre, and with respect to individual detentions. - Independent oversight mechanisms are present, including regular visits without prior notice, individual interviews of detainees and submission of qualitative data on detentions 	<ul style="list-style-type: none"> - Recommendations of the Committee for Civil and Political Rights - Recommendations of the Committee for Economic, Social and Cultural Rights.
		During detention, migrant workers should be protected against torture, ill-treatment, abuse, violence, incommunicado detention and enforced disappearance.				
		Detention centres should provide living conditions that are adequate and are not excessively crowded. Those detained must have access to sufficient nutrition and reliable healthcare.				



Pillar II: Corporate responsibility to respect (Respect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs, and business-oriented standards and guidelines
1	Adherence to legislations and standards of human rights and labour rights	Businesses must address adverse human rights impacts they are directly or indirectly involved in, through the development of policy and practices for all workers that guarantees protection of their labour and non-labour rights through human rights priorities, as particular to the sector, industry and area of operation; and these must be in compliance with national laws and international standards.	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Existing policy and modes of implementation mapped for coverage and to determine gaps - Regular review of policy and consultation with internal and external stakeholders 	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework
		Businesses must be held responsible for the human rights impact of their supply chain and refrain from contributing to exploitative labour practices, through an inspection of supply chain recruitment, outsourcing and subcontracting for practices that yield an adverse impact on human rights. Supply chain recruitment, outsourcing and subcontracting must be inspected for practices that yield an undesirable impact. Businesses should especially be held accountable for human rights impacts of their supply chain in the case of vulnerable	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Due diligence mechanism identify, prevent, mitigate and account for actual and potential adverse impacts. - These mechanisms include contributions from workers, civil society, individuals and communities affected. 	



		groups such as migrant workers.				<ul style="list-style-type: none"> - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Businesses must provide workers with a good working environment that is safe, includes a fair and realistic minimum wage, reasonable working hours, social security and recognition of both formal and informal workers' rights, and with particular attention to migrant workers. Businesses must refrain from using tactics that force employees to terminate their employment contracts early, by intentionally adopting policies and practices to traumatize, exhaust their workers or take any other step that would be a violation of their fundamental human rights. Prior multi-stakeholder consultations on rights, practices and obligations must be undertaken, with publication of the results in an accessible format.	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Analysis of working environment - Analysis of concomitant acceptable standards based on the right that was violated - Pattern and practice studies carried out, to strengthen monitoring of work conditions. 	
		Ensure diversity, gender equality, and inclusion within leadership or management roles in business enterprises. Also, hire more female workers in Science, Technology, Engineering and Management (STEM) positions, to promote gender equality within STEM.	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - A diverse workplace, with women represented in leadership roles and in STEM positions 	



		All businesses must remove limitations imposed on the full enjoyment of the right to freedom of assembly for workers	Businesses	2562-2563 B.E. (2019-2020)	No action limiting workers and placing them under the control of businesses, the government or other actors	
		Businesses should use Human Rights Due Diligence (HRDD) and Gender Impact Assessment to identify, prevent, and mitigate human rights violations in regard to working conditions, especially working conditions that are exploitative. This can be done by effective monitoring of employees working hours through timesheets, keeping accurate records of holiday pay, and regularly interviewing of workers to ensure their rights are being respected. HRDD should address the rights of migrant workers and produce reports based on information obtained, with conclusions incorporated into business practices of the company. They must also commit to a supplier code of conduct expecting suppliers to act with transparency and respect fundamental human rights for all people: to treat their employees and workers with fairness, respect and dignity, and to follow practices that protect the environment, as well as the health and safety measures for	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - An effective human rights due diligence and gender impact assessment process - Inclusion of contributions from workers, civil society, individuals and all communities affected - Incorporation of HRDD into business practices. - Separate due diligence mechanisms and gender impact assessments must be carried out with respect to general employees and migrant workers and the two must be compared to identify gaps. It must be carried out with the participation of all stakeholders and must address current and future rights violations. 	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights



		the people working in their facilities.				Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Align national initiatives that set up codes of conduct and ethics on business engagement, such as frameworks provided by the Code of Conduct of the Federation of Thai Industries and the Code of Ethics of the Thai Chamber of Commerce to ensure they are in harmony with international labour and human rights standards. The frameworks provided by different mechanisms or coalitions, such as the IFC must be harmonized, in line with international labour and human rights standards particularly with respect to forced labour, modern slavery and human trafficking	<ul style="list-style-type: none"> - The Federation of Thai Industries - Thai Chamber of Commerce - Business coalitions - Multi-stakeholder initiatives or platforms 	2562 B.E. (2019)	Businesses are held accountable for violations	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB)



						- 12th National Economic and Social Development Plan of Thailand (2017-2021)
		<p>Contribute to the accessibility of health care services in accordance with the elements of availability, accessibility, acceptability and quality. This can be done through</p> <ol style="list-style-type: none"> 1) Setting up health facilities or services within the workplace, to increase accessibility by workers; 2) Offering in-house health programs to offset sub-standard public health care services; 3) Establishing procedures to care for a migrant worker in the event of a medical emergency that cannot be handled by the health care system available to them; 4) Providing robust, appropriate, and accessible counselling programs in the workplace that include peer-to-peer counselling, and through ensuring that information and materials on health and safety training, and services are provided in linguistically and culturally appropriate ways. 	Businesses	2562-2563 B.E. (2019-2020)	Analysis of the utilisation and the reach of these, by studying the qualitative data maintained in health care facilities or with regard to services	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and



						Social Development Plan of Thailand (2017-2021)
2	Raising awareness and empowerment to access human rights and labour rights	Educate workers on their rights and remedies to violation of their rights. This includes human rights and labour rights, under domestic and international legislations and policies. They must also be made aware of practices that amount to exploitative labour practices, processes and policies on grievance redressal, including compensation they are entitled to. Extending this to workers, as well workers associations, trade unions, department heads, and other employees working in the company and subsidiaries to educate them on the rights and protections that migrant workers are entitled to, and the contribution of compliance to supply chain sustainability in the long term. This should be done through the organisation of trainings on human rights, labour laws, and social security guarantees, with specific examples to address the local situation, and the context of the sector, irrespective of the size of the business enterprise, and the resultant rights violations that the workers may be subjected to, based on these aspects. Further, educate employees and those	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Engagement of workers and individuals with their rights - Number of trainings and workshops organised to impart knowledge. - Number of follow up sessions to ensure that the information is synthesized, understood and can be utilised. - Additional trainings may be provided on legal, policy and contextual developments. - Workers specifically informed about processes and compensation available to them. 	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of



		working in the management of the company on the long-term benefits of a supply chain that respects law, policy and good practice on the rights and protections of migrant workers.				Thailand (2017-2021)
		Adopt a bottom up approach to empower those at the base of the supply chain and the organisational structure of the business and its subsidiaries. To achieve this, structural change must address power imbalance to ensure those whose rights are likely to be violated are in a position to amplify their voices, to raise concerns with respect to the violation of their rights and for solutions to the same.	Businesses	2562-2564 B.E. (2019-2021)	- Formalisation of this structural change through company policy that addresses internal structure, and places this as a condition for continued association on subsidiaries and those in the supply chain	
		Educate departments and sectors within the company on the importance of supply chain sustainability; by dedicating time to educating those working in the management of the company on the long-term benefits of a supply chain that respects law, policy and good practice on decent working conditions of workers.	Businesses	2562-2564 B.E. (2019-2021)	Bolstered with the corporations and amongst subsidiaries.	
3	Mechanisms for Monitoring and Regulation	A team of professionals should be responsible for ensuring sustainability in supply chains, by monitoring standards of work adopted by businesses and individuals. Investment should be	Businesses	2562-2564 B.E. (2019-2021)	Maintenance of decent working standards by existing businesses and individuals as well as future entrants in the supply chain	- UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO



		<p>set aside to specifically target responsible sourcing from suppliers who maintain decent working conditions and standards of employment that workers are entitled to.</p>				<p>Fundamental Principles and Rights at Work</p> <ul style="list-style-type: none"> - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		<p>Create a platform for data sharing or automated data systems that monitors and tracks supplier information, such as through blockchain technology. While monitoring, special attention should be paid to labour migration and workers' rights. These platforms or systems should be designed to streamline the determination of where issues manifest and what the root causes of those issues are. Sharing these at the national or regional level will enhance tracking of the violation of rights, while reducing the resources that have to be dedicated to it.</p>	<p>Businesses</p>	<p>2562-2564 B.E. (2019-2021)</p>	<ul style="list-style-type: none"> - More transparency of the supplier base and the violations that occur - Analysis of results to identify and predict patterns of social risks in a future business relationship. 	
		<p>Establish monitoring mechanisms within the company to ensure effective implementation of labour legislations. Effective oversight must be put in place by establishing independent mechanisms to study working conditions and access to social security, through aggregated data.</p>	<p>Businesses</p>	<p>2562 B.E. (2019)</p>	<p>Annual reports with information and improvements made with respect to it, published on the company website and made publicly accessible.</p>	



4	Addressing the economic loss caused by unpaid care work	Provide solutions that recognize and reduce the economic loss caused by unpaid care work, by innovating and implementing work practices that are care-friendly. Provide in house, high quality and user-friendly care services at businesses to address this.	Businesses		Practices and provisions recognise the gender and class dimension to this issue	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
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5	General Provisions to Protect against Discrimination	Adopt policies and regulations that ensure respect for human rights by businesses, such as provisions that should be applied across all aspects of business operations, including protection against discrimination of anyone and on any grounds.	Businesses	2562-2563 B.E. (2019-2020)	Policies and regulations include a procedure for enforcement and on access to remedies for violations	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs
		Adopt and implement voluntary guidelines by Thai Ministries in business operations to improve the quality of life of workers, to lift long term competitiveness and sustainability of companies, through the implementation of Thai Labour Standard 8001-2010 (TLS) along with independent audit partners.	Businesses	2562 B.E. (2019)	Incentivisation of the adoption of such measures is counterbalanced with grievance redressal and punishment for violations.	<ul style="list-style-type: none"> - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people
		Actively address discriminatory practices as they occur through effective HR practices, in which discrimination in the workplace is dealt with swiftly and effectively, through stringent company policies in which discrimination in any form is not tolerated.	Businesses	2562-2564 B.E. (2019-2021)	The significant and legitimate consequences of discriminatory practices are covered.	<ul style="list-style-type: none"> - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards
		Promote the principles of equal opportunity and take affirmative action measures, through policies that prevent discrimination in employment, recruitment, advertisements of employment, compensation, termination, upgrading, promotion, and other conditions of employment for an employee or job applicant on the	Businesses	2562-2563 B.E. (2019-2020)	In particular, PLHIVs, LGBTI individuals, PWDs, sex workers, migrant workers, indigenous peoples and elderly persons do not face any kind of discrimination.	<ul style="list-style-type: none"> - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)



		bases of race, creed, colour, national origin, sex, sexual orientation and gender identity, age, and health status.				
		Formulate policy that guarantees the right to access social services by all, without discrimination, including access to health insurance regardless of gender, ethnicity, sex, age or any other determining feature.	Businesses	2562-2563 B.E. (2019-2020)	- Provisions are easily accessible and include the duty of businesses to ensure access of social services by people.	
		Extend access and use of services of businesses to marginalised and excluded communities, such as migrant workers, indigenous peoples, LGBTI, elderly, PLHIV and women. This should remove any impediments to access and provide positive measures to promote access by these categories of individuals. This must particularly cover services of financial businesses and institutions. The policy must outline implementation practices and put in place specific punishments for violators.	Businesses	2562-2563 B.E. (2019-2020)	This practice adopts a human rights lens.	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder
		Conduct human rights due diligence and gender impact assessment, to address situations, cases and patterns of discrimination. For example, it must be determined if discrimination is a company-wide issue, or if it is as a result few individuals.	Businesses	2562-2563 B.E. (2019-2020)	Continuous monitoring of the human rights situation and impacts within and caused by the business is undertaken, and the report is published and accessible.	



						<ul style="list-style-type: none"> Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
6	Protection of Persons living with HIV/AIDS (PLHIVs) against Discrimination	<p>Prevent discrimination of PLHIVs in the workplace by: 1. Supporting PLHIVs in their efforts to advocate to the government on issues impacting public health, 2. Not imposing compulsory HIV testing on prospective or current employees, 3. Not terminating employment of PLHIVs based on health status – all of this must be communicated with the government, supported by businesses owing to their positive obligations.</p>	Businesses	2562 B.E. (2019)	Access to remedies should be provided in case of discrimination.	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM)
		<p>Provide support to PLHIV employees, particularly with respect to PLHIVs in need of treatment.</p>	Businesses	2562-2563 B.E. (2019-2020)	Access to social services including health benefits, and health insurance is provided to achieve this.	<ul style="list-style-type: none"> - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES)



						<ul style="list-style-type: none"> - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
7	Protection of Persons with Disabilities (PWDs) against Discrimination	Comply with current legislations governing the employment of persons with disabilities, by hiring disabled people instead of opting to pay contributions into the 'Fund for Promotion and Development of Life Quality of Disabled Persons'.	Businesses	2562-2563 B.E. (2019-2020)	Other provisions of the Persons with Disabilities Empowerment Act are complied with.	<ul style="list-style-type: none"> - UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work - SDGs
		Provide ability appropriate careers for PWDs determined through an assessment. Businesses should continue to provide professional development support as well.	Businesses	2562-2563 B.E. (2019-2020)	Inclusion of careers and systems based on education, vocational or technical expertise.	<ul style="list-style-type: none"> - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM)
		All workplaces must have appropriate facilities to aid persons with differing abilities including provisions such as documents in braille, ramps in the offices, to name a few.	Businesses	2562 B.E. (2019)	Input of PWDs is obtained on the effectiveness of existing facilities, and the need for specific mechanisms.	<ul style="list-style-type: none"> - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice
		Resolve deficiencies in the employment of PWDs, particularly women and children. Provide opportunities for training to gain access to employment for PWDs, also provide access to	Businesses	2562-2563 B.E. (2019-2020)	Trainings are evaluated for effectiveness, by researching on the understanding of issues addressed, and the utilization of the	<ul style="list-style-type: none"> - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance



		reasonable accommodation and healthcare as required.			knowledge imparted.	Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
8	Protection of LGBTI Individuals against Discrimination	Eradicate gender discrimination in the workplace including in employment, by ensuring that the businesses employment policy excludes any gender biases.	Businesses	2562 B.E. (2019)	All actions are in strict compliance with the Gender Equality Act.	- UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work
		Develop policy to prevent sexual harassment and discrimination in the workplace, which outlines enforcement mechanisms, including with respect to reporting and redressal. It must list practices that could be punishable.	Businesses	2562-2563 B.E. (2019-2020)	The policies are clear and provide effective deterrents for violations.	- SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM)
		Report on gender equality in the workplace by publishing a report every year on gender equality, including relevant information on gender discrimination.	Businesses	2562 B.E. (2019)	The reports are publicly available and easily accessible.	- The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people - Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance



						Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
9	Abstain from policies and actions that violate human rights	Protect workers from unfair dismissal, with company policy formulated so that dismissal does not take place without advance notice and following communication of the reason for dismissal.	Businesses	2562 B.E. (2019)	Violation of this right is protected by remedies and compensation.	- UNGPs Pillar II - ILO Conventions - ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy that includes the ILO Fundamental Principles and Rights at Work
		Provision of official work contracts with employers that are fair and that ensure the protection of workers, written in a language that is understood or must be accompanied by a professional translation. The terms of the contract must be clear, easy to understand, not contain exploitative provisions, and include labour protections.	Businesses	2562 B.E. (2019)	The contract is enforced and provide penalties for violation. Migrant workers must be provided a copy of the contract.	- SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - The Global Compact on Safe, Regular, and Orderly Migration (GCM) - The Dhaka Principles for Migration with Dignity - OHCHR Standards of Conduct for Tackling Discrimination against LGBTI people
		Refrain from violating migrant workers' rights to freedom of movement and from increasing the risk of arrest, without discrimination to all migrant workers, whether documented, undocumented or stateless. To do so, no step should be taken to restrict this right of migrant employees, through measures such as confiscation of worker's	Businesses	2562 B.E. (2019)	A regular migrant survey is conducted to determine if they have their identification or travel documents, or if they have been retained by their employer, supervisor or recruiter.	- Ethical Trading Initiative (ETI) and their Code of Labour Practice - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - International Finance Corporation (IFC) Performance Standards



	<p>passports, work permits or other identification documents. Workers must have access to these documents at all time, with provisions such as safe storage in employer provided housing, and migrant workers should also not be prevented from changing employers.</p>					<ul style="list-style-type: none"> - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
	<p>Migration must be gender-responsive, by recognizing and addressing the specific vulnerabilities of women migrants. Businesses must refrain from any action that amounts to discrimination, sexual abuse, isolation, withholding of payment and documents, and debt bondage in any form.</p>	Businesses	2562 B.E. (2019)	Internal oversight mechanisms specifically monitor such occurrences, at every level of operation.		

Pillar III: Access to Remedy (Remedy)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Petition/ Complaint Mechanisms and other grievance redressal mechanisms, including collective bargaining	Establish accessible and effective complaints mechanisms (in both government and private sectors) for workers and individuals affected, to raise concerns regarding their rights. The mechanisms must be independent and fair and available at the provincial level, and should be in a language that is understood. Build the capacity	<ul style="list-style-type: none"> - Office of the Attorney General - Ministry of Interior - Ministry of Justice - Ministry of Labour - Ministry of Foreign Affairs (Consular) - Businesses 	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Have a complaint system for people to make complaints conveniently - Mechanism take steps to remedy any present or future violations, with worker participation. - Extension to workers employed in all establishments, including at the provincial level 	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration system - SDG No. 8 and 11 - UNGP No. 27, 28, 29, and 31 - General Recommendation No. 30 of the Committee on the Elimination of Racial Discrimination - Concluding Observation on the first and third periodic reports of



	<p>of government officials and those within the private sector to handle complaints effectively; store confidential information; and open channels for complaints that are convenient and can be followed up for results through the usage of technologies, such as hotlines, websites, making complaints via mobile phone applications. Those receiving such complaints must have decision-making powers and the ability to act in order to remedy violations identified.</p>			<ul style="list-style-type: none"> - It must be independent, fair and free from influence of organisations of employers and employers themselves - Clear timeframe must be provided. - Interpreters are provided for such access by migrant workers and victims of trafficking at key entry points and amnesty is granted to stay temporarily to access the complaints and grievance redressal mechanisms. 	<p>Thailand</p>
	<p>Increase the effectiveness of complaint mechanisms according to the Gender Equality Act B.E. 2558 (2015), by making sure that women are protected, all groups with varying sexual orientation and gender identity can access the complaints mechanism without discrimination on grounds of nationality, ethnicity and membership to indigenous groups. In addition, stakeholders such as those with diverse sexual orientation and gender identity must also be represented in the Committee for Consideration of Unfair Gender Discrimination (Wor Lor Por); the Committee must be sensitised on gender issues; and they must have sovereign immunity from</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Justice 	<p>2562-2566 B.E. (2019-2023) 2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - Have competent officials in every province according to the Act - There are corrections to the complaints mechanism to ensure that people of all sexual orientations and gender identities have access to it without discrimination on the grounds of nationality, ethnicity and membership to indigenous groups. - There is at least one representative from each community with a different sexual orientation and gender identity, as part of the Committee when it is constituted next 	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 and 11 - UNGP No. 27, 28, 29, and 31



