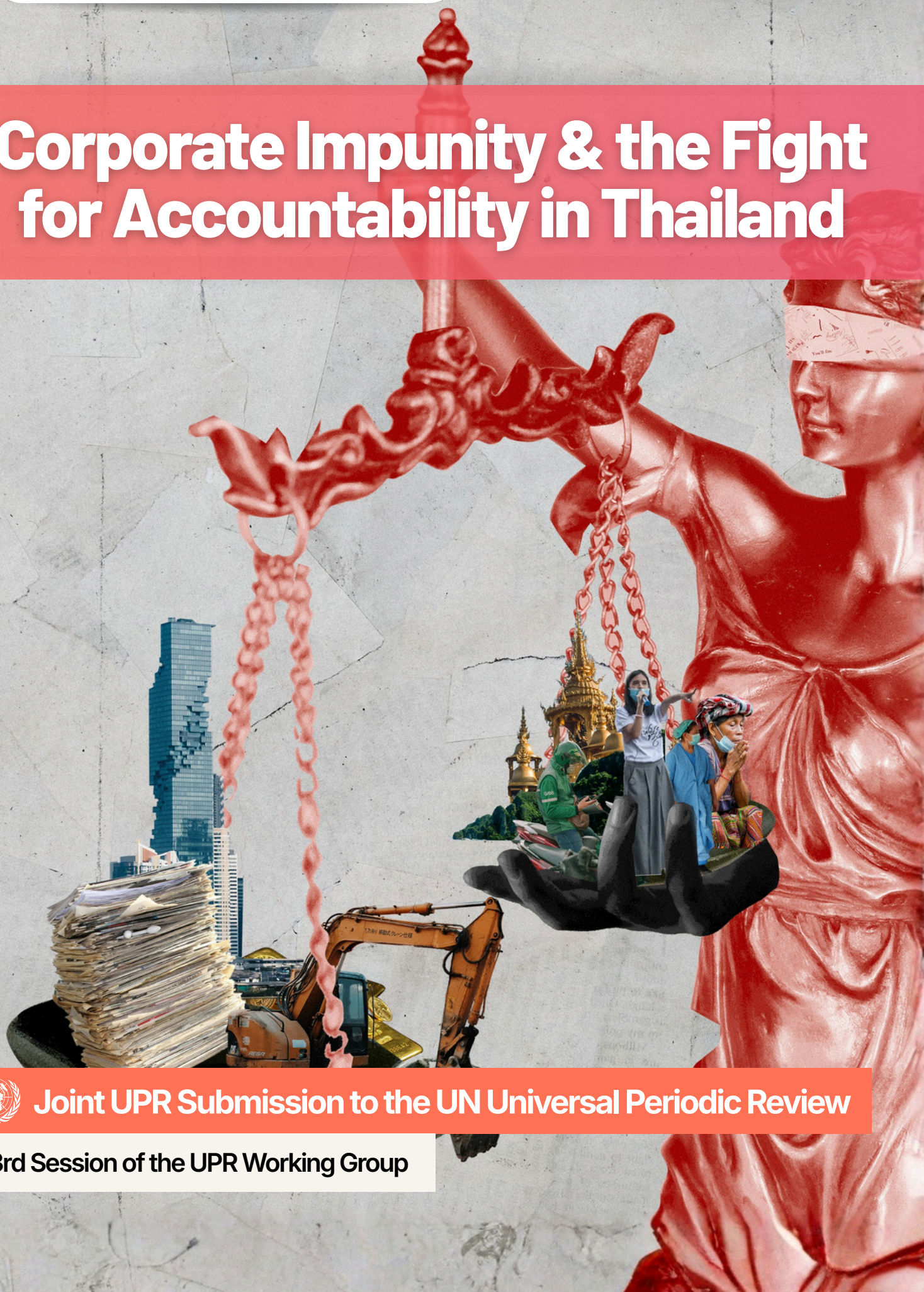


Corporate Impunity & the Fight for Accountability in Thailand



Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group



Joint UPR Submission: Corporate Impunity & the Fight for Accountability in Thailand April 2026

Submission by

Manushya Foundation, Indigenous Women's Network of Thailand (IWNT), The Green World Network, Sab Wai Villagers, Phichit Villagers, Ka Boe Din Villagers, the Network of People Affected by the Pak Mun Dam, The Patani RESOURCE, The Saiburi River Youth Network, HomeNet Thailand, Young Pride Foundation, Empower Foundation, The Women Workers for Justice Group, The Migrant Working Group and the Thai CSOs Coalition for the UPR and UN Mechanisms



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Table of Contents



04	Introduction
05	Lack of Legal Framework to Regulate Business Activities
06	Systemic Failures of Environmental Impact Assessments
08	Adverse Impacts of Business Activities on Communities
10	Criminalisation of Environmental Human Rights Defenders
12	Systemic Violations of Labour Rights
13	Criminalisation and Marginalisation of Sex Workers
13	Lack of Effective Remedy and Fair Compensation
14	Recommendations
17	Endnotes



