(Draft) National Action Plan on Business and Human Rights

By

Rights and Liberties Protection Department
Ministry of Justice

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Chapter 1

Introduction

1.1. United Nations Guiding Principles on Business and Human Rights (UNGPs)

The UNGPs are the product of the study of human rights situations and business operations worldwide as conducted by Professor John Ruggie, the Special Representative of the UN Secretary-General on human rights and transnational corporations and other business enterprises (appointed when Kofi Annan was the UN Secretary-General), which was endorsed by the Human Rights Council (HRC) on 16 June 2011. The UNGPs are the first international document that lay out the relationship between the duty of the state and the responsibility of the private sector. However, the UNGPs are not considered as a treaty that creates obligation for the state to comply with, and they have no enforcement mechanisms or international organisations that regulate their compliance. Therefore, the adoption of the UNGPs for implementation by the state or businesses is on a voluntary basis.

The UNGPs have 31 main points, which consist of basic principles under the 3 pillars as follows:

Pillar 1 Protection (Protect) sets out the state duty to protect human rights (Principles No. 1-10). In other words, the state has a duty to protect individuals from rights violation, whether by the state or individuals/non-state actors, or business enterprises. Even though the state does not have to take responsibility for human rights violations perpetrated by the private actors, it has a duty to take actions to ensure that there is prevention, punishment, and provision of remedy, such as access to justice, for cases in which violations occurred due to policies or measures. Moreover, the state has a duty to communicate its expectations of private sector enterprises that operate or are registered in its territory, to respect human rights. The state should also create an enabling environment for the respect of human rights, which includes overseas operations of a private actor from that State, especially for cases where the State is involved in such an operation or it is involved in supporting such operations through a public-private partnership. UNGP Principles No. 4-6 provide the duty of the state to guarantee rights in cases related to the operation of State-owned enterprises, in cases where the State employs the private sector, and in cases where the State does commercial transactions with the private sector (such as through procurement), by specifying obligations related to human rights in the contracts made between the state and private actors.

Pillar 2 Respect (Respect) sets out the responsibility of private companies to respect human rights (Principles No. 11-24), which means that private companies are to respect human rights by complying with national laws that exist to protect and promote the human rights of individuals in the country. Moreover, private companies should also be responsible for respecting human rights, by not violating or refraining from the violation of rights, by managing the impacts that have occurred, and by conducting assessment on the human rights impact of their activities in order to prevent violations from occurring. Companies should also take action to mitigate or resolve the impact on human rights, according to which the private actor should conduct Human Rights Due Diligence that is appropriate for the size of the business, the risk posed, and the impact of the operation.
**Pillar 3 Remedy (Remedy)** provides for the victims of human rights violations perpetrated by the business sector to be able to get access to remedy, with the state having the duty to investigate, punish, and address the situation, which can be achieved through the justice system or other state-based mechanisms, or other informal mechanisms allocated by the state for this purpose. This can also be undertaken through complaint mechanisms, with private companies having the responsibility at the company level to organise processes for consultation, for provision of information, to issue a warning about possible adverse impacts on individuals or affected communities, and by providing solutions to or mitigating these adverse impacts that arise as a result of business activities.

In practice, in the past there have been several cases where human rights have been affected in the context of business activities, such as cases on the violation of freedom of expression, freedom of assembly, participation in political and public activities, labour rights, community rights, access to justice mechanisms, protection of HRDs, negative impacts of investments or large-scale development projects, which include Special Economic Zones, land-related rights, the right to health, the right to environment and natural resources, discrimination, and the situation of affected communities whose rights are at risk of being violated by businesses, such as those of women, children, the elderly, persons with disabilities, ethnic groups, migrant workers, and LGBTI.

Compliance with the UNGPs is considered as the promotion and protection of human rights in a holistic manner and is in line with various international human rights treaties that the State is a party to. Furthermore, the improvement of discussion and interpretation of issues related to business and human rights at international forums and in various countries, in different contexts has led to the emergence of other connected ideas, such as Corporate Social Responsibility (CSR), Sustainable Businesses, Social Enterprises, and Sustainable Development Goals (SDGs).

Therefore, in order to take action that is in compliance with the UNGPs in a concrete and effective manner, the United Nations has encouraged State parties to develop a National Action Plan (NAP) on Business and Human Rights (BHR), using the UNGPs as a model to define the strategic framework, as a guideline for implementation, and for the development of mechanisms to enforce the UNGPs in each country. These processes have to take into consideration compliance with the context and the real situation of the country. The state has to conduct a study to analyse the gaps that are the cause of human rights violations, assess the progress of the NAP in a systematic manner, and review and improve the NAP to ensure it is always in compliance with the current context.

### 1.2. Thailand and the development of the National Action Plan on Business and Human Rights

The development of the National Action Plan on Business and Human Rights in Thailand began with an initiative by the government that realised the importance, necessity, and urgency of addressing the problems related to human rights violations, which result from business activities. The National Human Rights Commission of Thailand developed policy recommendations for the government, to serve as a guideline for the establishment of a mechanism or to specify a mission to regulate investments by Thai investors overseas; in order to ensure they respect basic human rights by using the UNGPs as a framework in their operations as indicated in two reports, which are:
1) The case of the operation of a sugar factory; and 2) the case of the deep-sea port and Special Economic Zone in Dawei, Myanmar.

The will of the government to address problems related to human rights violations resulting from business activities can be seen from its voluntary pledge during the second cycle of the Universal Periodic Review, at the 25th session on 11 May 2016. During the UPR process, the Thai government confirmed that it would promote human rights in the business sector, by accepting the recommendation of Sweden to Thailand to realise the UNGPs through the development, recognition, and implementation of a national action plan on business and human rights. Following Thailand’s acceptance of the recommendation and its making of voluntary pledge, relevant agencies collaborated to develop “An action plan for the implementation of accepted recommendations and voluntary pledges made by Thailand under the UPR process” by considering the activities, timeframe, and responsible agencies that are suitable for the implementation of the recommendations under each issue. This was then submitted to the Cabinet for its consideration. The Cabinet considered the document and passed a resolution on 31 January 2017, to approve the draft National Action Plan according to the recommendations accepted by Thailand and its voluntary pledges under the UPR process. As for the portion on business and human rights, the Cabinet assigned the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ), as the main agency responsible, and also urged the RLPD to implement the process according to the existing plan in order to achieve concrete results.

The reason behind the government assigning the Right and Liberties Protection Department of the MoJ for the development of the NAP on BHR is that the RLPD is the government agency under MoJ responsible for all work on human rights, including those related to international human rights treaties and mechanisms on business and human rights, such as those established under the ICESCR and the UPR process. The RLPD is also responsible for developing, mobilising, monitoring and evaluating the national human rights action plan.

1.3. The process in developing the National Action Plan on Business and Human Rights

The Right and Liberties Protection Department of the Ministry of Justice started the process of developing the National Action Plan on Business and Human Rights since 2016, and has continuously implemented it as follows:

1. **Setting up a committee to prescribe, prepare, monitor and analyse the implementation of the National Action Plan on Business and Human Rights**

The Ministry of Justice issued order no. 557/2559 on 14 November 2016 for the setting up of a committee to prescribe, prepare, monitor and analyse the implementation of the NAP on BHR, with the Director General of the RLPD as the president of the committee. Many relevant agencies are also a part of the committee, such as the National Human Rights Commission of Thailand, the Ministry of Foreign Affairs, the Ministry of Commerce, the Ministry of Finance, the Ministry of Labour, and so forth. The committee has a duty to consider setting out guidelines for the development of the NAP on BHR, to monitor and evaluate the implementation according to the plan, to encourage various sectors to implement the plan, to give recommendations on the implementation of the plan, and to improve the plan for it to be accurate and comprehensive. However, since it has to be in line with the UNGPs, the implementation of activities under the NAP on BHR involves many agencies, including ones from the public sector, the private
sector, and from CSOs; the RLPD issued order no. 89/2018 on 19 March 2018 on “Setting up a committee to prescribe, prepare, monitor and analyse the implementation of the National Action Plan on Business and Human Rights”; in order to set up a new committee for the implementation of the UNGPs and the development of the National Action Plan on Business and Human Rights to be carried out in an effective manner and for it achieve its objectives. With regard to this, the basic elements and duties of the committee remain the same, but it has added representatives from relevant government agencies, whose work is related to business and human rights, the business sector, and from CSOs, into the committee. The committee has periodically met from 2016 until present, to give comments and recommendations on the development of the National Action Plan (NAP) on Business and Human Rights (BHR).

2. The First National Dialogue on Business and Human Rights

The Right and Liberties Protection Department of the Ministry of Justice collaborated with the Representative of Thailand to AICHR, Global Compact Network Thailand, Manushya Foundation and the Thai CSOs Coalition for the UPR to organise the first national meeting on 22 December 2016 to: (1) officially launch the work of the Ministry of Justice (MoJ) on business and human rights; (2) raise awareness on UNGPs; (3) exchange knowledge on the results of the implementation of business and human rights carried out by various sectors; and (4) set up a plan to mobilise the work on business and human rights along with all sectors. The information gathered from the meeting was assessed by the RLPD to identify issues and human rights situations in the business sector, with this being used to inform the National Action Plan (NAP) on Business and Human Rights (BHR).

3. The gathering of data on the situations related to business and human rights at the local level (First Regional Consultation)

The Right and Liberties Protection Department of the Ministry of Justice, along with the Representative of Thailand to AICHR, Global Compact Network Thailand, Manushya Foundation and the Thai CSOs Coalition for the UPR, conducted field visits to the 4 regions of Thailand (Chiang Mai, Khon Kaen, Rayong, and Songkhla) to compile data on situations related to business and human rights in each region; by organising meetings with various sectors, including the public sector, CSOs, the private sector, the people affected by business operations etc. Each regional meeting adhered to the same format as follows: The meeting began with building the knowledge of participants on the UNGPs, on the actions taken by the public and private sectors to mobilise the UNGPs, and on the plan to develop the National Action Plan (NAP) on Business and Human Rights (BHR), this was followed by the gathering of comments and recommendations from representatives of CSOs specialising on various aspects. The last session of the meeting was a group discussion on situations related to business and human rights in their respective areas,
and the concerns they had regarding it. The participants were also asked to select three key priority issues in the area, which needed to be urgently addressed. These issues would be used as a baseline to inform the National Action Plan (NAP) on Business and Human Rights (BHR).


The Rights and Liberties Protection Department of the Ministry of Justice, together with the Representative of Thailand to AICHR, Manushya Foundation and the Thai CSOs Coalition for the UPR, held a meeting on 1 to 3 September 2017 at Sampran Riverside, Sampran, Nakhon Pathom. The objectives of the meeting were to exchange and share knowledge with experts from various countries about issues regarding business and human rights, and to mobilise the UNGPs and the method in assessing the situations related to business and human rights, and the National Action Plan (NAP) on Business and Human Rights (BHR).

5. The Second Experts Meeting to Discuss the Assessment of the Situation on Business and Human Rights and Develop the National Action Plan on Business and Human Rights.

The Rights and Liberties Protection Department of the Ministry of Justice, together with the Representative of Thailand to AICHR, Manushya Foundation and the Thai CSOs Coalition for the UPR, organised the second meeting from 28 February to 1 March 2018 at Emerald Hotel, Bangkok. The objectives of the meeting were to discuss the results of the study conducted by CSOs on situations related to business and human rights in Thailand, and for the provision of comments and recommendations to improve the report and to compile issues reflected in the meeting, to inform the development of the National Action Plan (NAP) on Business and Human Rights (BHR).