	<p>lawsuits that arise as a result of hearings. Access by all people must be guaranteed through the provision of a complaints center in every province or by providing an online system with easy access. During the complaints process, there should be a system in place to ensure continuous communication with the petitioner on the progress of the complaint, which must be resolved within 1 month. It must also provide for the establishment of a remedy fund, in accordance with the Act.</p>				
	<p>Review and improve complaint mechanisms to ensure access to existing protection and effective remedy, such as a mechanism to submit petitions, or Kor Ror 7, in order for the workers to have access to protection and effective remedy without discrimination, and without consideration to nationality, sexual orientation, gender identity, ethnicity, or inclusion in other groups that face marginalisation.</p>	<p>Ministry of Labour</p>	<p>2562-2566 B.E. (2019-2023)</p>	<p>Number of complaint channels that have been improved</p>	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 and 10 - UNGP No. 27, 28, 29, and 31
	<p>The effectiveness and operation of the complaints mechanisms under government agencies should be periodically assessed to ensure that migrant workers, indigenous peoples and other affected individuals are able to access these in a convenient and</p>	<ul style="list-style-type: none"> - Ministry of Interior - Ministry of Justice - Ministry of Labour 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Number of times being assessed - Number of times assessment showed failure to ensure effective and convenient access 	<ul style="list-style-type: none"> - National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 and 10 - UNGP No. 27, 28, 29, and 31



	effective manner.				
	Disseminate complaint channels and hotline in the language that migrant workers, <i>indigenous peoples and other ethnic groups</i> can understand	- Ministry of Interior - Ministry of Justice - Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of complaint channels and hotlines in a language that migrant workers, <i>indigenous peoples and other ethnic groups</i> can understand	- National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 and 10 - UNGP No. 27, 28, 29, and 31
	Extend complaint mechanisms to include those under the Persons with Disabilities Empowerment Act B.E.	Ministry of Social Development and Human Security	2562-2564 B.E. (2019-2021)	Number of persons who access the complaints mechanisms under this Act	- National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8 and 10 - UNGP No. 27, 28, 29, and 31
	Provide workplace grievance redress mechanisms that are effective, inclusive and transparent including by addressing violations such as harassment; sexual, psychological and physical violence; and abuse. Hold perpetrators accountable for violation of rights and labour standards, through adequate investigation, prosecution, effective remedy, and guarantee of non-repetition while providing support through legal assistance and psychosocial support	Businesses	2562-2563 B.E. (2019-2020)	- Mechanisms that take into account the needs and requests of individuals when addressing violations	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
	Protect workers from potential retaliation during the unionisation process, by making it confidential and having in built	Ministry of Labour	2562-2564 B.E. (2019-2021)	- Number of workers that are a part of trade unions - Number of workers able to access protective	- National strategy on balancing and improving the public administration system - SDG No. 8



		safeguards			measures	- UNGP No. 25, 26, 27, 28, 29, 31
		Civil servants and other State employees must be allowed to bargain collectively, by allowing them to form and register unions as opposed to associations through which they cannot collectively bargain	Ministry of Labour	2562-2564 B.E. (2019-2021)	Number of state employees that are a part of trade unions	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
		Support the formation of trade unions for marginalised and excluded communities, such as migrant workers, women as well as informal workers. Address the specific issues faced by migrant workers including their right only to become members and not directors of a union; language barriers; lack of understanding of their rights; frequent changes in employment; restrictive union regulations; and segregation from Thai workers.	Ministry of Labour	2562-2564 B.E. (2019-2021)	- Number of individuals from marginalised communities that are able to bargain collectively - Number of migrant workers serving as directors of trade unions	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
2	Access to Employee Welfare Fund	Employees have the rights to Employee Welfare Fund that is written in the Labour Protection Act B.E. 2541 and the principles that are determined, regardless of legal status and profession. Simplify process for accessing the fund by all eligible workers both documented and undocumented.	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of employees receiving services of the fund	- National strategy on developing and building the capacities of human resources - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, and 31
		Conduct a feasibility study in establishing the Establish a government fund to support and	- Ministry of Labour - Ministry of Social Development and	2562-2566 B.E. (2019-2023)	- Result of the study - Number of victims that are investigated by a	- National strategy on creating opportunities and social equality - SDG No. 5 and 8



		provide remedy to the victims of discrimination or sexual harassment at the workplace	Human Security - Ministry of Justice		committee to rule on cases of discrimination based on gender and want to receive remedy	- UNGP No. 25, 26, 27, 28, 29 and 31
3	Providing justice	Develop criteria to allow and select migrant workers of three nationalities (Cambodia, Laos, and Myanmar) to be language coordinators, to assist workers who access the judicial process	Ministry of Labour	2562-2566 B.E. (2019-2023)	Criteria in selecting workers as coordinators are improved	- National strategy on creating opportunities and social equality - National strategy on balancing and improving the public administration system - SDG No. 8, 10, 16 - UNGP No. 25, 26, 27, 28, 29 and 31
		Provide measures through law or policy that guarantee the protection of workers in legal disputes with their employers, particularly from retaliation or termination	Ministry of Justice		- Number of safeguards in place - Level of protection provided	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
		Businesses must refrain from directing workers to seek remedy from social security legislations with its smaller benefits. They must instead be directed towards compensatory funds that the company provides, so that they are adequately compensated.	Businesses		Compensations obtained must be sufficient and effective	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
4	Settling disputes	Build the capacity of implementing officials to resolve labour disputes in an effective manner	Ministry of Labour (Department of Labour Relations)	2562-2566 B.E. (2019-2023)	Number of operational officials working to solve labour disputes have their knowledge enhanced and the techniques in solving labour disputes improved	- National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
		Provide effective access to remedies for workers. that	- The Ministry of Justice	2562-2563 B.E. (2019 - 2020)	- The process is studied for ease of access and provides	National strategy on balancing



		address human rights abuses against them. Barriers to access should be resolved by providing lawyers and interpreters to workers, at no extra cost. Specific policy limitations such as difficulties in being able to use the Workmen’s compensation fund must be addressed, along with providing adequate funding for legal aid and to guarantee its access to workers, irrespective of their status.	- The Ministry of Labour - The National Human Rights Commission of Thailand		effective compensation or other remedial measures. - Ensure access to all persons including women, particularly rural and indigenous women	and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
5	Litigation	Expand and strengthen labour courts up to the district levels, as needed in areas with large number of labour rights or standards related complaints, including with specific desks and trained personnel to handle cases related to gender or other discrimination and sexual harassment in the workplace	Ministry of Justice	2562-2563 B.E. (2019-2020)	- Number of labour courts - Number of professionals trained	National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
		Strengthen and simplify the judicial process for victims of trafficking and forced labour, and ensure it is gender responsive. Provide effective and accessible information and complaints mechanisms with respect to judicial processes for victims of exploitative labour practices, such as the provision of telephone hotlines with operators speaking multiple languages.	The Ministry of Justice	2562-2564 B.E. (2019-2021)	- These information and complaints mechanisms, including justice systems and processes must be women and child friendly. - Access to assistance must be applied to all persons, without discrimination. - Inspection and monitoring mechanisms should document court cases.	Report of the Special Rapporteur for trafficking in persons, especially women and children



	<p>Provide victims of exploitative labour practices and their families with adequate and unconditional assistance through the legal process to ensure their protection, rehabilitation and reintegration, and through measures such as providing funding to NGOs working with access to justice for labour violations. Disincentives from the legal process for victims should be removed, including the need for trafficking victims to stay in the country in shelters while the trial is ongoing. Introduce measures that allow victims to participate in the legal process without having to be victimised further, for example, by ensuring legislations that permit video testimony, so victims can participate from their home country are implemented.</p>	Ministry of Justice	2562-2564 B.E. (2019-2021)	<ul style="list-style-type: none"> - Victims of exploitative labour practices and their families are provided with sufficient assistance - Disincentives for victims to access justice are removed 	<p>National strategy on balancing and improving the public administration system</p> <ul style="list-style-type: none"> - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
	<p>Businesses should provide legal support to individuals whose rights have been violated. They must provide monetary and logistic support, to these individuals in order for them to access remedies without any attempt to influence the decision. They must also refrain from filing defamation suits against victims of rights violations, without a legal basis.</p>	Businesses	2562 B.E. (2019)	<ul style="list-style-type: none"> - Number of workers who are denied access to remedies is determined, based on their legal status - Document of this information 	<p>National strategy on balancing and improving the public administration system</p> <ul style="list-style-type: none"> - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31



		Provide protection for victims from further harassment and threats during the legal proceedings or trial. This can be done by denying bail for defendants in trafficking cases, effectively monitoring defendants and others who are involved/ associated, and working to stamp out corruption from law enforcement who may be collaborating with traffickers, workers who bring a complaint against businesses and those representing them.	Ministry of Justice	2562 B.E. (2019)	Workers who participate in legal proceedings are not coerced, bullied or manipulated by those involved in or accused of trafficking.	National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
6	Remedy Provision of compensation	Review and update Workmen’s Compensation Act of B.E. 2537 (1994) and the compensation fund system to be more updated, transparent, and just in line with international principles.	Ministry of Labour	2562-2566 B.E. (2019-2023)	Number of benefits or criteria that have been reviewed or updated	- National strategy on balancing and improving the public administration system - SDG No. 8, 16 - UNGP No. 25, 26, 27, 28, 29, 31
		Ensure the establishment of judicial and non judicial grievance redressal mechanisms for remedy by the public sector and private sector, at the local level. The remedy should be in line with the needs of the populations and affected communities.	- Ministry of Interior (Department of Local Administration) - Ministry of Justice	2562-2566 B.E. (2019-2023)	Mechanism and measures to provide remedy to the victims who are negatively affected and their rights violated due to the adverse impact of business activities.	- National strategy on balancing and improving the public administration system - SDG No. 8, 16 - UNGP No. 25, 26, 27, 28, 29, 31
		Compensation to remedy violations must be provided for the actual loss, the loss caused by unintended deficiencies and the cost incurred as a result of legal proceedings. Businesses must make contributions to a	- Ministry of Justice - Businesses	2562-2563 B.E. (2019-2020)	- Provision of compensation that is full and adequate - Compensation that covers the loss of occupation and livelihood, during the pendency of	National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31



		compensation fund that can be used in the case of rights violations.			legal proceedings - Compensations may be monetary or resource based, and rehabilitative or restitutive in nature.	
		There is a need to review, revise and revoke any limitations on providing compensation that is found to discriminate against workers, depriving them of the right to have access to damages, compensation and expenses for criminal cases filed. An example of a limitation is the lack of provision of compensation under the Damages for Injured Persons, Compensation and Expense for Defendants in Criminal Cases Act B.E. 2554 to workers who have entered Thailand illegally, which must be corrected. Institutional mechanisms like the Compensation Committee should avoid giving decisions that create or reiterate these limitations.	- Ministry of Justice - Businesses	2562 B.E. (2019)	Compensation is effective and does not discriminate against workers, in its provisions	National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 25, 26, 27, 28, 29, 31
7	Protection of the rights of Thai workers overseas	Provide Thai workers, who work overseas with information and assist them in getting access to mechanisms to protect their rights	- Ministry of Foreign Affairs - Ministry of Labour	2562-2566 B.E. (2019-2023)	Percentage of those who work overseas that have undergone training before going to work have their knowledge increased on the rights at the countries of destination - Thai consular, embassy, and consulate-general overseas continuously provide information on the protection mechanism	- National strategy on balancing and improving the public administration system - SDG No. 8, 17 - UNGP No. 1, 8, 25, 26, 27, 28, 29, 31



					<p>and the rights of Thai workers overseas, such as through publications, website, telephone, Line application, etc.</p> <ul style="list-style-type: none">- Thai workers working overseas have access to right protection mechanism, as well as assistance in negotiating with employers or government agencies of such country for cases that do not receive justice or are violated of their rights.	
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Chapter 3: Communities, Land, Natural Resources and the Environment

Suggested Title: Chapter 3: Community Rights, Indigenous Peoples, Land-related Rights, Natural Resources and the Environment

Explanation: We, Manushya Foundation and Thai BHR Network welcome the efforts of the Royal Thai Government (RTG) to adhere to international rights and standards with respect to community rights and rights related to land, natural resources and the environment by ratifying various international human rights treaties including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD), and by voting in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). However, it is vital that these international rights and standards are implemented in domestic legislations, policy and practice in an effective and appropriate manner. In this respect, it is important that while addressing community rights, rights related to land, natural resources and the environment; this chapter 3 ensures the promotion and protection of the rights of individuals and communities to manage land, natural resources and the environment; and adverse impacts on them as a result of business activities and development projects. These rights of individuals and communities must also be expanded to include the right to access information and participation in decision making processes, through the Free, Prior and Informed Consent (FPIC) of those affected. These rights as guaranteed to marginalised persons and groups, such as women and indigenous peoples who disproportionately face negative impacts of government or business sponsored projects often undertaken as development actions, must also be specifically highlighted.

We thank the RLPD for following our second priority area as identified during our [National Baseline Assessment \(NBA\) Regional Dialogues](#) held in January-March 2017 to address violations to labour rights and standards, and we appreciate its efforts to ensure it is more detailed in comparison to the previous drafts of the National Action Plan (NAP) on Business and Human Rights (BHR). Nevertheless, following our review of the action plan and for the UNGPs to be upheld on the ground, we believe that this has to be further broken down into detailed step by step and timebound actions, which are comprehensive while ensuring the smooth operation and implementation of the NAP at all levels of society. To achieve this, as part of our comments to the NAP, we are providing changes and additions to the NAP to ensure compliance with international human rights standards and the UNGPs, and address the concerns, gaps and needs as identified by grassroots communities, civil society, academics and experts, throughout the implementation of Manushya Foundation's business and human rights [strategy](#), and analysed in Manushya Foundation and the Thai BHR Network's [Independent National Baseline Assessment on Business & Human Rights in Thailand](#). For that purpose, we are suggesting the following comments below:

- changes to the wording of the NAP in **red colour**,
- additions to the wording based on concerns and gaps identified in **blue colour**, and
- additional action points (in **blue colour**) to enable and ensure that this document is actionable as a whole in order to guarantee the compliance of State actions and business practices with the UNGPs and other international commitments made and obligations set out therein. In order to produce a more-accessible and user-friendly NAP, we also suggest that the government includes the table of the



‘action plan’ as an annex or appendix, rather than inside the content of the NAP itself, as it has been applied with success in other countries including [France](#) and [Switzerland](#).

General Comments: This chapter on community rights, indigenous peoples, rights related to land, natural resources and the environment is primarily flawed due to its failure to use the word ‘indigenous peoples’, despite its reference to Free, Prior and Informed Consent (FPIC) and its usage in decision making processes, including for strategies, policies and various projects such as land management and forest protection, and large-scale development projects, in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In addition, further denying the rights of indigenous peoples, UNDRIP does not find any mention in the action plan. Moreover, there is a deficiency while addressing laws that are in conflict of international standards with respect to community rights, rights related to land, natural resources and the environment; with gaps and violations either being set out inadequately or left out entirely. Examples include the absence of NCPO Orders that violate these rights, and a negligence in challenging the flawed amendment to the Factory Act, the National Forest Act, the Community Forest Act, the National Park Act, the Wildlife Conservation Act and the Land Code.

Finally, to ensure compliance with the State duty to protect under Principle 3 of the UNGPs, effective guidance must also be provided to business enterprises on how to address and mitigate human rights impacts throughout their operations. While the draft NAP considers regulating the activities of the business sector with respect to rights related to land, natural resources, and the environment and through regular reporting, we note that the draft NAP lacks mandatory measures to hold businesses accountable for the adverse impacts of their actions in relation to community rights and rights related to land, natural resources and the environment, and should be inspired by global good practices, such as the [UK Modern-Slavery Act 2015](#), and the [French Corporate Duty of Vigilance Law 2017](#). Finally, the draft NAP fails to provide a detailed action plan for businesses which could guide their actions to be in compliance with the UNGPs; and these comments seek to remedy this shortcoming by providing such a detailed action plan.

I. Overview	
Original Text	Suggested changes in the wording
<p>Page 41: Further, paragraphs 2 and 3 of Article 42 guarantee communities the right to manage, maintain, and gain benefits from natural resources, the environment, and biological diversity in a balanced and sustainable manner, according to the methods specified by law.</p>	<p>Further, article 43 of the Constitution of the Kingdom of Thailand paragraphs 2 and 3 of Article 42 guarantees communities the right to manage, maintain, and gain benefits from natural resources, the environment, and biological diversity in a balanced and sustainable manner, according to the methods specified by law.</p>
<p>Page 41: In Article 8, it is laid out that it is the duty of the state, and of any state agency, to provide communities and people with information, explanation, and reasoning before any</p>	<p>Page 41: In Article 58 8, it is laid out that it is the duty of the state, and of any state agency, to provide communities and people with information, explanation, and reasoning before any attempt to operate, or allow any person to operate, is made if such operation might have severe impacts on natural</p>



<p>attempt to operate, or allow any person to operate, is made if such operation might have severe impacts on natural resources, quality of life, health, living standards, and on the interest of the people, community or the environment. If such operation might have negative impacts the state must undertake actions; they should provide education and assess the impacts of the operations on the environment and on the people’s and communities’ health. Further, the state should hold consultation with relevant stakeholders, communities, and the people.</p>	<p>resources, quality of life, health, living standards, and on the interest of the people, community or the environment. If such operation might have negative impacts the state must undertake actions; they should provide education and assess the impacts of the operations on the environment and on the people’s and communities’ health. Further, the state should hold consultation with relevant stakeholders, communities, and the people.</p>
<p>Page 43: According to the laws, all ethnic minorities and ethnic groups in Thailand receive protection and have access to public services including education, medical treatment, and career opportunities.</p>	<p>Page 43: According to the laws, all indigenous peoples ethnic minorities and ethnic groups in Thailand receive protection and have access to public services including education, medical treatment, and career opportunities.</p>
<p>Original Text</p>	<p>Suggested deletions + additions to address gaps in the NAP</p>
<p>Page 43: Meanwhile, the local communities should help in monitoring encroachment, as well as preserving and developing the forest. This has greatly contributed to a decrease in the slash-and-burn method of cultivation.</p>	<p>Page 43: Meanwhile, the local communities should collectively help in monitoring encroachment, as well as preserving and developing the forest to maintain its fertility. This has greatly contributed to a decrease in the slash-and-burn method of cultivation and the clearing of forests.</p>
<p>Page 47: The Industrial Estate Authority of Thailand has used the state land to develop industrial estates in all three special economic zones aforementioned, which have been transferred legally without any expropriation of land from the people.</p>	<p>Page 47: The Industrial Estate Authority of Thailand has attempted to use used the state land to develop industrial estates in all three special economic zones aforementioned, which have been transferred legally without any expropriation of land from the people. Despite these attempts, it has been found that the Industrial Estate Authority of Thailand has had to obtain land by expropriation from the local people following the payment of compensation in certain instances, such as the Special Economic Zone in Amphor Mae Sot, Tak Province.</p>
<p>Page 47: Another important challenge is the protection of human rights during the operation of large-scale development projects, aiming to increase economic growth, especially with regard to its impacts on the way of life of the people and the environment. The government has issued various measures, such as determining for the process in systematically conducting studies on the possibilities and impacts on the environment and health; establishing a committee to regulate;</p>	<p>Page 47: Another important challenge is the protection of human rights during the operation of large-scale development projects, aiming to increase economic growth, especially with regard to its impacts on the way of life of the people and the environment. The government has issued various measures, such as determining for the process in systematically conducting studies on the possibilities and impacts on the environment and health through the production of a report of Environmental Impact Assessment (EIA); establishing a committee to regulate; as well as having measures to support or provide remedy to the affected people, such as allocating shelter. However, the government has decided to slow down some projects according to the demands from the civil society by trying to find</p>



<p>as well as having measures to support or provide remedy to the affected people, such as allocating shelter. However, the government has decided to slow down some projects according to the demands from the civil society by trying to find a common solution through consultation with the people in the area.</p>	<p>a common solution through consultation with the people in the area. There is also a necessity to expand the consideration of issues while determining a remedy, based on and to include damage caused and resultant adverse impacts.</p>
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<p style="text-align: center;">II. Challenges</p>	
<p style="text-align: center;">Original Text</p>	<p style="text-align: center;">Suggested changes in the wording & Suggested additions to address gaps in the NAP</p>
<p>Page 48: Ethnic minorities/ethnic groups - Consultation with ethnic minorities and ethnic groups that is in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) needs to be organised so that those groups will be able to engage in decision making processes in various aspects, including strategies, policies, projects, developing policies on land management and forest protection, and large-scale development projects. Furthermore, the government should consider refraining from prosecuting encroachment cases in situations where ethnic groups have lived in the forest prior to the declaration of forest reserved area over such area. Moreover, the government should develop measures so that protection will be fairly provided to ethnic groups so that these groups can live in the forest and earn a living.</p>	<p>Page 48: Indigenous Peoples Ethnic minorities/ethnic groups - Consultation with indigenous peoples ethnic minorities and ethnic groups that is in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) needs to be organised so that those groups will be able to engage in decision making processes in various aspects, including strategies, policies, projects, developing policies on land management and forest protection, and large-scale development projects. Furthermore, the government should consider refraining from prosecuting encroachment cases in situations where indigenous peoples and ethnic groups have lived in the forest prior to the declaration of forest reserved area over such area. Moreover, the government should develop measures so that protection will be fairly provided to indigenous and ethnic groups so that these groups can live in the forest and earn a living.</p>
<p>Page 47: Amendment of relevant laws, rules, regulations, policies, and measures, especially laws concerning land management, natural resources, and the environment that have been affected by business operations, such as Factory Act, Minerals Act, and Promotion and Conservation of National Environmental Quality Act B.E. 2535 (1992); addressing problems regarding misunderstandings on the enforcement of Article 44, NCPO Orders related to Special Economic Zones, forestry, land, agriculture, fisheries, city planning, etc;</p>	<p>Page 47: Amendment of relevant laws, rules, regulations, policies, and measures, especially laws concerning land management, natural resources, and the environment that have been affected by business operations, such as Factory Act, Minerals Act, the National Reserved Forest Act, Community Forest Act, the National Parks Act, the Wildlife Conservation Act, the Land Code, and Promotion and Conservation of National Environmental Quality Act B.E. 2535 (1992); addressing problems regarding misunderstandings on the enforcement of Article 44, NCPO Orders related to Special Economic Zones, forestry, land, agriculture, fisheries, city planning, such as NCPO Order Nos. 64/2014, 66/2014, 4/2015, 17/2015, 3/2016, 4/2016, 9/2016, 74/2016, 28/2017, 47/2017, etc in violation of the rights of individuals according to international standards; complying with the recommendations of the National</p>



<p>complying with the recommendations of the National Human Rights Commission on the amendment of laws related to the environment and laws supporting public participation in decision-making processes; investigating the impact on local people and risks arising due to changes to natural resources and the environment, before enforcing any law or issuing any order.</p>	<p>Human Rights Commission on the amendment of laws related to the environment and laws supporting public participation in decision-making processes; investigating the impact on local people and risks arising due to changes to natural resources and the environment, before enforcing any law or issuing any order.</p>
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For a deeper understanding of challenges faced by those affected by the adverse impact of businesses related to the community rights, rights related to land, natural resources and the environment, please refer to the [thematic assessment chapters developed as part of the Independent National Baseline Assessment on Business & Human Rights in Thailand, by Manushya Foundation](#) and the Thai BHR Network.²⁰