1. Introduction

- 1.1. In this submission, *Manushya Foundation, IWNT, The Green World Network, Sab Wai Villagers, Phichit Villagers, Ka Boe Din Villagers, the Network of People Affected by the Pak Mun Dam, The Patani RESOURCE, The Saiburi River Youth Network, HomeNet Thailand, Young Pride Foundation, Empower, The Women Workers for Justice Group, MWG and the Thai CSOs Coalition for the UPR* examines Thailand's failure to ensure corporate accountability and uphold human rights in the context of business activities, in light of recommendations accepted during the third UPR cycle (2021). It focuses on the rights of marginalised communities affected by business operations and trade agreements, the right to public participation, and the protection of human rights defenders.
- 1.2. During the third UPR cycle, Thailand received and supported four recommendations addressing its business and human rights (BHR) legal framework, including calls to align with the UN Guiding Principles on Business and Human Rights and to adopt mandatory human rights due diligence measures (51.56-51.59). Despite these commitments, implementation remains partial and largely ineffective in practice. Crucially, no recommendations addressed the environmental impacts of business activities, despite ongoing cases of water contamination affecting communities across Thailand, as detailed in this submission. In addition, Thailand supported a recommendation on access to justice, including for Indigenous women, yet has persistently failed to implement it since the last review. These gaps reflect a pattern of weak enforcement and systemic inaction, allowing corporate impunity to persist.
- 1.3. Serious concerns arise regarding Thailand's flawed process in drafting the Promotion of Responsible Business Conduct Bill, as well as its failure to meet international human rights standards. Business activities and development projects disproportionately benefit the wealthy, the economic elites, while often causing significant harm to the environment and local communities, driven by the absence of, or inadequate, Environmental Impact Assessments (EIAs) and the lack of meaningful community participation in decision-making processes. The adverse impacts of business activities on communities continue to be overlooked by the State, which prioritises large-scale development projects over the rights and wellbeing of affected populations. In parallel, violations of workers' rights persist, alongside the continued criminalisation of sex workers. Access to effective remedy for environmental harm remains severely limited, leaving affected communities without justice or redress.
- 1.4. This submission demonstrates that business activities and development projects in Thailand are not conducted in a sustainable manner, resulting in widespread human rights violations, as outlined below:
 - Section 2 discusses the Lack of Legal Framework to Regulate Business Activities.
 - Section 3 discusses the Systemic Failures in Environmental Impact Assessments.
 - Section 4 discusses the Adverse Impacts of Business Activities on Communities.
 - Section 5 discusses the Criminalisation of Environmental Human Rights Defenders.



Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

- Section 6 discusses the Systemic Violations of Labour Rights.
- Section 7 discusses the Criminalisation and Marginalisation of Sex Workers.
- Section 8 discusses the Lack of Effective Remedy and Fair Compensation.
- Section 9 provides Recommendations.

2. Lack of Legal Framework to Regulate Business Activities

- 2.1. Currently, Thailand's corporate accountability framework remains fragmented and weak, failing to prevent corporate abuses and impunity despite the daily human rights and environmental harms caused by business activities. In the absence of a comprehensive, cross-sectoral mandatory human rights due diligence law, reliance on sector-specific regulations and voluntary measures, combined with limited enforcement, fails to ensure effective protection of workers, communities, and the environment.
- 2.2. While Thailand is often presented as a regional leader on business and human rights (BHR), having adopted Asia's first National Action Plan on BHR (NAP-BHR) in 2019, both the initial Plan and its second edition (2023) have failed to deliver meaningful protection for affected communities. They do not constitute effective tools for corporate accountability, as they lack the "smart mix" of mandatory and voluntary measures required under the UN Working Group on Business and Human Rights guidance, and fail to reflect the lived realities of those most affected by business activities.ⁱ
- 2.3. During the third UPR cycle, Thailand supported a recommendation to "pursue promoting mandatory measures for business to conduct human rights due diligence" (51.59). While the drafting of the Promotion of Responsible Business Conduct Billⁱⁱ (RBC Bill) since 2025 reflects partial progress, implementation remains incomplete and insufficient.
- 2.4. The drafting process of the RBC Bill has raised serious concerns regarding transparency, inclusiveness, and participation. Consultations have been conducted on an invitation-only basis, the latest draft has not been publicly disclosed, and affected communities have been excluded from meaningful engagement. These shortcomings undermine the legitimacy of the process and risk entrenching existing power imbalances.
- 2.5. Substantively, the RBC Bill (22 July 2025 version) falls short of international standards. Although it reflects the six steps of human rights due diligence, it omits explicit protections for vulnerable groups, including environmental defenders and Indigenous Peoples, and adopts a gender-blind approach. It fails to provide comprehensive safeguards for human rights defenders against retaliation, excludes the financial sector despite its direct links to adverse impacts, and limits due diligence obligations to large companies. Critically, the absence of civil and criminal liability regimes reduces enforcement to administrative fines, weakening its deterrent effect.
- 2.6. The RBC Bill fails to reflect Thailand's economic realities. Micro, small, and medium-sized enterprises (MSMEs) account for 99.5% of all businesses, employ 68.8% of the workforce, and contribute



Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

approximately 34.9% of GDP, while only 16,521 out of 3,272,478 enterprises qualify as large companies.ⁱⁱⁱ With 3,255,957 MSMEs representing the overwhelming majority of business actors, limiting human rights due diligence obligations to large companies renders the Bill structurally incapable of preventing business-related human rights abuses in practice. While the Bill extends to supply chains, this indirect approach remains insufficient to ensure accountability across MSMEs and lower-tier suppliers, where risks are often most acute. As a result, the framework risks leaving the vast majority of harmful business activities effectively unregulated.

