



CORPORATE ACCOUNTABILITY, COMMUNITY RIGHTS AND THE PROTECTION OF HUMAN RIGHTS DEFENDERS

Brief Assessment of the Implementation of the 3rd Cycle UPR Recommendations

Business activities and development projects in Thailand continue to generate serious human rights and environmental impacts for affected communities, including pollution and degradation of natural resources, loss of land and livelihoods, forced evictions, and restrictions on meaningful participation in decisions affecting communities. Women, Indigenous Peoples, rural communities and other marginalised groups face particular barriers in protecting their land, housing and natural resources, while community members and environmental human rights defenders who challenge harmful projects continue to face intimidation, criminalisation and judicial harassment. Access to effective remedy also remains difficult, with lengthy proceedings, high evidentiary burdens and inadequate compensation preventing timely redress for affected communities.

During its 3rd UPR cycle, Thailand received 15 recommendations touching directly on corporate accountability, women's access to justice, SLAPPs and the protection of human rights defenders, of which it supported 13 and noted two. Thailand supported all four recommendations on business and human rights, including recommendations to address business-related human rights abuses in line with the UN Guiding Principles on Business and Human Rights and to pursue mandatory human rights due diligence measures. Thailand also supported recommendations to strengthen access to justice for rural and Indigenous women, enact legal protection against SLAPPs, and protect human rights defenders from intimidation, harassment and attacks. However, these commitments have largely failed to translate into effective protection in practice, with several recommendations only partially implemented and others not implemented at all.

Thailand seeks to present itself as a “business and human rights champion” as it pursues OECD accession and develops an Act on the Promotion of Responsible Business Conduct. The draft Act proposes mandatory human rights and environmental due diligence, but consultations continued in 2026 without the bill becoming law, and significant gaps in protection and access to remedy remain. Meanwhile, the Business & Human Rights Resource Centre recorded 54 business-related SLAPP cases brought or initiated by private actors in Thailand between 2015 and 2024, the highest total it recorded in ASEAN. A separate UNDP study examined 109 SLAPP cases in Thailand's business and human rights context from 1997 to 2022. These cases show the scale of legal pressure faced by people challenging corporate harm.

On **24 March 2026, Phichit and Phetchabun villagers secured a landmark victory in Thailand's first environmental class-action lawsuit** against Akara Resources, the Thai subsidiary of Australian mining company Kingsgate Consolidated Limited. The court found Akara liable for environmental and health harms caused by the Chatree Gold Mine and held that compliance with environmental impact assessment (EIA) requirements did not shield it from liability for proven harm. The nearly decade-long proceedings also demonstrate how difficult it remains for affected communities to obtain timely remedy.



54
business-related
SLAPP cases by private actors



109
SLAPP cases in the
business & human rights context



Nearly 10 years
to receive a court verdict
in Thailand's first environmental class-action lawsuit

Phichit and Phetchabun villagers v. Akara, operator of the Chatree Gold Mine.



REALITIES ON THE GROUND

Challenges

Case, Facts, and Comments



Challenge 1: Thailand still lacks a binding and effective corporate accountability framework

The current framework remains fragmented and weak, relying largely on sector-specific regulations, voluntary measures and limited enforcement. Despite adopting Asia's first National Action Plan on Business and Human Rights (NAP-BHR) in 2019 and a second edition in 2023, Thailand still lacks a comprehensive, cross-sectoral mandatory human rights due diligence law capable of preventing corporate abuses and ensuring accountability. The NAP-BHRs have failed to deliver meaningful protection for affected communities, lacking the "smart mix" of mandatory and voluntary measures called for under the UN Guiding Principles on Business and Human Rights.



Manushya Foundation and frontline community defenders and activists denounce the lack of mandatory measures and anti-SLAPP protections behind Thailand's first NAP-BHR at the Asia-Pacific Responsible Business and Human Rights Forum 2022

The Draft Act on Promotion of Responsible Business Conduct (RBC Bill) represents progress, but major accountability gaps remain. The Bill introduces mandatory human rights and environmental due diligence for large enterprises across their value chains, including impact assessment, prevention and mitigation, monitoring, disclosure, stakeholder consultation, remediation and grievance mechanisms. However, the framework is gender-blind and non-intersectional, contains no specific FPIC requirement for Indigenous Peoples, and lacks comprehensive safeguards against retaliation targeting human rights defenders and environmental defenders.

Its limited scope is particularly concerning given that micro, small, and medium-sized enterprises (MSMEs) account for approximately 99.5% of Thai enterprises and 69.2% of employment. Although MSMEs within covered value chains must cooperate with due diligence processes, direct and enforceable HREDD obligations remain concentrated on large enterprises, while consideration of extending such duties to small and medium enterprises is deferred for 10 years after entry into force. The first HREDD reports would also not be required until four years after entry into force.