III. Action Plan

Pillar I: State duty to Protect (Protect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	<p>Improving Review, amend or repeal relevant laws, rules, regulations, policies, and measures</p>	<p>Review, amend, repeal and/or draft laws, rules, regulations, and measures related to the management of land, water sources, forests, and climate that are affected by business activities, particularly with respect to development projects. In this respect, repeal or amend NCPO order 64/2014, 66/2014, 4/2015, 3/2016, 4/2016, 9/2016 and 28/2017, and the Forest Mastery Plan</p>	<ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment - Ministry of Industry 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Numbers of laws, rules, and regulations related to the management of land, water sources, and climate that are affected by business operations, which have been reviewed, amended, and enacted - Repeal and review is carried out through prior, participatory consultation with local civilian agencies 	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - Articles 41, 42, 43, 57, 58, 59, and 77 of the 2017 Constitution - SDG No. 6,13,14,15 - UNGP No. 1,3,5,7 - Articles 2, ICCPR - Articles 25-27 of the ICESCR - ICERD

²⁰ Manushya Foundation & ThaiBHRNetwork, *Independent CSO National Baseline Assessment on Business and Human Rights in Thailand*, (2019), available at: <https://www.manushyafoundation.org/bhr-cso-nba-thailand>



	<p>Ensure policies governing waste-to-energy plants are amended to include provisions that prevent lowering of regulatory standards in their operation, establishment of the plants takes place following public consultation, and due diligence processes are put in place to analyse impacts on the people and the environment</p>			<p>and communities in decisions affecting them</p>	
	<p>Review existing laws that have an impact on individual and collective community rights and the process of public participation, and enact new laws guaranteeing community rights of the local population, indigenous peoples, as well as peasants and women in rural areas without discrimination; in the management of land (traditional), natural resources and the environment</p>	<ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives- - Ministry of Natural Resources and Environment - Ministry of Industry - Ministry of the Interior 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Number of laws related to the participation process of communities that have been reviewed - Number of effective laws that guarantee community rights that have been enacted 	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - Article 43 of the Constitution - SDG No. 6,13,14,15 - UNGP No. 1,3,5,7 - CEDAW - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) - UN Declaration on the rights of peasants
	<p>Review the Factory Act by requiring the factory to be established further from the community. Additionally, repeal the amendment to the Factories Act and the original provisions restored, with respect to the regulation of all industrial establishments so they do not violate right of the community to a healthy environment and the right to be consulted prior to establishment or expansion of the operations of these</p>	<ul style="list-style-type: none"> - Ministry of Industry - Ministry of Natural Resources and Environment 	<p>2562-2566 B.E. (2019-2023)</p> <p>2562-2562 B.E. (2019-2021)</p>	<ul style="list-style-type: none"> - A review of the Factory Act to consider indicating the distance between the location of the factory and the community - A repeal of amendment to the Factory Act that violates community rights - Repeal and review carried out by prior, participatory consultation with local civilian agencies and communities 	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 6,13,14,15 - UNGP No. 1,3,5,7



		'factories'				
		Review laws that lead to contract farming in agricultural sector	Ministry of Agriculture and Cooperatives	2562-2566 B.E. (2019-2023)	Number of laws that are reviewed and proposed to prevent or reduce contract farming in agricultural sector	- National strategy on creating competitive capabilities - SDG No. 2 - UNGP No. 1,3,5,7
		Push forward the Land and Building Tax Act B.E.	Ministry of Finance	2562-2566 B.E. (2019-2023)	A meeting is convened to consider the draft Land and Building Tax Act B.E.	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 13,15 - UNGP No. 1,3,5,7
		<p>Push forward the draft Community Forest Act B.E.</p> <p>Revise law, policy, regulations and related measures that violate community rights with respect to land and forests including the National Forest Act, the Community Forest Act, the National Park Act, the Wildlife Conservation Act and the Land Code to ensure community rights and management of natural resources, as guaranteed in accordance with Article 43 of the Constitution of Thailand. These laws should also permit indigenous peoples and local communities, who have been living in forests to continue to do so and set clear guidelines on</p>	Department of Forestry, Ministry of Natural Resources and Environment	<p>2562-2566 B.E. (2019-2023)</p> <p>2562-2563 B.E. (2019-2020)</p>	<p>A meeting is convened to consider the draft Community Forest Act B.E.</p> <p>- These laws affirm the right to participation of communities in meaningful consultations and to take part in government decision making.</p> <p>- An independent monitoring mechanism established to oversee the review process</p> <p>- In reviewing these laws, authorities ensure full and effective participation of communities and their representative organizations, including</p>	<p>- National strategy on creating growth on the quality of life that is environmentally friendly</p> <p>- SDG No. 13,14,15</p> <p>- UNGP No. 1,3,5,7</p> <p>- Concluding Observations of the UN Human Rights Committee</p>



		this.			indigenous peoples	
		Review and utilise the Land Bank Act to protect land belonging to farmers to ensure their livelihood, while settling debts and providing compensation for land lost.	Ministry of Natural Resources and Environment	2562-2563 B.E. (2019-2020)	Land Bank Act provides protection to land and livelihood of farmers	
		For relevant agencies to consider the comments and recommendations made by the National Human Rights Commission of Thailand, which the Cabinet also had a resolution on; in order to use them to amend the Promotion and Conservation of National Environmental Quality Act B.E. 2535 (1992) to ensure the use of community knowledge in decision making processes on projects and its implementation through community participation to determine impact of a project through the Cumulative Environmental Impact Assessment (CEIA) and Community Health Impact Assessment (CHIA), accelerate the drafting of the Public Participation in Public Policy Processes Act B.E...., and issue regulations to report on the	Ministry of Natural Resources and Environment	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Consideration taken to implement the recommendations made by the National Human Rights Commission of Thailand - A meeting is convened to consider the Public Participation in Public Policy Processes Act B.E.... and regulations regarding reporting on the Pollutant Release and Transfer Registers (PRTR) 	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - Article 11, National Health Act B.E. 2550 (with respect to CHIA) - SDG No. 11,13,14,15 - UNGP No. 1,3,5,7



		Pollutant Release and Transfer Registers (PRTR).				
		Repeal NCPO Order 47/2017 that revokes city planning in the EEC provinces of Chonburi, Rayong and Chachoengsao, which will result in the violation of national and international standards on human rights, community rights and land-related rights	- Ministry of Natural Resources and Environment	2562-2563 B.E. (2019-2020)	- Repeal of NCPO Order 47/2017 - Restoration of city plans and the process of city planning at the provincial level, with the inclusion of local communities in the process	
		Revise the rule of the Office of the Prime Minister on Public Consultation B.E. 2548 to be in line with international standards and revise the announcement of the Ministry of Natural Resources and Environment on the same issue to ensure implementation and monitoring of practice.	- Office of the Prime Minister - Ministry of Natural Resources and Environment	2562-2563 B.E. (2019-2020)	Policies are revised to include evaluation of projects and activities, to determine their effect on the environment and the community, and determination of solutions to address adverse impacts through an effective and inclusive public consultation process.	
		Review the law on mines, to indicate the area for mining. It must also be amended to ensure (1) public participation in EIA and EHIA process, with effective public hearings; (2) strict prohibition of mining operations in protected forests, by dismissing EIA for mining concessions; (3) sufficient time to assess the impact of mining	Ministry of Industry	2562-2566 B.E. (2019-2023) 2562-2563 B.E. (2019-2020)	- Law on mines and areas for mining have been reviewed - Assessment of the promulgation of these laws is carried out, to determine if responsible government agencies undertook a RIA process, and to make such assessment public	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 13,14,15 - UNGP No. 1,3,5,7 - CERD General Recommendation No. 23



	<p>activity on environment and communities affected; (4) appointment of representatives from the local community and CSOs through a democratic process, instead of by the National Mineral Management Committee; (5) Detailed provision of environmental restoration through secure processes. Amend section 7 to include provisions ensuring respect for the traditional ownership rights of indigenous peoples</p>				
	<p>Review and amend the provisions of the Constitution of 2017, particularly Sections 43 and 57 to define, specify and recognize indigenous peoples. Include a constitutional right and corresponding state duty, for the protection of their traditional cultures and community rights.</p>	Ministry of Justice	2562-2564 B.E. (2019-2021)	<ul style="list-style-type: none"> - This is done in consultation with IPs, and in their best interest - Recognition of indigenous peoples and their rights, must be in a manner approved by them. - Special attention is paid to indigenous women in granting nationality and ensuring access to services and protections by them. - There is specific reference in any legislations and policy of 	<ul style="list-style-type: none"> - Article 1 and 27 of the ICCPR - Concluding observation of the UN Human Rights Committee - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
	<p>Adopt the United Nations Declaration on the Rights of Indigenous Peoples as a binding national legislation and implement it, particularly on the legal definition of “Indigenous people”.</p>				



		Review and amend the provisions of the Nationality Act 1965, to recognize and grant nationality to IPs, without any restrictions with respect to indigenous children born before 1992. Special attention should be given to indigenous women in granting nationality and ensuring their access to rights and protection.			all the indigenous groups in Thailand and they are approached to understand the specific challenges they face with respect to the violation of their rights and recognition	
2	Public participation	Promote the management of community forests to address the problems related to the co-existence of forests and communities, through the creation of solutions to address laws that prohibit land ownership and registration of communities who reside in an area designated as a reserved forest by these laws	Ministry of Natural Resources and Environment	2562-2566 B.E. (2019-2023) 2562-2564 B.E. (2019-2021)	Activities, projects or measures held to promote or address the management of community forests	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7
		Disclose all news and information to the public in an accessible manner without any reservation on areas affected by large-scale development projects and Special Economic Zones, on EIA, EHIA and HRIA reports and the amendments made to them, on upcoming projects, and other information related to the community's well-being and the environment; especially by providing information to stakeholders and communities who are at a risk of being affected. Any information sought by an individual or community	- Office of the National Economics and Social Development Board - Ministry of Interior (Department of Public Works and Town & Country Planning) - Ministry of Industry - Ministry of Transport - The National Environment Board	2562-2566 B.E. (2019-2023)	- Require advertisement of the project to all people, prior to the start, during, and on completion of the project; by the government and private sector jointly - Increase channels for publicising information about projects to the public especially to stakeholders, for them to know more about the project - Convene public consultations with the people living in all areas	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 9,11,13,14,15 - UNGP No. 1,3,4,5,7 - Article 1 of ICCPR - ICESCR - CCPR General Comment No. 12 - CERD General Recommendation No. 12



	<p>affected by activities of business enterprises should be made available, through the responsible agency such as ONEP. Record of dissemination of information should be maintained</p>			<p>affected by the project, even those that are remote</p> <ul style="list-style-type: none"> - Information is accessible in its entirety, both in a language and mode by every socio-economic level 	
	<p>Organise inclusive and participatory public consultations with all concerned individuals, including various relevant ethnic groups and indigenous peoples, by allowing individuals and communities to have access to comprehensive information and to be involved in the decision-making process; through their Free, Prior and Informed Consent (FPIC) in developing involvement in the Environmental Impact Assessments, the consideration of land expropriation, land management, the conservation of government forests etc. before proceeding with any projects, their implementation, monitoring and evaluation from inception to completion. This includes their involvement in large-scale development projects related to the management of energy, electricity, petroleum, mineral extraction, and natural resource exploration; in order to promote the role of individuals and communities by considering their</p>	<ul style="list-style-type: none"> - Office of the National Economics and Social Development Board - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources - Ministry of Energy - Ministry of Interior - Ministry of Industry 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Number of activities/projects organised to gather the comments of the people on the operation that affect them - The public consultations must be undertaken at all levels of operation, from the community to national level and must be conducted, through an inclusive process that ensures representation in an equal and equitable manner. - Free, Prior and Informed Consent (FPIC) is obtained in the form of a signed consent form - Assistance from international community working in the area of community, environment and business is sought to ensure compliance with international standards 	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 7,11,13,14,15 - UNGP No. 1,3,4,5,7,8 - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) - 2015 Concluding Observations of the Committee on Economic, Social and Cultural Rights to Thailand - 2017 Concluding Observations of the Human Rights Committee to Thailand - 2012 concluding observations of the Committee on the Elimination of Racial Discrimination to Thailand



		culture and livelihood in the areas of project development.				
		Develop a guidebook to promote access to information for people to access their right to participation, which should be done in a proactive way	- Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry	2562-2566 B.E. (2019-2023)	A published guidebook explaining the right to participation of people in the implementation of government projects	- National strategy on creating growth on the quality of life that is environmentally friendly - SDGs No. 11,13,14,15 - UNGPs No. 1,3,4,5,7
3	Environmental Impact Assessment or Environmental Health Impact Assessment (EIA or EHIA), Human Rights Impact Assessments (HRIA), and Gender Impact Assessments (GIA)	Determine for the development of the Environmental Impact Assessment, Environmental Health Impact Assessment, and Human Rights Impact Assessment (HRIA) particularly the representatives of affected communities , which are assessments done with the participation of people from all relevant sectors. The assessments should be impartial, independent, and transparent. It should also be monitored and examined after the HRIA, GIA, EIA or EHIA is approved, by CSOs, institutions or Independent experts with knowledge of the issues faced by affected communities . This is to prevent the business sector from violating rights after projects are approved.	- Ministry of Natural Resources and Environment - Ministry of Industry	2562-2566 B.E. (2019-2023)	- All project operations include the development of HRIA, GIA , EIA or EHIA as required by law, with people or communities in the areas included in the process. - A process to monitor the implementation of the project periodically, by an independent individual or institution accepted by local and affected communities to determine whether the impacts are being dealt with	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7,8, 18 - 2017 Concluding Observations of the Human Rights Committee to Thailand - 2012 Concluding Observations of the Committee on the Elimination of Racial Discrimination to Thailand



	<p>Review and improve the environmental impact assessment system, the public participation process of people, and the participation of stakeholders from the start of the project and in all processes, and reveal reports of the impact assessment to inform the public. The information should be easy and convenient to access, in a form and language that is understandable to affected communities. An expert panel of multi-sectoral experts on human rights, environment, geoscience, community development, policy, planning, administration and governance should be setup as an independent panel for this.</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - A review and improvement of the environmental impact assessment system, public participation process of the people, and the participation of stakeholders - Have the channel to access the result of the EIA or EHIA 	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7,8
	<p>Strengthen the current environmental impact assessment process, especially in the context of large-scale development projects, such as the construction of basic infrastructure projects, mines, agribusinesses, extractives and energy</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry - Ministry of Transport 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Enforcement of EIA/EHIA strictly, especially in large-scale development projects</p>	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7,8
	<p>Monitor and inspect the compliance with measures prescribed in Environmental Impact Assessment reports, to prevent while correctly and promptly addressing impacts that are expected to arise from the project activities (through</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Industry - Ministry of Energy - Ministry of Transport 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Monitoring and inspection of compliance with measures specified in the EIA/EHIA report, in order to prevent and address impacts that may arise in the future</p>	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and developing the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7,8



		mitigation plans), and for them to serve as the baseline in preventing and addressing future impacts that may arise				
		Consider conducting the developing a process of Strategic Environmental Assessment (SEA), which is a process to systematically assess the environmental impacts that may arise from the implementation at the Policy, Plan and Program level (PPP) to achieve environmental sustainability goals in line with the Sustainable Development Goals	Office of the National Economics and Social Development Board	2562-2566 B.E. (2019-2023)	- Have a guideline for undertaking Strategic Environmental Assessment (SEA) - Action taken to promote and publicise the guideline for Strategic Environmental Assessment (SEA), in order for various agencies to implement	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and developing the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7,8,10
4	Special Economic Zones	Consider the suitability of a location based on the activities to be undertaken and the appropriate measures for land expropriation, as well as measures for consultation and fair compensation of the community to ensure that those that are most affected are part of such a process, particularly indigenous peoples and women.	- Ministry of Transport - Ministry of Natural Resources and Environment - Office of the National Economics and Social Development Board - Ministry of Agriculture and Cooperatives - Ministry of Industry	2562-2566 B.E. (2019-2023)	Have appropriate measures for land expropriation, as well as allocating fair compensation	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy for balancing and developing the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7
		There should be measures to regulate the Special Economic Zones (SEZs) and Eastern Economic Corridor (EEC) to	- Office of the National Economic and Social Development Board	2562-2566 B.E. (2019-2023)	Have guidelines/measures to ensure that the Special Economic Zone (SEZ) and the Eastern Economic	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing



		comply with the highest standards regarding good governance and guidelines of companies by applying the UNGPs, in the methods of establishing and managing SEZs and the EEC	- Ministry of Commerce - Ministry of Industry - Ministry of Interior (Department of Public Works and Town & Country Planning)		Corridor (EEC) comply with the highest standards regarding good governance and UNGPs	and developing the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7,8,10,31
5	Management of natural resources and the environment	Enforce laws related to the management of natural resources and the environment by taking into consideration the protection of community rights, including those of indigenous communities such as Karen people as provided in the Cabinet Resolution approved on 3rd August 2010	- Office of the Attorney General - Ministry of Natural Resources and Environment	2562-2566 B.E. (2019-2023)	Activities or projects to promote the efficient enforcement of laws related to the management of natural resources and the environment	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15,16 - UNGP No. 1,3,4,5,7,8,10
		Review and develop mechanisms on the management of natural resources and the environment by emphasising on the accessible and effective participation of all sectors, and to allow every affected individual and community to participate. Indigenous Peoples must be involved in environmental management and development of their land, according to their local knowledge.	- Ministry of Natural Resources and Environment - Ministry of Interior	2562-2566 B.E. (2019-2023)	Revision and development of mechanism to manage natural resources and the environment by emphasising on the participation of all sectors	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7
		Include women in decision-making processes regarding land, natural resources and the environment, specifically indigenous women and women	- Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of	2562-2564 B.E. (2019-2021)	- Monitoring the participation women, by collecting data and surveys - To effectively implement participation, the measures have to adjust to specific	- CEDAW



		in rural areas; by ensuring their participation in an accessible, culturally-appropriate and gender-sensitive manner, with measures taken to ensure their effective participation in any decision that affects women and their access to land, by explicitly inviting women to meetings and holding separate meetings when required.	Agriculture and Cooperatives		women's needs and concerns	
		Support the role of communities in conserving natural resources and checking the quality of the environment	- Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Agriculture and Cooperatives	2562-2566 B.E. (2019-2023)	Activities or projects to support the role of communities in conserving and reviving natural resources and the environment	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7
6	Building communities' and other sectors' capacities	Build knowledge, skills, and academic knowledge of communities to enhance the effectiveness of production	Ministry of Agriculture and Cooperatives	2562-2566 B.E. (2019-2023)	Activities or projects to build knowledge, skills, and academic knowledge of communities to enhance the effectiveness of production	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and developing the public administration system - SDG No. 11,12, 13,14,15 - UNGP No. 1,3,4,5,7
		Support the development of community-led research on traditional knowledge folk wisdom related agricultural practices	Ministry of Agriculture and Cooperatives	2562-2566 B.E. (2019-2023)	Projects or activities to promote and support the development of community-led research on folk wisdom traditional knowledge	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDGs No. 11,12,13,14,15 - UNGP No. 1,3,4,5,7



	<p>Promote careers, household income, welfare, development of communities' way of life, as well as strengthening the security of communities living in highlands along the border and develop a 'Sufficiency Economy' village</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Interior (Community Development Department) 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - People on highlands have their capabilities built and have a good quality of life - The happiness of An adequate standard of living of people in 52,680 villages 	<ul style="list-style-type: none"> - National strategy on security - National strategy on creating competitive capabilities - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7
	<p>Provision of trainings on human rights, including the rights of communities, to ensure human rights obligations, policies and practices are understood; by government ministries and agencies particularly those related to economic development, management of natural resources, land and the environment that are responsible for drafting and implementing business-related laws and policies</p>	<p>Rights and Liberties Protection Department of the Ministry of Justice</p>	<p>2562 B.E. (2019)</p>	<ul style="list-style-type: none"> - Regular assessments carried out ensure that the information and knowledge shared is understood and practiced - Trainings provided on human rights, including land rights, women rights and the rights of indigenous peoples 	
	<p>Conduct a survey of existing development projects in all parts of Thailand, to determine land disputes and other impacts on the community, taking into account archaeological and historical evidence to establish ownership and control of communities over land and resources.</p>	<ul style="list-style-type: none"> - National Human Rights Commission of Thailand - Ministry of Social Development and Human Security - Ministry of Natural Resources and Environment 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - A national enquiry that covers all communities and categories of individuals including indigenous peoples, women and community leaders - Reports of the process are made public 	
	<p>Conduct a comprehensive national inquiry on the impact of businesses on community rights and rights related to land, natural</p>				



		resources and the environment led by or with the participation of NHRCT, including with regional dialogues and seminars in order to further investigate challenges and draw recommendations.				
7	Ethnic minorities Indigenous peoples/ Ethnic groups	Adopt a national action plan on the implementation of UNDRIP. This must provide guidelines that legitimise and guarantee effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country	Ministry of Social Development and Human Security	2562-2563 B.E. (2019-2021)	Operational steps are taken to ensure implementation of guidelines, including with relation to specific rights and assess its efficacy	
		The government should give importance to the ethnic groups, who are minorities and indigenous peoples , in the development of strategies, policies, and various projects to protect these ethnic groups and indigenous peoples in order for them to have a fair livelihood. This should involve a process of Free Prior and Informed Consent (FPIC) and a gender perspective; with those who have been expelled from their land being compensated in a fair and effective manner	- Ministry of Social Development and Human Security - Ministry of Natural Resources and Environment - Ministry of Interior	2562-2566 B.E. (2019-2023)	Development strategies, policies, and projects in taking care of development, social welfare, society, and quality of life for people on highlands indigenous peoples and other ethnic groups	- National strategy on creating opportunities and social equality - SDG No. 10,11 - UNGP No. 1,3,4,5,7 - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)