- 2.7. Without binding obligations, meaningful accountability mechanisms, and a context-specific approach, the RBC Bill risks becoming a procedural, box-ticking exercise, replicating the systemic failures observed in Environmental Impact Assessments, rather than a transformative tool to prevent harm and ensure corporate accountability. These shortcomings are particularly concerning in light of Thailand's ongoing accession process to the OECD,^{iv} which requires alignment with international standards on responsible business conduct, including effective due diligence frameworks and access to remedy. In its current form, the RBC Bill falls short of these expectations and risks undermining Thailand's credibility as a regional leader in business and human rights.^v

3. Systemic Failures of Environmental Impact Assessments

- 3.1. Although the Constitution^{vi} guarantees communities the right to be informed and to access information (Section 41) and requires Environmental and Health Impact Assessments (EHIA), including public hearings in advance of any undertaking that may affect them, while setting conditions for project approval (Section 58), significant gaps remain in practice. While the legal framework mandates EIAs and includes procedural requirements such as public hearings and information disclosure, it does not explicitly guarantee meaningful participation^{vii} or full access to information, as complete EIA reports are not required to be publicly disclosed.^{viii} In practice, the EIA system is largely approval-oriented, prioritising procedural compliance over substantive assessment of long-term impacts. Rather than ensuring accountability and informed participation, **EIAs are often reduced to box-ticking exercises**, with consultations limited to one-way communication that undermines meaningful community engagement.^{ix}
- 3.2. These **structural weaknesses are compounded by legal exemptions** that systematically undermine environmental safeguards. For example, NCPO Order No. 4/2559 exempts power plant and waste management projects from compliance with comprehensive town planning regulations, enabling projects to be established in areas previously designated as green zones, agricultural land, or community zones.^x In practice, such exemptions have facilitated the approval and construction of projects without adequate environmental scrutiny, including the effective application of EIA processes.^{xi}
- 3.3. The **Chatree Gold Mine** in Phichit Province, operated by Akara Resources, a Thai subsidiary of an Australian company, Kingsgate Consolidated, illustrates systemic failures in guaranteeing access to



Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

information and meaningful participation in environmental decision-making. Although EIAs were conducted in 2000, 2007, and 2024, full EIA reports are not publicly available; only approval letters and limited annexes can be accessed.^{xii} The 2012 EHIA remains the only complete assessment available. As a result, more than two decades after operations began, affected communities still lack access to essential environmental and risk assessment information. The EHIA process itself revealed significant procedural shortcomings.^{xiii} Public consultations were reportedly brief and inadequately organised, limiting community input, and villagers were given only 15 days to review a draft report exceeding 1,000 pages. Surveys conducted during the assessment revealed that a significant proportion of residents were unaware of the expansion project, yet the EHIA concluded that community perceptions were broadly positive, raising concerns about the integrity of participation processes. As one community member noted, “*When mining projects are introduced, women don’t get to speak. Companies only talk about the benefits and hide the harms.*”^{xiv} In 2017, the mine was closed after the government suspended all gold mining operations nationwide following complaints from nearby communities and reported environmental and health impacts.^{xv} However, prior to its reopening in March 2023, no new comprehensive EIA or EHIA was conducted; instead, decade-old assessments were relied upon to renew licences.^{xvi}

- 3.4. The granite mining project in the **Khao Traw Pling area** in Southern Thailand illustrates these shortcomings. In 2023, affected communities reported serious limitations in public participation during hearings on the mining concession application organised by the Pattani Provincial Industry Office. Directly affected stakeholders, including residents, farmers, and communities dependent on the Traw Pling stream, were excluded, despite impacts extending beyond the designated area.^{xvii} Consultations were largely one-way, allowing the project proponent to present information without full disclosure or meaningful engagement. Communities raised concerns over impacts on agricultural land and water resources central to their livelihoods. They also recalled past stone blasting (1997–2002), which damaged durian orchards and degraded the water system, turning a once perennial stream into a sediment-filled, seasonal waterway. Although the ecosystem has since recovered, the renewed concession request by Ibn Affan Granite Group Co., Ltd. is expected to cause similar harms.^{xviii}
- 3.5. Since 2019, **communities in Nong Sai Subdistrict, Nakhon Ratchasima**, have reported severe soil and water salinisation, loss of agricultural land, and significant impacts on livelihoods, which they attribute to the **Thai Kali potash mining project**.^{xix} Notwithstanding these impacts, authorities have continued to advance the project, including approving new mining activities. Villagers allege serious procedural irregularities, in particular that while the original EIA stated that explosives would not be used, blasting for new shafts was subsequently authorised without public consultation. On 2 April 2026, 89 villagers filed an administrative lawsuit against 10 State agencies seeking accountability for these harms.^{xx}
- 3.6. The case of the **Indigenous Plong Karen community** in Omkoi, Chiang Mai, further highlights these failures. In 2019, the community discovered that a coal mining project would occupy large areas of



their farmland and divert two streams essential for irrigation. The project had been approved in 2011 without their Free, Prior and Informed Consent (FPIC). Following community opposition, the National Human Rights Commission identified irregularities in the approval process in 2020.^{xxi} In 2022, the community filed a lawsuit to revoke the project's EIA report, and the court issued a temporary injunction suspending project activities.^{xxii} Despite the court's injunction, the company has continued to push the project forward, including by fostering divisions within the community to weaken resistance. In 2024, the community joined the People's Network for Mining Justice in filing a case before the Supreme Administrative Court to revoke Thailand's Second Mineral Management Master Plan, citing the absence of meaningful public participation.^{xxiii} At the same time, regulatory loopholes allow companies to submit new EIA reports while existing approvals remain under judicial review, enabling them to circumvent accountability and prolong harmful projects.^{xxiv}