6. Welcoming the visit of UN working group on the issues of human rights and transnational corporations and other business enterprises

The Rights and Liberties Protection Department of the Ministry of Justice, along with the Department of International Organisations and MOFA, welcomed the visit of the UN Working Group on 26 March to 4 April 2018. During their visit, the working group organised discussions with representatives from the public sector, the private sector, and CSOs from the central Thailand and other regions (Songkhla, Chiang Mai, Khon Kaen, Samut Sakorn), in order to monitor the situation related to business and human rights in Thailand. After the visit, the Working Group issued a preliminary report of their visit to Thailand and provided recommendations to improve Thailand’s situation on business and human rights, in order to make it comply with international standards. The RLPD of the MoJ found such a process to be beneficial to every sector, including the preparation, the welcoming, and discussions organised with various sectors. The RLPD used the information, comments, and recommendations received to inform the development of the National Action Plan (NAP) on Business and Human Rights (BHR).
7. A meeting to comment on the draft National Action Plan on Business and Human Rights at the local level (Second Regional Consultation)

The Rights and Liberties Protection Department of the Ministry of Justice, along with the Faculty of Law at Thammasat University, used the data on human rights situations gathered from the regional field visits, from the meetings with various sectors, from the visit of the UN Working Group, and the recommendations received from the National Human Rights Commission of Thailand and the NAP Committee between 2016 and 2018, to analyse and develop the National Action Plan (NAP) on Business and Human Rights (BHR). After having done so, the RLPD and Thammasat University conducted field visits to five regions (Rayong, Songkhla, Chiang Mai, Khon Kaen and Bangkok) to open the floor for all sectors to comment on the draft NAP; in order to gather comments and recommendations to inform the revision of the draft according to them.

8. Open for public comments on the draft National Action Plan on Business and Human Rights through RLPD website and post

The Rights and Liberties Protection Department of the Ministry of Justice uploaded the draft National Action Plan (NAP) on Business and Human Rights (BHR) on its website, for the public to give comments between 27 June and 31 July 2018. It also provided an opportunity for people to give comments and send recommendations through post, in order to use those comments to inform the revision of the draft.

9. Consultation with representatives from UN agencies in Thailand to gather comments on the draft National Action Plan on Business and Human Rights

On 20 August 2018, the Rights and Liberties Protection Department of the Ministry of Justice, along with UNDP, organised a consultation at the UN offices, to discuss the draft National Action Plan (NAP) on Business and Human Rights (BHR) with representatives from UN agencies in Thailand. The participants provided beneficial comments and recommendations, which the RLPD of the MoJ will use to inform the revision of the draft.

10. Consultation with civil society to gather comments on the draft National Action Plan on Business and Human Rights

On 23 August 2018, the National Human Rights Commission, along with the Rights and Liberties Protection Department of the Ministry of Justice, the Ministry of Foreign Affairs, the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR) organised a workshop on "The role of civil society on the National Action Plan on Business and Human Rights" at Mida Hotel, Don Mueang, Bangkok, for CSOs to provide comments on the draft National Action Plan. The Rights and Liberties Protection Department of the Ministry of Justice gathered comments and recommendations as reflected upon by CSOs, to inform the revision of the draft National Action Plan.
11. Consultation with government agencies to gather comments on the draft National Action Plan on Business and Human Rights

On 21 and 22 November 2018, the Rights and Liberties Protection Department of the Ministry of Justice, along with the United Nations Development Programme (UNDP) convened a Cluster Group Meeting in accordance with the main issues specified in the draft National Action Plan on Business and Human Rights. This was organised at the Novotel Sukhumvit 20, Bangkok, to gather comments and recommendations on the draft National Action Plan on Business and Human Rights from relevant government agencies, based on the 4 Key Priority Areas set out in the draft, which consisted of various issues including: (1) labour; (2) community, land, natural resources and the environment; (3) Human Rights Defenders; and (4) international investments and transnational corporations.

12. Discussion with the business sector to gather comments on the draft National Action Plan on Business and Human Rights

On 30 November 2018, the Rights and Liberties Protection Department of the Ministry of Justice, along with the United Nations Development Programme (UNDP) held a meeting with business sector enterprises, to gather comments and recommendations on the draft National Action Plan on Business and Human Rights at the Novotel Sukhumvit 20, Bangkok; to gather comments and recommendations on the draft National Action Plan from the business sector especially pertaining to activities that align with the second pillar of the UNGPs, which addresses the expectation for the business sector to respect human rights.

13. The final comments on the draft National Action Plan (In progress)

The Rights and Liberties Protection Department of the Ministry of Justice has revised the draft National Action Plan on Business and Human Rights following discussions with various target groups, including international organisations, civil society, the public sector, and the private sector in its final stage. Following this, the action plan has been uploaded on the website of the Rights and Liberties Protection Department to gather final comments before revising it and submitting it to the Office of National Economic and Social Development Board for them to carry out the subsequent processes.

13. The last revision of the draft NAP to propose to the Cabinet for consideration (In progress)

Ministry of Justice by the Rights and Liberties Protection Department, had used the comments and recommendations gathered from the final comments on the draft National Action Plan to revise the draft National Action Plan on Business and Human Rights to make it complete and ready to be proposed to the Office of the National Economic and Social Development Council in the following process.

Besides all the aforementioned processes, many sectors have convened meetings to consider the draft NAP and invited representatives from the RLPD to participate, and many agencies have sent recommendations on the draft NAP to the RLPD by post and email. All the information and comments were beneficial and have helped in the drafting of the NAP, in order for it to be complete and in line with the current situation.
1.4. Key priority areas in the National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department of the Ministry of Justice, has compiled data, comments and recommendations received from the meetings with relevant sectors; comments and recommendations gathered from the field visits conducted; the recommendations received on paper; the recommendations from the National Human Rights Commission of Thailand; the recommendations from UN Working Group on the issue of human rights, transnational corporations, and other business enterprises; the assessment of the current situation; and the conclusions made from the selection of three key priority areas that are to be addressed promptly. These issues were considered by the NAP Committee in meeting No. 1/2018 on 29 March 2018, for the Committee to select the key priority areas that are to be included in the National Action Plan on Business and Human Rights. The Committee considered these and selected the following key priority areas, to be included in the first National Action Plan on Business and Human Rights:

1. Labour
2. Community, land, natural resources, and the environment
3. Human Rights Defenders
4. International investments and Transnational Corporations (TNCs)

These 4 issues were the ones reflected in many areas, through the display of various attributes, patterns, problems, and activities; involving individuals, communities and societies broadly. Since these issues are complicated and related to many dimensions domestically and internationally, they are the issues that have been selected to be addressed first.

1.5. The connection between the National Action Plan on Business and Human Rights and other national plans and policies, and the SDGs

20-Year National Strategy: The National Action Plan on Business and Human Rights is in line with the 20-Year National Strategy in many dimensions, including:

1. Creating opportunities and social equity - The National Action Plan focuses on addressing the problems of discrimination related to labour rights and occupation that are based on gender, physical disabilities, status, or other reasons, in order to create equality in accessing work opportunities.
2. Improving the quality of life to be environmentally friendly - The National Action Plan places emphasis on the importance of sustainable development and not harming the environment. In other words, the operation of projects that might have an impact on the environment require the conduct of an Environmental Impact Assessment (EIA), by emphasising on the duties and responsibilities of the business sector for both domestic businesses or transboundary investments. There also needs to be opportunity should receive a fair compensation.
3. Balancing and improving the public administration system - The goal is to be “The public sector of the people and for the people”. The National Action Plan gives importance to the creation or improvement of the mechanisms for complaints and remedy, so that they are effective. There is a mechanism to monitor and report results to the general public who submit complaints through technology as a communications channel, used for convenience and swiftness.

The announcement to the National Legislative Assembly made by the Cabinet of General Prayut Chan-o-cha, Prime Minister of Thailand, on 12 September 2014 on issues regarding the maintaining of stability of the State and of foreign affairs, decreasing social inequality and the creation of opportunity in accessing public services, increasing the economic capacity of the country, and the promotion of the role and use of opportunities in ASEAN.

“National Agenda: Human Rights as a Driving Force of Thailand 4.0 towards Sustainable Development” The National Agenda as approved by the Cabinet on 21 November 2017, reaffirmed that issues on business and human rights were to be designated as one of the main priorities in the national agenda that needs to be achieved through the participation of all sectors.

The 12th National Economic and Social Development Plan - Strategy 2: Creating a just society and reducing inequality; and Strategy 3: Strengthening the economy, and underpinning sustainable competitiveness - Even though the 12th National Economic and Social Development Plan does not explicitly refer to the business sector and human rights, it does emphasise the promotion of Corporate Social Responsibility (CSR), in order to create a just society and reduce inequality in the society. It also specifies more indicators for businesses that are social enterprises.

National Human Rights Plan - The Rights and Liberties Protection Department is the agency responsible for developing, mobilising and evaluating the National Human Rights Plan (The current plan is the 3rd National Human Rights Plan that is effective between 2014 and 2018). The National Human Rights Plan covers the overall protection of human rights, by dividing such protection into 11 human rights issues and covering 15 target groups. This includes the protection of economic rights, labour rights, rights related to land, natural resources and the environment, etc. Therefore, it can be linked to issues on business and human rights, despite the fact that it does not explicitly guarantee compliance with the UNGPs. However, the plan emphasises the responsibility of the private sector to respect human rights; and identifies the roles of ISO 26000 and Corporate Social Responsibility (CSR). Currently, the 4th National Human Rights Plan, which is in the process of being developed, will refer and link to the National Action Plan as well.

Sustainable Development Goals: SDGs - Many of the SDGs are in line with the NAP, such as Goal 8 which promotes sustainable economic growth, full and productive employment and decent work for all; Goal 9 which promotes the building of basic infrastructure that is resilient, that encourages inclusive and sustainable industrialisation and fosters innovation; and Goal 16 that promote peaceful, just, and inclusive societies for sustainable development.

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1 The 12th National Economic and Social Development Plan (B.E. 2560-2564/2017-2021), page 78
2 The 12th National Economic and Social Development Plan No.12 (BE 2560-2564/2017-2021), page 67
International Covenant on Economic, Social and Cultural Rights (ICESCR) - The Cabinet issued a resolution on 5 April 2016, to appoint the Rights and Liberties Protection Department of the Ministry of Justice as the main agency to take action in accordance with the covenant, which addresses issues that are in line with business activities, including labour rights, sexual and reproductive health rights, community rights, etc.

Universal Periodic Review (UPR) - The Right and Liberties Protection Department and the Ministry of Foreign Affairs are the main agencies involved in the implementation of the UPR recommendations. On 11 May 2016, Thailand was reviewed under the second cycle of the UPR at Geneva, Switzerland. As a result of the UPR process, Thailand made a voluntary pledge to promote the respect for human rights in the business sector, and accepted recommendations from various countries, including Sweden, that recommended Thailand develop, acknowledge, and implement a National Action Plan on Business and Human Rights in order to comply with the UNGPs.

1.6. Timeframe for the implementation of the Nation Action Plan on Business and Human Rights

The Committee to Prescribe, Prepare, Monitor and Analyse the Implementation of the National Action Plan on Business and Human Rights made a resolution to implement the National Action Plan on Business and Human Rights for 5 years (2019-2023), for it to be in line with the 4th National Human Rights Plan that is to be implemented for five years as well (starting from 2019-2023). Therefore, specifying the direction of the NAP on BHR would make it easy to implement, monitor and evaluate this policy document.
Chapter 2

Labour

2.1. Overview of the situation

The government gives importance to the protection of the rights of all workers without discrimination, based on their ethnicity or race by amending laws and measures to increase protection and welfare of the workers; and for it to be in line with the standards of the International Labour Organization (ILO). This includes a nationwide increase in the minimum wage from 1 April 2018 and the adoption of several acts, including the Social Welfare Act (No. 4) B.E. 2558 (2015); Maritime Labour Act B.E. 2558 (2015); Labour Protection Act B.E. 2541 (1998), (No. 5) B.E. 2560 (2017), and (No. 6) B.E. 2560 (2017); the Foreigners’ Working Management Emergency Decree (No. 2) B.E. 2561 (2018), etc. At present, the Ministry of Labour has also drafted the Prevention and Elimination of Forced Labour Act B.E. which has increased benefits for workers under many circumstances, such as in the case of unemployment, temporary discontinuation of business activities by employers, and intentional infliction of injury to self, disability, and death. It also expanded protection to more groups, such as to part-time employees in the civil services, and to employees who work with employers with offices and work abroad. In 2017, in total there were 16,872,900 persons employed as formal workers and 20,774,300 persons employed as informal workers³.

