



Chapter 6: Promoting the mobilisation of the National Action Plan on Business and Human Rights into implementation & Chapter 7: Regulation, oversight, monitoring and evaluation



MANUSHYA

Empowering Communities | Advancing Social Justice

Manushya Foundation
& Thai BHR Network,
Chapter 6: Promoting the mobilisation of the National Action Plan on Business and Human Rights into implementation
& *Chapter 7: Regulation, oversight, monitoring and evaluation. Comments on the final draft National Action Plan (NAP) on Business and Human Rights (BHR) in Thailand, (March 2019).*

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For more information about the
NAP on BHR:



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



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About the Thai BHR Network

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

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

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

by Manushya Foundation & Thai BHR Network

15 March 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁸ Supra Note 3.

⁹ Supra Note 4.

¹⁰ Supra Note 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁵ *Ibid.*

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

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

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

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

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

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

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

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

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

Chapter 6: Promoting the mobilisation of the National Action Plan on Business and Human Rights into implementation

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

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

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



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



6.2. Long-term Action Plan (5 years)

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



6	Improve E-learning on business and human rights, which covers the content of the National Action Plan on Business and Human Rights and the UNGPs	Ministry of Justice	B.E. 2564-2566 (2021-2023)	- E-learning on BHR is developed by 2021. - E-learning is accessible by all for free.
7	Develop grievance mechanisms to receive complaints on business and human rights issues, accessible at all levels of society, and available in indigenous languages and migrant workers' languages . Ensure the complaints received are addressed in a timely manner and remedy is effectively provided.	Ministry of Justice	B.E. 2564-2566 (2021-2023)	- Grievance mechanisms to receive complaints related to BHR issues, which are accessible at all levels and by all sectors of society are created by 2021. - These complaints mechanisms shall be available in indigenous languages and migrant workers' languages. - Complaints are handled within 2 months maximum and effective remedy is provided.
8	Encourage small and medium-sized businesses to implement the NAP and the UNGPs by providing capacity building training, in cooperation with affected communities as trainers, to build understanding of the adverse human rights impacts of business conducts and discuss solutions together .	Ministry of Justice	B.E. 2562-2566 (2019-2023)	Capacity building Training of Trainers are held every 6 months, and at least 50% of the facilitators are from affected communities / CSOs who have been heavily engaged in the NAP process and development of NAP content.
9	Convene meeting to discuss issues that have not yet been achieved in the NAP and push forward various agencies to implement the National Action Plan on Business and Human Rights.	Ministry of Justice New NAP Committee comprising 50% of affected communities/CSOs and 50% of women	B.E. 2564-2566 (2021-2023)	The meeting to discuss gaps in the NAP is held yearly.
10	Study the possibility Consider the study of a policy on tax incentives, or benefits, upholding human rights which would to convince the business sector/state enterprise to respect and comply with the UNGPs and implement the National Action Plan on business and human rights	Ministry of Justice	B.E. 2563-2566 (2020-2023)	The study on a policy on tax incentives and benefits, upholding human rights, to convince the business sector / state enterprises to respect and comply with the UNGPs and implement the NAP on BHR is completed by early 2021.



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



Chapter 7: Regulation, oversight, monitoring and evaluation

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

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

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



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



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

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