- 3.7. Similar patterns are observed in the Southern Border Provinces, where State-led energy policies have driven the rapid expansion of biomass power plants under the **"Pracharath Power Plant" scheme**. This expansion has been enabled by regulatory exemptions, including NCPO Order No. 4/2559, as well as weak enforcement of environmental safeguards, allowing projects to proceed without robust or meaningful environmental impact assessment processes. Power plant sites are located near water sources, as biomass facilities require water for cooling, system cleaning, and processing. Public participation processes 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.^{xxv}

4. Adverse Impacts of Business Activities on Communities

- 4.1. Weak enforcement of existing laws and the absence of effective corporate accountability mechanisms continue to expose communities in Thailand to serious human rights impacts from business activities carried out without meaningful consultation or participation. **Indigenous Peoples are disproportionately affected**, due in part to the lack of legal recognition of their status and rights, including the right to free, prior and informed consent (FPIC).^{xxvi} In Northern Thailand, these harms are closely linked to extractive industries, while in Southern Thailand they are increasingly driven by tourism-related development. Together, these structural gaps enable corporate actors to operate with limited accountability, leaving affected communities routinely exposed to environmental harm and rights violations.
- 4.2. In Mae La Noi District, Mae Hong Son Province, **Indigenous Karen and Lua communities** have been opposing the planned reopening of a fluorite mine in a watershed area near the La River. Previous operations caused water contamination, health impacts, and loss of livelihoods, yet were halted



nearly thirty years ago without any remediation. Since 2021, the company has sought to resume activities without obtaining the free, prior and informed consent (FPIC) of affected communities, despite the project potentially impacting at least 500 residents across five villages.^{xxvii} Although the required Environmental Impact Assessment (EIA) has not yet been completed, temporarily preventing the project from proceeding, communities remain concerned that it may still advance by exploiting regulatory gaps, despite sustained and strong local opposition.^{xxviii}

- 4.3. **Chao Lay peoples** living in Southern Thailand in the islands and coast of the Andaman Sea have seen their lands grabbed and their access to their fishing area cut off for hotels, resorts and on the beach-front business activities. In December 2022, 15 Chao Lay people on Koh Lipe were prosecuted for protesting against land grabbing and the blockage of a pathway used to access a school, a local hospital, and the beach by a project developer.^{xxix} In April 2025, the same company that claims ownership over the disputed land and previously blocked the public route returned to the area, this time with the intention of demolishing the school's canteen and restroom facilities, alleging that the school has encroached on their land for many years.^{xxx} The company then cut down trees and partially demolished the school's wall, claiming it would construct a new canteen and other facilities as replacements for those it intended to remove.^{xxxi} This caused the Chao Lay community to stage a protest as they contested that the land had been donated to the school and did not encroach on the company's claimed land.^{xxxii}
- 4.4. **The Mani or Maniq**, an Indigenous group in Southern Thailand, face increasing exploitation of their land, culture, and resources by business actors operating without their FPIC. Attempts by central authorities and civil society networks to secure land for the Mani have been obstructed by local officials and tourism operators whose unlawful businesses in protected forest areas depend on preventing recognition of Mani land rights. Community members have faced fabricated allegations, police intimidation, and pressure to withdraw from lands designated for them, while resorts continue to use Mani cultural identity as a tourist attraction, collecting donations and generating revenue without consent, transparency, or equitable benefit-sharing. Intermediaries and local actors have also misappropriated funds and development resources, confiscated community property, and controlled financial benefits meant for the Mani, depriving them of meaningful participation in decisions affecting their lives.^{xxxiii}
- 4.5. Indigenous Peoples are not the only communities affected by the adverse impacts of business activities; **rural communities** more broadly are also impacted. In Pichit Province, communities have endured over two decades of harm linked to gold mining operations at **the Chatree Gold Mine**. Since operations began in 2001, villagers have reported toxic contamination of land and water, exposure to hazardous substances, destruction of livelihoods, and long-term physical and mental health impacts.^{xxxiv}
- 4.6. In Ubon Ratchathani Province, communities affected by **the Pak Mun Dam** have endured over 36 years of environmental, social, and economic harm linked to State-led energy development. The dam



has significantly altered the ecosystem of the Mun River, leading to a drastic decline in fish species and undermining the livelihoods and food security of fishing communities across ten provinces in the Isaan region.^{xxxv} Affected communities report that information provided by State agencies does not fully reflect the realities on the ground, and that their voices and lived experiences have not been adequately considered in decision-making processes. In particular, women report loss of livelihoods, degradation of natural resources, and prolonged denial of justice despite decades of engagement with authorities. Women also face compounded challenges. Those who speak out against the impacts of such projects are often subjected to stigma, discrimination, and social exclusion for assuming public roles traditionally not accepted for women. They also face intimidation and threats, which have discouraged participation and limited the ability of communities to advocate for their rights.^{xxxvi} While the negative consequences of the Pak Mun Dam have not yet been addressed, affected communities have expressed concern over the push for new dam projects, particularly the Phu Ngoi Dam on a tributary of the Mekong River.^{xxxvii}

