



MEETING REPORT

Coalition Building Workshop on
Business & Human Rights: "Building
Solidarity Among Local Communities,
Academics & Experts: Towards a Thai
BHR Network"


**MANUSHYA
FOUNDATION**
Empowering Communities | Advancing Social Justice

Elizabeth Hotel,
Bangkok, Thailand
18-20 November 2017



ON THE PHOTO:

Ms. Nattaya Petcharat of STELLA Maris shared her knowledge and experience on establishing a non-state based grievance mechanism during the third day of the workshop.

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DISCLAIMER: The views expressed in this publication are those of the participants, and do not necessarily represent those of the Manushya Foundation, or those of the organisers and partners.

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Acknowledgements

As part of its work in Thailand, the Manushya Foundation (Manushya) aims to further strengthen the capacity of local communities, members of the Thai CSOs Coalition for the UPR, of which many are experiencing adverse human rights impacts of corporations, to effectively engage in the Universal Periodic Review (UPR) implementation phase and to hold the Royal Thai Government (RTG) accountable on its UPR commitments related to business and human rights.

After the Thai government received, during its Second Universal Periodic Review (UPR), a recommendation from Sweden to develop a National Action Plan (NAP) on Business and human rights (BHR) with the view to implement the UN Guiding Principles on Business and human rights (UNGPs), Manushya developed a strategy aiming at empowering communities to be at the centre of the business and human rights response in Thailand, by guaranteeing their central role throughout the development, implementation and monitoring of the NAP. To this end, since the beginning of 2017, Manushya has reached out to local communities, national, regional and international experts on business and human rights to:

- Develop a CSO national baseline assessment (NBA) on Business and human rights , with communities' challenges and needs put at the centre of the assessment,
- Empower local communities to conduct evidence-based research and, together with academics, document Business and human rights issues they face, and
- Empower grassroots to tip the balance of power between businesses and governments versus CSOs, and encourage more bottom-up approaches which view CSOs as equal partners. For that purpose, in addition to building capacities on BHR knowledge, Manushya also provides sub-grants to establish and sustain a national network on BHR comprising communities, academics and experts, called the "Thai BHR Network".

As part of its Business and human rights strategy and in order to achieve its third objective aiming at empowering grassroots through the establishment of a sustainable national network on BHR comprising communities, academics and experts, called the "Thai BHR Network", Manushya Foundation, together with the Thai CSOs Coalition for the UPR, organised the 3-day Business and Human Rights Coalition Building Workshop, which took place on 18-20 November 2017, at the Elizabeth Hotel, Bangkok Thailand.

First and foremost, Manushya Foundation wishes to express its deep appreciation to all those who joined and participated in this Business and Human Rights Coalition Building Workshop under the banner of *Building Solidarity Among Local Communities, Academics & Experts*. This 3-day workshop gathered more than 70 participants comprising community members and leaders, academics, researchers, international and national NGO representatives. The Coalition Building Workshop benefitted from the insightful discussion of presenters who shared their knowledge and experience and concerns on Thailand's BHR situation. These included: Worawan Sukraroek, Mekong Campaign Coordinator, Earth Rights International; Kornkanok (Chompoo) Wattanapoom, Thai Lawyer, Earth Rights International; Sugarnta Sookpaita, Northern BHR Coordinator and Coordinator of the Migrants Workers Federation (MWF); Sompha Jaikhla, Southern BHR Coordinator, Southern BHR Coalition; Patchareeboon Sakulpitakphon, Business and Human Rights Expert in Private Sector Engagement; Sompong Sakaew, Director, Labour Rights Promotion Network Foundation (LPN); Sor Rattanamanee Polkla, Co-founder & Coordinator, Community Resource Centre (CRC); and Nattaya Petcharat, Stella Maris Songkla.

This 3-day workshop was moderated by Emilie Pradichit, Founder and Director, Manushya Foundation; Nattaporn Artharn, Community Empowerment Coordinator, Manushya Foundation, and Nada Chaiyajit, Capacity Building Coordinator, Manushya Foundation.

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Abbreviations

BHR	Business and Human Rights
CRC	Community Resource Centre
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
HRIA	Human Rights Impact Assessment
IHRM	International Human Rights Mechanisms
LPN	Labour Rights Promotion Network Foundation
NAP	National Action Plan
NBA	National Baseline Assessment
PLHIV	Persons living with HIV
PTTGC	PTT Global Chemical Public Company Limited
TBHRN	Thai BHR Network
UNGPs	United Nations Guiding Principles
UPR	Universal Periodic Review

Executive Summary

On 18-20 November 2017, Manushya Foundation organized a 3-day BHR Coalition Building workshop entitled *Building Solidarity Among Local Communities, Academics & Experts*. In the context of community empowerment in relation to Business and Human Rights (BHR) issues in Thailand, it was important for Thai civil society to share knowledge and strategies, and mobilise to influence and lead the future of the business and human rights discourse in Thailand.

This three-day workshop was moderated by Emilie Pradichit, Founder and Director, Manushya Foundation; Nattaporn Artharn, Community Empowerment Coordinator, Manushya Foundation; and Nada Chaiyajit, Capacity Building Coordinator, Manushya Foundation.

On the first day, Ms. Emilie Pradichit, Founder and Director, Manushya Foundation, welcomed all participants and kicked-off the workshop by stressing the importance of community mobilisation, empowerment and participation in relation to BHR issues in Thailand. Session 2 was facilitated by colleagues from Earth Rights International, Ms. Worawan Sukrarook, Mekong Campaign Coordinator, and Ms. Kornkanok (Chompoo) Wattanapoom, Thai Lawyer, explaining the relationship between business and human rights, the 3 pillars of the United Nations Guiding Principles on Business and Human Rights (UNGPs), as well as transboundary case studies relating to community rights and the environment. During the afternoon, Manushya Foundation's Community Empowerment Coordinator, Ms. Nattaporn Artharn recapitulated Session 1 and 2 in a participatory format allowing participants to test their understanding and ask for clarifications regarding the three pillars of the UNGPs and the National Action Plan (NAP) on BHR. During the last session of the first day, a participatory approach was followed whereby thematic working groups provided an overview of their challenges and experiences related to their group challenges. Thematic groups included: *Indigenous Peoples; Land grabbing and SEZs; Management of natural resources and environmental impacts; Women's rights and gender equality in the workplace; Migrant workers; Labour rights of formal and informal workers; and Anti-discrimination Policies for LGBTI, PLHIV, drug users and sex workers.*

On the second day, Ms. Patchareeboon Sakulpitakphon, Business and Human Rights Expert in Private Sector Engagement, and Mr. Sompong Sakaew, Director, Labour Rights Promotion Network Foundation (LPN), commenced the day by sharing their experiences and knowledge of working towards private sector engagement to respect human rights. In the afternoon, different working groups discussed possible steps that should be followed by businesses to respect human rights by providing their community solutions to address violations, and strategies on practical actions that could be taken to raise awareness on their issues and influence consumers.

On the third day, Ms. Nattaya Petcharat from Stella Maris Songkla shared her knowledge and experience on establishing a non-state based grievance mechanism. Following, Ms. Sor Rattanamanee Polkla, Co-founder & Coordinator at the Community Resource Centre (CRC), provided an overview on accessing state-based judicial grievance mechanisms. During the final two sessions of the BHR Coalition workshop, participants from all regions of Thailand discussed the possibility and importance of building a BHR Coalition. At the end of the session, the participants decided to join forces and launched a Thai BHR Network (TBHRN).

The workshop was an important step for community members, academics, experts, and researchers to engage in an all-inclusive and participative dialogue on BHR challenges, problems, strategies and possible solutions.

Workshop Objectives:

- Explore the purpose, importance, challenge and requirements of the UNGPs and CSOs role in the NAP process and content.
- Share communities' challenges, difficulties and issues when working on BHR.
- Strategize the mobilisation and reinforcement of local communities as central actors to respond to BHR challenges in Thailand, and the steps to be taken by businesses to respect human rights.
- Review the need of coalition building and discuss its goal, purpose, target, and leverage.

Workshop Outcomes:

- During the workshop, the importance of active participation and inclusiveness of communities in the drafting and implementation of the NAP and the future of BHR issues was stressed.
- Various BHR issues were identified and discussed: LGBTI, sex workers and people living with HIV are continuously discriminated in the workplace, and public arena. Indigenous Peoples face legislations facilitating evictions, bias from public agencies, misrepresentation in the media, and struggles interpreting laws. Migrant workers face obstacles based on unequal wages, discriminatory business practices, lack of bargaining power and protection under the law. The environment and land-related rights groups highlighted that participatory approaches are rarely facilitated by the government, and communities are not sufficiently being informed and included in decision-making processes.
- In terms of actions to be taken by businesses, communities accentuated their right to meaningfully participate in any business project affecting them or their land. Participants also expressed the need to move beyond scientific knowledge, and towards the integration of community knowledge/customs/beliefs. Finally, participants wish for a decentralisation of government and business activities' decision making.
- Communities' strategies to influence the BHR environment included organising public forums, collecting credible evidence and setting-up databases, preparing community-led EIAs and community knowledge packages, and raise awareness among private actors and the public.
- The Thai BHR Network (TBHRN) was coined which will adhere to the values of respect, human dignity and non-discrimination. The ultimate goal will be to share knowledge and learn from each other. The TBHRN will focus on sharing expertise, communicating strategies and issues, and advocating their solutions. Communities are agents of change who can use BHR as a powerful tool.

Opening Remarks

The opening session included opening remarks by **Emilie Pradichit**, Founder & Director, Manushya Foundation.