	<p>Full and effective participation of indigenous peoples should be ensured in the climate change mitigation processes of Thailand, including preparation and implementation of REDD+, to guarantee respect for indigenous peoples rights and knowledge in those processes.</p>	<ul style="list-style-type: none"> - Ministry of Natural resources and environment - Ministry of justice 	<p>2562-2563 B.E. (2019-2021)</p>	<p>Respect for the rights of indigenous peoples to access information and participate in decision-making is guaranteed</p>	
	<p>Require mechanism to have continuous and open discussions with the community to allow them to participate in decision making, including in cases of ethnic groups and indigenous peoples that are affected by the management of land and natural resources, and forest conservation; to allow them to determine their own development priorities. The government should obtain their Free Prior and Informed Consent (FPIC), for any development, strategies, policies and projects affecting them in line with the United Nations Declaration against Indigenous Peoples (UNDRIP)</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Interior 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Mechanism to discuss with the communities, people, indigenous peoples and the ethnic groups affected by the management of land and natural resources, and forest conservation</p>	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 10,11,13,14,15 - UNGP No. 1,3,4,5,7 - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
	<p>Conduct a survey in the Southern part of Thailand, to determine the land disputes as well as other impacts on the community due to tourism establishments and protected area, in line with the concept of FPIC.</p>	<ul style="list-style-type: none"> - Ministry of Natural resources and environment - Ministry of tourism - Ministry of justice 	<p>2562-2563 B.E. (2019-2021)</p>	<p>- Survey is undertaken with effective participation of concerned communities; taking into account the archaeological and historical evidence, to establish the ownership</p>	<p>- CERD general recommendation no. 23.</p>



		Review existing tourism plans and programs involving IPs and/or implement new community-based tourism initiatives, to advance the rights of indigenous peoples concerned with benefits shared fairly with the communities			and control of communities over their lands and resources - Review conducted periodically, on a bi-annual basis to reflect an analysis of all rights of the communities	
8	Improving the implementation of the public sector	Conduct investigation and prove the rightful ownership based on the person who owns the title deed and utilises the land to earn a livelihood , and issue a legal land title, including in line with and to recognise the traditional land tenure systems of indigenous peoples and require establishing a long-term mechanism for investigating, mapping and titling such traditional lands.	- Ministry of Agriculture and Cooperatives - Ministry of Interior	2562-2566 B.E. (2019-2023)	Investigation and the proving of the ownership of the land owner and the utilisation of land are carried out; the legal issuance of land title as specified by the law	- National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 1,3,4,5,7,8,10
		Consider providing measures to certify rural development and land policies; taking into consideration the gender dimension; and that prevent forced eviction. If there is a need to displace people, there should be Free Prior Informed Consent (FPIC) and those who are evicted from the area should receive compensation.	- Ministry of Natural Resources and Environment - Ministry of Interior	2562-2566 B.E. (2019-2023)	- Have measures to certify rural development and land policies, which take into consideration the gender dimension - Compensation is paid to the people who are evicted from the area	- National strategy on balancing and improving the public administration system - SDG No. 5,10,11 - UNGP No. 1,3,4,5,7 - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
		Develop Environmental Impact Assessments, Human Rights Impact Assessments, and Gender Impact Assessments business	- Ministry of Natural Resources and Environment - Ministry of Interior	2562-2566 B.E. (2019-2023)	- Reports on the Environmental Impact Assessment, Human Rights Impact Assessment and	- National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15



		<p>situation and cases of human rights violations that occurred, and determine measures to protect the human rights of villagers</p>			<p>Gender Impact Assessment business situation and cases of human rights violations that occurred are compiled - Measures to protect the human rights of villagers are determined</p>	<p>- UNGP No. 1,3,4,5,7</p>
		<p>Undertake extensive and meaningful consultations with community members and their representatives on ongoing and future transportation and infrastructure projects, investment treaties and free trade agreements to prevent violation of rights. This consists of including clauses to protect human rights just as business interests of the State and companies are; assessing social and environmental impacts or academic studies of development projects based on human rights principles, by seeking alternatives to manage water in ways that minimally alter ecosystems, or that affect the quality of life in the community; and reviewing the positive and negative impacts of Thailand’s resources management policies, in small and large projects to evaluate these as lessons learnt for future projects, and to establish a clear legal framework for sustainable</p>	<p>- Ministry of Industry - Ministry of Natural Resources and Environment</p>	<p>2562-2563 B.E. (2019-2020)</p>	<p>- Consultations are public, transparent, include the opinions of all those present, and provide adequate time for the synthesis of information in the treaty, agreement or on the project. - Evaluation of management of resources in particular water and the environment is undertaken, in order to make the realisation of human rights a prerequisite for sustainability. - Inclusion of a representation from communities on the decision-making bodies, such as those considering tenders at all times; to ensure legitimacy to such a process</p>	<p>2012 Concluding Observations of the Committee on the Elimination of Racial Discrimination to Thailand</p>



		development.				
		<p>development.</p> <p>Consider establishing Adopt and implement necessary laws, rules, regulations, or policies to require business sector to respect human rights, mechanisms to monitor and assess human rights situations in which all sectors are involved; including through mandatory human rights due diligence during an entire project cycle with regular reporting, which is publicly disclosed, particularly to the concerned communities in the project area, and their comments and suggestions are tracked and acted upon.</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Justice 	2562-2566 B.E. (2019-2023)	<p>Mechanism to monitor and assess the human rights situations are established; representatives from all sectors should be involved</p>	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration system - SDG No. 11 - UNGP No. 1,3,4,5,7
		<p>Enhance the effectiveness of legal, structural and policy measures to ensure there is no violation of land-related, natural resource and environment related rights, such as through acts of land grabbing, forced evictions and an unsafe environment; to address abuse of public authority when it directly or indirectly leads to the violation of these rights. End impunity through effective accountability measures, along with access to alternative mechanisms or protections on the failure of these measures.</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Justice 	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - A safe and enabling environment for communities and environmental rights defenders - Measures that are independent and transparent - A conducive legal, institutional and administrative framework for communities 	



9	Action taken on business sector	Consider the establishment of Establish mechanisms to monitor and investigate the actions of the business sector that violate rights related to land, natural resources, and the environment.	- Ministry of Natural Resources and Environment - Ministry of Industry - Ministry of Interior	2562-2566 B.E. (2019-2023)	Mechanism to monitor and investigate the actions of business sector that violate rights related to land, natural resources, and the environment	- National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No.1,3,4,5,7,8,10
		Consider establishing Adopt rules, regulations, or policies to guarantee encourage the business sector to to will respect human rights such as through regular reporting, annual audits and renewals, or undertake human rights due diligence processes to identify, prevent, mitigate and address actual or potential human rights impacts. These processes should involve meaningful consultations with the affected communities and drawing on independent external expertise.	- Ministry of Justice - The Securities and Exchange Commission - Ministry of Industry - Ministry of Natural Resources and Environment	2562-2566 B.E. (2019-2023) 2562-2563 B.E. (2019-2020)	- Have rules, regulations, or policies to encourage business sectors to respect human rights, with particular attention to rural communities, indigenous peoples and women - A qualitative and quantitative analysis carried out, involving communities, CSOs, experts with knowledge of the local context, academics and government representatives	- National strategy on balancing and developing the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7
		Adopt necessary laws and regulations to establish criminal liability for violations of human rights by business enterprises in Thailand or Thai investments abroad, with strict penalties as appropriate	Ministry of Justice	2562-2563 B.E. (2019-2020)	Criminal liability for violation of human rights by business activities	



Pillar II: Corporate responsibility to respect (Respect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs, and business-oriented standards and guidelines
1	Fulfilment of International Obligations	Conduct assessments and due diligence processes through EIAs, EHIA, HRIAs, GIAs, stakeholder engagement through FPIC, to determine the impact of business activities on individuals and communities; by carrying out periodic reviews of the project and share the reports with representatives of the community ensuring transparency in the report.	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Inclusion of a community representative in the project review team of the company - Publicly available reports of periodic reviews and studies - Consideration of impacts on all communities, at all levels and with respect to all activities of the business enterprise - Effective and timely action taken in response to adverse impacts discovered by business enterprises - Community involvement reduces costs and operational obstacles, by minimising the risk of community conflict, which can result in interrupted operations, security costs, human resource lost to 	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) - International Finance Corporation (IFC) Performance Standards - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Carry out need assessment studies to create project plans without adverse impacts, including women in the assessment				
		Regulated, periodic and frequent visits to the community should be carried out by business representatives, to collect information on the detrimental effects of their business on the community and the environment				



	<p>Community members assistance is obtained to help companies produce successful evaluation tools to assess a company’s due diligence obligations including actual and potential risks.</p>				crisis management and litigation	
	<p>Immediately decommission projects negatively affecting local communities and restore rivers and the environment to re-establish local communities’ livelihoods.</p>					
	<p>Implement projects on social, cultural and community development, by directly connecting with the community and carrying out a needs assessment study to create project plans. A social development programme committee should be created to monitor, evaluate and oversee these projects carried out in the community. This committee should include representatives from the business, local government, and community.</p>	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Constructive engagement, development and benefit to the community through these projects - A social development programme committee is established - Representatives of all communities affected, businesses and the local government agencies or departments are included in the committee 	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) - International Finance Corporation (IFC) Performance Standards - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021) 	



2	Abstain from policies and actions that violate human rights	<p>Take all necessary and lawful measures to ensure that business practices do not cause, contribute or remain complicit in violations, with respect to the rights of communities, by avoiding causing of or contribution to any actions that amount to land grabbing and forced evictions; structural arrangements with corporate partners to ensure that all parties uphold their responsibilities with respect to these rights; and build leverage in pre-existing business relations to prevent or mitigate adverse impacts of development projects or other business activities.</p>	Businesses	2562 B.E. (2019)	<p>All actions resulting from external interactions of the business are without adverse actual and potential human rights and gender impacts that the business causes, contributes to or is linked with through any operation, investment, product or service in the country or through extra-territorial investments.</p>	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) - International Finance Corporation (IFC) Performance Standards - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		<p>Abstain from advocating for legislations that restrict the rights of communities, in contravention of the duty to respect through corporate capture of the legislature or through the enforcement of laws, policies and practices that violate the rights of individuals or communities. An example would be the Community Forest Bill which restricts rights and freedoms of people living in the forest, and wherein communities had no</p>	Businesses	2562 B.E. (2019)	<p>Coordination with domestic civil society and those affected in this process, ensures a social license to operate</p>	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of



		consultation process or participation during the drafting of the legislation.				<ul style="list-style-type: none"> National Food Security (2012) - International Finance Corporation (IFC) Performance Standards - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Investors should ensure that they consider environmental and social risks as mitigating factors while investing in projects, within the country and abroad. Internal policy should mandate the requirement that investment projects address any negative impact that projects may have with respect to the environment and at the social level	Businesses	2562 B.E. (2019)	<ul style="list-style-type: none"> - Development in a sustainable manner is a priority in businesses' investment profile. - Independent assessments of mitigating factors are carried out by investors, before and during the project. 	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) - International Finance Corporation (IFC) Performance Standards - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)



3	Promote the rights of individuals and communities	Companies should understand and promote the rights of communities, which are beneficial to them and their economic well-being through policies and practices. An example is support to the management of forests in all forms by communities through community land titles, based on diverse cultural practices and local knowledge. Another example is negotiation for land expropriation based on human rights principles, and in a manner that is fair and just for the communities whose land has been expropriated .	Businesses	2562 B.E. (2019)	<ul style="list-style-type: none"> - Understanding and promotion of rights of communities, through positive steps taken in support. - Acceptance and recognition of forest management as a form of community land title. - Fair and just land expropriation process, based on human rights principles 	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - Guidelines for Social Responsibility (ISO 26000) - The AA1000 Stakeholder Engagement Standard (SES) - The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security - International Finance Corporation (IFC) Performance Standards - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
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Pillar III: Access to Remedy (Remedy)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Complaint	There should be an establishment of channels for complaints, in cases where people are witness to or are adversely impact by business operations. This should be advertised for people to be informed, and by establishing	<ul style="list-style-type: none"> - Ministry of Justice - Ministry of Interior - Office of the Attorney General - Office of Attorney for Rights Protection, Legal Aid and Legal Execution 	2562-2566 B.E. (2019-2023)	Public sector, state enterprise, and business sector have channel for complaints provided to individuals who are affected by business operations and there has been announcement to	<ul style="list-style-type: none"> - National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31



		complaint mechanism at the local level. The complaint mechanisms should also be in line with customary laws and practices of concerned communities in the project area and international human rights standards.			inform the public	
		For complaints filed against state authorities and law enforcement officials, ensure prompt investigation through an impartial, independent and autonomous team of experts, by strengthening the Ombudsman, Administrative Courts, and the NHRCT, at the national and local level	Ministry of Justice	2562 B.E. (2019)	Capacity, resource and knowledge building of these individuals and institutions on business and human rights	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
2	Mediation and other alternative non-judicial grievance redressal mechanisms	Consider making Develop policies or laws to grant power to local agencies to address problems at the initial stage, or set up a local committee that is approved and accessible by all sides. Such committee must have the power to mediate at the local level	- Ministry of Interior Justice - Ministry of Interior	2562-2566 B.E. (2019-2023)	Mediation committee at the local or the community level	- National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31
		Consider establishing Establish a centre to protect rights in problematic areas, by rendering decisions that are enforceable	Ministry of Justice	2562-2566 B.E. (2019-2023)	Have working group or centres to address rights violation in problematic areas	- National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31



	<p>The role of NHRCT as an effective non-judicial grievance mechanism should be enhanced to remedy business-related human rights abuse, including for Thai investments abroad; through the granting of greater powers and mandate, and more resources to undertake its work. Further, setting up new mechanisms such as parliamentary committees could also be considered.</p>	<p>National Human Rights Commission of Thailand</p>	<p>2562-2564 B.E. (2019-2021)</p>	<p>These non-judicial mechanisms take into account the customary laws and practices of indigenous peoples, where they are in line with human rights standards</p>	
	<p>Provide accessible grievance redressal mechanisms to those affected by adverse impacts of development projects. Setup both physical and virtual systems for grievance redressal with effective remedies for language barriers. Company level redressal mechanisms must cooperate with public grievance redressal mechanisms, both judicial and non-judicial, and collaborate with the government and investors of development projects to provide fair treatment, just compensation, and appropriate remedies.</p>	<ul style="list-style-type: none"> - Ministry of Justice - Businesses 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - Number and details of grievances received - Complaints mechanisms are time bound and afford effective oversight 	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31



		Business enterprises, associations or multi-stakeholder bodies should establish and participate in effective non-State-based grievance mechanisms at the operational levels. These can be included in the granting or renewal of licenses and/or agreements with business enterprises or in statutes of business associations with consideration for the size, operation and experiences or potential of harms of the business or the sector.	Businesses	2562-2563 B.E. (2019-2020)	- Mechanisms are culturally appropriate for indigenous peoples, when engaging with them - Effective grievance mechanisms meet the criteria of legitimacy, accessibility, predictability, equity, transparency, rights-compatibility and are based on dialogue and engagement	- National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31
		Design and implement effective grievance mechanisms that are gender-responsive and respectful of women’s social contexts and legal status, to appropriately redress the impact of businesses activities on their rights, and provide fair compensation. They ensure that women’s land rights and interests are captured in such mechanisms, includes the assistance of local civil society and promotes iterative consultations with men and women from affected communities	Businesses	2562-2563 B.E. (2019-2020)	Remedies for corporate human rights abuses should be redressed in accordance with human rights law standards and principles are expeditious, accessible and meaningfully redress all types of harm	- National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31
3	Prosecution	Consider punitive measures against Take measures to penalise violations of human rights by business enterprises that violate human rights as a criminal offence.	Ministry of Industry	2562-2566 B.E. (2019-2023)	Lawsuits or punitive measures on business organisations that violate human rights	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31



	<p>Increase the capacity, budget, and channels in receiving services from the Justice Fund and other support mechanisms. These must remain independent and include assistance for actual harm and risk against individuals, both for business related human rights violations and against judicial harassment through SLAPP cases.</p>	<p>Ministry of Justice</p>	<p>2562-2566 B.E. (2019-2023)</p>	<p>- Consideration in increasing the channels in receiving service from the Justice Fund - Accessibility to the Justice Fund is extended to include the stateless and indigenous HRDs</p>	<p>- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31</p>
	<p>Refrain from and end all legal proceedings against individuals facing investigation, charges, or prosecution initiated by businesses or the government, for exercising their rights or engaging in legitimate activities to address violations. Compensation must be provided for the actual loss to livelihood, the loss caused by intended deficiencies and the cost incurred as a result of legal proceedings.</p>	<p>- Ministry of Justice - Businesses - Public Prosecutors Office</p>	<p>2562 B.E. (2019)</p>	<p>Compensation is full and adequate and extends to environment and community rights defenders, indigenous peoples and their family</p>	<p>- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31</p>
	<p>Remove barriers to access effective judicial remedies for indigenous peoples and other communities that experience violations of their rights related to land, natural resources and the environment, by enforcing existing positive laws and policies by prioritising them over conflicting laws and policies; eliminating biases and discrimination through sensitization and awareness-raising of security and judicial</p>	<p>Ministry of Justice</p>	<p>2562-2563 B.E. (2019-2020)</p>	<p>- Presence of structural and functional barriers, are reviewed periodically through a study of individual cases - Separate dedicated mechanisms for groups requiring particular attention such as indigenous peoples and women</p>	



		personnel; and addressing practical limitations of language challenges and need for legal assistance through provision of effective interpretation and free legal aid services				
		Take measures, in policy and practice, to ensure the security of community members and indigenous persons can be guaranteed when accessing grievance redressal mechanisms. This can be achieved by raising awareness, resources and streamlining the process on witness protection.	- Ministry of Justice - Judicial system - National Human Rights Commission of Thailand	2562-2563 B.E. (2019-2020)	- A streamlines process of protection for those approaching the grievance redressal system. - This protection extends specifically to marginalised groups including women, and indigenous peoples.	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
		Increasing the efficiency of prosecuting civil and criminal cases related to the environment, natural resources, and land rights, while guaranteeing protection to communities and individuals based on international and national human rights principles and standards	Office of the Attorney General	2562-2566 B.E. (2019-2023)	Relevant law enforcement agencies have strictly prosecuted civil and criminal cases related to the environment, natural resources, and land rights	- National strategy for balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
4	Monetary support	Consider establishing Establish land banks, to provide support to affected individuals. The land fund will be managed by communities	The Land Bank Administration Institute	2562-2566 B.E. (2019-2023)	Result on the study of guidelines for the establishment of a land bank in order to help affected people	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31



		Study guidelines for establishing a participatory and inclusive hedge fund for people who have suffered as a result of business activities	- Ministry of Natural Resources and Environment - Ministry of Industry	2562-2566 B.E. (2019-2023)	Results of the study on guidelines to consider establishing a hedge fund for people who have suffered as a result of business activities	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31
5	Remedy	Develop systematic and effective measures to provide remedy in a timely manner , to victims who are adversely impacted by the exploitation of natural resources or business activities that violate their rights related to land, natural resources, and the environment. The remedy should cover damages inflicted on body and spirit, according to the needs of individuals and communities affected by business activities and government projects. These should align with customary laws and practices of the concerned communities in the project area and in line with international human rights standards	- Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Justice - Ministry of Industry	2562-2566 B.E. (2019-2023)	- Public sector, state enterprises, and the business sector have measures to provide remedy to those affected by natural resource management or business activities that violate rights related to land, natural resources, and the environment - People affected by lengthened processes are compensated or their land returned	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31 - Article 3 (a) of the ICCPR
		Develop plans to systematically revive land, natural resources, and the environment in places affected by business activities, through the involvement of local communities and indigenous peoples affected and utilising their traditional knowledge and local expertise	- Ministry of Natural Resources and Environment - Ministry of Interior	2562-2566 B.E. (2019-2023)	Public sector, state enterprises, and the business sector have plans to systematically revive land, natural resources, and the environment in places affected by the business activities	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,13,14,15,16 - UNGP No. 24,25,26,27,28,29,31



		Undertake fair and effective investigation into the disappearance, killing and other reprisals against land, community and environment rights defenders; by creating an independent, dedicated and well-resourced mechanism to protect and support defenders against ongoing and future reprisals, which are on the rise, including in business contexts	- NHRCT - Ministry of Justice	2562-2563 B.E. (2019-2020)	Steps taken to ensure access to justice for such reprisals to guarantee an end to impunity and insecurity in the indigenous communities from the government authorities, businesses or other community members	- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,13,14,15,16 - UNGP
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Chapter 4: Human Rights Defenders

Explanation: We, Manushya Foundation and Thai BHR Network welcome the efforts of the Royal Thai Government (RTG) to ensure the protection of human rights defenders by ratifying various international human rights treaties that address their rights including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD). However, it is vital that the RTG ratifies the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and that all domestic implementation take these commitments into consideration with respect to protection and safeguarding human rights defenders. In this respect, it is important that while addressing the protection of human rights defenders, this chapter 3 addresses all threats of risk, actual risks and reprisals faced by human rights defenders including with respect to their right to freedom of expression, their right to privacy and their right to freedom of assembly; with particular attention to persons or groups of persons that face a higher level of risk such as women human rights defenders, migrant workers, indigenous peoples, environment and community rights defenders. The provisions of comprehensive and effective remedies, with actionable implementation must also be incorporated.