- 4.7. **The “Pracharath Power Plant” scheme or Very Small Power Producers (VSPP)**^{xxxviii} in the Southern Border Provinces has not only violated communities’ rights to consultation and access to information, but has also impacted their cultural way of life and health.^{xxxix} Areas of spiritual, religious, and cultural significance, often located in quiet natural environments such as orchards and forest areas, are affected by environmental changes, noise, nighttime disturbances, and vibrations from power plant operations. Loss of agricultural land or reduced productivity may force communities to change livelihoods or relocate, leading to social fragmentation and reduced cultural security. Further, agricultural production is also affected by dust and emissions settling on plant leaves, reducing photosynthesis and lowering both quality and yield. Air pollutants, including sulfur dioxide, nitrogen oxides, and fine particulate matter (PM2.5), can damage crops and alter soil and water conditions. Air quality in surrounding areas is often poor due to the use of low-quality biomass and incomplete combustion, resulting in increased particulate emissions. Available studies indicate that biomass burning is a major source of PM2.5, and communities living near such plants report higher incidences of allergies, particularly among children and the elderly.^{xlxi}

5. Criminalisation of Environmental Human Rights Defenders

- 5.1. Thailand’s legal framework fails to protect environmental human rights defenders (EHRDs) against intimidation, threats, and judicial harassment. Strategic Lawsuits Against Public Participation (SLAPPs) are a central tool used to silence EHRDs. Between 1997 and June 2022, at least 109 SLAPP cases were filed by businesses and state-owned enterprises, targeting more than 400 individuals.^{xlii} These cases most often take the form of defamation suits, where EHRDs and community members are prosecuted for defending their rights and lands. Under Thai law, defamation constitutes both a civil and criminal offence, in violation of international human rights standards.^{xliii} Despite amendments to the Criminal Procedure Code (Sections 161/1 and 165/2) in 2019, provisions intended to curb SLAPPs remain ineffective in practice.^{xliv}



Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

- 5.2. Women EHRDs (WEHRDs) are particularly vulnerable.^{xlv} When defending their rights and lands, they often face threats and intimidation, including unannounced visits from authorities. The impact of targeting women frequently extends beyond the individual, given the central caregiving roles that many women hold. Although many SLAPP cases ultimately result in acquittals, the legal process itself significantly disrupts their lives. The time and energy required to prepare for and attend court hearings can lead to accusations of neglecting family duties, a particularly damaging stigma in rural communities.^{xlvi}
- 5.3. While the Ministry of Justice is currently drafting the ***Prevention of Strategic Litigation Against Public Participation Bill***, important gaps remain in both process and content. Although the first round of public consultations was organised from 14 March to 21 April 2025, analysis of the consultation summary raises serious concerns. Of the 574 individuals who submitted comments, 92% were government officials. Participation from non-State actors was extremely limited, with only 15 submissions from civil society.^{xlvii} This overwhelming dominance of State actors indicates that the process failed to effectively engage rights-holders, affected communities, and independent civil society. In terms of content, the Bill does not constitute standalone anti-SLAPP legislation. Instead, it provides amendments to existing legislation in relation to defamation and does not address other grounds commonly used for SLAPPs.^{xlviii} The Bill also lacks critical elements necessary to ensure effective protection of human rights defenders,^{xlix} including a definition of SLAPP and its prohibition, a definition of public participation, and the decriminalisation of defamation. The definition of “matter of public interest” is also overly restrictive. In its current form, the draft falls far short of international standards and fails to provide effective protection against SLAPPs, underscoring the urgent need for comprehensive, standalone anti-SLAPP legislation.^l
- 5.4. In the case of a coal-fired power plant in Thepha District, Songkhla Province, an affected villager stated: *“From my experience, the state doesn’t just fail to protect, it actively weaponises the legal system to suppress dissent. When our community opposed the development project, 17 people, including both local residents and outsiders, were hit with SLAPP lawsuits. That wasn’t the end of it. A second round of charges came under the Public Assembly Act, targeting five individuals. Four of them had already been named in the first lawsuit, and the fifth was a woman who had not previously been charged. This pattern of legal intimidation sends a clear message: if you speak out, you risk being punished.”*^{li}
- 5.5. Although the Supreme Court of Thailand ultimately dismissed all charges against the 17 **Thepha villagers** and activists, the proceedings lasted nearly six years from their arrest in November 2017 to acquittal in July 2023.^{lii} This reflects the characteristics of SLAPPs, where legal actions are used not to secure convictions, but to impose prolonged proceedings, costs, and uncertainty. Such practices have a chilling effect on communities and human rights defenders, deterring them from exercising their rights to peaceful assembly, participation, and expression, particularly when opposing development projects affecting their livelihoods and environment.



Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

- 5.6. The case of the **Chana community** further illustrates the criminalisation of environmental human rights defenders. In response to a large-scale industrial development project affecting over 30,000 residents, community members demanding a rights-compliant impact assessment were met with repression. In December 2021, 37 peaceful protesters, many of them women and children, were arrested following a demonstration calling for the suspension of the project and meaningful consultation. Authorities relied on the COVID-19 Emergency Decree to justify arrests and pursue legal action, demonstrating how emergency powers have been misused to silence environmental defenders and suppress legitimate public participation.^{liii}
- 5.7. The Phichit villagers also faced several SLAPP cases brought both by the mining company and Thai authorities under Sections 326, 328 of the Criminal Code and Sections 14(1) and 14(5) of the Computer Crime Act.^{liv}