The drafting process has further raised concerns regarding transparency, inclusiveness and meaningful participation. Consultations have been conducted on an invitation-only basis, the latest draft has not been publicly disclosed, and no open public consultation mechanism has been established, limiting meaningful participation by affected communities and other rightsholders.



Challenge 2: Weak environmental safeguards and exclusion from decision-making expose communities to business-related harm

Although the 2017 Constitution guarantees communities the right to be informed and access information and requires Environmental and Health Impact Assessments, including public hearings in advance of undertakings that may seriously affect natural resources, environmental quality or health, significant gaps remain in practice.

The EIA framework does not explicitly guarantee meaningful participation or full access to information, while complete EIA reports are not required to be publicly disclosed. In practice, the system remains largely approval-oriented, with consultations frequently reduced to one-way, procedural exercises rather than meaningful community engagement.



The Chatree Gold Mine straddles the Phichit and Phetchabun provinces and is the largest gold mine in Thailand.

SOURCE: Sitthipoj Kebui / Bangkok Post (File Photo)

The Chatree Gold Mine illustrates systemic failures in access to environmental information and meaningful participation. Although EIAs were conducted in 2000, 2007 and 2024, the full reports have not been made publicly available, with only approval letters and limited annexes accessible. The 2012 EHIA remains the only complete assessment available. During that process, villagers were given only 15 days to review a draft exceeding 1,000 pages, while surveys showed that a significant proportion of residents were unaware of the expansion project. Before the mine reopened in March 2023, no new comprehensive EIA or EHIA was conducted, with decade-old assessments relied upon for licence renewal.

Similar regulatory and participation gaps affect communities facing the expansion of biomass power plants in Patani. Although NCPO Order No. 4/2559, which exempted power plant and waste-management projects from comprehensive town-planning regulations, was repealed in December 2025, biomass power plants below 10 MW remain outside the mandatory EIA requirement and are instead subject to the Code of Practice framework.



REALITIES ON THE GROUND

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The Pracharat Biomass Mae Lan power plant in Pattani

SOURCE: Bangkok Post (File Photo)

This continues to leave smaller projects subject to a less rigorous environmental assessment process. A 2025 community survey documented 25 biomass projects across 23 areas in the southern border provinces, including 12 operating areas and eight where projects remained planned.

Public consultation processes concerning these biomass projects have been reported as rushed and inadequate, with limited access to information, as project operators disclosed details only to selected participants invited to consultations. Information provided was often incomplete or selective, and in some cases made available only on the day of consultations, without sufficient time for communities to review complex technical documents. Full EIA reports, emissions data, and health impact assessments are often limited or not publicly available, particularly in border areas where language barriers further restrict access.



Challenge 3: Women's land and housing rights are undermined by forced evictions and judicial harassment

Thailand's land governance framework provides formal mechanisms for land registration and dispute resolution, but lacks sufficient safeguards for vulnerable and informal communities, particularly those without formal land titles. Land-title issuance, surveys and boundary determinations remain heavily dependent on administrative discretion, creating risks of irregularity and unequal enforcement. These structural gaps can have particularly severe consequences for low-income women with limited access to education, legal knowledge and resources to defend their rights.

The Khlong 5 Canal community in Pathum Thani illustrates the gendered impacts of insecure tenure, forced eviction and unequal access to justice. The community has existed for more than six decades and is home to approximately 100 low-income families, many of whom are women, elderly persons and informal workers. Residents had long understood the land to be unused or public land, with no ownership claims made for decades. From 2014, however, land surveys and subdivision resulted in titles extending into long-established community areas, public roads and parts of the canal.



Khlong 5 women residents contest disputed land boundaries in Pathum Thani.

Community members point to a land marker along Khlong 5, where disputed surveys and overlapping title claims have been used in attempts to evict families who have lived in the area for generations.

SOURCE: Matichon (21 April 2026)

Beginning in 2018, eviction lawsuits were filed against residents, with litigation primarily affecting elderly and illiterate women. According to community documentation, many residents signed "compromise agreements" out of fear and were reportedly denied the opportunity to read the terms before signing, leaving them able to remain in their homes for only another three years. Two women were reportedly encouraged by an Irrigation Department official to pursue adverse-possession claims, which they subsequently lost, and the resulting judgment was then used to support further eviction efforts.

The woman community leader later obtained Irrigation Department survey records and objected to a further land survey. Shortly afterwards, she was arrested for "obstruction/trespass", handcuffed and detained before being released on THB 5,000 bail. Despite an ongoing case before the Central Administrative Court seeking revocation of the title deeds, residents report that private security personnel and machinery continue to be deployed in attempts to evict them. The community leader continues to face threats of arrest, while residents maintain a 24-hour vigil to protect their homes.