Emilie Pradichit, Founder & Director of Manushya Foundation welcomed all participants, activists, experts, academics, researchers and community members. Following this, all participants introduced themselves stating their names and their association. The following organizations/ associations, and occupation groups have been present during this BHR Coalition Building Workshop:

From the Northern Region:

- Centre for the Protection and Revival of Local Community Rights (CRC) /Northern Regional Nodes of the Thai CSOs Coalition for the UPR
- Sangsan
- Hmong Indigenous Human Rights Lawyer
- IMPECT
- Indigenous Women's Network in Thailand (IWNT)
- HRDF
- Empower Foundation
- Rainbow Dream
- Thai Drug Users Network

From the Northeastern Region:

- Academic Researcher from Mahasarakham University
- Samacha Khon Jon Korani Kuen Pakmoon (Pak Mun Dam)
- Women Living with HIV Network Thailand
- Amnat Charoen Women's Friend Centre
- Singburi Community Organisation Council/Singburi Women Group
- Human Rights Lawyer at Esaan Land Reform Network
- Thai Samakee Subdistrict Administrative Organization
- New Esaan Movement

From the Central and Eastern Region:

- Community Researcher & Rainbow Sky Network Association of Thailand, RSAT / Central & Eastern Regional Nodes
- Sansa YMP Labour Union
- Valeo Rayong Labour Union
- AGC Thailand Labour Union
- Change East Network
- Nakornnayok River Conservation Network
- HIV/AIDS Network
- Health and Opportunity Network/LGBT Network
- Rak Talae Thai Association

- Informal Labour Network (Thailand)
- Home Net Thailand Association

From the Southern Region:

- Southern BHR Coordinator: Tapan Community Land Council
- Southern Regional Node: Patani Institute and Muslim Attorney Council, MAC
- Academic Researcher from the Faculty of Law, Thaksin University
- Student from the Faculty of Law, Thaksin University
- Mt. Boudou Network
- River Conservation Youth
- Songkla-Pattani Network against the Tephra coal-fired powerplant / Thepa Community
- SERC
- Human Rights Lawyer
- Andaman Power Phuket
- Rung Andaman Phuket
- M-Moon, LGBTI

Experts

- Director, Labour Rights Promotion Network Foundation (LPN)
- Co-founder & Coordinator, Community Resource Centre
- Private Sector Engagement, BHR Consultant
- Mekong Campaigns Coordinator, Earth Rights International
- Earth Rights International/ Global Bertha Fellow for Human Rights
- Stella Maris
- The Mekong Butterfly

Session 1: Objectives of the Coalition Building Workshop: Reclaiming Civil Society Role in the development of the National Action Plan (NAP) on Business and Human Rights in Thailand

Key Messages

- Communities are human rights experts; they need to be the ones owning their solutions
- The Thai CSO Coalition for the Universal Periodic Review (UPR) process depicts the first time in which communities came together as one strong voice
- The key objective is to have communities at the centre of the business and human rights (BHR) response and the National Action Plan (NAP) in Thailand
- Communities must engage in UN processes by providing credible, crosschecked and reliable information and evidence on BHR abuses

“Our goal is to empower and encourage local communities to send information related to human rights violations to UN mechanisms because communities own and know the truth.”

*

Emilie Pradichit
Founder & Director Manushya Foundation



Overview

Manushya Foundation outlined its role as a “bridge / platform facilitator” leveraging on the UPR process, to ensure local communities’ participation, as well as to guarantee communities’ voices, challenges, needs and solutions are central to the BHR response in Thailand, by following credible strategy and methodology. Emphasis was put on the important role of communities’ and the benefit of working as a coalition, with example of BHR coalitions in Northern and Southern Thailand.

Panel Discussion

This session was facilitated by:

- Emilie Pradichit, Founder & Director, Manushya Foundation

Registered in Thailand in 2017, Manushya represents a young NGO centred around community empowerment. Manushya’s goal is for communities in Thailand and in the region to be driving the

human rights response. Thereby, it is important that the government hears about communities' issues and needs, and receives solutions. More concretely, Manushya aims to build on the capacity of communities to use international human rights mechanisms (IHRM), which constitutes a core mechanism in countries like Thailand where the government remains reluctant to respect human rights. IHRM can be used to pressure governments, as well as private actors. Communities represent the human rights experts, because no one else knows better what communities face on a daily basis and what is needed; hence, communities need to own their solutions. Manushya's key activities include monitoring and documenting human rights violations, facilitating human rights trainings on the UPR and BHR, providing sub-grants for communities to facilitate trainings on the UPR process and BHR, and community mobilisation.

UPR Process, BHR Commitments and the importance of community inclusiveness

The UPR Process corresponds to both a political and human rights process, whereby every member state is being reviewed on human rights issues every five years, aiming at improving the human rights situation in the respective country. The UPR is one option that allows Civil Society Organisations (CSOs) to engage in a dialogue with diplomats and inform them about the human rights situation on the ground. In turn, every five years governments themselves will report human rights progress and regression in their countries, and other member states as well as CSOs may write their own report on the situation. Credible information submitted by CSOs can then be compared with the government's report to identify similarities and/or differences. This represents a crucial mechanism in order to hold governments accountable and check on their human rights claims.

All UN member states can make recommendations, while communities and CSOs do not. However, UN member states and diplomats rely on recommendations taken from CSOs and communities, which represent the voices emanating from the grounds. Hence, when working on IHRM it is important that communities engage, especially in a realm where civic space is limited. Emilie Pradichit emphasised that communities are the holder of truth, which is why it is significant to engage and share experiences with the international community on actual happenings. If the truth does not reach UN bodies, the human rights situation is unlikely to improve.

The Thai CSO Coalition for the UPR process depicts the first time in which communities came together as one strong voice. By working and supporting each other, communities built solidarity. Factsheets on 22 issues covering a wide range of human rights issues were developed to lobby diplomats. The factsheets also outlined community solutions aiming to raise diplomats' and the international communities' awareness on human rights issues that were overlooked in the past such as Indigenous Peoples, migrants, and land-related rights.

During its review in 2011, Thailand received 159 recommendations; in 2016, Thailand received 249 recommendations. This increase in recommendations can be traced back to a worsening human rights situation after the coup, as well as the advocating and lobbying of communities. A key recommendation related to BHR was brought forward by Sweden, namely asking the Thai government to draft a NAP on BHR to implement the UNGPs. Other BHR related recommendations were submitted by Nigeria (human rights relating to economic growth in local areas); Bolivia (protect rights of peasants and farmers in local areas); Maldives (monitor enforcement of environmental legislation to protect community rights); recommendations on migrant workers, labour rights,

gender equality and protection of HRDs living in rural areas. It was the first time that the Thai government received such a large amount of recommendations on BHR issues.

In order for UN human rights bodies to monitor abuses and violations, these bodies need to receive credible evidence and information. Thereby, CSOs and communities play a crucial role as they may inform the UN on the human rights situation on the ground providing possibly different and adverse opinions as the government. Emilie Pradichit stressed the importance of community engagement in UN processes, and the need to provide credible, crosschecked and reliable information. As the Thai government accepted BHR related recommendations and the UNGPs, communities, as experts of their issues, must remain the centre of implementing solutions.

Manushya's strategy focusing on the importance of community inclusiveness in the BHR discourse in Thailand

Manushya decided to take on the project of BRH supporting 15 groups all over Thailand, whereby each region nodes monitors the human rights situation. The key objective is to have communities at the centre of the BHR response and the NAP in Thailand. The goal is for the NAP to be grounded on evidence-based policy, which has to be informed by communities and their experiences of impacts of business activities. Manushya is currently developing a Desk Review and NBA, which requires the development of new evidence by communities working with academics documenting specific cases. In contrast to the community NBA supported by Manushya, the government should develop its own NBA, followed by the development of the NAP in September 2018.

Credible evidence and documentation

Human rights violations committed by businesses are largely reported by media outlets. While some issues, such as human trafficking in the seafood industry, are well documented, impacts on communities or discriminatory practices are mostly only to be found in the news. In order to ensure that cases are taken serious by international bodies it is crucial to document incidents and abuses in a credible and methodologically sound manner. Community-led research is needed to document BHR issues, and to counter defamation charges brought by companies. Secondly, multi-stakeholder regional meetings, trainings and dialogues with the government and private actors foster the build-up of credibility. However, it has also been noted that private actors seem not ready to meet with communities and hear their points of view. Manushya currently provides technical assistance to four teams of researchers and academics documenting most challenging human rights violations in Thailand. The goal is to create a credible evidence model that communities and individuals in Thailand can use. Without credible evidence, communities lack credibility and validity to put pressure the government and private sector.

Session 2: What are the UN Guiding Principles on Business and Human Rights (UNGPs) & How CSOs can engage in the implementation of the UNGPs?

Key Messages

- Businesses, who are often and centre stage of violating human rights, have little responsibility towards human rights
- The UNGPs outline that states have to protect human rights, businesses should respect human rights, and there must be access to remedy in cases of violations
- A participatory approach when drafting the NAP will be crucial in order to reflect on the problems on the ground related to business activities

Overview

Colleagues from Earth Rights International shared their knowledge and experience on the relationship between BHR, the 3 pillars of the UNGPs, and the importance of the NAP, as well as transboundary case studies relating to community rights and the environment.

Panel Discussion

This session was moderated by:

- **Nada Chaipayit**, Capacity Building Coordinator, Manushya Foundation

Worawan Sukraroek, Mekong Campaign Coordinator, Earth Rights International; and Kornkanok (Chompoo) Wattanapoom, Thai Lawyer, Earth Rights International

Earth Rights International works on a variety of international human rights issues including extraterritorial human rights violations involving Thai companies and international investors, community rights and environmental impacts. The current business landscape has many effects on people and the environment; however, international law is only binding to governments, and not private actors. Businesses, who are often and centre stage of violating human rights, have little responsibility towards human rights. Therefore, Earth Rights International is also campaigning for businesses to adhere to the UNGPs.

The UN Guiding Principles

The UNGPs are a set of principles, approved by the UN, aiming to prevent human rights violations. The UNGPs state that states have to protect human rights, businesses should respect human rights, and there must be access to remedy in cases of violations. The UN endorsed the UNGPs in 2011 with the expectation to specify and identify corporate responsibility and the role of the state. In order to reduce corporate human rights harm, the UNGPs place great emphasis on the role of businesses.

Similarly as to the UN Global Compact, which outlines the need to respect labour and environmental standards, also the UNGPs are not legally binding sets of measures. Every state and business may apply the principles to its work. UNGPs require states to regulate the relationship of business and human rights; it means the guiding principles seek to apply international human rights law to the business sector. So far, international human rights law is binding to states but not to private actors.

The UNGPs are built upon three pillars – the ‘Protect, Respect, Remedy’ framework:

1. Protect

The state has a responsibility to protect human rights from unlawful activity by anyone. The state needs to protect citizens from government organs, private sector or individuals. Protect means that there must be proper procedures and policies in place to prevent, investigate and punish perpetrators.

2. Respect.

Businesses have a responsibility to respect human rights and should avoid activities that are going to violate human rights and need to minimize effects in case abuses do happen. The most important rule of the respect pillar is human rights due diligence (HRDD). HRDD requires businesses to conduct activities responsibly, apply human rights standards and prevent human rights violations throughout their supply chains.

3. Remedy.

In case of human rights violations, the state needs to provide proper and effective remedy procedures. Grievance mechanisms must not only be provided in the form of judicial-mechanisms by the government, but also in form of non-judicial mechanisms by private actors.

NAP and UNGPs

The UN recommends each country to create its own NAP in order to apply the three UNGP pillars to the national context. The NAP is expected to become the government’s tool for protecting affected people. A major component of the NAP is its reflection on the state responsibility in line with human rights law and its promotion to respect human rights via auditing businesses and human rights violations. Secondly, the NAP must reflect the country’s context and define human rights issues. In order to create fairness and reliability, communities are central to the NAP process in Thailand. A participatory approach will be crucial to reflect on the problems on the ground related to business activities. Hence, a transparent NAP process requires the participation of all stakeholders. Once the NAP has been designed, its implementation will have to be constantly monitored and reviewed, and if needed also updated.