6. Systemic Violations of Labour Rights

- 6.1. Thailand's *Labour Protection Act*^{lv} provides limited safeguards, but significant gaps remain in both law and practice. Thailand has not ratified key International Labour Organization conventions on freedom of association (No. 87) and collective bargaining (No. 98),^{lvi} resulting in restrictions on unionisation for civil servants and migrant workers, who are barred from forming unions or holding leadership positions.^{lvii} These limitations severely undermine workers' ability to organise, bargain collectively, and seek redress.
- 6.2. Thailand ranks among the worst countries globally for workers' rights, with a score of 5 ("no guarantee of rights") in the 2025 ITUC Global Rights Index.^{lviii} Widespread union-busting, repression of strikes, restrictive legal frameworks, and inadequate wages continue to deny workers their fundamental rights.^{lix}
- 6.3. These shortcomings are further exacerbated by the scale of informal employment in Thailand. Recent data indicates that over 52.3% of the workforce, more than 21 million workers, are engaged in informal employment,^{lx} placing the majority of workers outside full labour protections and social security systems. Despite their significant contribution to the economy, informal workers continue to face limited access to legal protection, occupational health safeguards, and comprehensive social security coverage.
- 6.4. Gender inequalities are particularly pronounced. It is estimated that around 10 million women are engaged in informal or independent work, many of whom lack access to maternity protection and income security.^{lxi} While maternity protections have been strengthened for formal sector workers, informal workers, including those covered under Section 40 of the Social Security Act,^{lxii} do not benefit from equivalent provisions. Extending such protections requires additional legislative measures, which remain incomplete. As a result, a two-tier system persists, in which formal sector employees



benefit from improved protections, while the majority of working women in informal employment remain excluded from comparable safeguards.

- 6.5. Thailand's migrant labour management framework continues to generate systemic labour rights violations due to restrictive policies, administrative failures, and weak oversight. The implementation of the e-WorkPermit system has created significant barriers to legal employment, with technical issues, delays, and rigid timelines placing many workers at risk of irregular status. These deficiencies increase vulnerability to exploitation, including dependence on brokers, arbitrary penalties, and potential forced labour linked to high documentation costs. Limited access to health services, poor inter-agency coordination, and inflexible policies further deepen migrant workers' precarity.^{lxiii}

7. Criminalisation and Marginalisation of Sex Workers

- 7.1. Thailand's legal framework on sex work, including the *Prevention and Suppression of Prostitution Act B.E. 2529 (1986)*,^{lxiv} continues to conflate consensual sex work with human trafficking, resulting in the criminalization of workers rather than the protection of their rights. In practice, this framework systematically undermines human rights protections. This conflation exposes sex workers, particularly women and LGBTIQ+ persons, to arrest, harassment, and exploitation, while limiting their access to labour protections, social security, and healthcare. As a result, criminalization drives sex work underground, increasing vulnerability to violence and abuse and undermining effective responses to actual cases of trafficking. Sex work should be decriminalized, and sex workers recognized as workers entitled to full labour rights, social protection, and safe working conditions.^{lxv}

8. Lack of Effective Remedy and Fair Compensation

- 8.1. While the 2017 Constitution^{lxvi} and the 2015 class action amendments^{lxvii} ostensibly provide avenues for justice, in practice these are undermined by protracted procedural delays and excessive burdens of proof. The absence of a comprehensive regulatory regime, combined with weak enforcement of sectoral laws, enables both corporate and State-related impunity and limits effective protection against environmental and human rights abuses. As a result, marginalised groups, including indigenous, ethnic minorities and women, are left without effective remedy, as judicial processes often outlast the plaintiffs themselves and compensation fails to reflect the full extent of harm suffered.
- 8.2. The **Phichit villagers** filed a class action lawsuit before the Environmental Division of the Civil Court in Bangkok on 27 May 2016, seeking compensation for loss of livelihoods, health impacts, and environmental harm caused by **the Chatree Gold Mine**. It took more than three years for the court to accept the case on 31 October 2019, and hearings were repeatedly postponed, originally scheduled for 17 February 2020 but only held on 18 November 2021. Further delays followed the withdrawal of a community leader after reaching a settlement with the company, requiring new petitioners to be selected and approved.^{lxviii} After nearly a decade of proceedings, the court issued its ruling on 24



Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

March 2026, finding the company liable.^{lxix} However, during this period, some plaintiffs died without ever receiving justice. The compensation awarded also falls short of the full extent of harm suffered, highlighting persistent gaps in access to effective remedy. The mine operator and its Australian parent company **have publicly rejected the court's findings** as based on “inconclusive evidence” and announced plans to appeal. This response reflects a broader pattern of corporate denial of responsibility and raises serious concerns regarding respect for judicial authority and the rule of law.^{lxx}

- 8.3. The **communities affected by the Pak Mun Dam** have endured over three decades of environmental, social, and economic harm linked to State-led energy development. Despite the prolonged impacts, affected communities have been **denied effective remedies, including compensation for loss of livelihoods**. Despite government commitments, including a 1997 Cabinet resolution to allocate land, key measures have not been implemented, and recent compensation processes have excluded many previously recognised as affected.^{lxxi} Delays in redress reflect deeper structural failures: some affected persons have died without receiving compensation, while others are unable to navigate complex administrative processes due to age or prolonged exhaustion. As communities have expressed, this prolonged inaction constitutes a form of structural violence, perpetuating harm through waiting.^{lxxii} The destruction of river ecosystems, fisheries, and food sovereignty continues to undermine their livelihoods.

9. Recommendations

9.1. Lack of Legal Framework to Regulate Business Activities

- 1) In line with the CERD Concluding Observations (2022) and the 3rd cycle UPR recommendations (2021), adopt and effectively implement a mandatory human rights and environmental due diligence law aligned with international standards.
- 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.
- 3) Ensure that the drafting process of the *Promotion of Responsible Business Conduct Bill* is inclusive and transparent, including meaningful participation of affected rightsholders.