The government has been implementing activities to ensure the safety of workers, including through the ratification of several ILO conventions, such as ILO Convention No. 187 on the Promotional Framework for Occupational Safety and Health of 2006, ratified on 23 March 2016; the Maritime Labour Convention of 2006, ratified on 7 June 2016; ILO Convention No. 111 concerning Discrimination (Employment and Occupation) of 1958, which was ratified on 13 June 2017; the Protocol of 2014 to the Forced Labour Convention, 1930, which was ratified on 4 June 2018; and most recently ILO Convention No. 188 of 2007 on Work in Fishing, which was ratified on 30 January 2019.

Currently, the government has more than two million alien workers⁴ registered, which has helped these workers to work legally, to receive protection, and to get equal access to state welfare and services. In addition, Thailand has collaborated with neighbouring countries to prevent human trafficking in the context of labour as occurring in every channel. Thailand has signed MoUs to collaborate on labour and to collaborate on recruitment with Vietnam, Cambodia, Myanmar, and Laos in order to expand the dimensions for collaboration from the previous MoUs that existed in important areas, such as academic collaboration and

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³ Annual labour statistics B.E. 2560 (2017) of the Ministry of Labour
⁴ Minister of Labour announced the progress of nationality verification in the fishery sector on February 15, B.E. 2560/2017
the development of workers’ skills. Besides this, the government has also enacted the Foreigners’ Working Management Emergency Decree (No. 2) B.E. 2561 (2018), whereby the government provides opportunities for employers to carry out the registration of alien workers; with the registration period under the Decree being extended many times. On 16 January 2018, the Cabinet permitted alien workers who are nationals of Cambodia, Laos, and Myanmar, and are governed by the decree, to continue working in Thailand for a certain period of time. This is in response to the situation in Thailand, where it still has to rely on workers from neighbouring countries. The Cabinet resolution also resulted in the issuance of an order for all provinces to set up committees to manage the work of alien workers in Thailand, in order to regulate the verification of their nationality and to develop a database of alien workers in the province. These steps show the will of the government to improve labour standards in Thailand for them to be in line with international standards.

The Thai Government gives importance to the prevention, deterrence and elimination of Illegal Unreported and Unregulated Fishing (IUU). In 2558 (2015), the government established a Command Centre to Combat Illegal Fishing, which serves as the centre for collaboration of all relevant agencies while addressing problems related to IUU. Further, the government also established an operation centre to monitor and predict the situation in the fishery industry and to develop measures to control, investigate, and monitor IUU through the issuance of the Emergency Decree on Fisheries, B.E. 2558 (2015) and its amendment (No. 2) B.E. 2560 (2017), along with the issuance of more than 100 decrees to control the IUU situation. In addition, a cabinet resolution was also passed on 3 November 2558 (2015) to adopt the National Plan of Action to Prevent, Deter, and Eliminate Illegal Unreported and Unregulated Fishing B.E. 2558-2562 (2015-2019) and the Marine Fisheries Management Plan of Thailand: A National Policy for Marine Fisheries Management (2015-2019). Most importantly, the National Fisheries Committee also passed a resolution on 25 January B.E. 2561 (2018), in order to approve an approach for the development of Thailand’s fisheries to ensure would be free of IUU aquatic animal and fishery products (IUU-free Thailand). This was developed to showcase the commitment of Thailand to promote the entire fisheries sector to be in line with international standards, and for it to be recognised by the international community. Furthermore, the Cabinet also passed a resolution on 3 April 2018 to establish the National Committee on IUU Aquatic Animals and Fisheries Product-free fisheries for it to issue policies, and to control, mobilise, and push for accurate, swift, and successful implementation.

Thailand also gives importance to the prevention and suppression of human trafficking in the labour sector, particularly in the fishery industry and in continuous fisheries. The Prime Minister announced the suppression of human trafficking as part of the national agenda, and ordered all relevant agencies to place emphasis on their work undertaken for the suppression of human trafficking and to strictly prosecute government officers involved in human trafficking processes. After the announcement of the national agenda, the government issued a clear policy on “eliminating human trafficking once and for all”, as it violates to human dignity and is not in line with human rights principles. In terms of policy, there has been a large budget allocated to support the suppression of human trafficking in all aspects.

5 The 4th quarter and overview of the Thai society report of B.E. 2560/2017 of the National Economic and Social Development Board
In addition, there was an amendment made to the law and it is also being enforced in a stricter manner. There has also been additional drafting of laws to improve the effectiveness of prosecution, provide remedy to victims, and to protect witnesses. There are better measures on protection and prevention to reduce the risk of becoming victims of human trafficking. There has also been an operational improvement on many aspects, to make them in line with international standards, to create concrete results to achieve this, such as by bringing criminals who are government officers and are involved in cases of human trafficking to ensure they are punishment; by providing administrative measures and discipline; and by having civil and criminal proceedings related to these properties. Besides this, the investigation carried out by investigators for cases of human trafficking has been accelerated, with the time used for investigation being reduced from 72 days in B.E. 2559 (2016) to 69 days in B.E. 2560 (2017). At the stage of prosecution, the time used for consideration has reduced from 38 days in B.E. 2559 (2016) to 28 days in B.E. 2560 (2017). Furthermore, in the court as well, the consideration of cases has constantly become faster. At present, a department for human trafficking cases has been established in the criminal court, which would allow judges who specialise and have an understanding of the issues and special procedures to carry out prosecution. Hence, investigation in search of facts is carried out effectively, swiftly, and in a fair manner. Human Trafficking Criminal Procedure Act B.E. 2559 (2016) also gives a right to the victim to request for compensation and for the court to make judgement on “Punitive Damage”. The aforementioned improvements have resulted in a continuous decrease in the number of cases, victims, and the accused in human trafficking cases. This has caused the situation in Thailand in terms of human trafficking to improve as it was lifted form Tier 3 to Tier 2 in the 2018 Watch List.

The THai Health Promotion Foundation (Sor Sor Sor) has been implementing a project to support the well-being of informal workers and to improve the means to support mental health, in order to help workers “decrease sorrow and build happiness”. The activities in the project include training on well-being for the leaders of informal workers and building motivation of informal workers, to change their behaviour related to health, to increase happiness and decrease stress experienced by informal workers. After participating in these activities, it was found that the average happiness points that the leaders of informal workers had were 32.36 points, which increased from 30.28 points (27-32 points means being as happy as people in general), and the point for stress were 4.14, which reduced from 5.08 points (0-4 points means having low stress). This has causes the level of happiness to increase, while stress has reduced6.

Regarding the promotion of people with disabilities to enter employment and have a better quality of life, the Ministry of Labour and the Ministry of Social Development and Human Security announced a collaboration, to support the employment of people with disabilities by improving their working skills. The two ministries set a goal to employ 10,000 people with disabilities. There is also an MoU between the Ministry of Health, the Ministry of Labour and the Ministry of Social Development and Human Security to collaborate on increasing employment opportunities for people with disabilities in communities for them to work in government agencies under the Ministry of Health. Further, the Civil State for Society Project has also helped more people with disabilities be employed. Many businesses and academic institutions have also made an effort to hire people with disabilities.

For the promotion of the employment of elderly persons’, the Ministry of Labour has drafted a law which would increase the hourly minimum wage for employees who are elderly persons, and it would also result in the opening of a centre to provide employment services to them and to issue taxation measures to urge the private sector to employ elderly persons who are 60 years old and above.

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6 Annual report B.E. 2559 (2016) of Thai Health Promotion Foundation
With regard to this, the private sector can use the benefit of getting 100% corporate income tax exemption for the money paid to employees who are elderly persons, in accordance with the royal decree issued following the Revenue Code on the Exemption from Revenue Taxes (No. 639) B.E. 2560, which have been enforced since 3 March 2017, and the Notification of the Director-General of the Revenue Department regarding Income Tax (No. 290) issued on 14 March 2017. The royal decree and notification are employed for accounting periods starting on or after 1 January 2016. This is to support elderly persons to have the opportunity to continue working, to have enough income after retirement, to reduce gaps in society, and to relieve the burden on the budget of the government for old age welfare in the long term, as Thailand will become an Aged Society by 2021.

2.2. Challenges

From the field visit conducted to gather information to inform the National Action Plan, and through continuous consultations with various sectors held in B.E. 2559-2561 (2016-2018), it was found that there are still many challenges that people hope for the government to resolve by taking swift action to address problems related to labour issues, which can be summarised as follows:

- **Ratification of international conventions**, such as ILO Conventions No. 87 and 98 (Right to association and bargaining), 189 (home-based workers), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and promoting compliance with the Tripartite declaration of principles concerning multinational enterprises and social policy or the MNE declaration.

- **Improvement of laws, rules, regulations, policies, and measures**, especially the amendment of various laws, rules, regulations, policies, and measures related to the promotion and protection of worker’s rights, welfare, employment, management of alien workers, and social security to reduce the gaps in practice and for it to be in line with international standards, such as those in the Labour Relations Act B.E. 2518 (1975), the State Enterprise Labour Relations Act B.E. 2543 (2000), the Labour Protection Act, B.E. 2541 (1998), etc.

- **Improvement of the labour management system for both Thai and foreign workers, for it to be more systematic and effective** – Formulate a method to grant access rights to agencies and employers, in order for the employers to be able to check the information of workers.

- **Regarding the issuance of work permits for alien workers, it should require alien workers to register and request work permits** - Regulate and control the issuance of work permits to be free from corruption, and provide protection measures for witnesses who give evidence of corruption in the work permit issuance services.

- **Capacity building and dissemination of knowledge to workers** - Disseminate knowledge, skills, technological usage, and legal knowledge, on rights, workers’ welfare, occupational health and safety, and channels for receiving services and assistance from the government. This also includes complaint mechanisms and channels of access through various forms of media, which should also be developed in many languages for the easy understanding of alien workers.
• **Enforcement of the law related to prostitution** - Implement the recommendations received from the Committee on the Elimination of Discrimination against Women in 2017, by regulating the entertainment business to ensure it fully complies with labour laws and consider repealing the Prevention and Suppression of Prostitution Act B.E 2539 (1996), especially criminal charges placed on prostitutes.

• **Promotion of the employment of persons with disabilities, elderly persons, and ex-convicts** - Promote the employment of persons with disabilities, elderly persons, and ex-convicts that match their skills and abilities. Also, it should build the occupational skills for these groups of people to prepare them for employment and also use the benefits from various funds to help persons with disabilities, elderly persons, and ex-convicts get employed and truly have their capacities built.

• **Elimination of discrimination in employment/work** - Review and amend laws to protect and eliminate discrimination in employment for all cases. Review the Gender Equality Act, B.E. 2558 (2015), particularly Article 17, and raise awareness about the Act and its complaint mechanism amongst all sectors. Promote equal employment without gender-based discrimination; solve the problem of dismissal due to pregnancy and forced HIV/AIDS testing before/during recruitment and employment; address the problem related to HIV/AIDS in the workplace, not giving women the opportunity to get promoted; discrimination due to nationality; sexual harassment at the workplace; the use of violence; discrimination in payment of wages to women; and discrimination in employing LGBT persons and female workers in some contexts and situations, such as in their employment as domestic workers, migrant workers and sex workers, etc.

• **Receiving fair wages** - Formulate policies to pay minimum wage to all groups of workers in every business sector equally; formulate measures that support fair wages, on-time payment with confirmation of payment, and clear wage deduction according to the law; and develop mechanisms, measures, or policy to determine annually the ladder of increasing wages in a just and appropriate manner that is in line with living costs.

• **Appropriate working conditions** - Make proposals for the creation of decent working conditions of workers providing them with equal rights, freedoms, and welfare according to international standard related to decent work.

• **Access to health for workers** - Request employers to guarantee, protect, or acknowledge health security for workers and recognise their right in accessing Universal Health Care Coverage for all workers, including migrant workers, without discrimination.

• **Care given to workers’ children** - Recognise the right of migrant workers’ children in accessing education

• **Workers’ assembly** - Promote freedom of association and collective bargaining of foreign employees in Thailand, by demanding an amendment to the Labour Relations Act B.E. 2518 (1975) for foreign employees to have the right to establish labour unions, to hold a position in the committee or sub-committee of the labour union and having the right to hold a position as the advisor of the labour union in collective bargaining. Besides this, a study of the format in establishing Social & Economic Councils in foreign countries has been proposed, in order for it to be the main platform for relevant sectors to discuss various issues related to labour.
• Human trafficking and forced labour - Apply the measures used in the fishery industry to improve workers’ conditions in other industries, such as agricultural and construction sectors, which employ many migrant workers, and consider requesting businesses in sectors with high risks to investigate and report on human rights according to the UNGPs.