We thank the RLPD for following our third priority area as identified during our [National Baseline Assessment \(NBA\) Regional Dialogues](#) held in January-March 2017 to address the protection of human rights defenders, and we appreciate its efforts to ensure it is more detailed in comparison to the previous drafts of the National Action Plan (NAP) on Business and Human Rights (BHR). Nevertheless, following our review of the action plan and for the UNGPs to be upheld on the ground, we believe that this has to be further broken down into detailed step by step and timebound actions, which are comprehensive while ensuring the smooth operation and implementation of the NAP at all levels of society. To achieve this, as part of our comments to the NAP, we are providing changes and additions to the NAP to ensure compliance with international human rights standards and the UNGPs, and address the concerns, gaps and needs as identified by grassroots communities, civil society, academics and experts, throughout the implementation of Manushya Foundation's business and human rights [strategy](#), and analysed in Manushya Foundation and the Thai BHR Network's [Independent National Baseline Assessment on Business & Human Rights in Thailand](#). For that purpose, we are suggesting the following comments below:

- changes to the wording of the NAP in **red colour**,
- additions to the wording based on concerns and gaps identified in **blue colour**, and
- additional action points (in **blue colour**) to enable and ensure that this document is actionable as a whole in order to guarantee the compliance of State actions and business practices with the UNGPs and other international commitments made and obligations set out therein. In order to produce a more-accessible and user-friendly NAP, we also suggest that the government includes the table of the 'action plan' as an annex or appendix, rather than inside the content of the NAP itself, as it has been applied with success in other countries including [France](#) and [Switzerland](#).



General Comments: This chapter on human rights defenders fails to guarantee the effective protections and remedies to human rights defenders against the violation of their rights through physical harassment and judicial harassment in the form of SLAPP lawsuits; particularly through its failure to address weak, ineffective or themselves violate the rights of human rights defenders and their representatives. Examples of such legislations include Articles 44, 47, 48 and 279 of the 2014 interim Constitution; Articles 265 and 279 of the 2017 Constitution; NCPO Announcement 7/2014; NCPO Order 13/2016; Section 326-328 of the Criminal Code; Section 161/1 and 165/2 of the Criminal Procedure Code; Section 14 of the 2007 Computer-related Crime Act; the CyberSecurity Bill; and the draft Act on Prevention and Suppression of Torture and Enforced Disappearance. Also, completely absence and disturbingly so is the regulation of the activities of businesses with respect to their human rights impact and their impact on gender, highlighting the indifference towards the protection of human rights of individuals against the adverse impact of business activities.

Finally, to ensure compliance with the State duty to protect under Principle 3 of the UNGPs, effective guidance must also be provided to business enterprises on how to address and mitigate human rights impacts throughout their operations. While the draft NAP attempts to regulate large-scale businesses registered with the Stock Exchange of Thailand (SET), we note that the draft NAP lacks mandatory measures to hold businesses accountable for the adverse impacts of their actions on human rights defenders, and should be inspired by global good practices, such as the [UK Modern-Slavery Act 2015](#), and the [French Corporate Duty of Vigilance Law 2017](#). Finally, the draft NAP fails to provide a detailed action plan for businesses which could guide their actions to be in compliance with the UNGPs; and these comments seek to remedy this shortcoming by providing such a detailed action plan.

I. Overview	
Original Text	Suggested additions to address gaps in the NAP
<p>Page 69: The Declaration is also connected with other international human rights laws, such as the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, etc.</p>	<p>Page 69: The Declaration is also connected with other international human rights laws, such as the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women, International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, etc.</p>
<p>Page 69: Cases that have been raised include the disappearance of human rights defenders, such as Mr. Somchai Neelapaijit and Mr. Porlajee Rakjongcharoen; the disproportionate charges for wrongdoings in lawsuits against human rights defenders; and violations against human rights defenders.</p>	<p>Page 69: Cases that have been raised and are yet to be resolved include the disappearance of human rights defenders, such as Mr. Somchai Neelapaijit and Mr. Porlajee Rakjongcharoen; the disproportionate charges for wrongdoings in lawsuits against human rights defenders; and violations against human rights defenders.</p>

II. Challenges	
Original Text	Suggested changes in the wording & Suggested additions to address gaps in the NAP
<p>Pg. 73 and 74: Updating relevant laws, rules, regulations, policies, and measures - Accelerate the adoption of the draft on the Prevention and Suppression of Torture and Enforced Disappearance Act B.E...; the amendment of the Witness Protection Act B.E. 2546 (2003); the amendment of Article 161/1 of the Criminal Procedure Code to prevent Strategic Litigation Against Public Participation (SLAPP); and review or repeal any laws, regulations, rules, or orders that limit the rights and liberties of people and that provide conditions exempting government officials from getting punishments, such as the Highways Act B.E. 2535/1992 (updated version B.E. 2549/2006), Public Assembly Act B.E. 2558 (2015), Article 116 of the Criminal Code, National Council for Peace and Order (NCPO) Order No. 3/2015, etc.</p>	<p>Pg. 73 and 74: Updating relevant laws, rules, regulations, policies, and measures in line with international obligations, commitments and standards - Accelerate the Review, amend and subsequently ensure the adoption of the draft on the Prevention and Suppression of Torture and Enforced Disappearance Act B.E...; the amendment of the Witness Protection Act B.E. 2546 (2003); the amendment of Article 161/1 of the Criminal Procedure Code to prevent Strategic Litigation Against Public Participation (SLAPP); and review or repeal any laws, regulations, rules, or orders that limit the rights and liberties of people and that provide conditions exempting government officials from getting punishments, such as Articles 44, 47, 48 and 279 of the 2014 interim Constitution, Articles 265 and 279 of the 2017 Constitution, the Highways Act B.E. 2535/1992 (updated version B.E. 2549/2006), Public Assembly Act B.E. 2558 (2015), Article 116, 326-328 of the Criminal Code, National Council for Peace and Order (NCPO) Announcement 7/2014, NCPO Order No. 3/2015, NCPO Order 13/2016, Section 14 of the 2007 Computer-related Crime Act, and the CyberSecurity Bill etc.</p>
<p>Pg. 74: Building capacity of Human Right Defenders - Create a list of lawyers with an expertise in fighting cases on human rights to assure people that they will be protected from rights violations; and conduct training to develop the capacity of communities and human rights defenders on government services, and other forms of support, such as bail process, law enforcement, etc.</p>	<p>Pg. 74: Building capacity of Human Right Defenders - Create a list of lawyers with an expertise in fighting cases on human rights to assure people that they will be protected from rights violations; provide protection to these lawyers against pending and future SLAPP lawsuits; and conduct training to develop the capacity of communities and human rights defenders on government services, and other forms of support, such as bail process, law enforcement, etc.</p>
<p>Pg. 74: Improvement of implementation by the government - There also remain concerns over limitations on public gathering, the prohibition of peaceful protest, the use of "attitude adjustment", and SLAPP lawsuits by the government and private sector.</p>	<p>Pg. 74: Improvement of implementation by the government - There also remain concerns over limitations on public gathering, the prohibition of peaceful protest; the use of "attitude adjustment"; the use of legislations to violate freedom of expression and the right to privacy of persons; the use of harassment, threats to violence, and force; arbitrary arrest and detention; enforced disappearances; omission of individuals from decision-making process on aspects that affect them; difficulty in accessing information on violations; and SLAPP lawsuits by the government and private sector.</p>

For a deeper understanding of challenges faced by those affected by the adverse impact of businesses related to the protection of human rights defenders, please refer to the [thematic assessment chapters developed as part of the Independent National Baseline Assessment on Business & Human Rights in Thailand, by Manushya Foundation](#) and the Thai BHR Network.

III. Action Plan

Pillar I: State duty to Protect (Protect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Ratification of international human rights conventions and collaboration with various human rights mechanisms, or through foreign policy and diplomatic channels	Develop a clear definition of Human Rights Defenders by analysing international standards, taking into consideration all categories of persons that are part of civil society including stateless persons; in order to integrate this into a binding national legislation	Ministry of Justice	2562-2566 B.E. (2019-2023)	Consultation with relevant government agencies, HRDs and their representative organisations or individuals to develop a clear definition of HRDs	- National Strategy on security - National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 1, 3, 5, 7
		Accelerate the process in ratifying relevant conventions, such as International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), according to the commitment of the National Legislative Assembly on 10 March 2017	Ministry of Justice	2562-2566 B.E. (2019-2023)	Ratified International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	- National strategy on balancing and improving the public administration system - SDG No. 11,16, 17 - UNGP No. 1, 3, 5, 7
		Promote meaningful cooperation with UN and ASEAN human rights mechanisms, including by extending an invitation for official country visits by the UN Special Rapporteur on the situation of Human Rights Defenders	All agencies	2562-2566 B.E. (2019-2023)	Conducted official visit to Thailand, or in the form of technical visit of the relevant special procedure of the UN Human Rights Council	- National strategy on security - National strategy on balancing and improving the public administration system - SDG No. 11,16, 17 - UNGP No. 1, 3, 5, 7



2	Amendments of relevant laws, rules, regulations, policies and measures	<p>Push for the review, amendment and repeal of relevant laws, mechanisms and protocols to enable the protection of HRDs, such as through amendment to the witness protection law by defining intimidation and harm, covering criminal defendants who report torture, detailing procedures on obtaining a new identity and for immediate protection in emergency situations, specifying power, role and functions of the Witness Protection Office and staff, and allowing enforcement of directives to police and other agencies; and amendment to criminal procedure with express provisions on penalty for intimidating witnesses, and criminalising acts that obstruct justice etc.</p>	Ministry of Justice	2562-2566 B.E. (2019-2023)	A review of policy and laws, as well as relevant measures and mechanism to enable the protection of HRDs	<ul style="list-style-type: none"> - National strategy on security - National strategy on balancing and improving the public administration system - SDG No.16 - UNGP No. 1, 3, 5, 7
		<p>Review and amend Articles 44, 47, 48 and 279 of the 2014 interim Constitution and Articles 265 and 279 of the 2017 Constitution, in line with international obligations</p>	Ministry of Justice	2562-2563 B.E. (2019-2020)	Constitutional provisions that protect the rights of individuals	<ul style="list-style-type: none"> - Concluding observations by UN Human Rights Committee - UNGP
		<p>Adopt a binding national legislation on HRDs by setting out a legal definition. State obligations in this legislation should include the development of protection mechanisms to ensure physical and psychological safety; protection of HRDs from</p>	Ministry of Justice	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - A legislation developed in consultation with HRDs - Provisions complimented with the specific examples, including in relation to businesses and the local context 	General Assembly Declaration on Human Rights Defenders



		unlawful interference with their privacy and from attack, threat or criminalisation; and access to information relevant to obtain accountability and appropriate remedies				
		Draft an independent anti-SLAPP legislation and amend provisions (Section 161/1 and 165/2 of the Criminal Procedure Code) to protect all HRDs from judicial harassment in the form of civil and criminal lawsuits, while providing for access to justice, the right to a fair trial, the right to appeal and other forms of remedy in case of the violation of rights. There must be a clear outline of the purpose, definition of terminology used such as ‘bad faith’, and applicable to cases filed by public prosecutors and private individuals. Burden of proof herein must be placed on the business to prove that the case filed is not frivolous and has a legitimate basis.	Ministry of Justice	2562-2563 B.E. (2019-2020)	- An anti-SLAPP legislation or provision that protects all HRDs, including migrant workers, women human rights defenders (WHRDs) environmental and community rights defenders - An anti-SLAPP legislation or provision that protects individuals against frivolous lawsuits, while providing them with remedy and compensation.	
		Following the ratification of the ICPPED, adopt the draft Act on Prevention and Suppression of Torture and Enforced Disappearance revising it to ensure that it complies with the ICPPED, particularly on retaining Section 11 and 12 of the Bill and amending Section 32 to remove the supervisory role in command	Ministry of Justice	2562-2563 B.E. (2019-2020)	A comprehensive and effective Act on Prevention and Suppression of Torture and Enforced Disappearance	- ICPPED



		responsibility from just being 'direct'. It should also include the definition of enforced disappearance, its non-derogable nature, non-refoulment, criminal liability for acts beyond direct commission, and provision of safeguards				
		Repeal or amend NCPO Announcement 7/2014, head of the NCPO Orders 3/2015 and 13/2016, Sections 326-328 of Thailand's Penal Code, the 2015 Public Assembly Act, Section 14 of the 2007 Computer-related Crime Act, and the CyberSecurity Bill that allows for arbitrary detention, criminalises defamation and infringes on basic freedoms.	- Ministry of Digital Economy and Society - Ministry of Justice	2562-2564 B.E. (2019-2021)	Protection of specific rights such as the right to freedom of expression, the right to freedom of association and assembly, the right to access information, and the right to public participation	- General Assembly Resolution 53/144 - EU Guidelines on Human Rights defenders
3	Protection of human rights defenders	To determine or review the policies, protocols, procedures, and mechanism to protect HRDs, which includes women human rights defenders; in order for them to have safe conditions of work, and to provide training to encourage law enforcement agencies to implement these measures in practice	- Ministry of Justice - Royal Thai Police - Ministry of Industry	2562-2566 B.E. (2019-2023) 2562-2564 B.E. (2019-2021)	- Drafting, review, or improvement of policies, mechanisms, processes or measures to protect HRDs, including HRDs who are women and indigenous peoples. - Provide training on such policies, mechanisms, processes or measures to	- National strategy on security - National strategy on balancing and improving the public administration system - SDG No. 5,16 - UNGP No. 1, 3, 5, 7 - CEDAW - UNDRIP



		<p>Establish development frameworks that are gender responsible particularly on obtaining Free Prior and Informed Consent (FPIC), provide resources to authorities at all levels to respond to violence against women HRDs, address threats and attacks they are specifically vulnerable to, and ensure remedies and its access are strengthened to be gender appropriate to provide them fair redress.</p>			<p>law enforcement agencies - HRDs feel better protected as a result of the adoption of these action-based activities.</p>	
		<p>Consult and cooperate in good faith with indigenous peoples affected, through their own representatives or institutions, to ensure their free and informed consent prior to the approval of development project utilising or exploiting their land, water and other resources, and their protection from harassment during this process</p>				
		<p>Ensure effective regulation of business activities through mandatory due diligence obligations for companies including through Human Rights Impact Assessments and Gender Impact Assessments; including HRDs in these and other decision-making processes that affect their rights; and requiring disclosure of information on corporate structure and</p>	<ul style="list-style-type: none"> - Ministry of Environment and Natural Resources - Ministry of Industry - Ministry of Labour - Ministry of Justice 	<p>2562-2564 B.E. (2019-2021)</p>	<ul style="list-style-type: none"> - Due diligence mechanisms such as HRIAs include an assessment of actual and potential human rights impacts; integration and action upon finding; tracking of the effectiveness of responses; and communication on how impacts are addressed - Processes are done in 	



		governance, contracts, license concessions, business relationships, scientific information about company operations, and company filings from companies, their subsidiaries and in their supply chain.			consultation with HRDs, with the inclusion of early as well as meaningful stakeholder engagement with all potentially affected communities	
		Refrain from using extra-legal means that require or pressure private sector to unnecessarily or disproportionately interfere with freedoms. Any demands, requests and measures to take down digital content or access customer information must be based on validly enacted law and authorised by an impartial and competent authority.	- Ministry of Digital Economy and Society - Electronic Transactions Development Agency (ETDA)	2562 B.E. (2019)	Demand, request or measure is subject to external and independent oversight and demonstrates a necessary and proportionate means of achieving one or more legitimate aims	
		Include the protection of HRDs in the 4th National Human Rights Plan. <i>The human rights plan, its design and implementation must be primarily based on direct democracy and the involvement of human rights defenders</i>	Ministry of Justice	2562 B.E. (2019)	- Inclusion of issues faced by HRDs in the 4th National Human Rights Plan, including recognition, support and protection - Inclusion of clearly outlined results and outcomes along with timeline to achieve them	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 1, 3, 5, 7



		Organise consultations with HRDs by collaborating meaningfully to prevent, address, and provide remedy for adverse impacts on human rights. The working group or committee created for such consultation must ensure the proportionate and equal involvement of HRDs.	<ul style="list-style-type: none"> - Ministry of Foreign Affairs and Ministry of Justice - Ministry of Defense - Ministry of Justice - Other relevant agencies 	2562-2566 B.E. (2019-2023)	Periodically consult with HRDs	<ul style="list-style-type: none"> - National Strategy on security - National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 1, 3, 5, 7
		Establish a working group with equal representation of human rights defenders, business sector, and the state; to resolve issues of human rights violations by the identification of gaps and determination of solutions through consultations within this working group	<ul style="list-style-type: none"> - Ministry of Justice 	2562-2564 B.E. (2019-2021)	Collaborative involvement of all sectors and stakeholders	
4	Building knowledge and understanding	Study and exchange good practices regarding measures to promote Freedom of Expression in order to apply them to the Thai context	<ul style="list-style-type: none"> - Ministry of Foreign Affairs - Ministry of Justice 	2562-2566 B.E. (2019-2023)	Studied and exchanged good practices regarding measures to promote Freedom of Expression in various countries and international organisations	<ul style="list-style-type: none"> - National strategy on developing and building the capacities of human resources - SDG No. 11,16, 17 - UNGP No. 1, 3, 5, 7,8,10
		Organise trainings for law enforcement officers to build their knowledge and understanding of the enforcement of laws to protect HRDs, such as with respect to the organisation of public gatherings and Freedom of Expression pertaining to human rights, etc. This includes, training public prosecutors and inquiry officers to actively protect individuals	<ul style="list-style-type: none"> - Royal Thai Police - Ministry of Defense - Ministry of Justice - Ministry of Foreign Affairs - Ministry of Social Development and Human Security, - National Human Rights Commission of Thailand 	2562-2566 B.E. (2019-2023)	<ul style="list-style-type: none"> - Training is conducted for law enforcement officers to build knowledge and understanding in enforcing laws related to the protection of human rights for officials in the agencies - Illustrations on the local context, sector specific and community specific examples are provided - A decline in the number 	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration systems - SDG No. 11,16,17 - UNGP No. 1, 3, 5, 7,8,10



		<p>from SLAPP lawsuits, by exercising their ordinary powers set out in Sections 140-143 of the Criminal Procedure Code to dismiss cases that amount to SLAPP lawsuits in the first instance. All officials responsible for promoting and regulating business activities must also be trained on human rights, the role of HRDs, their rights and the protections they are guaranteed</p>			<p>of prosecutions that amount to SLAPP lawsuits</p>	
		<p>Organise activities to build the capacity of communities and of HRDs in the community. Awareness campaigns should also inform communities of human rights and the role of those who defend them, particularly in the context of businesses</p>	<ul style="list-style-type: none"> - Ministry of Interior (Department Of Provincial Administration) - Ministry of Justice 	<p>2562-2566 B.E. (2019-2023)</p>	<ol style="list-style-type: none"> 1. The target population in 76 provinces and 878 districts has knowledge, understanding, and can protect themselves from being a victim of human rights violations 2. Staff have skills, knowledge, efficiency and potential that were developed through the provision of knowledge and guidelines on human rights to the Deputy District Chief and administrative officers in 76 provinces and 878 district 3. Inspect, monitor and eradicate risks in vulnerable areas in 76 provinces, not less than 1 time / month, and in the district area of 878 districts, not less than 2 	<ul style="list-style-type: none"> - National Strategy on security - National strategy on developing and building the capacities of human resources - National strategy balancing and improving the public administration systems - SDG No. 11,16 - UNGP No. 1, 3, 5, 7



					times / month on all occasions that they arise in a timely and effective manner	
		Create a list of lawyers/legal advisors with an expertise and understanding, of mechanisms and policies to address cases on human rights violations	- Ministry of Justice - Office of the Attorney General	2562-2566 B.E. (2019-2023)	Have a list of lawyers /legal advisors with an expertise and understanding, of mechanisms and policies to address cases on human rights violations	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 1, 3, 5, 7
		Provide correct knowledge to people on their rights, and educate HRDs about various services for assistance that are provided by the state, on the bail process, on law enforcement, etc.	- Office of the Attorney General - Ministry of Justice	2562-2566 B.E. (2019-2023)	Have an activity to provide knowledge to people on their rights, as well as provide knowledge to HRDs on assistance and services provided by the state, the bail process, law enforcement, etc.	- National strategy on developing and building the capacities of human resources - National strategy on balancing and improving the public administration systems - SDG No. 11,16 - UNGP No. 1, 3, 5, 7, 8, 9,10