9.2. Systemic Failures in Environmental Impact Assessments

- 1) In line with the 3rd cycle UPR recommendations 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) Explicitly recognise under EIA legislation communities' rights to access to information, and meaningful consultation.
- 3) Ensure the requirement to fully disclose EIA reports in a timely manner.



9.3. Adverse Impacts of Business Activities on Communities

- 1) In line with the CEDAW Concluding Observations (2025), ensure the meaningful participation of Indigenous women in decision making processes regarding the use of ancestral lands and establish effective consultation mechanisms to secure their FPIC.
- 2) In line with the CERD Concluding Observations (2022), ensure Indigenous Peoples and their rights are legally recognised in accordance with UNDRIP and ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organisation.
- 3) In line with the CERD Concluding Observations (2022), ensure that Indigenous Peoples are consulted on projects or legislative or administrative measures that affect the land and natural resources that they own or have traditionally used with a view to obtaining their free, prior and informed consent, in line with the United Nations Declaration on the Rights of Indigenous Peoples.

9.4. Criminalisation of Environmental Human Rights Defenders

- 1) In line with the CEDAW Concluding Observations (2025), create an enabling environment for WHRDs to exercise their right to freedom of expression, peaceful assembly and association, both offline and online and ensure the WHRDs are not subject to criminal charges for their work.
- 2) In line with the 3rd cycle UPR recommendations made by Belgium and supported by Thailand (2021) enact effective and gender sensitive standalone anti-SLAPP legislation.

9.5. Systemic Violations of Labour Rights

- 1) In line with the CEDAW Concluding Observations (2025), intensify legislative and policy measures to promote the transition of women to employment in the formal economy and ensure that women employed in the informal economy, including in domestic work and agriculture, as well as women migrant workers, are covered by labour and social protection, including maternity protection.
- 2) In line with the CEDAW Concluding Observations (2025), ensure that sexual harassment protections extend to all employment sectors, including the informal sector, and establish confidential complaint mechanisms and mechanisms to monitor, assess and respond to sexual harassment in the workplace.
- 3) In line with the CEDAW Concluding Observations (2025), the CERD Concluding Observations (2022) and the 3rd cycle UPR recommendations made by Chile and Morocco (2021), ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Domestic Workers Convention, 2011 (No. 189).

9.6. Criminalisation and Marginalisation of Sex Workers

- 1) In line with the CEDAW Concluding Observations (2025), fully repeal the *Prevention and Suppression of Prostitution Act* (1996) and replace it with legislation that decriminalises sex work, affirms labor protections, and ensures access to health care, justice, and legal protections without stigma or coercion while providing support to victims of human trafficking.
- 2) End the misuse of anti-trafficking laws to target adult sex workers and other marginalised groups, and hold businesses and employers accountable for trafficking and labor exploitation.



Joint UPR Submission: Corporate Accountability in Thailand
 UN Universal Periodic Review of Thailand - 4th UPR Cycle
 53rd Session of the UPR Working Group

9.7. Lack of Effective Remedy and Fair Compensation

- 1) In line with the CEDAW Concluding Observations (2025), and the 3rd cycle UPR recommendation made by Peru (2021) ensure access to justice and ensure that assistance to the Justice Fund is available to all women, including Indigenous women and women belonging to ethnic minorities and that they have access to interpretation in judicial proceedings.
- 2) Ensure that the *Promotion of Responsible Business Conduct Bill* sets civil and criminal liability regime, including harmonising legislation to ensure effective access to justice such as establishing burden of proof on companies.



Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
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Thai CSOs Coalition
for the UPR

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UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

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Thai CSOs Coalition
for the UPR

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UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

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Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

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Thai CSOs Coalition
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Thai CSOs Coalition
for the UPR

Joint UPR Submission: Corporate Accountability in Thailand
UN Universal Periodic Review of Thailand - 4th UPR Cycle
53rd Session of the UPR Working Group

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Joint UPR Submission: Corporate Impunity & the Fight for Accountability in Thailand

April 2026

Submission by



Manushya Foundation is a women-led, decolonial and intersectional feminist organisation building cross-border safety nets of protection, solidarity, and accountability across Asia. We strengthen the political power and decision-making leadership of feminists, youth movements, and frontline communities. Our work shifts power by bridging emergency protection for activists facing repression and transnational repression, movement lawyering to confront corporate abuse and false climate solutions, defense of digital rights and civic space in increasingly surveilled environments, and grassroots-led advocacy engaging international accountability systems to advance structural justice. For more, see <https://www.manushyafoundation.org/>.



The **Thai CSOs Coalition for the UPR and UN Mechanisms (Universal Periodic Review)**, established during Thailand's Second UPR cycle, is a people-led, intersectional feminist movement bringing together local communities and national civil society organisations across all human rights sectors. As one of the largest intersectional grassroots-led movements in Thailand, it engages with the UPR and UN treaty bodies, connecting struggles from Indigenous Peoples' rights, land and environmental justice, and labour rights to digital rights, freedom of expression, transnational repression, and the protection of human rights defenders, migrants, political refugees, youth, LGBTIQ+ individuals, and communities facing systemic marginalization. It fosters solidarity among communities facing shared challenges and strengthens collective action to demand accountability from the state and companies for their international human rights obligations.