Transboundary Cases

- The activities of the ABC mining company caused serious health problems to local communities due to water from the mine which spilled over into different villages. However, after the Thai government’s acceptance of implementing the UNGPs, the company was not held accountable. Later on, the communities themselves filed a complaint with the NHRCT.
- Furthermore, investment banks fund projects that cause serious human rights violations. In the case of Mitr Phol sugar plantation, Earth Rights International raised issues with the International Quality Control Organisation, of which Mitr Phol is a member company. Earth Rights International uses various channels, from judicial to company-led non-judicial mechanisms to seek remedy for communities and villagers.

In times of multinational and supranational companies holding immense powers, and increased development project implementations across the Asian regions, it is crucial to emphasise on companies' extraterritorial obligations (ETOs). Companies have to respect human rights in whichever country they operate.

Dialogue

During this stage, participants were encouraged to reflect on Earth Rights International's presentation and ask questions.

Human Rights Business Awareness

One participant inquired on the level of awareness among business members about Thai investors. Awareness has been described as a central challenging issue; most international companies are listed on the stock market, which requires them to file a report outlining their compliance with rights protection measures.

Retaliation by businesses

One participant remained concerned with companies using SLAPP lawsuits to silence human rights defenders and journalists; while in the past enforced disappearances were reported, nowadays companies make use of SLAPP to silence and stop complaints. Companies use court actions against defenders, whether through SLAPP cases or the Computer Crime Act.

Session 3 (continue): Coalition Building & Reflections from the Northern & Southern BHR Coordinators “Experience Sharing”

Key Messages

- There is a need to foster a human rights dialogue in Thailand in order to secure a greater understanding of human rights
- All participants can play a key role in facilitating a human rights dialogue and education. As agents of change, everybody should share his/her human rights knowledge with peers, colleagues, friends and other community members
- Accessibility is key to all grievance mechanism
- Civil society, community members and networks will play a central role in the upcoming procedures, namely the creation of the NBA and the consideration thereof by the government for the NAP
- After the launch of the NAP it will be of greatest importance to continuously evaluate and monitor the implementation of the NAP

“There will always be new challenges. Hence, we have to empower a new generation of activists. We want to live in a world where urban, indigenous and all other groups of people can peacefully and harmoniously enjoy life together”

*

Noraeri & Katima
Indigenous Women’s Network of Thailand



Overview

During this session, Manushya’s Community Empowerment Coordinator Nattaporn Artharn recapitulated Session 1 and 2 in a participatory format allowing participants to test their understanding of and ask for clarifications regarding the three pillars of the UNGPs. Furthermore, this session outlined subsequent BHR developments and implementations such as the NBA and NAP.

Dialogue

This session was facilitated by:

- **Nattaporn Artharn**, Community Empowerment Coordinator, Manushya Foundation
- **Nada Chaiyajit**, Capacity Building Coordinator, Manushya Foundation

This session opened with general remarks and questions by participants following the first two sessions of this workshop.

First, the issue of education and human rights knowledge was mentioned as a key barrier to Thailand's perception of human rights. Students in secondary school or University lack an understanding of human rights. The majority is unable to explain the meaning of human rights and is unaware of human rights abuses and violations. Second, participants underlined that human rights defenders should always take human rights into consideration, and feel free to talk about and advocate for it. It has been highlighted that doctors and professors in academia talk solely about rights but do not touch upon human rights issues. Hence, community members wondered how to mainstream human rights, as it must become a central part of life.

Similarly, Chainarong Srettachau, Professor Lecturer at the Faculty of Humanities and Social Science, Mahasarakham University, explained that Thailand offers only one Bachelor's program on human rights. He will incorporate BHR in his 16 weeks human rights course, which will also include field visits. He offered to share his core syllabus on the understanding of human rights with interested community members. Finally, he argued that Thai citizens tend to think in very nationalistic terms, and especially the older generation views human rights defenders as the evil.

Keeratikan Techawattanakul from Rainbow Dream emphasized that Indigenous Peoples often face greater human rights violations due to their lack of citizenship. She furthermore brought up the issue of tourism in Indigenous Peoples' territory, whereby Indigenous Peoples' traditional knowledge is being appropriated by the Thai state, while IPs are showcased like 'animals in a zoo'.

Subsequently, Emilie Pradichit accentuated the importance of developing a curriculum to train children, as well as illiterate individuals and individuals who may not be able to pursue University degrees. All participants in this workshop and members of the various regional networks represent agents of change. As agents of change one has the responsibility to share his/her knowledge with surrounding communities and individuals. The goal is to bring people together, and share information and knowledge, which in turn should be shared at home with various community members. Not everyone has the luxury to access education in Thailand.

UNGP's three pillars

Following this open discussion, Nada Chaiyajit and Nattaporn Artharn recapitulated Session 1 and 2 in a participatory format. This presentation focused on the three UNGP pillars, namely, Protect, Respect, and Remedy. The government is responsible to protect human rights and needs to introduce relevant laws and policies to protect human rights. Businesses are called upon to respect human rights through paying fair wages, abiding by labour laws, and following human rights regulations. Finally, remedy must be effective and accessible for everybody to hold violators accountable.

As stated under Pillar 3 of the UNGPs, if businesses violate human rights, grievance mechanisms must be present to address injustices, such as state-based judicial or non-judicial grievance mechanism. Protection mechanisms are facilitated through government legislations, decrees and regulations following international standards. Nevertheless, judicial and non-judicial mechanisms

lack fair accessibility. The barriers need to be addressed, so that all citizens can access judicial and non-judicial mechanism. Accessibility is key to all grievance mechanism. Participants stated the frustration of businesses refusing to attend NHRCT hearings and sending government agencies on their behalf as it has been reported in Isaan. Therefore, the emphasis should be placed on cooperation. The objective of a possible BHR coalition is to understand the role of the government and business, and effectively counter abuses as one force.

NBA and NAP

Subsequently, the timeline and importance of the NBA and NAP have been discussed, whereby the NBA will outline the current situation based on expert recommendations, research reports and community documentations. After the NBA launch, the findings and recommendations will be considered by the government as part of the NAP. In the meantime, various meetings and workshops will take place in order to prepare for the negotiations with the government and businesses, as the government announced that it will invite representatives of civil society during the implementation phase of the NAP. After the launch of the NAP in September 2018 it will be of greatest importance to continuously evaluate and monitor the implementation and keep track of government and business performance towards human rights.

Session 4: Community Sharing “BHR cases throughout Thailand”

Key Messages

- LGBTI, sex workers and people living with HIV are continuously discriminated in the workplace, and public arena
- Indigenous Peoples face legislations allowing land evictions, bias from public agencies, misrepresentation in the media, and struggles interpreting laws
- Migrant workers face obstacles based on unequal wages, discriminatory business practices, lack of bargaining power and protection under the law
- Communities highlighted that participatory approaches are rarely facilitated by government, and communities are not sufficiently being informed and included in the decision-making processes

Overview

Following a participatory approach, participants from all regions of Thailand shared their challenges, their work and how they support communities. Finally, three BHR Coordinators in the North and South shared experience and knowledge about the coalition building work they are doing in the Northern and Southern Thailand, focusing on migrant workers’ rights, land related rights, management of natural resources, community rights, as part of the sub-granting programme of Manushya Foundation.

Dialogue

A participatory approach was followed for this session whereby the participants split into four thematic working groups to discuss their challenges, and experiences related to their issues. Following, all groups reported their findings and discussions with the entire CSO Coalition Building team.

This session was facilitated by:

- **Emilie Pradichit**, Founder & Director, Manushya Foundation
- **Nada Chaiyajit**, Capacity Building Coordinator, Manushya Foundation

Discriminatory Policies and Practices Working Group

LGBTI

A key challenge stated by the group is the lack of awareness of LGBTI, people living with HIV, people with disabilities and sex workers. The current education system in Thailand neglects to teach and openly speak about the challenges and rights of marginalised groups. The group furthermore cited recruitment as a challenge, whereby, various businesses discriminate against LGBTI in the recruitment stage. Additionally, businesses fail to provide safe spaces for marginalised groups such as LGBTI, or people with disabilities.

Sex Workers

In terms of challenges faced by sex workers, the group cited violent abuses against sex workers, and strict rules followed by employers including monthly HIV testing in the entertainment business. Especially male sex workers are often disregarded facing severe abuses by the police, employers and clients. In general, because sex work is criminalised in Thailand, sex workers are lacking serious bargaining powers. Furthermore, sex workers are subject to different laws representing barriers to their health and other service accesses. Regarding these various barriers, the working group stated the need to examine solutions. One solution includes the collection of evidence, for instance documenting forced HIV testing.

People living with HIV (PLHIV)

Lastly in terms of PLHIV, the group underlined the need for better and more accessible health services and support mechanism. It is vital that more channels are being used to raise awareness, and channels of complaint mechanisms are being utilised. While theoretically policies are laid out to protect PLHIV; PLHIV are actually discriminated in various parts of life. People living with HIV fear constant stereotyping and discrimination against them. Last but not least, injecting drug users are not to be regarded and treated as criminals, they rather need support mechanisms, and accessible and effective public services.

Indigenous Peoples Group

The working group mentioned various challenges; first, Indigenous Peoples are bound to the education and core syllabus as outlined by the Thai government; the Indigenous Peoples working group highlighted the need to provide training for students and youths on human rights. Second, laws and resolutions are not facilitating the rights of Indigenous Peoples; in contrary, the legislation aims at reclaiming forests, and evicting communities from their ancestral land. Third, Indigenous Peoples face bias from government officials and agencies, and misrepresentation in media, which falsely publicises arrests of Indigenous Peoples as drug-related crimes. Finally, Indigenous Peoples are struggling to interpret laws due to language barriers, and complex legal definitions. To conclude, the working group accentuated the importance of building networks, working together, and learning from each other.

Migrant Workers and Labour Union Group

Migrant workers face obstacles based on unequal wages between nationals and migrants as well as male and female migrants, discriminatory business practices such as the confiscation of official document and passports, and unreasonable job termination. Furthermore, female migrant workers are deprived of maternity leave. Undocumented workers do not hold bargaining powers and face even more serious issues and difficulties as they lack protection under labour laws. Another key challenge emanates from the subcontractor system, whereby employees are hidden to subcontractors. The group stated the wish to expand its advocacy work, and improve data collection mechanisms. Previously, there were no networks working on the issue of BHR, but today the group is enthusiastic to learn from and work with other groups.

Community Rights/ Environment/ Land-related Rights Group

This group has highlighted various cases to present their challenges and concerns:

- First, the case of the Pak Mun Dam in Ubon Ratchathani Province, where communities have not been consulted, while the project would have serious effects on the ecosystem and lives of individuals. When it comes to natural resource projects, participatory approaches are rarely facilitated by the government. Affected communities of the Pak Mun Dam have not received fair compensation for the past 26 years, with generations of livelihoods undermined.
- Second, communities affected by the Thepa coal-fired powerplant station in Songkhla province were not interviewed for the EIA, and the government only invited individuals who agreed to the project. Affected communities have approached various government agencies to seek remedy; however, no agency replied although the power plant will be built by EGAT, state-owned enterprise. Further, on 17 November 16 members of the Songkla-Pattani network against the Thepa coal-fired powerplant were arrested while marching to meet the Prime Minister in order to submit him a petition letter, according to 41 (2) of the 2017 Constitution.
- Similarly, the project of the Pak Bara deep seaport did not follow EIA procedures. Due to the lack of open participation and consultation with affected communities, local communities held protests. Following this, protesters faced abuses and violence by police and government officials.