		Undertake an annual or biennial periodic study on the situation of HRDs in Thailand led by or with the participation of the National Human Rights Commission of Thailand (NHRCT) and in consultation with civil society organisations and HRDs, to inform measures towards stronger measures for HRDs in business contexts	- Rights and Liberties Protection Department - National Human Rights Commission of Thailand	2562-2566 B.E. (2019-2023)	Production of a study that is inclusive of the voices of all HRDs including women, indigenous peoples, migrant workers, LGBTI,	- National strategy on developing and building the capacities of human resources - National strategy on balancing and improving the public administration systems - UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
5	Address root causes that result in risks faced by human rights defenders	Prevent corruption amongst State officials, institutions and mechanisms that result in or magnify the violation of rights. Policy and practices should be outlined to address abuse of public authority when it directly or indirectly leads to the violation of the rights of HRDs or places a barrier on their work	Ministry of Justice	2562-2564 B.E. (2019-2021)	A conducive legal, institutional and administrative framework for HRDs	
		Address corporate capture through the influence that corporations exert over the government, by providing checks and balances to ensure that government legislations, policy and practice do not marginalise HRDs and infringe on their rights by only responding to the needs of businesses with influence	Ministry of Justice	2562-2564 B.E. (2019-2021)	Any instances of interference by non-state actors in the peaceful exercise of rights of individuals is rectified using precautionary, preventive and reparative measures	



		End impunity of perpetrators responsible for serious human rights violations affecting the rights of persons and the work of HRDs. For this, effective accountability measures must be set out, along with access to alternative mechanisms or protections on the failure of these measures. Companies must also be held accountable for failing to act on information of rights violations provided by NGOs and HRDs	Ministry of Justice	2562 B.E. (2019)	A safe and enabling environment for HRDs is ensured through independent and transparent measures	
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Pillar II: Corporate responsibility to respect (Respect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs, and business-oriented standards and guidelines
1	Fulfilment of International Obligations, including those under the UNGPs and SDGs	Allocate sufficient resources towards the fulfilment of international standards, in the online and offline work of the company through due diligence by Human Rights Impact Assessments (HRIAs), Gender Impact Assessment, rights-oriented design and engineering choices, stakeholder engagement, strategies to prevent or mitigate human rights risk, transparency, and effective remedies.	Businesses		<ul style="list-style-type: none"> - Design and implementation of corporate human rights accountability provisions that draw on both internal and external expertise - Meaningful input received from customers, affected rights holders, civil society and HRDs in due diligence mechanisms and community HRIAs. 	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)



		Partnering of companies with HRDs who can assist them in the realisation of their UNGPs and SDG commitments, through the implementation of compliant policy and practice. HRDs can help companies produce successful evaluation tools to assess a company’s human rights due diligence including actual and potential human rights risks, such as the Corporate Human Rights Benchmark which features an indicator on the commitment to respect HRDs.	Businesses		This approach reduces costs and operational obstacles by minimising the risk of community conflict, which can result in interrupted operations, security costs, human resource lost to crisis management and litigation.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Abstain from advocating for legislations that restrict civic space, in contravention of the duty to respect set out for businesses in the UNGPs through corporate capture of the legislature. Companies should understand and promote an open civic space which is beneficial to them and their economic well-being.	Businesses	2562 B.E. (2019)	Coordination with domestic civil society and affected communities across a shared civic space to assist grasp the import of legislations, and ensuring a social license to operate.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)



		Business enterprises and HRDs should contribute to the full respect of freedoms of expression, association and assembly, by promoting a system characterized by non-discrimination, a transparent and accountable government, and freedom from corruption. This can be achieved by engaging on these issues using measures that are consistent with international standards; by engaging with governments and through direct, indirect and collective advocacy in the form of short-term reactive steps or long-term, affirmative policy.	Businesses	2562-2564 B.E. (2019-2021)	This discretionary responsibility is adopted using measures that promote the 'do not harm' principle, including through jurisprudence that reinforces the idea that omission or inaction may be equated with complicity.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
2	Abstain from policies and actions that violate human rights	Integrate and act on the findings of human rights due diligence processes by determining ways to exercise leverage or deciding whether to terminate relationships when leverage cannot be built following evaluation. This can be achieved by taking action in light of the companies normative responsibility under the UNGPs to prevent and mitigate human rights impacts; prioritizing and addressing severe impacts; and by understanding how the company is involved in causing or contributing to them	Businesses	2562-2563 B.E. (2019-2020)	Effectiveness of this action is tracked by analysing qualitative elements, such as company specific indicators; the views of those affected; and the actions of suppliers and others they are in a business relationship with.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)



		Take all necessary and lawful measures to ensure that business practices do not cause, contribute or remain complicit in human rights abuses. Avoid State requests to participate in censorship or surveillance; structure arrangements with corporate partners to ensure all parties uphold human rights responsibilities; and build leverage in pre-existing business relations to prevent or mitigate adverse human rights impacts.	Businesses	2562-2563 B.E. (2019-2020)	All actions resulting from external interactions of the business are without adverse actual and potential human rights impacts that the business causes, contributes to or is linked with through any operation, investment, product or service.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
3	Business contribution to the promotion of the rights of HRDs	Promote best practices of businesses that protect human rights, including those of HRDs that are engaged in positive action, in this respect particularly in countries and sectors where they are at high risk. Corporations can assist with raising awareness amongst businesses, by helping translate this information to suit the local context or sectoral practices. This can be bolstered by practical examples.	Businesses	2562-2563 B.E. (2019-2020)	The 'duty of care' of parent companies is extended to countries where corporations have headquarters, country offices, subsidiaries or suppliers.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Assist in scaling up of existing positive practices in countries, sectors, and industries that respect and promote HRDs and civic freedoms. Business networks, business leader summits, & industry associations	Businesses	2562-2563 B.E. (2019-2020)	Compliance with international standards and obligations is ensured	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance



		are leveraged for this purpose.				<ul style="list-style-type: none"> Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Take measures to promote change in legislation and address the adverse impact of businesses on HRDs and human rights in countries where materials are being sourced from, even if not responsible for these violations. These measures can be a negative step to prevent a violation or a positive step aimed at promoting the rights of individuals including HRDs	Businesses	2562-2564 B.E. (2019-2021)	A broader ethical responsibility that businesses owe to industries, economies, and people that they have benefitted from over the years, is realised	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of Thailand (2017-2021)
		Help by providing direct assistance to HRDs, such as by furnishing funds for the legal support of HRDs. While providing support, the supporting business can utilize this as a means to influence the litigating corporations to change their attitude and response to HRDs.	Businesses		Appropriate safeguards are in place while undertaking such support.	<ul style="list-style-type: none"> - UNGPs Pillar II - SDGs - OECD Guidelines for Multinational Enterprises - 10 Principles of the UN Global Compact - International Finance Corporation (IFC) Performance Standards - UNGPs Reporting Framework - Corporate Human Rights Benchmark (CHRB) - 12th National Economic and Social Development Plan of



						Thailand (2017-2021)
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Pillar III: Access to Remedy (Remedy)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Complaints and requests for support	Establish effective, appropriate, and sufficient complaints and support mechanisms, to address human rights violations that may arise from business operations.	- Ministry of Justice - Ministry of Interior - Ministry of Commerce - Ministry of Industry	2562-2566 B.E. (2019-2023)	Have effective, appropriate, and sufficient complaints and support mechanisms, to address human rights violations that may occur from business operations	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
		For complaints filed against state authorities and law enforcement officials, ensure prompt investigation through impartial, independent and autonomous team of experts, by strengthening the Ombudsman, the Administrative Courts and the National Human Rights Commission of Thailand (NHRCT) at the national and local level	Ministry of Justice	2562 B.E. (2019)	Capacity, resource and knowledge building of these individuals and institutions on business and human rights	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
2	Promote a mediation system and other alternative non-judicial grievance	Promote mediation at all levels of the justice system, and by developing alternative dispute resolution mechanisms	- Office of the Attorney General - Ministry of Justice - Judicial system	2562-2566 B.E. (2019-2023)	Organise activities, projects or measures to promote mediation at all levels of the justice system as well as by developing alternative dispute resolution mechanisms	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31



	redressal mechanisms	Promote company based grievance redressal mechanisms. Incorporate explicit human rights components into existing customer service and ethics-related grievance mechanisms, through hotlines that are accessible to users. It should permit cases to be brought by others on behalf of those who fear the process because of marginalisation	- Businesses	2562 B.E. (2019)	These mechanisms meet the effectiveness criteria in the UNGPs	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
3	Litigation	Increase the capacity and budget, and provide assistance in accessing the justice system to victims who are HRDs and their families, such as through the Justice Fund and legal advisors. The Justice Fund and other such mechanisms must remain independent. This must include assistance for actual harm and risk against individuals, both for business related human rights violations and against judicial harassment through SLAPP cases.	- Office of the Attorney General - Ministry of Justice	2562-2566 B.E. (2019-2023)	- Have consultants, channels/ mechanisms/ measures to assist HRDs in accessing the justice system - Accessibility to the Justice Fund is extended to include the stateless and indigenous HRDs	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
		Consider the amendment of the law for public prosecutors, to be able to prosecute through class action lawsuits	Office of the Attorney General	2562-2566 B.E. (2019-2023)	Amendments made for the public prosecutor to be able to prosecute through class action lawsuits	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31



	Build knowledge and skills of officers who are responsible for the correct and just execution of laws, regulations, and policies for towards offences occurring outside the state	Office of the Attorney General	2562-2566 B.E. (2019-2023)	Training to build knowledge on the correct and just execution of laws, regulations, and policies for offences occurring outside the state is provided to officials	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
	Refrain from and end all legal proceedings against individuals facing investigation, charges, or prosecution initiated by businesses for engaging in legitimate activities protected by international human rights law or for addressing violations. Compensation must be provided for the actual loss to livelihood, the loss caused by intended deficiencies and the cost incurred as a result of legal proceedings.	- Ministry of Justice - Businesses	2562 B.E. (2019)	Compensation is full and adequate and extend to HRDs and their family	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
	Take measures, in policy and practice, to ensure the security of HRDs can be guaranteed when accessing grievance redressal mechanisms. This can be achieved by raising awareness on witness protection; increasing the staff and resources assigned to the Witness Protection Office; running it as an independent agency; providing specialised training for Witness Protection Officers; conduct trials in camera; and informing judges, public prosecutors, lawyers, doctors on witness protection.	- Ministry of Justice - Judicial system - National Human Rights Commission of Thailand	2562-2563 B.E. (2019-2020)	A streamlines process of protection for HRDs and others approaching the grievance redressal system	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31



4	Remedy	Provide remedy to victims according to the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse in an appropriate manner, by taking into account their gender	Ministry of Justice	2562-2566 B.E. (2019-2023)	Improvement made to the system and measures to provide remedy to victims for it to be in line with the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse in an appropriate manner, by taking into account the gender of the victim	- National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,2627,28,29,31
		Coordinate to assist victims physically, mentally, socially, professionally, etc.	- Ministry of Social Development and Human Security - Ministry of Justice - Ministry of Public Health - Royal Thai Police	2562-2566 B.E. (2019-2023)	- Provide protection and take care of those who are discriminated against due to gender and are victims of violence - Have measures to coordinate between various agencies in order to provide assistance to victims physically, mentally, socially, professionally, etc.	- National strategy on balancing and improving the public administration system - SDG No. 5,11,16 - UNGP No. 24,25,2627,28,29,31
		Effective remedies should be guaranteed to persons, with a legitimate interest in the cases of HRDs who are suspected of being victims of enforced disappearance. Policy measures must be implemented to ensure that relatives, representatives or counsel of these individuals are provided access to investigation proceedings and those before the court or other mechanisms to access remedies with respect to the disappearance	Ministry of Justice	2562 B.E. (2019)	Relatives, representatives or counsel of victims of enforced disappearance obtain access to remedy	- Article 17(2)(f) of ICPPED - Report of the Working Group on Enforced Disappearances in its General Comment on the right to the truth in relation to enforced disappearances



	<p>Resist government and individual requests to restrict or remove content, by challenging orders before the court; if they lack a legal basis, violate legitimate rights. Develop clear redress mechanisms for individuals whose content that is legitimate under international human rights law, has been taken down. Companies should notify users that their content has been removed with basic reasons for the decision, with an opportunity to challenge those decisions.</p>	Businesses	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Only requests and orders that are legitimate under international human rights law are entertained - These mechanisms meet a due process threshold as defined by international human rights law, with the due process safeguards explained clearly in company policies - Internal guidelines for removal of content are published. 	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31
	<p>Study and analyse legal gaps and barriers to accessing justice of HRDs, in order to develop an effective process for remedy. Make such a study, its result and measures taken in response public</p>	Ministry of Justice	2562-2566 B.E. (2019-2023)	<p>Study and analyse legal gaps and barriers to accessing justice for HRDs</p>	<ul style="list-style-type: none"> - National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31

Chapter 5: International Investments and Transnational Corporations (TNCs)

Suggested Title: Chapter 5: International Investments, Trade Agreements and Transnational Corporations (TNCs)

Explanation: We, Manushya Foundation and Thai BHR Network welcome the efforts of the Royal Thai Government (RTG) to adhere to international rights and standards with respect to extraterritorial obligations arising from business activities, investments and the negotiation of agreements as seen from its national endeavours including the Cabinet Resolution of 16 May 2016 and the Cabinet Resolution of 2 May 2017. However, it is vital that these practices continue in a more sustained manner and are complemented by regional efforts, and stronger legislative and regulatory frameworks domestically. In this respect, it is important that while addressing international investments and transnational corporations; this chapter 5 provides such guarantees and protections in domestic and regional frameworks with the involvement of all relevant stakeholders in the process.

We thank the RLPD for following our fourth priority area as identified during our [National Baseline Assessment \(NBA\) Regional Dialogues](#) held in January-March 2017 to address violations to labour rights and standards, and we appreciate its efforts to ensure it is more detailed in comparison to the previous drafts of the National Action Plan (NAP) on Business and Human Rights (BHR). Nevertheless, following our review of the action plan and for the UNGPs to be upheld on the ground, we believe that this has to be further broken down into detailed step by step and timebound actions, which are comprehensive while ensuring the smooth operation and implementation of the NAP at all levels of society. To achieve this, as part of our comments to the NAP, we are providing changes and additions to the NAP to ensure compliance with international human rights standards and the UNGPs, and address the concerns, gaps and needs as identified by grassroots communities, civil society, academics and experts, throughout the implementation of Manushya Foundation's business and human rights [strategy](#), and analysed in Manushya Foundation and the Thai BHR Network's [Independent National Baseline Assessment on Business & Human Rights in Thailand](#). For that purpose, we are suggesting the following comments below:

- changes to the wording of the NAP in **red colour**,
- additions to the wording based on concerns and gaps identified in **blue colour**, and
- additional action points (in **blue colour**) to enable and ensure that this document is actionable as a whole in order to guarantee the compliance of State actions and business practices with the UNGPs and other international commitments made and obligations set out therein. In order to produce a more-accessible and user-friendly NAP, we also suggest that the government includes the table of the 'action plan' as an annex or appendix, rather than inside the content of the NAP itself, as it has been applied with success in other countries including [France](#) and [Switzerland](#).

General Comments: This chapter on International Investments and Transnational Corporations has addressed most aspects of international investments in a comprehensive and detailed manner, including with respect to Thai Direct Investments (TDI) abroad and Foreign Direct Investments (FDI) flowing into Thailand. However, as has been observed this chapter fails to deal with trade agreements in their entirety, particularly those of the Regional Comprehensive Economic Partnership (RCEP) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) with their resultant adverse impacts on livelihoods, agriculture, food security and the right to health. Therefore, these trade agreement and aspects relevant to them have been reflected in the overview, challenges and the action plan below. Finally, to ensure compliance with the State duty to protect under Principle 3 of the UNGPs, effective guidance must also be provided to business enterprises on how to address and mitigate human rights impacts throughout their operations. While the draft NAP attempts to regulate the activities of the public sector and private business entities in relation to the Securities and Exchange Commission (SEC), we note that the draft NAP lacks mandatory measures to hold businesses accountable for the adverse impacts of their actions in relation to extraterritorial obligations, and should be inspired by global good practices, such as the [UK Modern-Slavery Act 2015](#), and the [French Corporate Duty of Vigilance Law 2017](#). Finally, the draft NAP fails to provide a detailed action plan for businesses which could guide their actions to be in compliance with the UNGPs; and these comments seek to remedy this shortcoming by providing such a detailed action plan.

I. Overview

Suggested additions to address gaps in the NAP

Page 87: Bilateral or multilateral trade and investment agreements seek to expand the scope of global governance over various economic issues outside of the UN and WTO systems. Trade agreements claim to reduce barriers to trade; however, such agreements tend to facilitate the displacement of small local businesses by large multinational corporations with predictions that this could exacerbate existing inequalities and increase rights violations. The Regional Economic Partnership (RCEP) and Trans-Pacific Partnership (TPP) are two examples of such agreements. The Regional Comprehensive Economic Partnership (RCEP) has been negotiated since 2012 between the 10 ASEAN countries and their six FTA partners. The goal is to “boost economic growth and equitable economic development, advance economic cooperation and broaden and deepen integration in the region”. If the RCEP will be adopted, half of the world’s population will be covered by it, including 420 million small family farms, producing 80% of the region’s food. As of December 2018, a roadmap is being drafted to conclude negotiations on RCEP by 2019. In early 2019, Thailand enhanced talks with India in order to conclude the RCEP within the year.

Following the United States’ 2017 exit from the TPP, a newly formed bloc of eleven Pacific Rim countries revised the agreement and renamed it the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which was signed on 8 March 2018. This treaty requires member states to ratify the International Convention for the Protection of New Varieties of Plants 1991 (UPOV 1991) and has provisions for regulatory coherence, which requires signatory governments to engage with ‘interested persons’ while strengthening public policies, meaning that companies from TPP countries are given the space to provide input to national policy-making in other member states. The CPTPP is supposed to lower or remove barriers of trade between member States; and remove tariffs on 95% of the goods traded amongst signatory countries. As of late 2018, Thailand is still not a signatory member to the CPTPP, though it is in talks to do so in 2019. A series of public hearings were conducted in all regions throughout Thailand between August and September 2018 to gather feedback from stakeholders with outcomes passed on to the CPTPP working. Concerns highlighted by stakeholders included market access for goods, services and investment, intellectual property protection, public health, investor-state dispute settlement mechanisms, and government procurement. Thai farmers and civil society organizations raised concerns about the intellectual property chapter that enforces regulations on seeds, preventing them to use patented plants’ seeds. However, in response it was highlight that farmers could still collect and reuse seeds only for a non-commercial purpose and that the CPTPP does not stipulate mandatory imports of GMOs, another concern from farmers, and Thailand’s Plant Quarantine Act bars imports of GMOs. Additionally, it was asserted that Thailand will benefit from the larger market created.



II. Challenges	
Suggested additions to address gaps in the NAP	
<p>Page 89: Impact of Investments and Free Trade Agreements on the Rights and Livelihoods of Communities: Bilateral and regional trade agreements, such as the Regional Comprehensive Economic Partnership (RCEP) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the investments and activities associated with them often result in adverse impacts. These arise due to content of these agreements as well as their process of negotiation. To elucidate, since the drafting and negotiation process of these agreement lacks transparency and excludes public participation; their terms and content affect the livelihood, food security and right to health of individuals and communities. This arises due to the negative impact on jobs by reduce wages to attract investments; reduced food security owing to the exploitation of resources and biodiversity due to these agreements; and a threat to the right to health as a result of difficulty in accessing lifesaving medicines at affordable prices and its resultant effect in other countries, limitations placed on public health safeguards, and barriers placed on universal coverage due to the inclusion of Trade Related Aspects of Intellectual Property Rights (TRIPS) provisions and Investor State Dispute Settlement (ISDS) mechanisms in trade agreements. These agreements are found to have a disproportionate negative impact on the rights of women and indigenous peoples. On access to remedy, grievance redressal mechanisms such as the ISDS mechanism have been found to generally favour investors over the protection of public interests, which results in a failure to redress the effect of adverse actions on individuals and communities.</p>	

For a deeper understanding of challenges faced by those affected by the adverse impact of businesses related to outbound investments and transnational corporations, please refer to the [thematic assessment chapters developed as part of the Independent National Baseline Assessment on Business & Human Rights in Thailand, by Manushya Foundation](#) and the Thai BHR Network.