Indigenous Women's Network of Thailand (IWNT) was founded in 1996 as a part of the Inter Mountain Peoples Education and Culture in Thailand (IMPECT) to provide a gender perspective to development activities affecting indigenous peoples in Thailand. In 2011, IWNT was established as an independent organization to work towards improving the lives of indigenous women in Thailand, working with the following groups or "chon paos": Karen, Lisu, H'mong, Lahu, Akha, Dara'ang, Taiyai or Shan, Lua, Kachin, Mien, Moken, Urak Lawoi. IWNT aims at advancing indigenous women's rights as Women and as Indigenous Peoples, promoting national and international instruments for women's protection, strengthening indigenous women's participation in local government, natural resource management sector and other decision-making bodies, for them to acknowledge and support indigenous women's rights and traditional knowledge. Over time, the network has expanded to include members from more than 26 Indigenous communities/groups across all regions of the country.



The Green World Network is a community network based in Songkhla Province, Southern Thailand, that has been actively working to protect community rights, natural resources, and the environment from unsustainable development. Since 2014, the Network has been protesting the Royal Thai Government's announcement of the Thepa coal-fired power plant, Thailand's largest proposed power plant. For further information, please visit: <https://www.facebook.com/profile.php?id=100087889741564>



Sab Wai Villagers are 14 members of a rural farming community in Chaiyaphum province. From the Isan ethnic minority group, the villagers have been unfairly criminalised under Thailand's 2014 Forest Reclamation Policy for encroaching land in Sai Thong National Park where they have been living and making their livelihood for decades. For further information about Sab Wai villagers, please visit: <https://www.manushyafoundation.org/campaign-savesabwaivillagers>.



Phichit Villagers are members of a rural farming community across Phichit, Phetchabun and Phitsanulok provinces who have been impacted by Thailand's largest gold mine since the start of its operations in 2001. For further information about Phichit villagers, please visit: <https://www.manushyafoundation.org/justice-for-phichit>.



Network of People Affected by the Pak Mun Dam is a community-based network of villagers living along the Mun River in Ubon Ratchathani Province who have been impacted by the Pak Mun Dam since its construction in the early 1990s. The network advocates for the restoration of livelihoods, access to natural resources, and accountability for the long-term social and environmental impacts of the dam.

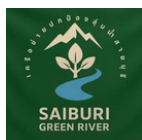




Ka Boe Din Villagers is a small Indigenous Karen community of approximately 400 people located in Omkoi District, Chiang Mai Province. Their land and resources are increasingly threatened by external investors seeking to exploit the area's rich natural resources, putting their livelihoods, identity, and ancestral lands at risk. For further information on the villagers, please visit: <https://www.facebook.com/KaberdinWonderland>.



The Patani RESOURCE is the group for the Protection of Resource Base and Sustainable Development, an organisation dedicated to advancing development grounded in justice. It upholds the rights of the Patani people over the ownership of their natural resources. Its core mission is to protect local interests from policies that impact natural resources, while creating spaces for dialogue to reclaim decision-making power for communities so they can shape their own futures. The organisation also coordinates with civil society networks to establish mechanisms for sustainable development.



The Saiburi River Youth Network is a youth network in the southern border provinces working on natural resource conservation, sustainable resource management, and the promotion of community participation in natural resource decision-making processes. The network works with local communities and civil society organisations to monitor environmental and human rights situations affecting the livelihoods of people in the Sai Buri River basin.



HomeNet Thailand is a national network of home-based workers and informal workers that advocates for labour rights, social protection, and economic justice. Established in 1992, the network works to strengthen the voice and bargaining power of home-based workers, particularly women, through organizing, capacity-building, policy advocacy, and collaboration with government and civil society to improve working conditions and legal protections in Thailand. For more information, please visit: <https://www.homenetthailand.org/>



Young Pride Foundation, founded in 2018, is a youth- and LGBTQ+-led organisation supporting human rights, gender equality, and democracy through online learning, events, and meetings. We dedicate ourselves to supporting and maintaining relationships among youth leaders through communication support and resource sharing. We also aim to promote understanding of diversity and inclusion at universities and monitor cases of unfair discrimination. For more, please see <https://youngprideclub.com/>.



Empower Foundation is a Thai organisation that has been promoting justice, human rights and opportunities for sex workers in Thailand since 1985. Empower is led by sex workers for sex workers. Empower works towards a vision of the future where all women will be able to work safely and fairly in the work they have chosen to do – be that in the home or not, in sex work or not. Over the last 36 years over 50,000 sex workers have been part of Empower; Thai, Indigenous and Migrants. Empower's key focus includes policy reform and legal advocacy, access to education, art and culture, and development of decent sex work. Empower was recognised by the National Human Rights Commission in 2006 when it was awarded the Best Human Rights Organisation. Empower has been a founding member and driving force in many national, regional and international networks.



The Women Workers for Justice Group was established for the first time in 2016, the Women Workers for Justice Group (WJG) consists of a wide variety of women workers in Chiang Mai and provinces nearby. The WJG works with many networks and many organisations working at the intersection of migrant rights, women's rights, violence against women, women labor and child sexual abuse. The WJG strongly amplifies migrant women's voices at the national and International levels.



The Migrant Working Group (MWG) was established in 2006 in response to shared concerns among member organisations over the injustice faced by migrant workers, particularly regarding their exclusion from the social security system. Recognising the power of collective action, MWG has held monthly meetings since February 2006 as a sustained platform for information exchange, problem analysis, policy advocacy, and coordinated action. Collaborating with government agencies, academia, and civil society, MWG focuses on three core areas: health, education, and labor rights. Its overarching goal is to ensure that migrant populations can access their rights and live with dignity, equality, and without discrimination.





THAILAND UPR IV
2026



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