



# Chapter 1: Introduction



MARCH 2019

#ThaiBHRNetwork



**MANUSHYA**  
Empowering Communities | Advancing Social Justice



Second  
CSO National

of the  
in Thailand



Manushya Foundation  
& Thai BHR Network,  
*Chapter 1: Introduction.*  
*Comments on the final*  
*draft National Action Plan*  
*(NAP) on Business and Human*  
*Rights (BHR) in Thailand, (March 2019).*

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NAP on BHR:

-  Visit our website at:  
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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>

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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](#)<sup>1</sup> 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

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<sup>1</sup> 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 lens<sup>2</sup> throughout our comments. This we do by addressing all women groups that participated and contributed to the [Regional National Baseline Assessment Dialogues](#)<sup>3</sup>, the [first experts meeting](#) to inform the independent national baseline assessment on business and human rights in Thailand<sup>4</sup>, and the [second experts meeting](#) to discuss the findings and recommendations of the independent national baseline assessment on business and human rights in Thailand.<sup>5</sup> 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.

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<sup>2</sup> 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>

<sup>3</sup> 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>

<sup>4</sup> 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>

<sup>5</sup> 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](#)<sup>6</sup> 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](#)<sup>7</sup> to identify the key priority issues to inform the NAP on BHR,

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

<sup>7</sup> 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](#)<sup>8</sup>, 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](#)<sup>9</sup> 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](#)<sup>10</sup> 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

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<sup>8</sup> Supra Note 3.

<sup>9</sup> Supra Note 4.

<sup>10</sup> 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 \(PLVs\)](#)<sup>11</sup>, 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](#)<sup>12</sup> [calling on the government](#)<sup>13</sup> 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.

<sup>11</sup> 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](https://nalsa.gov.in/sites/default/files/scheme/Scheme_%28Para_Legal_Volunteers%29.PDF)

<sup>12</sup> 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>

<sup>13</sup> 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](#)<sup>14</sup> 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 statement<sup>15</sup> 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.

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<sup>14</sup> 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>

<sup>15</sup> *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](#)<sup>16</sup> and [Switzerland](#).<sup>17</sup>

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](#).<sup>18</sup> 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.

<sup>16</sup> 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>

<sup>17</sup> 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>

<sup>18</sup> 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](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 <b>changes</b> in the wording
<p><b>Pg 1: Pillar 1 on Protection (Protect)</b> 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><b>Pg 1: Pillar 1 on Protection (Protect)</b> 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. <del>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.</del> <b>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.</b>  <b>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.</b></p>

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

Original Text	Suggested <b>changes</b> in the wording
<p><b>Pg. 4: 2. The First National Dialogue on Business and Human Rights:</b> The Rights and Liberties Protection Department of the Ministry of Justice 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><b>2. The First National Dialogue on Business and Human Rights:</b> 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, <del>Manushya Foundation and the Thai CSOs Coalition for the UPR</del> to organise the first national meeting on 22 December 2016.  <b>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.</b></p>

<p><b>Pg. 4: 3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation):</b> 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><b>3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation):</b> 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 <del>baseline</del> <b>an independent CSO National Baseline Assessment (NBA)</b> to inform the National Action Plan (NAP) on Business and Human Rights (BHR).</p>
<p><b>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:</b> 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><b>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:</b> 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 <del>1 to 3</del> <b>2 to 3</b> September 2017 at Sampran Riverside, Sampran, Nakhon Pathom.</p>
<p style="text-align: center;"><b>Original Text</b></p>	<p style="text-align: center;"><b>Suggested additions to address gaps in the NAP</b></p>
<p><b>3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation):</b> 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><b>3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation):</b> 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 <del>baseline</del> <b>an independent CSO National Baseline Assessment (NBA)</b> to inform the National Action Plan (NAP) on Business and Human Rights (BHR). <b>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.</b></p>

**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 style="text-align: center;"><b>Original Text</b></p>	<p style="text-align: center;"><b>Suggested additions to address gaps in the NAP</b></p>
<p><b>Pg. 8: 2. Improving the quality of life to be environmentally friendly</b> - 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</p>	<p><b>2. Improving the quality of life to be environmentally friendly</b> - 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</p>



<p>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>opportunity for the people affected by such projects to have access to the data and participate in giving their opinions, <a href="#">through a mandatory Social Impact Assessment (SIA), Community Human Rights Impact Assessment (CHRIA) and a Gender Impact Assessment (GIA)</a>. Those that have been negatively affected should receive a fair compensation.</p>
<p><b>Pg. 9: 3. Balancing and improving the public administration system</b> - 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><b>3. Balancing and improving the public administration system</b> - 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. <a href="#">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.</a></p>
<p><b>Pg. 9: The 12th National Economic and Social Development Plan</b> - 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><b>The 12th National Economic and Social Development Plan</b> - 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. <a href="#">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.</a></p>
<p><b>National Human Rights Plan</b> - 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><b>National Human Rights Plan</b> - 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. <a href="#">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.</a></p>



**MANUSHYA**

Empowering Communities | Advancing Social Justice

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

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