III. Action Plan

Pillar I: State duty to Protect (Protect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Amendment and adoption of relevant laws, rules, regulations, policies, and measures	Develop guidelines and processes in checking contracts for cases where the government sector does business with TNCs, while taking into consideration Human Rights Due Diligence (HRDD)	The Office of Attorney General	2562-2566 B.E. (2019-2023)	Guideline and process in checking the contract for cases where the government sector does business with TNCs, while taking into consideration of Human Rights Due Diligence (HRDD)	- National strategy for creating competitive capability - National strategy for balancing and developing the public administration system SDG No. 8,16 UNGP No. 1,3,4,5,7,8,9,10



		<p>In consultation with concerned stakeholders including affected individuals and community groups, study ways to adopt, amend or improve laws, policies, measures that are concrete in examining the violation of adverse transboundary human rights impacts in order to ensure protection, remedy, and transboundary accountability that is in line with international standards, such as the OECD Guideline for Multinational Enterprises. This should include the enactment of a law on the basis the 2016 cabinet resolution to expand the scope and better regulate Thai outbound investments, including through the provision of a singular oversight body for all transboundary projects.</p>	<ul style="list-style-type: none"> - Ministry of Foreign Affairs - Ministry of Justice 	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Improvement of laws, policies, or mechanisms in order to examine the adverse transboundary human rights impacts in order to censure protection, remedy, and transboundary accountability that is in line with international standards, such as the OECD Guideline for Multinational Enterprises - Impact analysis of development projects is carried out prior to and following the implementation of laws that regulate transboundary investments, both at the State and regional level with sharing of information obtained 	<ul style="list-style-type: none"> - National strategy for creating competitive capability - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9,10 - ICCPR - ICESCR - General Comment no. 24 of the CESCR
		<p>Study ways to amend the Securities and Exchange Act B.E. 2535 (1992) in order to include regulation, control, oversight, and punishment; in the case of investment by companies registered in the Stock Exchange of Thailand, whether or not the investment is in the form of a subsidiary or a joint venture. Develop a Good Governance Code (CG code) to provide a legal obligation</p>	<p>Securities and Exchange Commission</p>	<p>2562-2566 B.E. (2019-2023)</p>	<ul style="list-style-type: none"> - Result of the study on ways to amend the Securities and Exchange Act B.E. 2535 (1992) in order to include regulation, control, oversight, and punishment; in the case of investment by companies registered in the Stock Exchange of Thailand, whether or not the investment is in the form 	<ul style="list-style-type: none"> - National strategy for creating competitive capability - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8



					of a subsidiary, or a joint venture and - Develop a Good Governance Code (CG code) to provide legal obligation	
		Consider reviewing laws and regulations related to the Eastern Economic Corridor (EEC), such as NCPO Order 47/2017 . There should be clear regulation of the activities of businesses and investors and punishment in this case, when there are violations or adverse impacts that arise as a result of their activities. Affected individuals and communities should be consulted to determine such impacts	- Office of the National Economic and Social Development Council - Neighbouring Countries Economic Development Corporation Agency (public organisation) - Eastern Economic Corridor (EEC) Office	2562-2566 B.E. (2019-2023)	A meeting is convened to review laws and regulations related to the Eastern Economic Corridor (EEC), with the participation of affected individuals, communities and other stakeholders, with the input of independent experts in the process.	- National strategy for creating competitive capability - National strategy for creating growth on the quality of life that is environmentally friendly. - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8
		Create a channel to disclose information about the Eastern Economic Corridor Project (EEC), including in all border economic zones, and mechanisms to consult with affected communities; without any restrictions or measures taken to regulate the content of the information that can be accessed.	- Office of the National Economic and Social Development Council - Neighbouring Countries Economic Development Corporation Agency (public organisation) - Ministry of Interior - Ministry of Industry - Eastern Economic Corridor (EEC) Office	2562-2566 B.E. (2019-2023)	A channel is established to disclose information about the Eastern Economic Corridor Project (EEC), including in all border economic zones, and on mechanisms to consult with affected communities.	- National strategy for creating competitive capability - National strategy for creating growth on the quality of life that is environmentally friendly. - National strategy for balancing and developing the public administration system - SDG No. 8, 16 - UNGP No. 1,3,4,5,7,8
		Reconsider the draft legislation that seeks to amend the Plant Variety Protection Act B.E. 2542	Department of Agriculture	2562-2564 B.E. (2019-2021)	Consultation with the National Human Rights Commission, local civilian	



	(1999) in order to comply with UPOV91 (International Convention for the Protection of New Varieties of Plants) due to its adverse impact on farming and indigenous communities.			agencies, and with the participation of indigenous people in these decisions that directly affect them and their rights through prior consultation utilising participatory approaches.	
	Adopt and enforce necessary laws, policies and regulations that require human rights due diligence by Thai multinational companies to prevent, mitigate and address their human rights impacts in operations abroad, including by their sub-contractors, and in their supply chain; with adverse impacts and failure to act resulting in criminal and administrative sanctions. This must follow the example of the French Corporate Duty of Vigilance Law, 2017	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Justice - Ministry of Environment and Natural Resources 	2562-2564 B.E. (2019-2021)	Re-evaluation of the impact of businesses through monitoring is carried out on a regular basis, and carried out in businesses, their subsidiaries and their supply chain	General Comment 24 of the CESCR
	Incorporate mechanisms stated in Article 190 of the 2007 Constitution into the new Constitution, in order to ensure transparency and public participation in bilateral and regional trade agreement negotiations. Also, allow for these agreements to be scrutinised by the Parliament.	<ul style="list-style-type: none"> - National Council for Peace and Order (NCPO) - National Legislative Assembly - Negotiating parties of FTAs 	2562-2564 B.E. (2019-2021)	Participation of individuals and affected communities in negotiations for trade agreements, at every stage	2013 Report of the Special Rapporteur on the human right to safe drinking water and sanitation
	Ensure bilateral and regional trade agreements do not have a negative impact on the right to health. Use public	Trade Negotiation Department	2562-2564 B.E. (2019-2021)	Trade agreements that support the right to health	2006 Concluding Observations on the Committee to the Rights of the Child to Thailand



		health safeguards under WTO’s TRIPs Agreement and the Doha Declaration to promote access to affordable medicines and right to health, and withdraw TRIPs plus provisions and investor-state dispute settlement (ISDS) provisions from the trade agreement negotiations				
		Publish the text of the RCEP agreement for scrutiny and review of the parliament and civil society, to enable a transparent and efficient negotiation process that involves the communities and individuals affected by RCEP and that their views and needs are taken into considerations	Trade Negotiation Department	2562-2564 B.E. (2019-2021)	Inclusive and participatory negotiation process is undertaken, with the views of affected communities taken into consideration	2013 Report of the Special Rapporteur on the human right to safe drinking water and sanitation
		Enact, adopt and enforce anti - SLAPP legislation to regulate the impact of laws such as the Computer Crimes Act and NCPO orders, for the decriminalisation of defamation with respect to development projects, where there are violations extraterritorially or where they arise as a result of transboundary investments. In these cases, burden of proof must not be placed on the defendant/affected individual	Ministry of Justice	2562-2564 B.E. (2019-2021)	Enforceable legislation that decriminalises legitimate responses and access to grievance redressal by individuals and communities, with respect extraterritorial impacts and/or transboundary investments	<ul style="list-style-type: none"> - National strategy for creating competitive capability - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9,10 - ICCPR - ICESCR - General Comment no. 24 of the CESCR
2	Creating awareness of the investor	Disseminate the UNGPs to the business sector, or to entrepreneurs, by establishing a channel to communicate with the	- Securities and Exchange Commission - Stock Exchange of	2562-2566 B.E. (2019-2023)	Trainings and meetings are convened to disseminate the UNGPs	<ul style="list-style-type: none"> - National strategy for creating competitive capability - National strategy for balancing and developing the public



	Securities and Exchange Commission and Stock Exchange of Thailand	Thailand - Bank of Thailand - The Joint Standing Committee on Commerce, Industry and Banking - Ministry of Justice - Ministry of Commerce (Department of Business Development)			administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8
	Encourage the business sector to place importance on the relationship between large companies and their supply chain, outsourced services and subcontractors that may cause an adverse impact on human rights	Securities and Exchange Commission	2562-2566 B.E. (2019-2023)	Training of the business sector to have knowledge and understanding on human rights and the connection between large companies and their supply chain, outsourced services and subcontractors that may cause an adverse impact on human rights	- National strategy for creating competitive capability - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8
	Ascribe a duty on the Bank of Thailand to require Thai banks to have a policy, to protect the environment and society (Bank's Environmental and Social Safeguards Policies), especially while giving loans to large investment companies, both in Thailand and neighbouring countries, by applying the Equator Principles (an international standard for credit approval)	- Ministry of Finance - Bank of Thailand	2562-2566 B.E. (2019-2023)	- Have environmental and social safeguard policies, for measures such as giving loans to the businesses in Thailand and abroad - A meeting is convened on implementing the Equator Principle	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on developing and building the capacities of human resources - SDG No. 8,16 - UNPG No. 1,3,4,5,7,8



3	Promoting investment	<p>Certify that the state gives priority to promoting and encouraging investors and business organisations located in Thailand, to respect and comply with laws and domestic regulations. This will reflect the government's policy in managing and protecting public interests, as well as protecting basic human rights, the environment, public health, favourable conditions at work, social security provision etc.</p>	<ul style="list-style-type: none"> - Ministry of Foreign Affairs - Ministry of Commerce (Department of Trade Negotiations) 	2562-2566 B.E. (2019-2023)	<p>Negotiating agreements to promote and protect an investment and stabilisation clause in the Free Trade Agreement, which adheres to the principles of protection and respect for human rights and avoids negative impacts</p>	<ul style="list-style-type: none"> - National strategy on creating competitive capability - National strategy on balancing and developing the public administration system - SDG No. 8,16,17 - UNGP No. 1,3,4,5,7,8
		<p>Consider measures to encourage businesses located at the border of sovereignty of Thailand, to implement the UNGPs. The initiative or the development of the project should take into consideration public interest, the right to participation of persons, and the effect on the local population; before deciding to implement the project</p>	<p>Securities and Exchange Commission</p>	2562-2566 B.E. (2019-2023)	<p>Training for business organisations located at the border of sovereignty of Thailand, to comply with the UNGPs</p>	<ul style="list-style-type: none"> - National strategy on creating competitive capability - National strategy on balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9 & 10
		<p>Create awareness, promote and facilitate Thai entrepreneurs to invest abroad while respecting human rights, as well as complying with various rules and regulations; which include rules related to human rights of the country of investment (host country). Consider creating a guideline on investing in each country</p>	<ul style="list-style-type: none"> - Securities and Exchange Commission - BOI - Exim Bank - Ministry of Commerce (Department of International Trade Promotion) 	2562-2566 B.E. (2019-2023)	<p>Training or provision of knowledge to entrepreneurs who are going to invest abroad in order for them to respect human rights principles.</p>	<ul style="list-style-type: none"> - National strategy on creating competitive capability - National strategy on the development and strengthening of human resources - SDG No. 8,16,17 - UNGP No. 1,3,4,5,7,8,9,10



		<p>Adopt and enforce necessary laws, policies and regulations that require Human Rights Due Diligence to be conducted by independent academics that the local population and society accepts, before implementing a large-scale development project or projects related to the provision of public services. This also includes joint investments between the government and private sector to develop projects about infrastructures and public services that are the duty of the state, including in cases where the state has assigned the private sector to undertake such project for it</p>	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Ministry of Natural Resources and Environment (Office of Natural Resources and Environmental Policy and Planning) - Ministry of Transport - Ministry of Finance (State Enterprise Policy Office) - Ministry of Energy - Ministry of Industry - Neighbouring Countries Economic Development Corporation Agency (public organisation) 	<p>2562-2566 B.E. (2019-2023)</p>	<p>Human Rights Due Diligence is conducted by independent academics before undertaking large-scale projects.</p>	<ul style="list-style-type: none"> - National strategy on creating competitive capability - National strategy on balancing and developing the public administration system - National strategy on the development and strengthening of human resources - SDG No. 8,16,17 - UNGP No. 1,3,4,5,7,8,9,10,17,18,19
		<p>Commit to holding a deliberative referendum, in the case of sensitive issues or for actions that will have severe impacts on human rights especially on issues related to Intellectual Property Rights, Investment and Investor State Dispute Settlement (ISDS). Insist that arrangements for the privatisation of public goods specifically address human rights implications</p>	<ul style="list-style-type: none"> - Ministry of Justice - Trade Negotiation Department 	<p>2562-2563 B.E. (2019-2020)</p>	<ul style="list-style-type: none"> - Steps are taken in consultation with the National Human Rights Commission and the negotiating countries in trade agreements, with the participation of business organizations and potential investors. - Balance of human rights and investments are ensured 	



		Develop sustainable investment guidelines to regulate foreign investors, at every stage of the investment. These must specify what companies must do in order to comply with domestic legislation and international human rights standards by providing for the principles of ‘do not harm’, due diligence, and the right of communities to access remedies	Ministry of Industry	2562-2563 B.E. (2019-2020)	Mechanisms and remedies address community specific needs, based on the harm caused and the differing requirements of those affected based on this	
4	Preventing human rights violations abroad or as a result of extra-territorial activities	Promote Thai businesses abroad to respect human rights	- Ministry of Foreign Affairs - Ministry of Finance	2562-2566 B.E. (2019-2023)	A handbook for Thai businesses in operating abroad, while respecting human rights according to the UNGPs.	- National strategy on developing and building the capacities of human resources - National strategy on balancing and improving the public administration system - SDG No. 8,16,17 - UNGP No. 1,3,4,5,7,8,9,10
		Consider the possibility of developing Develop enforceable guidelines or agreements regarding transboundary Environmental Impact Assessments, Environmental Health Impact Assessments, Human Rights Impact Assessments, Social Impact Assessments, Gender Impact Assessments and Regulatory Impact Assessments and monitor the transboundary impact on health, agriculture, society, land, natural resources , and the environment	- Office Of Natural Resources and Environmental Policy and Planning - Negotiating parties of FTAs	2562-2566 B.E. (2019-2023) 2562-2563 B.E. (2019-2020)	- A consultation or feasibility study is organised to develop a guideline or agreement regarding transboundary Environmental Impact Assessments - A consultation or establishment measure to monitor the transboundary impact on health, agriculture, society, and the environment - inclusivity, meaningful and effective participation	- National strategy on balancing and developing the public administration system - SDG No. 8,13,14,15,16 - UNGP No. 1,3,4,5,7,8,9,10 - 2012 concluding observations on the Committee on the Rights of the Child to Thailand



	<p>Conduct these impact assessments, produce and publish reports and data on their results taking into consideration the impact on marginalised communities, and small and medium-sized enterprises for the framework and negotiations of FTAs and other trade and investment related agreements, including those under the RCEP</p>			<p>in policymaking and engagement of all stakeholders such as local communities and CSOs that are either directly involved, or directly or indirectly affected by partnerships or agreements. Expression of views and concerns on the impact of projects and investments</p> <p>- Confidentiality carve-outs in impact assessment reports are strictly limited</p>	
	<p>Establish measures to prevent human rights violations in state enterprise investment projects (and Thai businesses abroad), as well as complaint mechanisms</p>	<p>- Office of the National Economic and Social Development Council - State Enterprise Policy Office (Ministry of Commerce)</p>	<p>2562-2566 B.E. (2019-2023)</p>	<p>A consultation and the establishment of measures and complaint mechanisms for cases of human rights violation in state enterprise investment projects (and Thai businesses abroad)</p>	<p>- National strategy on balancing and developing the public administration system - SDG No. 8,16,17 - UNGP No. 1,3,4,5,7,8,9,10</p>
	<p>Ensure transparency and the respect for community and individual rights to public information that impacts the community, environment and development, even if it involves the rights of those from other countries; by providing information on upcoming projects in a systematic manner and that allows communities to access information without restriction through a responsible agency</p>	<p>Ministry of Natural Resources and Environment</p>	<p>2562 B.E. (2019)</p>	<p>- This transparency mechanism is the shared responsibility of businesses and the government to inform the communities prior to the development of a project</p> <p>- Information related to well-being and the environment sought by affected individuals or communities is made available</p>	<p>- Article 1 of ICCPR and ICESCR - CCPR General Comment No. 12</p>



		Ensure public-participation on issues of environment and management of natural resources affected as a result of transboundary impacts. This is achieved by adopting a human-rights based approach in projects, through participatory mechanisms to ensure that no decision is made that may affect access to resources without consulting individuals and communities concerned, with a view to seeking their free, prior and informed consent (FPIC). Also, ensure local communities, including indigenous peoples and ethnic minorities play a vital role in the environmental management and development of their land, as their knowledge and local wisdom is essential and must be considered in decision-making processes.	- Ministry of Industry - Ministry of Natural Resources and Environment	2562-2563 B.E. (2019-2020)	- Guaranteed active, informed and meaningful participation of individuals, communities and CSOs from inception of projects through all the steps, including monitoring, evaluation and decision-making processes until the completion of the project - Assistance from the international community and regional experts working in the area of ETOs, community rights, environmental protection and business sustainability is sought	- 2015 Concluding Observations of the Committee on Economic, Social and Cultural Rights to Thailand - 2017 Concluding Observations of the Human Rights Committee to Thailand
5	Improving the operation of the public sector	Provide for the setting up of a central agency to control and monitor cases of international environmental impacts.	Ministry of Natural Resources and environment	2562-2566 B.E. (2019-2023)	Consultation and consideration for setting up a central agency to control and monitor cases of international environmental impacts	- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and developing the public administration system - SDG No. 8,13,14,15,17 - UNGP No. 1,3,4,5,7,8,9,10
6	State enterprise	Arrange for state enterprises to be a model for the business sector, by creating a guideline that is concrete and motivational, such as through indicators for the	- Ministry of Finance (State Enterprise Policy Office) - Ministries and authorities involved	2562-2566 B.E. (2019-2023)	- State enterprises have projects or activities to mobilise the UNGPs and Human Rights Due Diligence assessment, and	- National strategy on balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9,10



		operation of state enterprises in protecting and mitigating risks and human rights impacts, and doing so in their activities abroad undertaken by their subsidiaries, sub-contractors, or in joint ventures. <i>This should extend to all activities including procurement, supply and recruitment in a transparent manner.</i>	such as Ministry of Energy, Electricity Generating Authority of Thailand (EGAT)		share good practices and concrete measures to other business sectors - <i>Transparency and accountability in all transboundary activities of state enterprises, guaranteeing protection of rights against adverse impacts</i>	
7	Operation of the business sector	Promote the application of measures on the voluntary or compelled disclosure of information, in relation to the Securities and Exchange Commission (SEC)	Securities and Exchange Commission	2562-2566 B.E. (2019-2023)	A consideration of measure to promote agencies to apply measures on voluntary or compelled disclosing of information, in relation to the Securities and Exchange Commission	- National strategy on balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9,10
		Study and consider establishing incentive measures that are in line with activities of the business sector, to align these with the country's situation and their many small-scale enterprises. This can be done by establishing incentive measure for entrepreneurs and workers directly, such as by developing a project to support activities on the protection of human rights in small-scale enterprises	- Office of the National Economic and Social Development Council - The Office of SMEs Promotion	2562-2566 B.E. (2019-2023)	A study and establishment of incentive measure for the business sector, entrepreneurs or workers by taking into consideration the situation of Thailand which has many small-scale enterprises	- National strategy on balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9,10



8	Promoting cooperation in the mobilisation of issues on business and human rights at the regional and international levels, while addressing them collectively	Exchange and disseminate good practices in mobilising issues related to business and human rights at the regional and international levels, <i>particularly in the case of development projects. An example of this are the standards set out for water projects in the 1995 Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin.</i>	- Ministry of Foreign Affairs - Ministry of Justice	2562-2566 B.E. (2019-2023)	Activities to exchange or disseminate good practices to mobilise the implementation of UNGPs, such as through the periodic preparation of courses for relevant officials in countries that are interested in workshops	- National strategy on creating competitive capability - National strategy on the development and strengthening of human resources - National strategy on balancing and developing the public administration system - SDG No. 8,16,17 - UNGP No. 1,3,4,5,7,8,9,10
		Ensure regional cooperation, consultation and discussion while analysing the transboundary impacts of individual projects, carried out through a collaborative regional approach and with a view to studying consequences in all impacted countries and communities using due diligence mechanisms such as EIAs, EHIAs, HRIAs and gender impact assessments.	- Ministry of Foreign Affairs - Ministry of Justice (in association with ASEAN through AICHR)	2562-2563 B.E. (2019-2020)	Carried out with the participation of those affected by the development project, in all ASEAN countries; and taking into consideration their best interests	
		A responsible agency must be assigned to ensure the dissemination of the information on the impact analysis in an accessible manner				



		Jointly provide for the protection and promotion of human rights and environmental rights under extraterritorial obligations, by leveraging the membership of regional organisations such as the ASEAN. This can be achieved by ASEAN promulgating law, policy and practice along with redressal mechanisms to address the violation of rights as a result of the adverse impact from/on countries in the region	- Ministry of Foreign Affairs - Ministry of Justice (in association with ASEAN through AICHR)	2562-2564 B.E. (2019-2021)	Monitoring the implementation of these provisions is undertaken regularly by ASEAN institutional mechanisms such as the AICHR	
		Negotiate, through a transparent and consultative process, an agreement that promotes regional economic cooperation that is based on equitable, fair, and sustainable development. These include provisions for investors to adopt standards of responsible business conduct, including the UNGPs	- Trade Negotiation Department - Ministry of Foreign Affairs - Ministry of Industry	2562-2564 B.E. (2019-2021)	The agreement ensures high levels of environment and labor protection, which are not lowered in order to encourage investment.	- UNGPs

Pillar II: Corporate responsibility to respect (Respect)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs, and business-oriented standards and guidelines
1	Fulfilment of International Obligations, including those	Prevent or cease carrying out of any activity that causes environmental harm or that violates the rights of individuals	Businesses	2562-2563 B.E. (2019-2020)	- Inclusion of a local community representative in the project review team of the company.	