• Protecting workers from the use of technology to replace workers - Study and consider providing appropriate measures to protect workers from getting laid off due to their replacement by technology.

• Protecting workers in the supply chain system - Regulate the business sector and its supply chain or franchise system, to provide protection to workers in accordance with the same standards as the parent company.

• Protecting Thai workers overseas - Provide knowledge to Thai workers working overseas to help them understand the mechanisms in protecting the rights of the workers in destination countries.

• Procurement by the state - Make proposals for the amendment of the Government Procurement and Supplies Management Act B.E. 2560 (2017), by formulating provisions that set out the duty of the state to investigate steps taken for the protection of human rights in business organisations and state-owned enterprises that benefit from procurement by the state. It has also been proposed that conditions would be added in the law and the procurement contract of the state, to ensure the respect and protection of human rights by business partners of the state and state-owned enterprises.

• Increasing the efficiency of work by state agencies - Suggest an increase of the number of labour inspectors, in order for the number to be sufficient to match the number of workers that need to receive services from the state.

• Actions taken on the business sector - Develop a pilot project with the private sector to serve as an example for various businesses to comply with human rights; to promote all types of businesses to respect human rights; to prevent and suppress businesses that are established illegally; to stipulate measures for businesses of all sizes, to develop reports on Human Rights Due Diligence and disclose the reports to the public; to investigate the closing down of businesses and their registration, to prevent the usage of principles on the status of a juristic person in order to avoid complying with court judgements; to formulate measures to control employers and have them comply with labour laws; to apply measures used in the fishery industry to protect workers’ condition in other sectors, such as the agricultural and construction sectors; and to disseminate knowledge on the UNGPs and the National Action Plan to businesses of all sizes, and to the various branches and groups in the supply chain, etc.
2.3. (Draft) Action plan (B.E. 2562 - 2566/ 2019-2023)

The relevant agencies have considered the recommendations received from various sectors as set out in section 2.2. and categorised them by issue, and developed an action plan, which specifies the responsible agencies, the timeframe for implementation under the NAP, indicators, and its compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation. Further, it helps make monitoring of the situation easier. The action plan is divided into 3 pillars according to the UNGPs as follows:

**Pillar 1 The duty of the state to protect (Protect)**

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| 1   | Ratification of international treaties | Conduct a feasibility study regarding the ratification of ILO No. 98 and 189 by assessing the situation and context of Thailand | Ministry of Labour           | 2562 B.E. (2019)   | The feasibility study regarding the ratification of ILO No. 98 and 189 is conducted by 2562 B.E. (2019). | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 5 |
|     |                                      |                                                                          |                               |                    | A study on the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE declaration)              |                                                                                                                                 |
|     |                                      |                                                                          |                               |                    |                                                                                                                                           |                                                                                                                                 |

7 Under the consideration of relevant agencies
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| 2   | Amendment of relevant laws, rules, regulations, policies and measures | Review laws related to the protection of labour, social welfare allocation, and social security that still have gaps between laws and in practice, and consider amending or improving laws for them to be in line with international standards | - Ministry of Social Development and Human Security  
- Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of laws amended | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 5, and 7 |
|     | Review relevant laws and consider improving them to be in line with ILO Convention No. 138 and 182 | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of meetings held to review relevant laws | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 5, and 7 |
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|     |       | Study ILO General Principles and Operational Guidelines for Fair Recruitment, and review laws and guidelines that are enforced for it to be in line with such principle. | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Result gained from the study | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
|     |       | Review policies related to the employment of workers at border areas, by focusing on protecting workers who are protected under the law without discrimination, as well as providing protection to other individuals that accompany them. This is for it to be in line with the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of policies reviewed | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
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|     |       | Review and amend laws related to labour to be in line with the current situation and international standards, such as Labour Relations Act B.E. 2518 (1975) and State Enterprise Labour Relations Act B.E. 2543 (2000) | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of draft acts approved by the Cabinet | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
|     |       | Review laws and social security mechanisms to ensure (1) Improvement of conditions and benefits to the insured person (2) Involvement of a tripartite structure in managing the social security fund (3) Equal access to funds for all types of workers, especially informal labour (4) Providing protection to retired employees (5) Compliance with ILO principles | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of benefits or criterions reviewed or improved | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 3, 8  
- UNGP No. 1, 3, 4, 5, and 7 |
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|     |       | Review laws related to the employment of public sector employees, to create fair conditions for state employees | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Amount of time used to review relevant laws | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
|     |       | Study, analyse and review Prevention and Suppression of Prostitution Act B.E. 2539 and relevant laws, and regulate entertainment businesses to have them comply with these laws | - Royal Thai Police  
- Ministry of Social Development and Human Security | 2562-2566 B.E. (2019-2023) | - Meetings are held and studies are conducted to review the Prevention and Suppression of Prostitution Act B.E. 2539.  
- Entertainment businesses are also consulted | - National strategy on security  
- SDG No. 5  
- UNGP No. 1, 3, 4, 5, 7 |
| 3   | Improvement of labour management systems | Create a system to store the information and details of workers, for agencies and employers to be able to check the information of the workers. | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Effective information storing system | - National strategy on balancing and improving the public administration system  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, 7 |
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| 4   | Employment                           | Improve measures to regulate and monitor fair employment                  | Ministry of Labour              | 2562-2566 B.E. (2019-2023) | - Inspect companies that employ workers to work abroad  
- Have licenses for employment that people can check | - National strategy on creating opportunities and social equality  
- National strategy on balancing and improving the public administration system  
- SDG No. 8  
- UNGPs No. 1, 3, 7 |
|     |                                      |                                                                            |                                 |                         | Number of witnesses who are safe after going through the protection process  | - National strategy on balancing and improving the public administration system  
- SDG No. 16  
- UNGPs No. 1, 3, 4, 10, 25 |
| 5   | Capacity building and dissemination  | Organise trainings to provide knowledge on rights under labour protection laws, other labour rights, occupational safety, to workers, including migrant workers, and develop various types of media to disseminate the aforementioned knowledge in languages that migrant workers can understand easily | Ministry of Labour              | 2562-2566 B.E. (2019-2023) | - Migrant workers receive practical knowledge on becoming the victim of human trafficking  
- Number of participants  
- Percentage of increased knowledge  
- Number of documents published in foreign languages | - National strategy on developing and building the capacities of human resources  
- SDG No. 8  
- UNGPs No. 1, 3, 4, 5, 7, 8 |
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| 6   | Elimination of discrimination in employment and at the workplace | Promote careers and employment for people with disabilities in companies and state agencies by appointing officers to coordinate between the employers and people with disabilities, as well as setting up a system to screen the skills of people with disabilities in order to allocate suitable jobs for them                                                                                                                                                                                                                                                                                                                                                           | - Ministry of Social Development and Human Security  
- Project to provide employment service to special groups  
- Activities to provide jobs to people with disabilities  
- Activities to promote people with disabilities working in state agencies                                                                                                                                                                                                                                                                             | Quantitative: 1,750 persons with disabilities received support for employment  
- Not less than 62% of people with disabilities received support for employment  
- 88 people with disabilities received support for employment in state agencies  
- Promote people with disabilities to work in state agencies in the ratio of 100:3 as specified by law | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8, 10  
- UNGP No. 1, 3, 4, 7, 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                    |
<p>|     | Improve the effectiveness of the fund to support and improve the living standard of people with disabilities |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Ministry of Social Development and Human Security                                                                                                                                                                                                                                                                                                                                                                             | 2562-2566 B.E. (2019-2023) | Support 90% of people with disabilities to be employed and self-employed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | - National strategy on developing and building the capacities of human resources                                                                                                                                                                                                                                                                                               |</p>
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|     | Improve measures and mechanisms that promote the employment of elderly persons in order for them to get employed more | Ministry of Labour                                                                                                 | 2562 B.E. (2019) Project to increase employment opportunity for elderly persons | 100,000 elderly persons received support in employment and have an income | - National strategy on creating opportunities and social equality
- SDG No. 8
- UNGP No. 1, 3, 4, 5, 7, and 10                                           |                                                                                                                     |
<p>|     | Consider ways to promote the occupation of ex-convicts,                                    | Ministry of Justice, Ministry of Labour                                                                            | 2562 B.E. (2019) Project to prepare the workers, activities,                         | Quantitative: 10,000 of those detained at Civilian development center control and therapy infantry center, and the Juvenile Observation and Protection Centre received counselling and support for their careers | - National strategy on developing and building the capacities of human resources |</p>
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|     |       |          | career counselling, and promote the occupation of detainees in jails, rehab centres, Civilian Development Control Centres, and in the Juvenile Observation and Protection Centre; Project to provide employment services to special groups; activities to provide employment for ex-convicts | 2562-2566 B.E. (2019-2023) | Quantitative: 500 workers from all groups of workers received services that support their employment | - National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, 7, 8, and 10 |
| 1   |       | Study the feasibility and the impact of amending labour laws to be in line with the Gender Equality Act B.E. 2558 (2015) | Ministry of Labour | Number of times labour laws were reviewed | | - National strategy on creating opportunities and social equality  
- SDG No. 8, 10  
- UNGP No. 1, 3, 4, 5, and 7 |
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|     | Consider measures on social protection for employees who are migrant  | Consider measures on social protection for employees who are migrant workers, especially the ones in agricultural and fishery industries that work seasonally, as well as home-based workers | Ministry of Labour                                         | 2562-2563 B.E. (2019-2020) | Have measures to inspect migrant workers                                                                                                       | - National strategy on developing and building the capacities of human resources  
- National strategy on creating opportunities and social equality  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7                                                                                                     |
|     | workers, especially the ones in agricultural and fishery industries    |                                                                                                                                                                                                        |                                                             |                               |                                                                                                                                             |                                                                                                                                 |
|     | that work seasonally, as well as home-based workers                   |                                                                                                                                                                                                        |                                                             |                               |                                                                                                                                             |                                                                                                                                 |
|     | Disseminate knowledge and understanding about Gender Equality Act B.E | Disseminate knowledge and understanding about Gender Equality Act B.E. 2558 (2015) and mechanisms under it, to change the attitude of people in society so they understand and accept equity and gender equality | Ministry of Social Development and Human Security          | 2562-2566 B.E. (2019-2023) | - Amount of media disseminated  
- Number of participants                                                                                                      | - National strategy on creating opportunities and social equality  
- SDG No. 5, 10  
- UNGP No. 1, 3, 8                                                                                                                  |
|     | 2558 (2015) and mechanisms under it, to change the attitude of people |                                                                                                                                                                                                        |                                                             |                               |                                                                                                                                             |                                                                                                                                 |
|     | in society so they understand and accept equity and gender equality   |                                                                                                                                                                                                        |                                                             |                               |                                                                                                                                             |                                                                                                                                 |
|     | Organise activities to provide a better understanding on gender       | Organise activities to provide a better understanding on gender diversity to relevant sectors, including the business sector | Ministry of Justice                                        | 2562-2566 B.E. (2019-2023) | Amount of knowledge and understanding on the issue of gender diversity                                                                       | - National strategy on creating opportunities and social equality  
- SDG No. 5, 10  
- UNGP No. 1, 3, 8                                                                                                                  |
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| 1   |       | Promote the issuance of policies, regulations, or measures by business owners to prevent sexual harassment and the use of violence in the workplace | - Ministry of Social Development and Human Security  
- Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of businesses engaged in Thai Labour Standards and receive support in order to have policies on the prevention of sexual harassment | - National strategy on creating opportunities and social equality  
- SDG No. 5, 8, 10  
- UNGP No. 1, 2, 3, 5, 7, 8 |
| 2   |       | Develop measures to protect and address HIV/AIDS issues at the workplace | - Ministry of Labour  
- Ministry of Health | 2562-2566 B.E. (2019-2023) | Number of business/employees receiving support | - National strategy on creating opportunities and social equality  
- SDG No. 3 and 8  
- UNGP No. 1, 3, 4, 5, and 7 |
| 3   |       | Consider providing measures and mechanisms to support the employment of women and allow them to take part in the labour system in order to create gender equality in line with international standards | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of businesses inspected that support the employment of women to ensure gender equality | - National strategy on creating opportunities and social equality  
- SDG No. 5, 8, 10  
- UNGP No. 1, 3, 4, 5, and 7 |
| 4   |       | Consider providing measures and mechanisms to support employment of other vulnerable groups, such as ethnic groups, stateless, people without citizenship, and migrant population, as well as individuals with diverse sexual orientation and gender identity, into the labour system | - Ministry of Labour  
- Ministry of Social Development and | 2562-2566 B.E. (2019-2023) | Number of ethnic minorities that are granted employment | - National strategy on creating opportunities and social equality |
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| 7   | Receiving fair wages  | Conduct a study on the current situation and wage structure, to improve mechanisms, measures, or policies to adjust wages to be fair, appropriate and in line with the standard of living on an annual basis. | Human Security - Office of the National Security Council | 2562-2566 B.E. (2019-2023) | Number of times a study is conducted or the wage is adjusted              | - National strategy on balancing and improving the public administration system  
- SDG No. 5, 8, 10  
- UNGP No. 1, 3, 4, 5, and 7 |
| 8   | Decent working conditions | Study international standards related to decent working conditions and take the information, to develop a regulation or rule in an appropriate manner to be fair, appropriate and in line with the standard of living on an annual basis. | Ministry of Labour                                       | 2562-2566 B.E. (2019-2023) | Number of studies                                                          | - National strategy on creating opportunities and social equality  
- National strategy on balancing and improving the public administration system  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
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|     | 9     | Access to health care by workers                                          | - Ministry of Health                       | 2562-2566 B.E. | Number of insurers receiving health services                              | - National strategy on developing and building the capacities of human resources  
|     |       | used as a guideline for businesses in employment                          | - Ministry of Labour                       | (2019-2023)    |                                                                          | - SDG No. 3, 8  
                                                                                                                      |                                                                                                                   | - UNGP No. 1, 3, 4, 5, and 7                      |
|     | 9     | Access to health care by workers                                          | Ministry of Health                         | 2562-2566 B.E. | Establish a mechanism to provide health services to migrant workers      | - National strategy on developing and building the capacities of human resources  
|     |       | used as a guideline for businesses in employment                          |                                            | (2019-2023)    |                                                                          | - SDG No. 3, 8  
<pre><code>                                                                                                                  |                                                                                                                   | - UNGP No. 1, 3, 4, 5, and 7                      |
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| 10  | Child care for workers’ children | Address the problems in accessing education for children who accompany workers, by providing basic education that is suitable to their problems and needs, for both formal (public and private) and informal (Non-formative Education) education | - Ministry of Labour  
- Ministry of Education | 2562-2566 B.E. (2019-2023) | Number of businesses receiving support to allocate welfare, besides the ones required by law | - National strategy on developing and building the capacities of human resources  
- SDG No. 4 and 8  
- UNGP No. 1, 3, 4, 5, and 7 |
|     |       | Promote the provision of childcare by businesses in the workplace, by registering a child care centre with the Ministry of Social Development and Human Security. Businesses will get tax exemption and the child of the employee/worker would be provided with care and go through appropriate development | - Ministry of Social Development and Human Security  
- Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of businesses registered as the child care centre in a workplace | - National strategy on developing and building the capacities of human resources  
- SDG No. 8 and 11  
- UNGP No. 1, 3, 4, 5, and 7 |
|     |       | Consult with the business sector to develop guidelines for services which take into account children in the business sector, by allocating officers in mobile network companies to manage communication channels, and send information to the public sector if there are children who need help or give advice to children who are bullied in schools | - Ministry of Social Development and Human Security  
- Ministry of Digital Economy and Society  
- Ministry of Education  
- Royal Thai Police | 2562-2563 B.E. (2019-2020) | - Activities/services of business sector that are provided to children  
- Percentage of success in giving advice and coordinating with the relevant agencies | - National strategy on developing and building the capacities of human resources  
- SDG No. 11  
- UNGP No. 1, 3, 4, 5, and 7 |
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<tr>
<td>11</td>
<td>Human Trafficking and Forced Labour</td>
<td>Consider the application of mechanisms currently employed in the fishery industry concerning the condition of the workforce to apply to other industries, such as the agricultural and construction industries that have a number of migrant workers.</td>
<td>National Police Department</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Number of organisations that are at risk, of being inspected</td>
<td>National strategy on developing and building the capacities of human resources - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7</td>
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<td>12</td>
<td>Protecting workers from the employment of technologies to replace workers</td>
<td>Consider the establishment of an action plan or measures to support, provide remedy, and provide assistance to groups of workers who are laid off, by helping employees according to the criteria required to mitigate grievances</td>
<td>Ministry of Labour</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Action plans or measure to support, provide remedy, and provide assistance to groups of workers who are replaced by technology</td>
<td>National strategy on developing and building the capacities of human resources - National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7</td>
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<td>13</td>
<td>Protection of workers in the supply chain system</td>
<td>Study and issue measures for the business sector with respect to their supply chain, in order to have a standardised labour management system according to Thai Labour-Standards (TLS 8001).</td>
<td>Ministry of Labour</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Number of aspects studied</td>
<td>National strategy on balancing and improving the public administration system - SDG No. 8 - UNGP No. 1, 3, 4, 5, and 7</td>
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| 14  | Protection of Thai workers overseas | Train jobseekers before they travel to work overseas by providing them with knowledge on the benefits, according to the laws of the country they are going to work in and the mechanism in protecting the rights of workers in transit countries, which include providing protection on challenges faced and recommendations on caring for the health of Thai workers while overseas | - Ministry of Labour (Department of Employment)  
- Ministry of Foreign Affairs (Consular)  
- Ministry of Public Health | 2562-2566 B.E. (2019-2023) | - Number of jobseekers trained, before traveling to work overseas  
- 90% of problems faced by Thai workers are addressed  
- Amount of time taken to give recommendations and information on taking care of the health of Thai workers | - National strategy on developing and building the capacities of human resources  
- SDG No. 8 and 17  
- UNGP No. 1, 3, 4, 5, 7, 10 |
| 15  | Action taken on businesses | Promote the implementation of Good Labour Practice (GLP) by businesses in managing their activities. | Ministry of Labour | 2562-2566 B.E. (2019-2023) | 1,000 businesses are promoted per year | - National strategy on creating competitive capabilities  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
|     |       | Inspect service providing venues, businesses and employment companies by emphasising on the checking of licenses of the businesses, employment contracts, employment conditions and work permits (for migrant workers) | - The Royal Thai Police  
- Ministry of Labour  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | - Number of licensed employment companies investigated  
- Number of businesses and migrant workers investigated | - National strategy on security  
- SDG No. 8  
- UNGP No. 1, 3, 4, 5, and 7 |
Regulate and determine the large-scale business sector and businesses that are registered in the Stock Exchange of Thailand that employ migrant workers as the main manpower for their production, to conduct Human Rights Due Diligence to serve as a measure in preventing illegal exploitation of workers. The report produced has to be made public to raise awareness and for it to be easily monitored. This is also to give importance to transparency and traceability based on Corporate Governance principles.