Last but not least, the working group accentuated the constant failure of participatory processes, the complex and ambiguous language in contracts which should inform communities, and the practice of designing projects in ways that allows for the avoidance of EIA. More alarming is the consultant company hired to conduct the EIA or EHIA, without understanding of the realities on the ground. The group cited the need to work together to bring about more structural change at the policy level.

To conclude this session the two BHR Coordinators from the North and South shared their points of view.

Sompha Jaikhla, Southern BHR Coordinator, Southern BHR Coalition, sees the greatest challenges in land-related rights. He argued for the need to leverage and voice the concerns of the various groups documenting crosscutting issues. He advocated for a central platform to learn from one to another whether it is based on the same or different BHR issues. The various networks should work together to share the burden to create equality and seek to achieve a universal human rights movement.

Sugarnta Sookpaita, Northern BHR Coordinator and Coordinator of the Migrants Workers Federation (MWF), is concerned about labour rights as she has worked with multiple trade unions. A common network would empower this movement, and allow sharing knowledge and experience. She furthermore shared her three-point principles which she always applies when facing new human rights issues, namely first, listen to the story and feel others suffering; second, create a friendship; third, follow up on the situation and figure out whether one self can contribute to provide relief.

To close the session, **Worawan Sukraroek**, Mekong Campaign Coordinator, Earth Rights International, drew attention to the importance of establishing a coalition, because working together allows reaching a greater audience and making for a stronger point. Furthermore, other outlets like the media as well as tools like advocacy should be utilized to foster the strengths of coalitions and alliances.

Session 5: What is the Role of Business in Respecting Human Rights? “BHR” not “CSR”

Key Messages

- A company’s understanding of human rights depends on its awareness and commitment, and not simply on its usage for public relation motives
- When companies engage in shared values and sustainability, they are willing to examine their own internal practices, demonstrating a more strategic change
- Companies are not transparent due to the fact that the release of information leads to greater their liability
- Tackling human rights issues in Thailand requires serious collaboration and problem solving to common problems
- The government cannot tackle human trafficking alone; hence, there is a need for the private sector and CSOs/NGOs to contribute to tackling the issue together. We need to network at all levels to solve the problem of human trafficking

Overview

During this session Patchareeboon Sakulpitakphon, Business and Human Rights Expert in Private Sector Engagement, and Sompong Sakaew, Executive Director of the Labour Rights Promotion Network Foundation (LPN) shared their experiences of working towards private sector engagement to respect human rights.

Panel Discussion

This session was moderated by:

- **Emilie Pradichit**, Founder & Director, Manushya Foundation

Patchareeboon Sakulpitakphon, Business and Human Rights Expert in Private Sector Engagement

“Working together with communities on Human Rights Impact Assessment is the way to go. It will help both the communities and the private sector to effectively resolve issues, rather than continuously shifting responsibility from one to another.”

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Patchareeboon Sakulpitakphon
BHR Expert in Privat Sector Engagement



**MANUSHYA
FOUNDATION**



Patchareeboon Sakulpitakphon has been working on CSR and BHR, demonstrating companies, including multi-national corporations, such as Nestle and Mars, what they can do to improve the human rights situation.

Philanthropy 'CSR' can be seen as the lowest level for companies to act responsible and sustainable, by sponsoring projects or giving money to communities. On the other hand, BHR represents a more strategic alignment of human rights and companies' actions. More sustainable is creating shared value and sustainability, where most mature companies are those who recognize the long-term risks of not respecting human rights. When companies engage in shared values and sustainability, they are willing to examine their own internal practices, demonstrating a more strategic change.

A company's understanding of human rights depends on its awareness and commitment, and not simply on its usage for PR motives. The times have passed in which companies and stakeholders could use the excuse of not knowing human rights in order to bypass such. Today we see more ways in which companies are being held accountable for human rights abuses, more countries are passing laws concerning human rights issues. For instance, the UK's Modern Slavery Act represents a unique binding example which asks companies to release statements on their strategy to combat slavery. However, a very limited amount of countries stipulated such laws. Another technique to check on private actors' human rights responsibility can be found in performance initiatives, such as the corporate human rights benchmarking initiative, which reflects on human rights performances of top 500 companies; only one Thai company is listed.

Businesses and the UNGPs

A central weakness of the UNGPs is its voluntary and not legally binding nature for private actors. Today, six years after the formulation of the UNGPs only big global brands follow the principles. In Thailand, very few companies are aware, and even less are implementing them. Some businesses might mention the UNGPs in their policies, but few private actors are operationalizing them. Although the UNGPs are supposed to represent a guideline, it lacks detail, and in-depth clarification on the meaning of business responsibility to respect human rights.

UNGP Pillar 2

Pillar 2, the business responsibility to respect human rights, is divided into two parts, namely foundational principles and operational principles. As part of foundations, the principles explain to companies that they should respect human rights. However, first and foremost companies seek to abide to local laws, and not to international human rights standards. This has been described as causing a serious gap in the interpretation of the UNGPs. Furthermore, as part of the operational principles, principle 15 recommends a policy commitment and human rights due diligence. Human rights due diligence is a long-term process whereby the company adopts a policy commitment embedding to respect human rights. HRIA represents one activity within the process, while HRDD has to be observed throughout the life cycle of business activities and their supply chains.

The UNGPs operational principles recommend businesses to implement a human rights policy by undergoing an assessment, identifying risks and providing solutions, aligning it to human rights laws and international standards, publishing the policy, seeking the signature of senior staff. While all companies should have a human rights policy in place and published, Thai companies are still

reluctant to do so. Companies are not transparent due to the fact that the more information they release the greater their liability. Especially Asian companies, as compared to Western companies, are more conservative in releasing information like human rights policies.

Each company is responsible itself to understand and operationalise Pillar 2. If companies do not have human rights expert staff, they hire consultants. However, the continuous dependence on external consultants may not lead to sustainability and proper implementation in the long run.

Finally, Unilever was the first company to release information on human rights. The policy referred to international law, outlined their employee commitment, explained its assessment, provided detailed training, and named all senior management staff that agreed to the policy. Also, H&M implemented a strong supply chain monitoring system after a building collapse in Bangladesh.

Sompong Sakaew, Executive Director of the Labour Rights Promotion Network Foundation (LPN)

“To find innovative solutions for addressing human rights violations by businesses, CSOs have to collaborate and strategize with the private sector. The working relationship has to be based on mutual respect for each other, ideally safeguarded by MoUs.”

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Sompong Srakaew
Director & Founder

Labour Rights Promotion Network Foundation



The second part of this session was facilitated by Sompong Sakaew, Executive Director of the Labour Rights Promotion Network Foundation (LPN). He presented the work of the LPN through the lens of a foundation partnering with the private sector and government agencies in order to implement projects and activities to promote labour rights and foster human rights. Acting in the national interest to empower the working people, LPN aims at widening the network in South East Asia, together with governments and multilateral organizations.

Thailand’s Labour Problems

There are two ways of thinking about migrant labour; namely through the perspective of social stability and capitalism/investment, human rights and human security. While the government examines migrant labour through the lens of social stability, capitalism and investment, CSOs tend to look at migrant labour through a human rights and human security framework. Currently, Thailand faces a variety of labour problems spanning from human trafficking and exploitation of resources, to

the foreign media spreading news on the situation. Thailand is more concerned about international media outlets as this generates reputational risks for the companies and would affect investors' decision on the Thai situation. Furthermore, government provision of basic rights and services to migrant workers are insufficient and ineffective. Following, Sompong Sakaew provided examples of child labour and human trafficking abuses that have been investigated and uncovered by the LPN. Cases included severe malnutrition of sea-workers, child labour in the fishing industry and shrimp peeling factories, severe health impacts, and horrendous living standards.

Need for change of context

It was highlighted that there is a need to change how we talk and act in regard to forced labour and human trafficking. Thailand is currently confronted with the problem of human trafficking, mass migration, and labour rights violations. Thailand is not alone in the world, it is part of the global community, and can no longer deny the existence of forced labour and reality of migrant workers. Mutual understanding has been cited as a key component; tackling human rights issues requires serious collaboration and problem solving to common problems.

Solutions through cooperation

Sompong Sakaew provided examples on how to work together to combat human trafficking. The government cannot tackle human trafficking alone; hence, there is a need for the private sector and CSOs to contribute tackling the issue. We need to network at all levels to solve the problem of human trafficking.

The LPN has been networking nationally and internationally with, for instance, Anti-Human Trafficking Network in Thailand, Cambodia and Thailand Anti-Human Trafficking, Thai and Migrant Fishers Union Group, Solidarity Committee for the Protection Myanmar Migrant Workers, Migrant Working Group, LPN's Volunteering at Myanmar Live, Migrant Union Network in Thailand, the Multi-Stakeholder Initiative for Accountable Supply Chain of Thai Fisheries. LPN has furthermore developed local mechanisms with the goal to improve workplace environments and combatting inequality; for example, watchdog volunteers alert LPN through a hotline when informed about human rights abuses and violations.

Additionally, LPN has been supported by JTIP-US, UNACT, Terre Des Hommes Germany and Netherlands, The Freedom Fund - Humanity United, Plan International, and other NGOs and government agencies. In addition, the following businesses and trade associations approached LPN and opened partnerships: TFFA, TFPC, Thai Union Group, Narong Seafood Company, Good Luck Factory Sunny Vale, Charoen Pokphand Foods PCL, Myanmar Live Magazine, and Western Union. For instance, a partnership between the LPN and the Thai Union Group led to the implementation of supporting five schools in location with a higher number of migrant children, and the implementation of support learning centres project which was financed by the Thai Union Group. Furthermore, LPN partnered with Myanmar Live Magazine to produce content on labour rights issues and provide contact information for migrants in need in this newspaper in Burmese language especially targeting Burmese migrants. DTAC and TRUE have now also shown interest in placing ads in the magazine.

Project example: Fishermen Center

In order to reach victims of human trafficking and forced labour in the most prevalent industry, namely the fishing industry, the LPN is currently in the process of setting up a Fishermen centre at the port of Mahachai, with the vision to expand to other coastal provinces. The Fishermen centre will allow for the establishment of a collaborative social network of fishing crews in each fishing area. The centre will act as a coordinating point for labour complaints and those in need of legal assistance, a service contact point for addressing a variety of problems, and a mobile health centre for those in need of first aid. Furthermore, the centre will be able to trace and reunite fishermen to their families in Thailand, Myanmar, Cambodia or Laos. Last but not least, the centre can act as a vital information point for all, through the distribution of information packages, brochures and free magazines. In conclusion, Sompong Sakaew underlined the importance of brainstorming and implementing new initiatives and projects in partnership with private sector agents.