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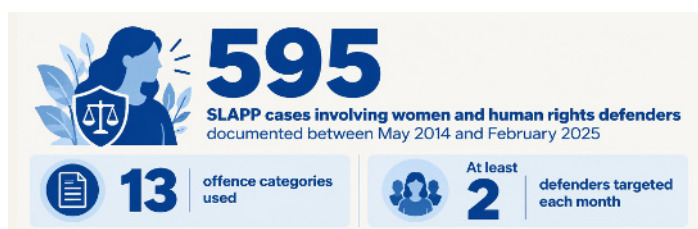
Challenge 4: Environmental and community human rights defenders face SLAPPs, criminalisation and intimidation

Thailand still lacks a comprehensive legal and institutional framework for the protection of human rights defenders. Existing mechanisms remain fragmented and largely reactive, leaving environmental, land, and community human rights defenders particularly vulnerable to intimidation, threats, and judicial harassment. Strategic Lawsuits Against Public Participation (SLAPPs) remain a central tool used to silence defenders and community members protecting their rights and lands.

Despite the introduction of sections 161/1 and 165/2 of the Criminal Procedure Code in 2019, these safeguards remain ineffective in practice. Women environmental human rights defenders face additional gendered impacts, including threats, unannounced visits by authorities and the burdens of prolonged legal proceedings.

Recent measures to address abusive litigation remain insufficient. In May 2026, the President of the Supreme Court issued Recommendations on Bad-Faith Criminal Proceedings to facilitate the early dismissal of abusive complaints, but these remain non-binding, are tied to section 161/1, and do not directly cover public prosecutions or civil proceedings.

The Ministry of Justice's proposed anti-SLAPP legislation represents some progress, yet major gaps remain. Of 574 submissions received during the first public consultation from March to April 2025, 92% came from government officials, while only 15 submissions came from civil society. The draft does not constitute comprehensive standalone anti-SLAPP legislation, remains focused primarily on defamation, and lacks key protections including a comprehensive definition and prohibition of SLAPPs and a sufficiently broad definition of public participation.



595 SLAPP cases involving women and human rights defenders were documented between May 2014 and February 2025, across 13 offence categories, with at least two defenders facing judicial harassment through the legal system each month. Defenders challenging corporate and environmental harms continue to be frequent targets of SLAPPs.

The Thepa community case demonstrates how prolonged legal proceedings can themselves punish community resistance. Seventeen villagers and supporters opposing the coal-fired power plant project faced legal proceedings, followed by a second round of charges under the Public Assembly Act against five people. Although the Supreme Court ultimately dismissed all charges against the 17 defendants, proceedings lasted nearly six years, from November 2017 to July 2023.

In December 2021, 37 peaceful protesters from the Chana community, many of them women and children, were arrested while calling for suspension of a large industrial development project and meaningful consultation.

Phichit villagers affected by the Chatree gold mine have also faced more than 40 SLAPP cases brought by both the mining company and Thai authorities under criminal defamation, the Computer Crime Act, and the Public Assembly Act.



Challenge 5: Affected communities face persistent barriers to effective remedy and fair compensation

While the 2017 Constitution and class-action procedures formally provide avenues for justice, in practice these mechanisms remain undermined by protracted procedural delays and excessive burdens of proof. Weak regulation and enforcement continue to enable corporate and State-related impunity, while marginalised communities, including Indigenous Peoples, ethnic minorities and women, face particular barriers to effective remedy. Judicial proceedings may outlast affected persons themselves, while compensation often fails to reflect the full extent of the harm suffered.

The Responsible Business Conduct Bill does not create a dedicated civil cause of action or substantive criminal liability for failures to comply with HREDD duties. Those duties are principally enforced through administrative penalties, including fines of up to THB 5 million, while section 40 preserves any civil or other liability arising under existing laws. Access to judicial remedy would therefore continue to depend on existing causes of action and procedural rules that affected communities already experience as slow and burdensome.

The Phichit and Phetchabun villagers' class action over the Chatree Gold Mine illustrates both a landmark victory and the severe consequences of delayed remedy. The villagers filed the case on 27 May 2016, seeking compensation for loss of livelihoods, health impacts and environmental harm. It took more than three years for the court to accept the case, on 31 October 2019, and hearings originally scheduled for February 2020 did not take place until November 2021. On 24 March 2026, after nearly 10 years of proceedings, the villagers won Thailand's first environmental class-action lawsuit. The court found Akara Resources, the Thai subsidiary of Australian mining company Kingsgate Consolidated Limited, liable for environmental and health harms caused by the mine. It awarded compensation for physical and mental health impacts and loss of access to water resources and related livelihoods, and ordered environmental rehabilitation. The court also held that compliance with environmental impact assessment (EIA) requirements did not shield Akara from liability for proven harm. However, some plaintiffs died without receiving justice, while the compensation awarded fell short of the full extent of harm suffered.