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**Pillar 2 Corporate responsibility to respect (Respect)**

Pillar 2 stipulates operations based on the “expectation on state enterprises and the business sector”, in order for it to serve as a guideline for social enterprises and the business sector to adopt as principles in their activities. However, such expectations will just serve as the starting point and motivation for social enterprises and businesses of all sizes, including big, medium, and small size; to use as a guideline for their operations moving forward, which is an important factor to reduce the adverse impact of business activities.
   - State enterprises and the business sector must announce their human rights policies, including with respect to the UNGPS
   - State enterprises and the business sector must operate according to Thai Labour Standards, and respect and strictly comply with labour laws.
   - State enterprises and the business sector must promote knowledge on labour law, labour standards, and human rights principles to workers within their institutions; this should include domestic and international labour laws, labour standards, and human rights principles.
   - State enterprises and the business sector must cooperate with state agencies and international organisations, in case of investigation of their compliance with labour laws, labour standards, and human rights principles.

2. Rights and labour welfare
   - State enterprises and the business sector should provide welfare, such as day care in workplace, for their workers and workers’ families.
   - State enterprises and the business sector should not force workers to do overtime work. Overtime work must be voluntary, or due to necessity, such as in cases where there will be damages to the organisation. However, overtime work must be requested in a systematic way, based on the necessity of the work itself.
   - State enterprises and the business sector should issue measures to support or guarantee the right to health of workers in their institution.
   - State enterprises and the business sector with migrant workers in their institutions should be responsible for the cost of recruitment, or other costs, according to the “employer pays principle”.

3. The elimination of discrimination in the workplace
   - State enterprises and the business sector should establish appropriate measures or policies to express their intention to support equal opportunity, without discrimination in employment processes, compensation payment, lay-offs, promotion, and by eliminating any conditions that negatively affect employees or candidates.
   - State enterprises and the business sector should establish measures or organisational policies to prevent sexual harassment at the workplace.
   - State enterprises and the business sector should increase the employment of women, ethnic minorities, persons with disabilities, elderly persons, ex-convicts, etc. by taking them into consideration in an appropriate manner. Organisations should also provide facilities for these groups at the workplace.
   - State enterprises and the business sector must not deny or terminate employees’ contracts for the reason of their HIV/AIDS status.
4. Complaint mechanism and remedy

- Social enterprises and the business sector should provide channels for complaints/complaint mechanisms within their institutions, store confidential information, and open various channels for complaints. Those channels have to be easily accessible, quick, and can be followed up for the results of the complaint, such as by having the complaints system on a website, a complaint system through an application on the phone, etc.
- Social enterprises and the business sector should hold consultations to mediate labour disputes before bringing the case into the judicial system, by giving an opportunity to workers to take part in the negotiation.
- Social enterprises and the business sector should require the establishment of procedures and measures to provide remedy to workers, in cases where these workers have their rights violated. The remedy should cover damages, both physical and psychological.
- Social enterprises and the business sector should formulate measures/mechanisms to support and address problems related to unemployment, which include paying compensation in cases of lay-offs, in accordance with the law.

Pillar 3 Responsibility of the State and Businesses to provide remedy (Remedy)

The relevant agencies have jointly considered the comments and recommendations received from various sectors as set out in out in point 4 above and categorised them by stipulating the role of the public and private sectors in providing remedy to workers affected whose rights were violated by social enterprises or businesses, or as a result of business activities, by linking these to compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation moving forward. The comments and recommendations can be summarised as follows:

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| 1   | Petition/Complaint  | Establish complaints mechanisms (in both government and private sectors) and build the capacity of government officials to handle complaints effectively; | - Office of the Attorney General  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | Have a complaint system for people to make complaints conveniently | - National strategy on balancing and improving the public administration system |
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|     | store confidential information; and open channels for complaints that are convenient and can be followed up for results through the usage of technologies, such as hotlines, websites, making complaints via mobile phone applications | - Ministry of Justice  
- Ministry of Labour  
- Ministry of Foreign Affairs (Consular) | - Ministry of Justice  
- Ministry of Labour  
- Ministry of Foreign Affairs (Consular) | 2562-2566 B.E. (2019-2023) | Have competent officials in every province according to the Act | - SDG No. 8 and 11  
- UNGP No. 27, 28, 29, and 31 |
- National strategy on balancing and improving the public administration system  
- SDG No. 8 and 11  
- UNGP No. 27, 28, 29, and 31 |
|     | Review and improve complaint mechanisms to ensure access to existing protection and remedy, such as a mechanism to submit petitions, or Kor Ror 7, in order for the workers to have access to protection and remedy without discrimination, and without consideration to nationality | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of complaint channels that have been improved | - National strategy on creating opportunities and social equality  
- National strategy on balancing and improving the public administration system |
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<td>- UNGP No. 27, 28, 29, and 31</td>
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|     |       | The effectiveness and operation of the complaints mechanisms under government agencies should be periodically assessed to ensure that migrant workers are able to access these in a convenient and effective manner | - Ministry of Interior  
- Ministry of Justice  
- Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of times being assessed | - National strategy on creating opportunities and social equality  
- National strategy on balancing and improving the public administration system  
- SDG No. 8 and 10  
- UNGP No. 27, 28, 29, and 31 |
|     |       | Disseminate complaint channels and hotlines in a language that migrant workers can understand | - Ministry of Interior  
- Ministry of Justice  
- Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of complaint channels and hotlines in a language that migrant workers can understand | - National strategy on creating opportunities and social equality  
- National strategy on balancing and improving the public administration system  
- SDG No. 8 and 10  
- UNGP No. 27, 28, 29, and 31 |
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| 2   | Access to Employee Welfare Fund | Employees have the right to the Employee Welfare Fund that is written in the Labour Protection Act B.E. 2541 and the principles that are determined thereunder | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Number of employees receiving services of the fund | - National strategy on developing and building the capacities of human resources  
- SDG No. 8  
- UNGP No. 25, 26, 27, 28, 29, and 31 |
|     |       | Conduct a feasibility study in establishing the fund to support and provide remedy to the victims of discrimination or sexual harassment at the workplace | - Ministry of Labour  
- Ministry of Social Development and Human Security  
- Ministry of Justice | 2562-2566 B.E. (2019-2023) | - Result of the study  
- Number of victims that are investigated by a committee to rule on cases of discrimination based on gender and want to receive remedy | - National strategy on creating opportunities and social equality  
- SDG No. 5 and 8  
- UNGP No. 25, 26, 27, 28, 29 and 31 |
| 3   | Providing justice | Develop criteria to allow and select migrant workers of three nationalities (Cambodia, Laos, and Myanmar) to be language coordinators, to assist workers who access the judicial process | Ministry of Labour | 2562-2566 B.E. (2019-2023) | Criteria in selecting workers as coordinators are improved | - National strategy on creating opportunities and social equality  
- National strategy on balancing and improving the public administration system  
- SDG No. 8, 10, 16  
- UNGP No. 25, 26, 27, 28, 29 and 31 |
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| 4   | Settling disputes | Build the capacity of implementing officials to resolve labour disputes in an effective manner | Ministry of Labour (Department of Labour Relations)                                    | 2562-2566 B.E. (2019-2023)             | Number of implementing officials working to solve labour disputes that have their knowledge enhanced and the techniques in solving labour disputes improved | - National strategy on balancing and improving the public administration system  
- SDG No. 8  
- UNGP No. 25, 26, 27, 28, 29, 31 |
| 5   | Remedy         | Review and update Workmen’s Compensation Act of B.E. 2537 (1994) and the compensation fund system to be more updated, transparent, and just, in line with international principles. | Ministry of Labour                                                                    | 2562-2566 B.E. (2019-2023)             | Numbers of benefits or criteria that have been reviewed or updated                                | - National strategy on balancing and improving the public administration system  
- SDG No. 8, 16  
- UNGPs No. 25, 26, 27, 28, 29, 31 |
|     |                | Ensure the establishment of mechanisms for remedy by the public sector and private sector, at the local level. The remedy should be in line with the needs of the populations and affected communities | - Ministry of Interior (Department of Local Administration)  
- Ministry of Justice                                                                | 2562-2566 B.E. (2019-2023)             | Mechanisms and measures to provide remedy to the victims who are negatively affected and their rights violated due to the adverse impact of business activities | - National strategy on balancing and improving the public administration system  
- SDG No. 8, 16  
- UNGP No. 25, 26, 27, 28, 29, 31 |
| 6   | Protection of the rights | Provide Thai workers, who work overseas with information and assist them in getting access to mechanisms to protect their rights | - Ministry of Foreign Affairs  
- Ministry of Labour                                                                   | 2562-2566 B.E. (2019-2023)             | Percentage of those who work overseas that have undergone training before going                 | - National strategy on balancing and improving the public administration system |
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|     | of Thai workers overseas |  |  |  | to work and have their knowledge increased on the rights at the countries of destination  
- Thai consulates, embassies, and consulate-generals overseas continuously provide information on the protection mechanisms and the rights of Thai workers overseas, such as through publications, websites, telephone, Line application, etc.  
- Thai workers working overseas have access to right protection mechanisms, as well as assistance in negotiating with employers or government agencies of such a country for cases that do not receive justice or face violation of their rights |  | - SDG No. 8, 17  
- UNGP No. 1, 8, 25, 26, 27, 28, 29, 31 |
Chapter 3
Community, Land, Natural Resources, and the Environment

3.1. Overview of the situation

Community rights are one of the most important elements on politics and administration, as they are a part of the participation process to make plans and decisions related to the implementation of state policies. Collective rights are the rights of an individual as a member of a group, according to Article 42 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017), which also guarantees the right of a person to freely form an association, co-operative, union, organisation, community, or other group. Further, paragraphs 2 and 3 of Article 42 guarantees communities the right to manage, maintain, and gain benefits from natural resources, the environment, and biological diversity in a balanced and sustainable manner, according to the methods specified by law. It allows people in a community to give suggestions to state agencies to pursue any activity that will benefit the population or communities or to refrain from doing any activity that will negatively affect the peace of people or communities, and to be informed of the results of such considerations in a prompt manner.

Further, Article 8 defines the process of participation for communities and the people. In Article 8, it is laid out that it is the duty of the state, and of any state agency, to provide communities and people with information, explanation, and reasoning before any attempt to operate, or allow any person to operate, is made if such operation might have severe impacts on natural resources, quality of life, health, and living standards, and on the interest of the people, community or the environment. If such operation might have negative impacts the state must undertake actions; they should provide education and assess the impacts of the operations on the environment and on the peoples’ and communities’ health. Further, the state should hold consultation with relevant stakeholders, communities, and the people.

The dramatic industrial development of the country and the use of modern technology for development has resulted in an increase in the utilisation of natural resources by everyone. At the same time, this has resulted in negative impacts, including in the decline in natural resources, an unsafe environment due to natural disasters that are more severe and frequent than in the past, and negative effects on health that are caused directly by technology such as by pesticide in modern agriculture, and indirectly by the quality of natural resources through the depletion of soil, water, and air. This is a challenge for the state that is assigned the duty of managing the proper development of the country, to create a balance between the appropriate utilisation of natural resources and ways to mobilise the country's growth, along with the sustainable maintenance of natural resources for the greatest benefit to the country in all dimensions.

Thailand is currently in the process of implementing the Twelfth National Economic and Social Development Plan (B.E. 2560-2564) that has been developed with participation from all sectors. Emphasis has been placed on four important principles, including (1) adoption and adaptation to the philosophy of sufficiency economy; (2) people at the centre of participatory development; (3) support and promotion of reformation of the country; and (4) development to achieve stability, prosperity, and sustainability for a cohesive and peaceful society managing various changes, such as trends of free economy, challenges of new technology, and the occurrence of severe natural disasters. This also includes various challenges, such as those posed by the middle-income trap, an ageing society, and social inequality.
The Twelfth National Economic and Social Development Plan emphasises on economic growth and social development that is environmentally friendly, that promotes responsible production and investment, and that creates "green jobs" in the private sector, in order to reduce policy conflict between development of infrastructure, tourism, and community living, and the impact on environment and populations.

The government has tried to address these issues by improving competitiveness and promoting research and development of economic and social structures, such as tax structures (related to inheritance tax and land tax); by establishing stable and just social frameworks; by promoting equality and equal access to resources and public services; by promoting good governance; and by eliminating corruption and the patronage system. In the short-term, the government also has measures to support farmers and low-wage earners who have been affected by economic and natural disasters.

The government has maintained a balance for people to have land and access to natural resources in a fair manner by establishing the National Land Policy Committee B.E. 2557 (2014), with the Prime Minister as the chairperson. The committee consists of executives of relevant agencies associated with forestry, land, natural resources, and the environment, with the objective to: (1) decrease social inequality and create more opportunities in accessing public services; (2) maintain the stability of resources, create a sustainable balance between conservation and utilisation, take urgent actions in reviving areas, and conserve forest resources and animal life; (3) address long-term problems related to landlessness of farmers and encroachment of forest conservation areas by distributing the right of ownership to locals, who do not encroach conserved forests and by issuing measures that prevent ownership from falling into the hands of those who are not farmers; (4) organise land management systems, by establishing clear borders and accelerating the process of proving ownership; (5) update the laws and enforce them in an effective and just manner; (6) create a database on the registration of land owners; (7) accelerate the distribution of land to the poor, without them having to possess ownership; and (8) approve the collective right to manage the land of the community.

The distribution of land to communities is an action taken following important government policy, which has been undertaken continuously through the National Land Policy Committee. This distribution to impoverished communities is done in the form of collective land, which emphasises letting communities live and utilise the land through collective management, by promoting the idea of having communities living in the forest helping in its preservation. In other words, even though communities are not given any ownership over the land, they are allowed to utilise the state land in the form of groups, following the criteria and conditions specified by the National Land Policy Committee. In addition, steps are taken to promote and improve the occupation and access to markets through communities, co-operatives, or in other appropriate forms. The benefit that people receive is the legal utilisation or habitation of state land; having stability over life, income, and an improved quality of life in accordance with the philosophy of sufficiency economy; and by preventing and addressing problems related to the buying and transferring of land ownership to groups of investors, and the encroachment of forests and state land.

The government has amended the Land Lease for Agriculture Act B.E. 2524 (1981) to the Land Lease for Agriculture Act (No. 2) B.E. 2559 (2016), as enforced on 30 April 2016 to increase the flexibility of the Act. It allows the lessee and lessor to reach an appropriate agreement, with the public sector as mediator to ensure that the process is just. The amended law does not apply to lessees who are legal entities. It clearly defines the timeframe for farmland rental and the rental fee, to ensure justice between the lessee and lessor and forbids aliens from renting land for agricultural purposes, in order to protect the right to agricultural land in Thailand for lessees with Thai nationality only.
The Department of Forestry of the Ministry of Natural Resources and Environment is a state agency that manages forest resources for sustainable usage, which it is currently implementing according to a roadmap for mobilising policies through the reformation of the national resource and environment management system (forestry) in support of the 20-year National Strategy (B.E. 2560-2579), and by promoting the Community Forest Act B.E. that allows communities to engage in maintaining, reviving, and collectively utilising forest resources. The Cabinet passed a resolution on 22 March 2018 to approve the draft Community Forest Act B.E.

According to the law, all ethnic minorities and ethnic groups in Thailand receive protection and have access to public services, including education, medical treatment, and career opportunities. The government has provided them protection through the establishment of regulations that verify ownership from traces of habitation in an area and through its utilisation over a long period of time. In case there is a necessity to leave the area, the government has measures to provide a living space and job training, taking into account the cultural practices of the group. The Ministry of Social Development and Human Security drafted a Master Plan for the Development of Ethnic Groups in Thailand (B.E. 2558-2560), to be used as a mechanism to improve and support this population group on various aspects, such as their access to land, their legal recognition, and to promote balance and stability in their livelihood despite changing circumstances.

Regarding the problem on the encroachment of the forest reserved area by the villagers in the area, the government has currently allowed the communities to get engaged in the talks to seek the solutions together, as opposed to forced eviction. The forest officer and the villagers in the area will designate the area to be used for living; the villagers are not allowed to trespass the designated area. Meanwhile, the local communities should help in monitoring encroachment, as well as preserving and developing the forest. This has greatly contributed to a decrease in the slash-and-burn method of cultivation.

Another important challenge is the protection of human rights in the operation of large-scale development projects, aiming to increase economic growth, especially with regard to its impact on the way of life of the people and the environment. The government has issued various measures, such as processes in systematically conducting studies on the possibilities and impacts on the environment and health; establishing a committee to regulate; as well as having measures to support or provide remedy to the affected people, such as through the allocation of shelters. However, the government has decided to slow down some projects according to the demands from the civil society by trying to find a common solution through consultation with the people living in the area.