Dialogue

In concluding this session, all participants were invited to raise issues and concerns with Patchareeboon Sakulpitakphon and Sompong Sakaew.

Implementing legal obligations for businesses

Participants expressed concerns over the fact that many companies lack a human rights perspective and understanding; they only interpret their responsibility to respect human rights as a charity or for tax deduction reasons. Similarly, participants inquired on implementing legally binding human rights standards for businesses. Patchareeboon Sakulpitakphon provided the example of health and safety standards which ten years ago were not followed by companies. Today, it is mandatory for businesses to pass an audit on health and safety or they will be punished. Hence, corporations have adopted health and safety standards/departments and have audits. Unless the law stipulates that companies have to conduct a HRIA, companies will remain reluctant. Additionally, Thai consumers need to be more aware and informed about BHR. The Thai general public still has insufficient fundamental human rights understanding. Without this key human rights understanding within civil society, the pressure on governments and businesses will remain weakened. The same holds for Thai companies; businesses lack a human rights perspective and knowledge. Patchareeboon Sakulpitakphon asserted that in Thailand, so far, no business truly acts according to human rights standards; solely some small start-ups and social enterprises act more socially minded. The core mission of any company is to make profit. In order to make the UNGPs sustainable, one needs to focus on the policy level.

At the global level, there exists no example of placing human rights law on business activities. The 'French Duty of Vigilance law' requires companies to share their human rights due diligence process to identify child labour and human trafficking in supply chains. However, this law is not open to broad human rights, just trafficking and child labour in France. Similarly, the UK Modern Slavery Act requires any company operating from or in the UK to release a statement on how they plan on combatting human trafficking in their supply chain. These laws have several weaknesses, such as the complexity of supply chains or weak implementation mechanisms.

Community-led HRIA

Emilie Pradichit also inquired on the importance of community-based HRIA. Community-led HRIA are complementary assessments, comparable to shadow reports. Such HRIA are the way to go in the future as they foster the understanding of both the community and business, and represent a crucial starting point in resolving issues.

HRIA

Participants also argued that companies are not being held accountable and lack sensibility when it comes to the needs of communities. As HRIA is not mandatory, companies dismiss its value. One way to mobilise companies to conduct HRIA would be if investors demanded greater transparency and accountability from businesses, and would not invest in companies which lied about their HRIA.

Partnerships with Private Actors

One participant questioned how one could justify partnerships of CSOs with businesses and capitalists who at the same time represent human rights violators. It has been highlighted that it is impossible for NGOs and CSOs to disregard private actors. Business actors are operating and people are working in their factories or on their boats. Civil society cannot request workers to not work for certain factories. For LPN, communities and individuals are at the core of every issue; hence, their work solely evolves around tackling their issues, which requires partnerships with human rights violators. Legal Teams help to draft MoUs with companies, and companies have technologies which can also be useful to NGOs or CSOs.

Session 6 and 7: World Café – “How Business should respect my Human Rights & What can we do to raise awareness and influence consumers?”

Key Messages

- Communities highlighted their right to meaningfully participate in any business project affecting them or their land
- Communities also expressed the need to move beyond scientific knowledge, and towards community knowledge/customs/beliefs
- The working groups wished for a decentralisation of government and business activities’ decision making
- Strategies on practical actions included facilitating open forums, raising awareness among the public and private actors, partnering with private actors and CSOs, drafting community-led EIAs and community knowledge packages, collecting credible evidence, and setting-up databases

Overview

Different working groups discussed the possible steps that should be followed by businesses relating to their respecting working group issue to respect human rights by providing their community solutions to address violations conducted by business conducts, as well as strategies on practical actions that could be taken to raise awareness on their issues and influence consumers.

Dialogue

During this session, participants split up into five groups and discussed strategies on practical actions they could take to raise awareness on their issues and possible steps that could be taken by businesses. Following, all groups reported their findings and discussions with the entire team.

This session was facilitated by:

- **Nattaporn Artharn**, Community Empowerment Coordinator, Manushya Foundation

Community Solutions for Responsible Businesses – Community Rights & Natural Resources –

The **Community Rights and Natural Resources Group** outlined the following practical community strategies, and human rights commitment proposals for businesses:

- Communities at the centre of (Environmental Impact Assessment) EIA. While most companies have a hidden agenda, communities must be meaningfully included in the entire process
- Greater transparency and full disclosure of projects affecting communities in their mother tongue language
- Integrate and respect local wisdoms, indigenous customs and believes, not only the scientific paradigm
- Establish human rights standards for the business sector, like the ISO certification, namely a human rights certification

- Fully implement a participatory approach; it is Indigenous Peoples fundamental right to be at public hearings and included in the EIA process
- Conduct HRIAs including calculation of the cost effectiveness, productivity cost, preliminary assessment, and impact on communities
- Set up an insurance fund for companies to deposit funds which could be used in the remedy process if there is any human rights impact
- Develop “community local knowledge packages”
- Develop a separate community EIA, which can be compared with companies’ EIA
- Ban on products which violate human rights in their manufacturing processes
- Stop the enactment of the Environmental Bill
- Decentralisation for development projects; affected communities need to be the centre of decision-taking

Participants have furthermore underlined the continuous lack of including communities in decision-making processes. Decisions that have serious adverse effects on communities all over Thailand are repeatedly being taken without their consent. Participation or inclusiveness remains an unknown word. Second, communities are repeatedly lacking sufficient information to make an informed decision. Projects affecting communities require previous assessment processes such as the EIA and now the HRIA. Local communities feel alienated from and confused by such scientific and highly technical reports. Wisdoms, customs and beliefs of local communities need to be taken into consideration. Communities need to acquire more power in the reporting processes. Furthermore, public hearings have been described as not genuine. Some public hearings solely advertise the event, give out free rice and claim that a public hear took place. For instance, for the Thepha coal power plant project, attendees solely received crops or cash. Communities request a change in participatory processes and to be respected as meaningful stakeholders.

Community Solutions for Responsible Business – Land-related Rights, Indigenous Peoples and Community Rights –

The **Land Rights, Indigenous Peoples and Community Rights Group** outlined the following practical community strategies, and human rights commitment proposals for businesses:

- Consult with communities before the enactment of any new law, especially when affecting communities, following a participatory approach. There should be a core assessment process by which people and the government would reveal all those laws affecting people.
- Decentralisation of the government, giving more authority and power to locals in the management of their land and resources. Local communities hold various information and knowledge about their land, but so-far decisions are only being taken behind closed doors by high level government officials.
- Move beyond scientific evidence, and towards community data and knowledge when drafting policies or projects which affect people’s lives. For instance, communities have already developed a community history and gathered community resources in order to confirm the total cost for the community. On the issue of lands, communities use GPS to compile a history of land use.

- Open forums to propose solutions to create understanding on how to solve the land problems conducted by the civil sector
- Advocacy and communication. Thai citizens lack a human rights understanding, for example, people living in the cities do not understand the real cost of deforestation.
- Enact new community rights bill and land banks bill. The current bills are inadequate
- Rearrange the Justice Fund Bill. Processes of the current Justice Fund Bill are very slow and ineffective

Similarly, as to the previous group, participants expressed their concerns citing numerous examples about the lack of participatory approaches when it comes to forest reclamations, announcements of protected areas and land grabbing.

Community Solutions for Responsible Business

– Women and Children –

The **Women and Children Group** outlined the following practical community strategies, and human rights commitment proposals for businesses:

- Collect data on tourism sector from guesthouses and hospitality facilities in Chiang Mai
- Identify, work with and include all stakeholders
- Adjust to situation and approached actors in order to access information
- Organise forums to provide information, mobilise, identify challenges, and raise awareness
- Establish a platform to engage with businesses in an open dialogue
- Sign multiparty MoUs starting with one district and extend to other districts
- Build partnerships, networks and alliances because human rights is not a single issue

One participant expressed the wish to receive some allocation from forest park fees that are collected from tourists who visit the forest which hosts communities. Another participant also expressed its concern about insurgencies in Pattani and the Deep South. The government tried to solve the issue with pouring resources and implementing development projects; however, the human rights situation has not been resolved.

Community Solutions for Responsible Business

– Eliminating Discriminatory Policies & Practices –

The **LGBTI & Discriminatory Practices Group** outlined the following practical community strategies, and human rights commitment proposals for businesses:

HIV/AIDS

- Develop a database containing credible evidence of discriminatory policies and business practices, such as the refusal to hire PLHIV or people using drugs
- Educate businesses on PLHIV and people using drugs

- Working together; community and company to eliminate discrimination. This will require the partnering with other actors, such as hospitals or the Ministry of Health, CSOs or police officials
- Raise awareness: need to use online platforms, websites, Facebook, Youtube and other channels to explain that PLHIV and people using drugs are part of this same society and are not to be discriminated
- Develop a complaint database accessible by everybody to submit complaints

LGBTI/ Sex Workers

- Decriminalise sex work to ensure sex workers can enjoy decent working conditions in entertainment businesses
- Work with owners of brothels and tourist operators under the name “Happy Service”
- Partner with government agencies who give out business licenses, such as the Ministry of Labour and Public Health
- Raise awareness in Thai society about LGBTI and sex workers
- Open safe spaces for sex work
- Educate hotel owners and nightlife businesses about LGBT, change their mind-sets of LGBTI and explain the benefits of hiring LGBT, for instance in Phuket businesses could make greater profit as half of Phuket tourists are LGBT

Community Solutions for Responsible Business – Labour Rights of Formal, Informal, Migrant Workers –

The **Labour Rights Group** outlined the following practical community strategies, and human rights commitment proposals for businesses:

Formal workers

- Formal workers have employers they can raise their issues with, such as improving working conditions. At the same time, trade unions must be involvement in any human rights issue, which act as a middle man between employees and employers. A brainstormed strategy of the group would be to implement a kind of MoU between trade unions and companies, which should identify the roles of each party to have a common understanding.
- Facilitate annual review on human rights plan on top of the other review on health benefits. Things change pretty fast so we need to keep up with the changing world.
- Collect statistical data to quantify human rights violations, also related to health checks

Informal Workers

- Monitor brokers and subcontractors, and require them to report on their work
- Talk to the Ministry of Labour and work with them so they can announce ministry regulation on informal workers
- Educate labour inspectors on BHR
- Enact laws to protect informal workers, first and foremost domestic workers

- Propose the Ministry of Labour to set up a database for informal workers. The current database at the National Statistic Office only includes formal workers

Migrant Workers

- Need for meaningful and constant dialogue among different stakeholders
- In terms of formulation of policies, there should be trade unions or groups of workers that work together and provide advocacy on health or improving their working conditions. Therefore, if the companies would like to show that they promote human rights they would have to engage workers in the development of policy
- Accessible and understandable information. Employers should prepare contracts and documents in the workers' language, and companies should have translators available to facilitate communication
- Build awareness among consumers to check on companies' compliance with human rights regulations
- Credible data collection. Both CSOs as well as business should collect data on, for example, number of incidents and accidents in workplace to support human rights

Session 8 and 9: How can we Access to Remedy in the context of Business & Human Rights?