	<p>under the UNGPs</p>	<p>and communities, through operations and investments within the country and abroad.</p>			<ul style="list-style-type: none"> - Inclusive and effective processes of consultation to determine the impact of business activities, within the country and abroad - Publicly available reports, with transparency in information and accessibility in terms of language, content and mode of dissemination - All adverse social and environmental as well as human rights impacts are addressed - Regular review of projects and investments for detrimental affect - Decommissioning of projects with negative impacts on society, livelihood, the environment and human rights. 	
		<p>Carry out periodic reviews of the project and share the reports with the representatives of the community, while ensuring transparency in the report.</p>				
		<p>Carry out need assessment studies to create a project plan without adverse impacts. Comply with international best practices on social and environmental safeguards and human rights principles, in this respect.</p>				
		<p>Regulated, periodic and frequent visits to the project location should be carried out by business representatives, to collect information on the detrimental effects of their business on the community and the environment.</p>				
		<p>Immediately decommission projects negatively affecting local populations and restore rivers and environment to re-establish livelihoods, in response to impacts arising out of domestic and transboundary business activities and investments</p>				



2	Abstain from policies and actions that cause, contribute or are complicit in human rights violations; within the country or abroad	Avoid contributing to any actions of land grabbing and forced eviction in any project; structural arrangements with corporate partners to ensure all parties uphold responsibilities with respect to these rights; and build leverage in pre-existing projects or business relations to prevent or mitigate adverse impacts of investments, development projects or other business activities, domestic or transboundary.	Businesses	2562 B.E. (2019)	All actions resulting from external interactions of the business should be without adverse actual and potential human rights impacts that the business causes, contributes to or is linked with through any operation, investment, product or service in the country or through extra-territorial investments.	
		Abstain from advocating for legislations that restrict rights, through corporate capture of the legislature in all countries of operation. Companies should understand and promote rights of individuals and communities, which are beneficial to them and their economic well-being, and refrain from dismissing extraterritorial obligations.	Businesses	2562 B.E. (2019)	Coordination with domestic civil society and those affected in every jurisdiction ensures a social license to operate.	
		With development in a sustainable manner as a priority in their investment profile, investors should ensure that they consider environmental and social risks as mitigating factors while investing in projects, within the country and abroad including in relation to RCEP. Internal policy should mandate the requirement of investment projects to address any negative	Businesses	2562 B.E. (2019)	- Independent assessment of mitigating factors should be undertaken before, during and after the project. - This is carried out in consultation with affected individuals and communities, through an inclusive and participatory process	



		<p>impacts that projects may have on the environment and at the social level.</p> <p>To determine mitigation factors, investors should undertake independent human rights impact assessments of their investments under various projects including the RCEP, through meaningful and effective participation of the local communities and CSOs. This must be seen as independent obligation unrelated to any state-imposed regulations.</p>				
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Pillar III: Access to Remedy (Remedy)

No.	Issue	Activity	Responsible agencies	Timeframe	Indicator	Compliance with National strategy, SDGs and UNGPs
1	Complaint Mechanism	Coordinate cooperation with foreign countries in order to set up an international mechanism, to examine and investigate business activities which have an impact on communities.	Ministry of Foreign Affairs	2562-2566 B.E. (2019-2023)	A meeting or discussion is organised with foreign countries to consider the possibility of establishing an international mechanism, to examine and investigate business activities which have impacts on communities	<ul style="list-style-type: none"> - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31



2	Monetary assistance or remedy	Consider the possibility of establishing funds to compensate and restore affected persons in terms of occupation, livelihood, society, culture, health, food, housing, environment, and natural resources, in order to provide prompt assistance	Ministry of Natural Resources and Environment	2562-2566 B.E. (2019-2023)	A meeting is convened to consider the possibility of establishing a fund, to compensate and restore affected persons in terms of occupation, livelihood, society, culture, health, and natural resources, in order to provide prompt assistance	<ul style="list-style-type: none"> - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31
3	Preventing impacts	Establish measures to handle potential impacts, such as having regular assessments to test the understanding of villagers, such as by having rehearsals or alarms, or having in place processes to prevent chemical leakage	<ul style="list-style-type: none"> - Ministry of Interior - Ministry of Industry 	2562-2566 B.E. (2019-2023)	Establish measures to handle potential impacts	<ul style="list-style-type: none"> - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31
4	Remove practical and procedural barriers to legal remedies	<p>Remove barriers to access effective judicial remedies through courts, by developing guidelines to prevent filing of SLAPP lawsuits against those who defend the violation of rights by outbound investments. Anti-SLAPP legislation should be implemented with the burden of proof on the business or prosecution.</p> <p>Address the lack of territorial and subject matter jurisdiction over violation of rights caused by the adverse impacts of transboundary investments or operations.</p>	Ministry of Justice	2562-2563 B.E. (2019-2020)	Presence of structural and functional barriers are reviewed periodically through a study of individual cases and overall patterns.	<ul style="list-style-type: none"> - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31



		Address the absence of legal aid available to the indigent to address ETOs, by providing funding to make the claims financially viable.				
5	State based grievance redressal mechanisms	Establish specific remedies and grievance redressal mechanisms and strengthen existing ones for affected people and communities to submit complaints and seek remedies, particularly with respect to transboundary investments. Provide fair treatment, just compensation, and appropriate remedies to affected people, including in collaboration with Thai investors.	- Ministry of Foreign Affairs, - Ministry of Commerce - Ministry of Justice	2562 B.E. (2019)	- Determine the number of grievances received against the number resolved, to study effectiveness of redressal. - These mechanisms are culturally appropriate and take into consideration the local context, circumstances, and local languages.	- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31
		Strengthen the national judicial system to effectively adjudicate human rights violations in business contexts, including in transboundary cases, in line with the UNGPs	Ministry of Justice	2562-2563 B.E. (2019-2020)	- Remedies need to be effective, accessible and available for all persons affected, without discrimination - Restitution or compensation shall be provided	- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31
		In cases where rights are harmed by investments under RCEP, include a dispute settlement mechanism to decide claims against a government, which must take into account the investor's non-compliance with the UNGPs. Herein also enable victims to bring claims in the court of the home state of the	Ministry of Justice	2562-2563 B.E. (2019-2020)	Results in effective remedies for people and communities affected, through accessible mechanisms with adequate compensation	- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31



		investors				
6	Non-state based grievance redress mechanisms	Businesses should use associations or multi-stakeholder approaches including at the operational level of subsidiaries and in the supply chain. Requirements for such mechanisms can be included in the granting or renewal of licenses and/or agreements with consideration to the size, operation and experiences or potential of harms of the business, sector or country. Set up physically and virtually accessible mechanism, with effective remedies taking into consideration language barriers.	Businesses	2562 B.E. (2019)	- Determine the number of grievances received against the number resolved, to study effectiveness of redressal. - These mechanisms should be culturally appropriate and take into consideration the local context, circumstances, and local languages.	- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31
		Strengthen the effectiveness of existing non-judicial state-based grievance redressal mechanisms which are particularly relevant in the case of ETOs, including through independent oversight. In this respect, ensure that the NHRCT and the offices of ombudspersons have sufficient mandate and resources to admit complaints from affected individuals and communities.	Ministry of Justice	2562-2563 B.E. (2019-2020)	Adequate independent oversight mechanisms must be put in place to regularly test these mechanisms.	- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 13,24,25,26,27,28,29, 31



		Ensure the effectiveness of OECD National Contact Points by raising awareness of their existence, increasing their mandate and providing increased finances. These must be bolstered through provisions in domestic law, such as the implementation of remedial action and appropriate consequence in the form of administrative penalties like fines or limiting access to state services.	Ministry of Justice	2562-2563 B.E. (2019-2020)	<ul style="list-style-type: none"> - Number of cases in which the OECD National Contact Point was approached - Number of cases successfully resolved 	<ul style="list-style-type: none"> - National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31
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Chapter 6: Promoting the mobilisation of the National Action Plan on Business and Human Rights into implementation

Explanation: Mobilisation of the National Action Plan on Business and Human Rights for implementation can be facilitated only through the provision of clear outlines for actions, with specific division of responsibilities and timelines for implementation of the actions, and indicators to evaluate the implementation; as elucidated through the additional details added to the comments below. For effective implementation, such processes must be complimented by inclusive, participatory, collaborative and cross-sectional approaches by dividing responsibility on implementation and receiving the input of all stakeholders particularly those affected by the adverse impact of business activities. Therefore, stakeholders in these processes should include business enterprises and associations; trade unions; national human rights institutions (NHRIs); civil society organizations; affected communities and their representatives specifically women, indigenous peoples, environmental rights defenders, migrant workers, LGBTI, persons with disabilities, PLHIVs, and sex workers.

6.1. Short-term Action Plan (B.E. 2562-2563/2019-2020)

No.	Activity	Responsible Agency	Timeframe	Performance Indicators
1	Revise the composition of the NAP Committee to guarantee an equal and fair representation of the relevant actors in the context of business and human rights, by including representatives of affected communities and civil society organizations working on the four priority areas of the NAP on BHR, who are the experts of the realities on the ground.	Ministry of Justice	B.E. 2562 (2019)	<ul style="list-style-type: none"> - The composition of the NAP Committee is reviewed and includes at least 50% of representatives of affected communities and civil society actors specialized in the four priority areas of the NAP. - The composition of the NAP Committee comprises at least 50% of women from affected communities, CSOs, government agencies and businesses.
2	Allocate a considerable budget from concerned ministries to ensure an effective implementation of the UNGPs, with the means to bring positive changes on the ground.	Ministry of Justice and National Economic and Sustainable Development Council	B.E. 2562 (2019)	Relevant ministries have allocated at least 15% of their annual budget to the implementation of the NAP on BHR
1 3	Organise a meeting to announce the implementation of NAP on Business and Human Rights, inclusive of all relevant stakeholders (New NAP Committee, affected communities, government agencies, business sector, UN Agencies) and signing of an official MOU to ensure accountability and cooperation in the implementation of the NAP on BHR.	Ministry of Justice	B.E. 2562 (2019)	The MOU is agreed upon and signed by all relevant actors in the context of business and human rights in Thailand, committed to cooperate and hold each other accountable for the effective implementation of the NAP on BHR.



<p>2 4</p>	<p>Produce various kinds of media to disseminate the NAP on Business and Human Rights and the UNGPs, using accessible language for government agencies, affected communities and businesses to understand their role and responsibilities under the UNGPs. The media products shall also be translated into indigenous languages and migrant workers languages to ensure wide dissemination and buy-in.</p>	<p>Ministry of Justice</p>	<p>B.E. 2562-2563 (2019-2020)</p>	<p>Media products are created which are user-friendly and using accessible language and translated into indigenous peoples' mother tongue language and migrant workers' languages.</p>
<p>3 5</p>	<p>Encourage Enact legally binding policy, such as a corporate duty of vigilance law, to ensure the large-scale business sector in GCNT group and state-owned enterprises to respect and implement the NAP on Business and Human Rights and the UNGPs principles throughout their supply-chains and operations inside Thailand and abroad (for Thai investors and companies) to be a good practice for other business sectors</p>	<p>Ministry of Justice</p>	<p>B.E. 2562-2563 (2019-2020)</p>	<p>A corporate duty of vigilance law is enacted by 2020 to ensure large-scale business sector in the GCNT and state-owned enterprises respect and implement the UNGPs throughout their supply-chains and operations inside Thailand and abroad (for Thai investors and companies).</p>
<p>4 6</p>	<p>Organise a project to select organisations from business/state enterprise, civil society, to be the good practice in implementing NAP on Business and Human Rights and the UNGPs.</p>	<p>Ministry of Justice</p>	<p>B.E. 2562-2563 (2019-2020)</p>	<p>The multi-stakeholders project, inclusive of business/state enterprises, affected communities, CSOs, and government agencies is launched by end of 2019, with clear division of labour and cooperation guidelines for a meaningful implementation of the UNGPs on the ground by 2020.</p>
<p>5 7</p>	<p>Develop the guidelines for the implementation of the National Action Plan and the UNGPs, by creating a multi-stakeholders committee, inclusive of relevant actors (affected communities, marginalized women, the business sector and government agencies), to ensure the guidelines are accessible to all constituencies, promoted, disseminated and implemented by all sectors of society.</p>	<p>Ministry of Justice</p>	<p>B.E. 2562-2563 (2019-2020)</p>	<p>Guidelines are developed by 2020.</p>



6.2. Long-term Action Plan (5 years)

No.	Activity	Responsible Agency	Timeframe	Performance Indicators
1	Disseminate the NAP on Business and Human Rights and the UNGPs through various channels, which are accessible to rural areas and available in indigenous languages and migrant workers' languages.	All agencies related to NAP on Business and Human Rights	B.E. 2562-2566 (2019-2023)	Dissemination of the NAP in BHR through various channel, ensuring dissemination to rural areas and in indigenous and migrant workers' languages.
2	Organise a meeting at the ASEAN level every year to disseminate knowledge on the National Action Plan on Business and Human Rights and the mobilisation of the UNGPs to all sectors	Ministry of Justice	B.E. 2562-2566 (2019-2023)	Meeting held every year June of the Year.
3	Exchange the good practice in the development of the National Action Plan on Business and Human Rights to the ASEAN countries	- Ministry of Justice - Ministry of Foreign Affairs	B.E. 2562-2566 (2019-2023)	The exchange of good practice reflects the important role played by affected communities and CSOs in ensuring a NAP process that is transparent and meaningful, and a NAP content which reflects the concerns and solutions put forward by affected and marginalized communities.
4	Develop courses Training of Trainers and disseminate knowledge on business and human rights, which covers the National Action Plan on Business and Human Rights and the UNGPs	Ministry of Justice	B.E. 2563-2566 (2020-2023)	The course are developed in partnership relevant stakeholders, including affected communities and CSOs to ensure realities on the ground are captured for a better understanding on the necessity to respect human rights in business contexts.
5	Train the trainers on business and human rights for relevant stakeholders and in partnership with business sector and affected communities.	Ministry of Justice	B.E. 2563-2566 (2020-2023)	Training of trainers held every six-months, in cooperation with relevant stakeholders, including affected communities and CSOs.



6	Improve E-learning on business and human rights, which covers the content of the National Action Plan on Business and Human Rights and the UNGPs	Ministry of Justice	B.E. 2564-2566 (2021-2023)	<ul style="list-style-type: none"> - E-learning on BHR is developed by 2021. - E-learning is accessible by all for free.
7	Develop grievance mechanisms to receive complaints on business and human rights issues, accessible at all levels of society, and available in indigenous languages and migrant workers' languages. Ensure the complaints received are addressed in a timely manner and remedy is effectively provided.	Ministry of Justice	B.E. 2564-2566 (2021-2023)	<ul style="list-style-type: none"> - Grievance mechanisms to receive complaints related to BHR issues, which are accessible at all levels and by all sectors of society are created by 2021. - These complaints mechanisms shall be available in indigenous languages and migrant workers' languages. - Complaints are handled within 2 months maximum and effective remedy is provided.
8	Encourage small and medium-sized businesses to implement the NAP and the UNGPs by providing capacity building training, in cooperation with affected communities as trainers, to build understanding of the adverse human rights impacts of business conducts and discuss solutions together.	Ministry of Justice	B.E. 2562-2566 (2019-2023)	Capacity building Training of Trainers are held every 6 months, and at least 50% of the facilitators are from affected communities / CSOs who have been heavily engaged in the NAP process and development of NAP content.
9	Convene meeting to discuss issues that have not yet been achieved in the NAP and push forward various agencies to implement the National Action Plan on Business and Human Rights.	Ministry of Justice New NAP Committee comprising 50% of affected communities/CSOs and 50% of women	B.E. 2564-2566 (2021-2023)	The meeting to discuss gaps in the NAP is held yearly.
10	Study the possibility Consider the study of a policy on tax incentives, or benefits, upholding human rights which would to convince the business sector/state enterprise to respect and comply with the UNGPs and implement the National Action Plan on business and human rights	Ministry of Justice	B.E. 2563-2566 (2020-2023)	The study on a policy on tax incentives and benefits, upholding human rights, to convince the business sector / state enterprises to respect and comply with the UNGPs and implement the NAP on BHR is completed by early 2021.



<p>11</p>	<p>Enact legally binding measures Consider measures in requiring the business sector/state enterprises to submit develop Human Rights Due Diligence report on a yearly basis more following the UN Guiding Principles Reporting Framework.</p>	<p>Ministry of Justice National Economic and Sustainable Development Council</p>	<p>B.E. 2563-2566 (2020-2023)</p>	<p>A mandatory legislation is enacted to require the business sector / state enterprises to submit human rights due diligence report on a yearly basis, following the UNGP Reporting Framework</p>
<p>12</p>	<p>Undertake a yearly and mid-term implementation assessment of the NAP, which is conducted independently and transparently, including through multi-stakeholder regional and national dialogues, to examine the level of implementation and make necessary amendments to the NAP.</p>	<p>Independent Committee</p>	<p>B.E. 2562-2566 (2019-2023)</p>	<ul style="list-style-type: none"> - An independent committee comprising relevant stakeholders, including at least 50% from concerned communities and CSOs, is created to assess the effectiveness of the implementation of the NAP on BHR. - Yearly and Mid-term implementation assessment of the NAP on BHR is undertaken under the leadership of the independent committee, with the requirement to take into consideration voices and solutions from relevant stakeholders (affected communities, CSOs, business sector and government agencies) and necessary amendments to the NAP have been identified and started to be implemented by end of 2021.



Chapter 7: Regulation, oversight, monitoring and evaluation

Explanation: Regulation, monitoring, oversight and evaluation of the content of the NAP on BHR and its implementation are essential processes towards ensuring the vitality of this policy document and the sphere of business and human rights in Thailand. These are extremely important processes as their outcome could subsequently form the basis for the government and NAP committee to decide its course of action in future NAPs planned or measures taken in the domain of business and human rights. Therefore, the scope of these processes should be established with a base of transparency and accountability; inclusive and participatory processes; meaningful involvement of concerned communities; and guaranteed independence in the process. Such a nuanced employment of these processes will contribute to the overall success of the the present and all future drafts of the NAP, and their application.

7.1. Mechanism to Regulate, Oversee and Monitor the implementation of the National Action Plan on Business and Human Rights	
Original Text	Suggested additions to address the gaps in the NAP
<p>Addition to 7.1., after the last sentence.</p>	<p>Addition as last sentence of 7.1.: The Committee/mechanism to regulate, oversee and monitor the NAP implementation should also include participation of 50% of concerned civil society and affected communities representatives, with gender and regional balance. The mechanism should periodically disclose updates on its work, including through public seminars with notice to concerned civil society and community groups, business sector and other stakeholders, to ensure transparency and accountability.</p>

7.2. Assessing the implementation of the National Action Plan on Business and Human Rights	
Original Text	Suggested changes in the wording + additions to address gaps in the NAP
<p>Assessing the implementation of the National Action Plan on Business and Human rights will be carried out by the National Human Rights Commission. The NHRC will do so because the NAP on BHR is in line with the mission NHRCT has previously carried out. The NHRCT will develop a report for two periods; a mid-term report (2564/2021) and a final report (2566/2023). Both reports will be presented to the Cabinet and will be publicly disseminated to the relevant agencies.</p>	<p>Assessing the implementation of the National Action Plan on Business and Human rights will be carried out by an independent monitoring committee comprising relevant stakeholders, including at least 50% from concerned communities and CSOs. The independent committee will ensure an assessment which is independent and transparent and will hold responsible government agencies and businesses accountable on the implementation of the NAP on BHR. the National Human Rights Commission. The NHRC will do so because the NAP on BHR is in line with the mission NHRCT has previously carried out. The NHRCT will develop a report for two periods; a mid-term report (2564/2021) and a final report (2566/2023). Both reports will be presented to the Cabinet and will be publicly disseminated to the relevant agencies. The independent monitoring committee/mechanism must provide a performance</p>



	<p>evaluation of the NAP on BHR on an annual basis and at mid-term. The assessment shall be made public, and must be carried-out in a manner that is independent of the government agencies and administrative bodies involved in developing and implementing the laws, policies and regulation in this respect. The yearly and mid-term reports shall identify gaps in the implementation of the NAP on BHR and include actionable recommendations to improve the implementation. The yearly and mid-term reports shall be submitted to the Cabinet and must be widely disseminated to relevant agencies for their compliance with it.</p> <p>The NHRCT and the independent monitoring committee shall facilitate the organisation of multi-stakeholders regional and national dialogues on Business and Human Rights to review the effectiveness of the NAP on BHR and to inform the yearly and mid-term assessment reports on the implementation of the NAP, in order to create a more accessible civic space, taking into consideration the opinions of affected and concerned communities and CSOs. These dialogues to ensure effective and meaningful public participation of concerned communities in the monitoring, evaluation and implementation of the NAP on BHR should be conducted on an annual basis.</p>
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7.3. Direction of the National Action Plan on Business and Human Rights	
Original Text	Suggested additions to address gaps in the NAP
Addition to 7.3., after the last sentence	The combined independent monitoring mechanism of the NAP on BHR and the NHRAP shall be in line with the work of the National Economic and Sustainable Development Council, also responsible for ensuring business actors contribute to the economic development of the country, while respecting human rights. Policy coherence and coordination among government agencies must be ensured to guarantee an effective implementation of the NAP on BHR.



MANUSHYA

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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.