Currently, the Industrial Estate Authority of Thailand promotes Environmental Impact Assessment, by complying with the Enhancement and Conservation of National Environment Quality Act (No. 2) B.E. 2561. Article 48 paragraph 2 specifies that the development of EIA should include provision of remedies for damages; and paragraph 3 specifies that EIA should include assessment of the impact on health and to organise public consultations with relevant stakeholders, individuals, and communities in addition to the EIA. The Industrial Estate Authority of Thailand has created transparency in the Environmental Impact Assessment (EIA) and Environment Health Impact Assessment (EHIA) processes by: (1) organising public hearings, inviting target groups, covering all groups, which include communities, NGOs, local administrative organisation, stakeholders, and the media; (2) providing opportunity to communities and individuals to express their opinions in public forums; (3) having several channels to receive complaints; (4) organising meetings for EIA monitoring with tripartite composition that includes the Industrial Estate Authority of Thailand, local administrative officials, industrial factory owners and communities. The Industrial Estate Authority of Thailand strictly regulates activities of private consultant companies to ensure neutrality in their work.
Every project related to the development of industrial estates and industrial ports must undertake an Environmental Impact Assessment (EIA) or an Environmental Health Impact Assessment (EHIA). The Industrial Estate Authority of Thailand, as owner of the project and the approving agency, shall organise public consultations on the development of the project, with local communities and individuals. It also promotes the public participation processes of communities from inception to completion of various projects. The EIA and EHIA reports must also stipulate measures to reduce the impact on the community's quality of life, and the risks faced with respect to human rights.

For mining projects, there has been an improvement made to the system with respect to the environment and social impact assessment as follows:

1. Minerals Act B.E. 2560 (2017) and associated ordinances have divided mining into three categories, based on the size of the area, mineral types, geological features of the mining site, mining methods, and impact on the environment and health of individuals that might occur due to mining. It requires mining projects that match the characteristics of ones that need to undertake Environmental Impact Assessments and the Environmental Health Impact Assessments in accordance with the Enhancement and Conservation of National Environmental Quality Act, to be categorised under mining type 2 or 3, depending on the case.

2. There has been improvement made on the environment and social impact assessment systems for mining projects, to ensure awareness and conciseness by mandating the organisation of public consultations with communities, in accordance with the Minerals Act and the Enhancement and Conservation of National Environmental Quality Act as follows:

   2.1. Minerals act B.E. 2560 (2017) and associated ordinances stipulate the organisation of public consultations with communities, and in cases where individuals in the community do not agree with mining activities, there must be a referendum in the area where the request for concession has been made following the characteristics and methods that the minister provides;

   2.2. Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) sets out that projects that have to conduct EIA are required to organise public consultation processes twice, including a first round during the commencement of the project to gather comments on the draft proposal of the project and the scope of the study; and the second round during the development of the draft report and measures to prevent and address environmental impacts, along with a plan to revive the area after the concession has expired. For projects that need to conduct EHIA, there must be four public consultation processes, including a first round to gather comments on the scope of the study; a second round for participation in the impact assessment; a third round to gather comments on the draft report; and a fourth round where approval agencies organise public consultations and provide explanations.

3. Minerals Act B.E. 2560 (2017) and associated ordinances specify the development of a baseline on the environment and health of people, and the establishment of containment areas for mining activities that might adversely impact the environmental quality and health of the people.
4. At present, every process of the environment and social impact assessment of mining projects takes into consideration three types of important impacts that result from large-scale projects, including: (1) impact of environmental pollution on human health; (2) forced eviction of communities without compensation or with insufficient compensation; and (3) the lack of public consultation, or insufficient consultation with communities affected by large-scale development projects. The Department of Primary Industries and Mines gives importance to the accuracy and transparency of information in every process, ranging from the establishment of location for seeking approval with details of the location and local communities; and developing geological reports, mining project layouts and the revival of conditions in the location; Environmental Impact Assessments; details and results gathered from the public consultations organised with communities according to the Minerals Act and Enhancement and Conservation of National Environmental Quality Act; and giving importance to the issues obtained from consideration of the Environmental Impact Assessment report of the Expert Committee to place these as additional conditions while making a request for a concession.

The State promotes the involvement in public consultations, of communities living in areas surrounding projects through many steps in the following manner:

1. Regarding the process in requesting for mining concession, Article 56 Paragraph 2 of Minerals Act B.E. 2560 (2017) stipulates that after having put up an announcement on the request of concession for a period of not less than 30 days, the locally based mineral industry officials are to hold consultations with communities in accordance with the criteria specified by the minister. At present, such criteria has been developed in a Notification of the Ministry of Industry in B.E. 2561 (2018) on clauses and methods in gathering comments from communities in the concession area, as announced in the Government Gazette on 15 March 2018. The principles of this notification mandates that the local mineral industry officials, along with village chief are to organise a consultation with the people living in villages located at the border of the concession area, as specified for each type of request (type 1, 2, and 3). This is carried out through public consultations, before the development of reports in order for the local administrative organisations to accept the comments made and further propose these for the consideration of individuals with the authority to issue concessions. In this process, concerned individuals can express their opinions, concerns, and provide recommendations on the mining projects.

2. The process of developing Environmental Impact Assessments - In developing the Environmental Impact Assessment, the Office of Natural Resources and Environmental Policy and Planning specifies the organisation of consultations with communities, by undertaking these at the start of the project through the processes of informing relevant agencies, making announcements, conducting a first survey, and providing their opinions through conclusions made. Following this, a consultation has to be held with people, during the preparation of the draft report with measures set out to prevent and address environmental impacts through the processes of informing relevant agencies, making announcements about the organisation of the second consultation, and providing their opinions through conclusions made. The results gathered from the consultation are to be included in the Environmental Impact Assessment report for the EIA Experts Committee to consider these.

3. During the mining operation - The Department of Primary Industries and Mines has established a network of individuals to monitor the environmental quality of mines, with their duty being to report
the environmental impacts caused by mining including on dust, loud noises, vibrations, etc., to the Department of Primary Industry and Mines. If the network reports that there are adverse impacts from mining operations, officials are sent to investigate these facts. If the result of the investigation finds that mining has caused adverse impacts, the Department will issue as order to improve it, and send the result of improvement to the network. At present, there are 490 networks in total, which cover most mining areas and the Department of Primary Industries and Mines has also continuously worked to strengthen these networks by the organisation of trainings, to provide knowledge to these networks on how to monitor environmental quality. The Department is constantly organising activities, to stimulate the functioning of these networks.

From the aforementioned issues, it can be seen that people living close to the mining areas can get involved in providing their opinions, observing, and monitoring the environmental impacts starting from the commencement to the end of a mining project, to ensure the development of mineral resources is carried out in a sustainable manner.

The Department of Industrial Works has specified that while establishing factories they are to be located far from areas of public or community usage. The department also establishes the type and size of factories that need to have environmental personnel stationed; the amount of pollution (air, water, land, and noise) that can be caused to the environment; the necessity for personnel responsible specifically for safety while storing dangerous objects that the Department of Industrial Works is responsible for in accordance with the Hazardous Substances Act B.E. 2535 (1992); and specifies criteria for waste disposal and the regulation of chemicals and dangerous waste. The process to approve the establishment or expansion of factories, that are on the list of factories required to carry out an Environmental Impact Assessment, also undergoes public consultation that the Ministry of Industries has provided to ensure safety. It also stipulates safety measures including the assessment of risks, whereby factories have to conduct an assessment of the dangers that might occur while operating a factory. Further, it also provides criteria to indicate dangers during risk assessment; to develop plans to mitigate risks; and safety measures for boilers, industrial gas, chemicals, radioactive rays, electric systems in factories, fire, cold storage, and on the working environment.

The Eco Industrial Development Division of the Department of Industrial Works has assessed the level for the establishment of Eco Industrial Towns in target areas of 15 provinces, including Rayong Province, Samut Prakan Province, Samut Sakhon Province, Chachoengsao Province, Prachinburi Province, Chonburi Province, Pathum Thani Province, Nakhon Pathom Province, Ratchaburi Province, Phra Nakhon Si Ayutthaya Province, Saraburi Province, Nakhon Ratchasima Province, Khon Kaen Province, Songkhla Province, and Surat Thani Province. The criteria and indicators for an Eco Industrial Town cover five dimensions, namely the physical dimension, the economic dimension, the environmental dimension, the social dimension, and the management dimension. The social dimension will focus on ensuring a good quality of life and society for employees living in the area and for local communities, thus addressing, 1) the quality of life and society of employees and 2) quality of life and society of the local communities.

The Industrial Estate Authority of Thailand has been appointed by the government to pursue the development of industrial estates in 3 Special Economic Zones (SEZs) in 3 separate provinces, including Sa Kao Industrial Estate in Sa Kao Province, Sadao Industrial Estate in Songkhla Province, and an industrial estate in the SEZ at Tak Province. Environmental, Economic, Social and Community Impact assessments in each industry were conducted during the development of the Environmental Impact Assessment.
The results were used to set out measures to protect and reduce the impact on the environment, and to monitor and investigate the quality of the environment. One of the measures mandates that factories in industrial estates are to give importance to the recruitment of local workers, which would help reduce the problems of migrant workers. In case there is a need to use migrant workers, only those registered should be selected. The Industrial Estate Authority of Thailand has used state land to develop industrial estates in all three special economic zones aforementioned, which have been transferred legally without any expropriation of land from the people.

For future implementation, the government has laid out policies to establish and develop industrial estates, which require the development of Strategic Environmental Assessments (SEA), which are an assessment of sustainability by integrating issues regarding the environment, economy, society, and the community, and by holistically assessing the capacity in these areas, that all relevant agencies then have to follow.

3.2. Challenges

From the field visit conducted to gather information to inform the National Action Plan, and through continuous consultations with various sectors held in B.E. 2559-2561 (2016-2018), it was found that there are still many challenges that people hope for the government to resolve by taking swift action to address problems related to community rights, land, natural resources, and the environment, which can be summarised as follows:

- **Amendment of relevant laws, rules, regulations, policies, and measures**, especially laws concerning land management, natural resources, and the environment that have been affected by business operations, such as the Factory Act, the Minerals Act, and the Promotion and Conservation of National Environmental Quality Act B.E. 2535 (1992); addressing problems regarding the misunderstandings on the enforcement of Article 44, NCPO Orders related to Special Economic Zones, forestry, land, agriculture, fishery, city planning, etc; complying with the recommendations of the National Human Rights Commission on the amendment of laws related to the environment and laws supporting public participation in decision-making processes; investigating the impact on local people and risks arising due to changes to natural resources and the environment, before enforcing any law or issuing any order.

- **Public participation** - Although Thailand has a legal framework and various measures to support community rights in the management of natural resources, it was discovered during the field visits conducted to gather the opinion of people and to assess the human rights situation as undertaken by various organisations that many challenges still exist in practice. Therefore, recommendations were made to address these issues, such as through the promotion of participatory processes by publicly disclosing information and news on large-scale projects, Special Economic Zones, or any other projects, especially to stakeholders and potential affected communities prior to these activities, particularly by providing them with the Environmental and Health Impact Assessment reports. It also requires consulting with individuals and communities for them to be involved in all considerations made throughout the process, from identifying the area for development, implementing the project, and following up on results after the implementation, by taking into consideration the importance of the traditional and cultural practices of communities; their right to carry out agricultural activities and their right to housing. It also proposes the distribution of power to communities for them to manage resources through participatory processes; and also disseminating information for people to ensure access and to exercise their right to participate in various processes.
• **Environmental Impact Assessment and Environmental Health Impact Assessment (EIA and EHIA)** - Draft measures to force every state and private sector project of all sizes to conduct Environmental Impact Assessment (EIA) and Environmental Health Impact Assessment (EHIA), which must be carried out with the participation of all sectors and independent organisations that have been approved by communities. Those organisations must also be impartial, independent and transparent. The results of the EIA and EHIA must be disclosed to the public before the commencement of the project and there should be provision of measures to monitor and evaluate it after it has gone through the EIA/EHIA process, to prevent any violation of rights by the business sector after the project has been approved. The EIA/EHIA processes must be strengthened, by focusing on assessment in a sustainable manner with it looking into the social and human rights dimensions and taking into consideration risks specific to each sector.

• **Special Economic Zone** - Propose the review of the plan to establish 10 new Special Economic Zones in 10 provinces, and of the plan to establish the Eastern Economic Corridor (EEC) by holistically assessing the risks and the impact before making decisions on the project. There should also be opportunity provided to people for them to access information on all aspects, including the impacts that might occur. Furthermore, there is a suggestion to establish appropriate measures for land expropriation and to decide on the location of all 10 SEZs, and the EEC, for it to in line with the UNGPs. Organise consultations and provide fair compensation to people living in the areas of the SEZs and the EEC. Make provisions for the SEZ and EEC to be places at the same level as state enterprises, by having them comply with the highest standards of good governance and the guidelines of companies. Also, include the UNGPs amongst the methods for establishing and managing SEZs and the EEC.