Key Messages

- There is a need to raise awareness among business owners to respect their workers' rights
- In terms of the human rights situation of migrant workers, private actors are currently becoming more aware because consumers pressure to eat sustainable food and food that has been produced adhering to labour rights standards
- Remedies are important to end violations of human rights. However, the ultimate goal is to avoid reoccurrence of violations by ensuring that perpetrators are being held accountable for their actions
- Remedy does not only include monetary compensation, but also prevention of future potential violation of rights, as well as rehabilitation

Overview

The first part was facilitated by Nattaya Petcharat from Stella Maris Songkla, who shared her knowledge and experience at Stella Maris on establishing a non-state based grievance mechanism. The second part was facilitated by Sor Rattanamanee Polkla, Co-founder & Coordinator at the Community Resource Centre (CRC), sharing her knowledge and experience on accessing state-based judicial grievance mechanisms.

Panel Discussion

Nattaya Petcharat, Stella Maris Songkla

This talk focused on establishing non-state-based grievance mechanism, through the work of Stella Maris. **Stella Maris** manages three key offices in Songkla, Si Racha, and Bangkok. Under the Catholic Bishop Council in Thailand, Stella Maris also runs three offices especially targeting seafarers in Chonburi, Rayong and Pattani provinces.

Human Rights Issues

Stella Maris works on a variety of issues. First, the organisation provides services to migrant workers, especially in the fishing industry, spanning from the provision of health services through the set-up of small health contact points for migrant workers to the assistance of acquiring documentation for workers as migrant workers often face discrimination and barriers when it comes to accessing public services. The organisation also handles complaints relating to debt bondages in the fishing industry, non-compliance of minimum wages and working hours, human trafficking and forced labour, and other labour violations. Many workers in the fishing industry face the issues of debt bondages, holding back the salary to ensure that workers would stay on the fishing boats. Before workers enter fishing boats, employers pay some salary in advance and put fisherman in debt. Employers will pay

some amount but wait 6 months to one year to pay the full salary. Secondly, minimum wages are not followed by employers. Minimum wages differ in each province; however, migrant workers often do not know their legally required amount on work compensation. Third, the number of working hours is also contentious, and fishing boats do not provide overtime pay.

In terms of occupational health and environment, campaigns have been initiated on safety procedures on fishing boats through the organisation of trainings and collaboration with skippers and owners. Stella Maris provided medicine boxes for boats, labelling medicine in the native language of migrant workers. Child labour and exploitation of female workers in the fishing and processing industry have also been highlighted as key issues. Furthermore, Stella Maris also works with construction workers and facilitates their repatriation processes, and partners with unions to resolve disputes.

BHR non-judicial remedy mechanisms

In terms of the human rights situation of migrant workers, private actors are currently becoming more aware because consumers pressure to eat sustainable food and food that has been produced adhering to labour rights standards. Some businesses have also signed up to the UN Global Compact Network Thailand, which is mindful of the environment and workers' rights. However, companies should have written policies on their human rights responsibility, because some businesses simply announce they are socially responsible but lack any relevant guidelines. Furthermore, in Thailand, the seafood industry faces pressure and scrutiny by the government and civil society. Hence, the importance of monitoring companies' supply chains to make sure that the whole process follows human rights guidelines and HRDD. Thereby, companies are trying to be more careful because of their reputation.

Regarding complaint mechanism; among the fishery industry, there is the Command Centre to Combat Illegal Fishing which helps those who have been trafficked or been victim of illegal employment. The Ministry of Labour also provides hotline assistance for this. Regarding CSOs complaint mechanisms, Stella Maris works on a case by case basis and may receive complaints, investigate claims and contact relevant agencies. Complaints are being received in the whole Southern region, from migrant workers from neighbouring countries (Myanmar and Cambodia, and some from Vietnam). Another group identified at the end of last year is the Indonesian seafarers.

Raising Awareness

There is a need to raise awareness among business owners to respect their workers' rights. Even small fishing boats follow very different perspectives, treating migrant workers as inferior workers compared to Thai workers. Government agencies need to ensure that businesses not only reap benefits but also pay attention to the welfare of their workers and communities people. This is the expectation of sustainability.

Sor Rattanamanee Polkla, Co-founder & Coordinator, Community Resource Centre (CRC)

Accessing State-based Judicial Grievance Mechanisms

The Community Resource Centre (CRC) focuses on human rights infringements, development projects and environmental problems through building networks, working with communities and

raising awareness regarding development projects benefitting businesses but often times destroying communities' livelihoods. CRC's work is based on the usage of legal instruments and mechanisms to support people.

Remedies include compensation or rehabilitation for illness or injury, recovery processes when it comes to the environment. Remedies are important to end violations of human rights. However, the ultimate goal is to avoid reoccurrence of violations by ensuring that perpetrators are being held accountable for their actions, whether through paying compensation or legal punishment. Solely a mediation process and compensation payment represents impunity. It allows criminals to go unpunished. Part of the remedies is punishment of the perpetrators of criminal acts. Remedy does not only include monetary compensation, but also prevention of future potential violation of rights, as well as rehabilitation.

Non-judicial grievance mechanisms

Organisations and businesses may create their own grievance mechanisms, for example online systems for consumers' rights, or internal complaint mechanisms such as with the case of the oil leak in Rayong province, which occurred on 27 July 2013. An external system relates to control agencies which look into businesses to ensure that there are no violations. Officially there are no such control agencies in place in Thailand. The Ministry of Commerce only looks into regulations but not violations by businesses; and the Bureau of Consumers Rights Protection only looks into consumers' rights. For workers, the Ministry of Labour outlines compliance mechanisms within that ministry. Other non-state agencies like Stella Maris will help ensuring access to remedy through mediation or negotiation until they are compensated.

NHRCT

The NHRCT is supposed to be an independent State-based non-judicial grievance mechanism. The NHRCT is relatively unknown to the general public. The NHRCT has the mandate to investigate violations, report on it and make recommendations to the RTG to ensure access to remedy to the victims. But the commission does not hold the power to punish those who do not follow their recommendations. The decision on what should be investigated and what should not is rather challenging. For example, migrant workers from Myanmar who worked on the Thammakaset Farm requested the NHRCT to investigate their case regarding human trafficking and labour rights violations. After the migrant workers submitted their working time sheets to the commission as proof of their claims, the workers were sued for theft of the time sheets by their employer. The employers asserted that these documents were their property. This shows the sensitivity of the NHRCT as the case led to the opposite effect of negating those who complained.

OECD Contact Point

Finally, as a non-judicial mechanism the OECD provides contact points whose role is to promote the adherence of OECD's Guidelines for Multinational Enterprises. OECD member states opened NCPs in their territories and began providing a mediation platform for complaints.

State-based Judicial grievance mechanisms

The Thai judicial system features a variety of courts. The basic courts include the civil and criminal courts. In the provinces, however, only one court is available; only certain provinces may also host

provincial courts which would act as both civil and criminal courts. The remedy foreseen in civil and criminal courts relates to compensation. There are civil cases for compensation and criminal courts cases for corporal punishment for instance. But on top of that, when the matter relates to the environment, both civil and criminal courts are relevant. Other specialist courts are the labour court, criminal court for corruption by government officials, and anti-human trafficking divisions within criminal courts. Administrative courts can also be relevant to BHR issues as many projects are related to government officials holding various responsibilities.

Furthermore, the arbitration system is part of the judicial mechanism. Arbitration occurs when parties agree to resolve a conflict because they do not trust the court. Thereby, the parties would use arbitration at the governmental, national or international level.

AICHR

At the ASEAN level, there is the ASEAN Intergovernmental Commission on Human Rights. Issues can be proposed at that level on topics such as labour rights, LGBTI access to employment, access to land etc. The AICHR's role is to define standard procedures. However, AICHR does not provide for any protection or grievance mechanism.

Cases undertaken by CRC

The CRC is currently involved in the following cases seeking remedy for affected parties:

- First, the extraterritorial case of the Xayaburi Dam in Laos, where violations already occurred in the process of building the dam, due to the failing of organising public hearings. This ETOs case was raised at the administrative court asking to abolish the contract with EGAT (Thai State-owned enterprise) to buy electricity.
- Second, the lignite mine in Lampang province which also led to problems in terms of public hearing, and falsified reports.
- Third, the Khao Khua Stone mining project led to cracked houses, problems affecting health, fear of explosions. The CRC asked for prosecution through the Songkhla provincial court stressing the issue of mental remedy, and linking it to a violation to the right to live in a safe area. The first court dismissed the case as no law covered mental health matters. Following, the Appeal Court ruled in favour of the affected parties and requested compensation for the communities.
- Fourth, the Rayong oil leak case which poisoned the fish in the sea. Mediation started at the beginning, and PTTGC wanted to pay 30 000 baht in compensation. Even after 4 years since the oil spill took place on 27 July 2013, fishermen were unable to fish. The compensation amount proposed by PTTGC did not compensate adequately for the oil leak impacts on the environment and livelihoods of the fishermen. One case was opened at the provincial court which required PTTGC to pay 5 million baht and come up with an ecological rehabilitation system. Another case opened at the civil court which is currently on-going, with the trial hearing of the last two witnesses on 19-20 June 2018.

Dialogue

During this stage, participants were encouraged to reflect on Stella Maris' and CRC's presentation and ask questions.

Stella Maris grievance mechanisms and access to remedies

One participant asked for clarifications on the grievance mechanisms provided by Stella Maris. Regarding remedies, Stella Maris initiated a complaint mechanism consisting of a preliminary interview to statute on the violation that occurred. The second step would be for Stella Maris to contact social welfare. For victims of forced labour or trafficked persons Stella Maris collaborates with the Social Development and Human Security Department. Trafficking victims will find temporary shelter with government agencies; however, for some cases, victims would seek shelter with Stella Maris. In terms of repatriation, Stella Maris coordinates with the Social Welfare Team, or may assist in tracing victims to their families. Finally, counselling represents another key service, whereby psychologists can provide temporary mental relieve to victims of human rights abuses.

Effectiveness of non-judicial grievance mechanisms

One participant was concerned that migrant workers had more channels to seek remedy, while Thai workers seem to face greater obstacles in seeking remedy. The accessibility and effectiveness of grievance mechanisms in Thailand has certainly been described as a major challenge. Thai workers may make use of trade unions; however, national restrictions on the right to assembly have placed a severe burden upon the establishment of effective trade unions. Government hotlines have also been describing as ineffective. Government grievance channels are difficult to access, ineffective and unable to answer the needs of people who faced human rights abuses. On the other hand, NGOs have shown better coordination and more willingness to set-up grievance mechanisms. Stella Maris tries to answer needs with the help of interpreters and communication channels such as Line and Facebook, as well as external partnerships which build upon the capacity of Stella Maris.