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Sompong Wiangchan,
woman environmental defender and
community leader of the Women's Network
in the Mun River Basin.

For over four decades, seventy-year old Sompong has resisted the Pak Mun Dam alongside her community, a struggle that continues to define energy justice movements in Thailand.

Akara and Kingsgate have stated that they intend to appeal, further prolonging proceedings that have already lasted nearly a decade.

The communities affected by the Pak Mun Dam have similarly endured more than three decades of environmental, social and economic harm without effective remedy.

Despite government commitments, including a 1997 Cabinet resolution concerning land allocation, key measures remain unimplemented and recent compensation processes have excluded people previously recognised as affected. Some community members have died without receiving compensation, while age and prolonged exhaustion make complex administrative processes increasingly difficult to navigate.



RECOMMENDATIONS



1. Challenge 1: Thailand still lacks a binding and effective corporate accountability framework

1.1

In line with the CERD Concluding Observations (2022) and the 3rd cycle UPR recommendation made by Bahrain (2021), adopt and effectively implement a mandatory human rights and environmental due diligence law aligned with international standards.

1.2

Ensure that the Promotion of Responsible Business Conduct Bill establishes binding obligations for all businesses, regardless of size, across their operations and value chains; includes civil and criminal liability for non-compliance; guarantees protection for human rights defenders; integrates gender-responsive and intersectional approaches; explicitly protects vulnerable groups, including Indigenous Peoples; and ensures access to effective remedy.

1.3

Ensure that the drafting process of the Promotion of Responsible Business Conduct Bill is inclusive and transparent, including meaningful participation of affected rightsholders.



2. Challenge 2: Weak environmental safeguards and exclusion from decision-making expose communities to business-related harm

2.1

In line with the 3rd cycle UPR recommendation made by Canada (2021) strengthen efforts to protect the rights of persons who are marginalised and most vulnerable while also taking steps to foster their fuller inclusion and to increase women's participation in decision-making.

2.2

Explicitly recognise in the EIA regulatory framework the rights of affected communities to timely, accessible, and complete information and to meaningful participation in EIA processes before project approval.

2.3

Ensure the requirement to fully disclose EIA reports in a timely manner.



RECOMMENDATIONS



3. Challenge 3: Women's land and housing rights are undermined by forced evictions and judicial harassment

3.1

Guarantee that all persons, particularly women and marginalised communities affected by land disputes, have equal access to justice and are able to effectively exercise their rights before courts and administrative bodies, without intimidation or discrimination.

3.2

Ensure access to justice for vulnerable communities, including through the provision of free or affordable legal aid, transparent judicial procedures, and safeguards to guarantee informed consent in legal agreements.

3.3

Ensure the prompt, independent, and impartial investigation of alleged irregularities in land title issuance, and revoke or amend titles found to have been issued unlawfully, in accordance with domestic and international human rights standards.

3.4

Guarantee the right to adequate housing, including security of tenure, protection against forced eviction, and access to appropriate compensation or resettlement in accordance with international human rights standards.

3.5

Ensure that all evictions are carried out only as a last resort, in full compliance with international human rights standards, and suspend evictions in cases where legal disputes remain unresolved or due process guarantees have not been met.



4. Challenge 4: Environmental and community human rights defenders face SLAPPs, criminalisation and intimidation

4.1

In line with the CEDAW Concluding Observations (2025), create an enabling environment for women human rights defenders to exercise their right to freedom of expression, peaceful assembly and association, both offline and online and ensure the women human rights defenders are not subject to criminal charges for their work.

4.2

In line with the 3rd cycle UPR recommendations made by Belgium (2021), enact effective and gender sensitive standalone anti-SLAPP legislation.

4.3

Ensure the protection of human rights defenders, including women community leaders, from harassment, arbitrary arrest, and intimidation, and provide effective remedies in cases of violations.



5. Challenge 5: Affected communities face persistent barriers to effective remedy and fair compensation

5.1

In line with the CERD Concluding Observations (2022) and the 3rd cycle UPR recommendation made by Peru (2021), ensure timely, accessible and effective remedies for communities affected by business-related, environmental and development harms, including just and fair compensation for the harm suffered.

5.2

Ensure that the Draft Act on Promotion of Responsible Business Conduct sets civil and criminal liability regime, including harmonising legislation to ensure effective access to justice such as establishing burden of proof on companies.

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