One participant added that trade union's influence has significantly deteriorated and been weakened. In the past, unions would work as NGOs; while today, unions are almost inexistent. As long as unions cannot effectively organise workers and assist in labour disputes, there will be no access to remedy.

Effectiveness of judicial grievance mechanisms

One participant inquired on ways to reach genuine and effective remedy. It has been outlined, that the problem is not a lack in channels and agencies to file complaint; it is rather the ineffectiveness to address people's needs and issues adequately. More should be done in terms of disseminating relevant publications and make them accessible, to build confidence among the general public. The CRC's role is currently to fill this gap within the access to remedies. However, state agencies need to expand, reach out to people and facilitate their access to grievances mechanisms. For example, due to international pressure only workers in the fisheries and seafood industry get attention; but what about construction workers, discrimination at the workplace, mental suffering of human trafficking and forced labour victims? There are many issues that require the adoption of effective measures by government agencies.

Finally, one participant wondered how to best share the knowledge on state-based judicial grievance mechanisms with affected communities and the public. NGOs and CSOs, such as Manushya and community members, have to become messengers to disseminate information, hold trainings and workshops, and work together as a network and mobilise as civil society.

Session 10 and 11: Coalition Building for a “FAIR POWER BALANCE”

Key Messages

- All regions must be represented in the BHR process; hence, a coalition would allow for the involvement of all regions and issues in one network.
- The majority of participants expressed their interest and willingness to build a common BHR coalition; reasons included making a greater impact, greater dissemination of information, and sharing of good practices and challenges
- However, participants also named various concerns and challenges when it comes to building a BHR coalition; namely effective communication channels, dissemination of information, security
- Participants coined the Thai BHR Network (TBHRN), which will adhere to the values of respect, human dignity and non-discrimination

Overview

Following a participatory approach, all participants from all regions of Thailand discussed on the national coalition building, with further detailing on how to build a support platform to ensure communities are at the centre of the NAP but also beyond: at the center of the BHR response in Thailand, considered as equal stakeholders. At the end of the session, the participants agreed on building a common BHR Coalition, which will be named Thai BHR Network (TBHRN).

Dialogue

This session was facilitated by:

- **Emilie Pradichit**, Founder & Director, Manushya Foundation
- **Nattaporn Artharn**, Community Empowerment Coordinator, Manushya Foundation
- **Nada Chaiyajit**, Capacity Building Coordinator, Manushya Foundation

This workshop has examined the three UNGP pillars, the role and importance of each agent to implement the principles, and the various BHR issues documented on the ground, since the UN developed the UNGPs and the Thai government agreed to follow the guidelines. Hence, the question arises:

- how can civil society and communities be empowered?
- How can pressure be put on the government?
- How can this network demonstrate the government that its actions and progresses are being watched?

It will be crucial that the government receives information from civil society and communities to be included as factual information in the NAP. The government has already accepted that it will consider civil societies’ recommendations as part of the NAP. Manushya will ensure that this information is received by the government. The information does not belong to any organisation, but it represents the collective information of this network. When it comes to gathering information, information must be well documented and verified, also known as fact verification, which represents the internationally accepted way of gathering information.

BHR Intersectional Coalition: moving beyond Regional Networks

The majority of participants agreed on the importance of creating a national intersectional coalition, because the more people come together to tackle issues of BHR together, the more people can be mobilised and informed about human rights abuses committed by the business sector. A strong BHR intersectional coalition has been described as having the power to bring about greater change. For instance, concerns of LGBTI tie to all other issues as well such as Indigenous Peoples, land-related rights, sex workers, labour rights. The issues each regional network is working on can be relevant to multiple other issues. Communities working with PLHIV have explained that they mainly work on health issue; however, they saw the connection that PLHIV are also affected by, for example, land-related rights issues. Indigenous Peoples members have highlighted that a coalition would allow them, as a small regional network, to align with other and larger networks to build a more influential network. Furthermore, participants saw value in building an intersectional coalition in terms of sharing good practices and new ideas, and possibly disseminating abuses and violations in form of a documentary or other advocacy tools.

BHR Coalition Building: Challenges and Concerns

Various challenges and concerns have also arisen from the discussion on building a coalition. First, participants were concerned about the operational aspect of a coalition. For instance, people asked which communication channels could be used in order to inform each other and stay up to date. The need for a centralised communication system has been highlighted by multiple participants. Second, some community members were also concerned about the safety aspect which might deteriorate after the establishment of a coalition due to the member size and type. Manushya committed to leverage on secured and safe communications channel. Third, some regional networks underlined that their regional networks give them confidence in their work. Confidence is needed to build a fruitful coalition. Hence, participants asked how this confidence could be strengthened. In order to keep this confidence alive once a coalition is set up, it has to be crucial that all networks receive the same weight, and nobody will be overlooked or discriminate against. All participants committed to share information equally and not discriminate against each other.

BHR Intersectional Coalition: Objective, Mission, Goal

Participants cited the importance of a clear objective, mission and goal to ensure that everybody's views and expectations are equally represented. The exchange and dissemination of information should follow an all-inclusive and participatory model.

One participant argued that building a coalition should be a gradual process facilitated through the exchange of different ideas and strategies. Community members from the Southern Region questioned how to connect with each other and keep the energy and enthusiasm alive. The need to have a joint objective and mission is crucial in order to build this coalition, and transform this into a symbolic movement. Last but not least, it will be important to remember that each organisation works on different issues. Hence, priorities may differ across the spectrum. This can be seen as strength as it allows for the inclusion of a variety of perspectives and issues from a pool of various skills and experiences.

As a response to participants' enthusiasm as well as concerns regarding a BHR Coalition, Emilie Pradichit outlined Manushya's perspective on and support for this undertaking. It is crucial that local

communities and community members are aware of international mechanisms, and know how to build credible evidence. The time when others would speak on behalf of local communities is over. After CSO networks were build, such the Thai CSOs Coalition for the UPR, community members showed the government and diplomats that they owned their issues because they are the experts of their issues, providing community recommendations for public and private actors. She insisted that *“local communities became visible; and with visibility comes empowerment. They became central to the human rights response, acting as ‘Agents of Change’”*. Manushya only provided the technical support for CSO networks, and the space and platform to communicate and become one visible strong network. A coalition can only be successful if everybody treats one another equally with respect. When it comes to other regional or international organisations, collaboration is needed to share objective and mission. Communities will be the once at the forefront, they will be the once to share their issues, their problems and their recommendations.

Thai BHR Network (TBHRN)

Finally, 55 participants voted for the establishment of a BHR Coalition. Out of these, 29 participants voted for the name of Thai BHR Network (TBHRN). The Network will adhere to the values of respect, human dignity and non-discrimination. The ultimate goal will be to share knowledge and learn from each other. The TBHRN will focus on sharing expertise, communicating strategies and issues, and advocating their solutions. Communities are not victims, but the agents of change who can use BHR as a powerful tool.

Final comments

Participants stressed the importance of organising such workshops in order to come together, hear about the issues that other community members face which provides motivation and strengthens the feeling of togetherness, solidarity and burden sharing. Furthermore, participants also highlighted the knowledge they gathered from experts, academics, community members during this workshop, and acquired inspirations for further strategies.

Additionally, participants also highlighted the unique and resourceful work with Manushya, which has been described as the only organisation that empowers communities to connect with international mechanisms. In the future, Manushya hopes and encourages community members to disseminate their knowledge and experience without Manushya. Finally, communities also offered their availability to share additional experiences and technical support to other communities in the room.

Annex 1 – Agenda



Thai CSOs Coalition
for the UPR



Coalition Building Workshop on Business & Human Rights: Building Solidarity Among Local Communities, Academics & Experts – Towards the establishment of the Thai BHR Network

18-20 November 2017, 9:00 - 17:00
Komchai Room (3rd floor), Elizabeth Hotel, Bangkok

Day 1 – 18 November 2017	
TIME	TOPIC
8:30 – 9:00	Registration
9:00 – 9:15	<p>WELCOMING REMARKS by Manushya Foundation</p> <ul style="list-style-type: none"> • Welcome participants • Introduction of all participants • House rules & Housekeeping
9:15 – 10:15	<p>Session 1: Objectives of the Coalition Building Workshop: Reclaiming Civil Society Role in the development of the National Action Plan (NAP) on Business and Human Rights in Thailand</p>
Objective	<p><i>Manushya Foundation will share knowledge on the current NAP process in Thailand, and its role as a “platform facilitator” leveraging on the UPR process, to ensure local communities’ participation, as well as to guarantee communities’ voices, challenges, needs and solutions are central to the BHR response in Thailand, by following credible strategy and methodology. Emphasis will be put on the important role of communities’ and the benefit of working as a coalition, with example of BHR coalitions in the Northern and Southern Thailand. Further details on the UNGPs and NAP will be shared in the following session.</i></p>
Facilitator	<ul style="list-style-type: none"> • Emilie Pradichit, Founder & Director, Manushya Foundation
Q&A	Discussion with participants.
10:15 – 10:30	Coffee Break

10:30 – 12:30	Session 2: What are the UN Guiding Principles on Business and Human Rights (UNGPs) & How CSOs can engage in the implementation of the UNGPs through Coalition Building?
Objective	<p><i>Friends and colleagues from Earth Rights International will share knowledge on the following:</i></p> <ul style="list-style-type: none"> - <i>Relationship between business and human rights, with case studies,</i> - <i>3 pillars of the UNGPs,</i> - <i>What is a NAP on BHR?</i> - <i>Why CSO’s voices are important in the NAP?</i> - <i>The importance of Coalition Building;</i> - <i>How Thai CSOs contribute to the Thai overseas investment, and the work of the ETOs Working Group</i>
Facilitators	<ul style="list-style-type: none"> ● Worawan Sukraroeek, Mekong Campaign Coordinator, Earth Rights International ● Kornkanok (Chompoo) Wattanapoom, Thai Lawyer, Earth Rights International
Q&A	Discussion with participants.
12:30 – 13:30	Lunch Break
13:30 – 15:00	Session 3: Coalition Building (continue) & Northern & Southern BHR Coordinators “Experience Sharing”
Objective	<p><i>To stress on the need of coalition building and discuss its goal, purpose, target, leverage – and for BHR Coordinators in the North and South to share knowledge about the coalition building work they are doing in the Northern and Southern Thailand, focusing on migrant workers’ rights, land related rights, management of natural resources, community rights.</i></p>
Facilitators	<ul style="list-style-type: none"> ● Worawan Sukraroeek, Mekong Campaign Coordinator, Earth Rights International ● Sugarnta Sookpaita, Northern BHR Coordinator and Coordinator of the Migrants Workers Federation (MWF) ● Sompha Jaikhla, Southern BHR Coordinator, Southern BHR Coalition
Format	Participatory Approach to kick off discussions on a national coalition on BHR (to be continued on Day 3)
15:00 – 15:15	Coffee Break
15:15 – 17:00	Session 4: Community Sharing “BHR cases throughout Thailand”
Objective	<p><i>Following a participatory approach, for all participants from all regions of Thailand to share their challenges, their work and how they support communities, and give feedback on how they think the UNGPs could fit into their work.</i></p>
Facilitators	<ul style="list-style-type: none"> ● Emilie Pradichit, Founder & Director, Manushya Foundation ● Nada Chaiyajit, Capacity Building Coordinator, Manushya Foundation
Format:	Participatory Approach

Day 2 – 19 November 2017

TIME	TOPIC
9:00 – 12:30	Session 5: What is the Role of Business in Respecting Human Rights? ‘BHR’ not ‘CSR’
Objective	<p><i>For friends and experts working towards private sector engagement to respect human rights, to share knowledge on the Pillar 2 of the UNGPs, and on the following:</i></p> <ul style="list-style-type: none"> - <i>Why companies link BHR and SDGs?</i> - <i>What is “human rights due diligence”?</i> - <i>What are companies’ responsibilities?</i> - <i>What is a Human Rights Impact Assessment?</i> - <i>What is a meaningful stakeholders’ engagement?</i> - <i>Case studies and sharing of good practices of multi-stakeholders initiatives to ensure respect of human rights due diligence</i>
Speakers	<ul style="list-style-type: none"> ● Patchareeboon Sakulpitakphon, Business and Human Rights Expert in Private Sector Engagement ● Sompong Sakaew, Director, Labour Rights Promotion Network Foundation (LPN)
Q&A	<p>Discussion with participants.</p> <p>Note: Coffee Break will be served from 10:15 to 10:30</p>
12:30 – 13:30	Lunch Break
13:30 – 15:30	Session 6: World Café – “How Business should respect my Human Rights & What can we do to raise awareness and influence consumers?”
Objective	<p><i>For communities to break into working groups and discuss: (1) what steps business should follow in their particular case to respect human rights by providing their community solutions to address violations conducted by business conducts; (2) communities will also be invited to strategize on practical actions they could take to raise awareness on their issues and influence consumers:</i></p> <ul style="list-style-type: none"> - <i>How companies should consult their employees for the development of human rights policies, health and security policies, etc;</i> - <i>What is a meaningful participation for communities?</i> - <i>How business should respect the FPIC of indigenous peoples?</i> - <i>What is our right to information? How should we define it to respond to our needs?</i> - <i>What strategy to follow to influence consumers? To raise awareness? What type of campaign?</i> - <i>What type of human rights documentation to build credible evidence and influence policy makers?</i>
15:30 – 15:45	Coffee Break
15:45 – 17:00	Session 7: Reporting back in Plenary
Objective	<p><i>Following a participatory approach, for each working group to share their solutions and strategies to all.</i></p>
Format	<p>Participatory Approach</p>

End of Day 2

Day 3 – 20 November 2017

TIME	TOPIC
9:00 – 10:30	Session 8: How can we Access to Remedy in the context of Business & Human Rights?
Objective	<i>For friends and experts to share knowledge and their experiences in accessing remedies or in supporting communities accessing remedies in the context of BHR:</i>
Speakers	<ul style="list-style-type: none"> • <i>Accessing State-based Judicial mechanisms by Sor Rattanamanee Polkla, Co-founder & Coordinator, Community Resource Centre (CRC)</i> • <i>Accessing State-based non-judicial grievance mechanisms by Kornkanok (Chompoo) Wattanapoom, Thai Lawyer, Earth Rights International</i> • <i>Establishing a Non-state-based grievance mechanism by Nattaya Petcharat, Stella Maris Songkla</i>
Q&A	Discussion with participants. Note: Coffee Break will be served from 10:15 to 10:30
10:30 – 10:45	Coffee Break
10:45 – 12:30	Session 9: World Café – “What type of Remedy do we want?”
Objective	<i>For communities to break into working groups and discuss:</i> <ul style="list-style-type: none"> - <i>What type of remedies do we want for our specific context and population?</i> - <i>What type of grievance mechanism do we want?</i> - <i>What type of local grievance mechanisms for indigenous peoples?</i>
12:30 – 13:30	Lunch Break
13:30 – 15:00	Session 10: Reporting back in Plenary
Objective	<i>Following a participatory approach, for each working group to share their solutions and strategies to all.</i>
Format	Participatory Approach
15:00 – 15:15	Coffee Break
15:15 – 17:00	Session 11: Coalition Building for a “FAIR POWER BALANCE”
Objective	<i>Following a participatory approach, all participants will continue the discussion on the national coalition building, with further detailing roles of coordinators, researchers, academics and how we could all support each other moving forward to ensure Communities are at the centre of the NAP but also beyond: at the center of the BHR response in Thailand, considered as equal stakeholders.</i>
Format	Participatory Approach
Closing	

ANNEX 2 – LIST OF PARTICIPANTS



Thai CSOs Coalition
for the UPR

Coalition Building Workshop on Business & Human Rights
18-20 November 2017, Elizabeht Hotel, Bangkok, Thailand

LIST OF PARTICIPANTS			
No	Title	Name	Organization
Organizers			
1	Ms	Emilie Pradichit	Founder & Director, Manushya Foundation
2	Mr	Stuart Ward	Finances & Operations Administrator, Manushya Foundation
3	Ms	Nada Chaiyajit	Capacity Building Coordinator, Manushya Foundation
4	Ms	Suphamat Phonphra	Human Rights M&E Officer, Manushya Foundation
5	Ms	Tanida Itthiwat	Documentation & Research Officer, Manushya Foundation
6	Mr	Khamnuan Kheuntha	Legal & Policy Analyst, Manushya Foundation
7	Mr	Emile Kinley-Gauthier	Human Rights Researcher, Manushya Foundation
8	Mr	Daniel Polomski	Media & Advocacy Officer, Manushya Foundation
9	Ms	Adeline Parrado	Programme Associate, Manushya Foundation
10	Ms	Christina Barchia	Intern, Manushya Foundation
11	Ms	Charlottle Lush	Intern, Manushya Foundation
Northern Region			
12	Mr	Sarawut Pinkanta	Community Researcher/Northern Regional Nodes
13	Mr	Laofang Bundidterdsakul	Hmong Indigenous Human Rights Lawyer
14	Mr	Panachai Junta	IMPECT
15	Ms	Katima Leeja	IWNT/IMPECT
16	Ms	Noraeri Thungmueangthong	Indigenous Women's Network in Thailand (IWNT)
17	Ms	Kanlaya Chularattakorn	Indigenous Women's Network in Thailand (IWNT)

18	Ms	Sugarnta Sookpaita	HRDF
19	Ms	Chatchalawan Muangjan	Empower
20	Ms	Keeratikan Techawattanakul	Rainbow Dream
21	Ms	Yelly Phitakraksakol	Thai Drug Users Network
Northeastern Region			
22	Ms	Nattaporn Artharn	Community Empowerment Coordinator, Manushya Foundation
23	Mr	Chainarong Sretthachau	Academic Researcher
24	Ms	Junnapa Kuendee	Samacha Khon Jon Korani Kuen Pakmoon
25	Ms	Saranya Boonpeng	Women Living with HIV Network Thailand
26	Ms	Bubphawan Angkurasee	Amnat Charoen Women's Friend Center
27	Ms	Thitiya Chutipun	Singburi Community Organisation Council/Singburi Women Group
28	Mr	Siribhadee Yensiri	Human Rights Lawyer at Esaan Land Reform Network
29	Mr	Somboon Singking	Thai Samakee Subdistrict Administrative Organization
Central and Eastern Region			
30	Mr	Pakorn Areekul	Community Researcher/ Central & Eastern Regional Node
31	Ms	Wannapong Yodmuang	Community Researcher/ Central & Eastern Regional Node
32	Mr	Wattana Sansa	YMP Labour Union
33	Mr	Kraithong Ngamsurat	Valeo Rayong Labour Union
34	Mr	Winai Payakko	AGC Thailand Labour Union
35	Mr	Manop Sanid	Change East Network
36	Mr	Sitthichai Tanoothong	Nakornnayok River Conservation Network
37	Ms	Malinee Wechasuk	HIV/AIDS Network
38	Mr	Punya Chusiri	HIV/AIDS Network
39	Ms	Watchree Sirimaha	HIV/AIDS Network
40	Mr	Sunaruk Kaeonukun	HIV/AIDS Network
41	Mr	Ratchayapornthawee Thanawattewakul	Health and Opportunity Network/LGBT Network
42	Mr	Preeyapat Butprasert	Health and Opportunity Network/LGBT Network

43	Ms	Saowalack Pratumthong	Rak Talae Thai Association
44	Ms	Chatjaporn Loyplew	Rak Talae Thai Association
45	Mr	Manop Kaewphaka	Informal Labour Network (Thailand)
46	Ms	Puttinee Kaewphaka	Home Net Thailand Association
Southern Region			
47	Mr	Sompha Jaikhla	Southern BHR Coordinator
48	Ms	Kaosar Aleemama	Southern Regional Node
49	Ms	Saovanee Kaewjullakarn	Academic Researcher
50	Mr	Nattawut Chotikan	Faculty of Law, Thaksin University
51	Mr	Manavee Dengdo	Mt. Boudou Network
52	Mr	Asmee Pu	River Conservation Youth
53	Mr s	Rokeeyoh Samaae	Tepha Community
54	Mr s	Puttan Sakaekum	SERC
55	Ms	Supawadee Saiwaree	Lawyer
56	Mr	Sompol Sitthiwetch	Andaman Power Phuket
57	Mr	Rattathammanoon Meepon	Andaman Power Phuket
58	Mr	Supachai Niyompong	Rung Andaman Phuket
59	Ms	Nitaya Chuchuen	M-Moon
60	Mr	Thankamol Bunchai	M-Moon
Experts			
61	Mr	Ekachai Pinkaew	Human Rights Official, NHRCT
62	Mr	Sompong Sakaew	Director, Labour Rights Promotion Network Foundation (LPN)
63	Ms	Sor. Rattanamanee Polkla	Co-founder & Coordinator, Community Resource Centre
64	Ms	Patchareeboon Sakulpitakphon	Private Sector Engagement Specialist, USAID Asia Counter Trafficking in Persons, SSG Advisor
65	Ms	Worawan Sukraroek	Mekong Campaigns Coordinator, Earth Rights International
66	Ms	Kornkanok Wathanabhoom	Earth Rights International/ Global Bertha Fellow for Human Rights
67	Ms	Nattaya Petcharat	Stella Maris

68	Mr	Teerachai Sanjaroenki	The mekong Butterfly
Interpreters			
69	Ms	Sutinna R	Interpreter
70	Ms	Kanok Suwanna	Interpreter
71	Ms	Chanida Bamford	Interpreter
72	Ms	Jaruwaree	Interpreter



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