• **Natural Resources and Environmental Management** - Enforce laws associated with the management of natural resources and the environment, by taking into account the protection of community rights. Allow communities to participate in the management of natural resources and the environment, and support the communities’ role in protecting and reviving natural resources and on examining environmental quality.

• **Building the capacity of communities and associations** - Continuously build the knowledge and skills of communities in order to increase their efficiency and productivity; to support community-led research on traditional knowledge of the villagers on the subject of agriculture, and support the formation of associations by farmers and agriculturists in order to increase their bargaining power.

• **Ethnic minorities/ethnic groups** - Consultation with ethnic minorities and ethnic groups that is in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) needs to be organised, so that those groups will be able to engage in decision-making processes in various aspects, including strategies, policies, projects, developing policies on land management and forest protection, and large-scale development projects. Furthermore, the government should consider refraining from prosecuting encroachment cases of in situations where ethnic groups have lived in the forest prior to the declaration of forest reserved area over such an area. Moreover, the government should develop measures so that protection will be fairly provided to ethnic groups so that these groups can live in the forest and earn a living.

• **Development of procedures for the government sector**: Investigate and prove the ownership of land through neutral processes. Consider providing clarification to locals on the approval of ownership of land in an effective manner. Create an independent mechanism to investigate, examine, and assess human rights situations, with the participation of every sector;
by proposing that the government conduct Environmental Impact Assessments, by looking into important situations related to business activities, and insight into specific cases of human rights violations that have occurred in Thailand and overseas that have an impact in the country.

- **Action taken on the business sector** - Consider issuing laws or regulations that force the business sector to respect human rights and submit reports that address it on an annual basis. Appoint experts to monitor and investigate the actions of the business sector that violate human rights by considering them in a holistic manner.
### 3.3. (Draft) Action plan (B.E. 2562 - 2566/ 2019-2023)

The relevant agencies have considered the recommendations received from various sectors as set out in section 3.2. and categorised them by issue, and developed an action plan, which specifies the responsible agencies, the timeframe for implementation under the NAP, indicators, and its compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation. Further, it helps make monitoring of the situation easier. The action plan is divided into 3 pillars according to the UNGPs as follows:

**Pillar 1 The duty of the state to protect (Protect)**

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<th>No.</th>
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<th>Responsible agencies</th>
<th>Timeframe</th>
<th>Indicator</th>
<th>Compliance with national strategy, SDGs and UNGPs</th>
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| 1   | Improving relevant laws, rules, regulations, policies, and measures | Review, amend and draft laws, rules, regulations, and measures related to the management of land, water sources, and climate that are affected by business activities | - Ministry of Agriculture and Cooperatives  
- Ministry of Natural Resources and Environment  
- Ministry of Industry | 2562-2566 B.E. (2019-2023) | Numbers of laws, rules, and regulations related to the management of land, water sources, and climate that are affected by business operations, which have been reviewed, amended, and enacted | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 6,13,14,15  
- UNGP No. 1,3,5,7 |
|     |       | Review existing laws that have an impact on community rights and the process of public participation | - Ministry of Agriculture and Cooperatives  
- Ministry of Natural Resources and Environment  
- Ministry of Industry  
- Ministry of the Interior | 2562-2566 B.E. (2019-2023) | Number of laws related to the participation process of communities that have been reviewed | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 6,13,14,15  
- UNGP No. 1,3,5,7 |

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8 Under the consideration of relevant agencies
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<th>No.</th>
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<td></td>
<td></td>
<td>Review the Factory Act by requiring the factory to be established further from the community</td>
<td>- Ministry of Industry</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A review of the Factory Act to consider indicating the distance between the location of the factory and the community</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 6,13,14,15 - UNGP No. 1,3,5,7</td>
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<td>Review laws that lead to contract farming in the agricultural sector</td>
<td>Ministry of Agriculture and Cooperatives</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Number of laws that are reviewed and proposed to prevent or reduce contract farming in the agricultural sector</td>
<td>- National strategy on creating competitive capabilities - SDGs No. 2 - UNGPs No. 1,3,5,7</td>
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<td>Push forward the Land and Building Tax Act B.E.</td>
<td>Ministry of Finance</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A meeting is convened to consider the draft Land and Building Tax Act B.E.</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 13,15 - UNGP No. 1,3,5,7</td>
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<td>Push forward the draft Community Forest Act B.E.</td>
<td>Ministry of Natural Resources and Environment</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A meeting is convened to consider the draft Community Forest Act. B.E.</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 13,14,15 - UNGP No. 1,3,5,7</td>
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| 1   |       | For relevant agencies to consider the comments and recommendations made by the National Human Rights Commission of Thailand, which the Cabinet had a resolution on; in order to use them to amend the Promotion and Conservation of National Environmental Quality Act B.E. 2535 (1992), accelerate the drafting of the Public Participation in Public Policy Process Act B.E...., and issue regulations to report on the Pollutant Release and Transfer Registers (PRTR). | Ministry of Natural Resources and Environment | 2562-2566 B.E. (2019-2023) | - Consideration taken to implement the recommendations made by the National Human Rights Commission of Thailand  
- A meeting is convened to consider the Public Participation in Public Policy Process Act B.E.... and regulations regarding the reporting on the Pollutant Release and Transfer Registers (PRTR) | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 11,13,14,15  
- UNGP No. 1,3,5,7 |
| 2   | Public participation | Promote the management of community forests to address the problems related to the co-existence of forests and communities | Ministry of Natural Resources and Environment | 2562-2566 B.E. (2019-2023) | Activities, projects or measures held to promote or address the management of community forests | - National strategy for creating growth on the quality of life that is environmentally friendly  
- SDG No. 13,14,15  
- UNGP No. 1,3,5,7 |
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|     |       | Disclose all news and information to the public on areas affected by large-scale development projects and Special Economic Zones, especially by providing information to stakeholders and the communities who are at a risk of being affected. | - Office of the National Economics and Social Development Board  
- Ministry of Interior (Department of Public Works and Town & Country Planning)  
- Ministry of Industry  
- Ministry of Transport | 2562-2566 B.E. (2019-2023) | - Require advertisement of the project to all people, prior to the start, during, and on completion of the project;  
- Increase channels for publicising information about projects to the public especially to stakeholders, for them to know more about the project  
- Convene public consultations with the people living in all areas affected by the project | - SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7 |
|     |       | Organise public consultations with all concerned individuals, including various relevant ethnic groups, by allowing individuals and communities to have access to comprehensive information and to be involved | - Office of the National Economics and Social Development Board  
- Ministry of Agriculture and Cooperatives | 2562-2566 B.E. (2019-2023) | Number of activities/projects organised to gather the comments of the people on the operation that affect them | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 9,11,13,14,15  
- UNGP No. 1,3,4,5,7 |
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<td>in the decision-making process; through their involvement in the Environmental Impact Assessments, the consideration of land expropriation, land management, the conservation of government forests, etc. before proceeding with any projects. This includes their involvement in large-scale development projects related to the management of energy, electricity, petroleum, mineral extraction, and natural resource exploration; in order to promote the role of individuals and communities by considering their culture and livelihood in the areas of project development.</td>
<td>Ministry of Natural Resources - Ministry of Energy - Ministry of Interior - Ministry of Industry</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A published guidebook explaining the right to participation of people in the implementation of government projects</td>
<td>- SDG No. 7,11,13,14,15 - UNGP No. 1,3,4,5,7,8</td>
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<td>Develop a guidebook to promote access to information for people to access their right to participation, which should be done in a proactive way</td>
<td>Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry</td>
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<td>3</td>
<td>Environmental Impact Assessment or Environmental Health Impact Assessment</td>
<td>Determine for the development of the Environmental Impact Assessment and Environmental Health Impact Assessment,</td>
<td>Ministry of Natural Resources and Environment</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>All project operations include the development of EIA or EHIA as required by law, with people or communities in the areas included in the process.</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7</td>
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<td>Compliance with national strategy, SDGs and UNGPs</td>
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|     | Assessment (EIA or EHIA) | which are assessments done with the participation of people from all relevant sectors. The assessments should be impartial, independent, and transparent. It should also be monitored and examined after the EIA or EHIA is approved. This is to prevent the business sector from violating rights after projects are approved. | Ministry of Industry | | - A process to monitor the implementation of the project periodically | - SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7,8 |
|     | Review and improve the environmental impact assessment system, the public participation process of people, and the participation of stakeholders from the start of the project and in all processes, and reveal reports of the impact assessment to inform the public. The information should easy and convenient to access. | - Ministry of Natural Resources and Environment  
- Ministry of Energy Ministry of Industry | 2562-2566 B.E. (2019-2023) | - A review and improvement of the environmental impact assessment system, public participation process of the people, and the participation of stakeholders  
- Have the channel to access the result of the EIA or EHIA | - National strategy on creating growth on the quality of life that is environmentally friendly  
- National strategy on balancing and improving the public administration system  
- SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7,8 |
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<td></td>
<td>Strengthen the current environmental impact assessment process, especially in the context of large-scale development projects, such as the construction of basic infrastructure projects, mines, and energy</td>
<td>Strengthen the current environmental impact assessment process, especially in the context of large-scale development projects, such as the construction of basic infrastructure projects, mines, and energy</td>
<td>Ministry of Natural Resources and Environment, Ministry of Energy, Ministry of Industry, Ministry of Transport</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Enforcement of EIA/EHIA strictly, especially large-scale development projects</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly</td>
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<td></td>
<td>Office of the National Economics and Social Development Board</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Monitoring and inspection of compliance with measures specified in the EIA/EHIA report, in order to prevent and address impacts that may arise in the future</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly</td>
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<td></td>
<td>Monitor and inspect the compliance with measures prescribed in Environmental Impact Assessment reports, to prevent while correctly and promptly addressing impacts that are expected to arise from the project activities and for them to serve as the baseline in preventing and addressing future impacts that may arise</td>
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<td></td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>- Have a guideline Strategic Environmental Assessment (SEA)</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly</td>
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<td></td>
<td>Consider conducting the Strategic Environment Assessment (SEA),</td>
<td></td>
<td>Office of the National Economics and Social Development Board</td>
<td>2562-2566 B.E. (2019-2023)</td>
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| 4   | Special Economic Zones | Consider appropriate measures for land expropriation, as well as measures for consultation and fair compensation | - Ministry of Transport  
- Ministry of Natural Resources and Environment  
- Office of the National Economics and Social Development Board  
- Ministry of Agriculture and Cooperatives  
- Ministry of Industry | 2562-2566 B.E. (2019-2023) | Have appropriate measures for land expropriation, as well as allocating fair compensation | - National strategy on creating growth on the quality of life that is environmentally friendly  
- National strategy for balancing and developing the public administration system  
- SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7,8,10 |
|     |       | There should be measures to regulate the Special Economic Zones (SEZs) and Eastern Economic Corridor (EEC) to | - Office of the National Economic and Social Development Board  
- Ministry of Commerce | 2562-2566 B.E. (2019-2023) | Have guidelines/measures to ensure that the Special Economic Zone (SEZ) and the | - National strategy on creating growth on the quality of life that is environmentally friendly |
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</table>
| 5   | Management of natural resources and the environment | Comply with the highest standards regarding good governance and guidelines of companies by applying the UNGPs, in the methods of establishing and managing SEZs and the EEC | - Ministry of Industry  
- Ministry of Interior (Department of Public Works and Town & Country Planning) | 2562-2566 B.E. (2019-2023) | Eastern Economic Corridor (EEC) comply with the highest standards regarding good governance and UNGPs | - National strategy on balancing and developing the public administration system  
- SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7,8,10,31 |
|     |       | Enforce laws related to the management of natural resources and the environment by taking into consideration the protection of community rights | - Office of the Attorney General  
- Ministry of Natural Resources and Environment | 2562-2566 B.E. (2019-2023) | Activities or projects to promote the efficient enforcement of laws related to the management of natural resources and the environment | - National strategy on creating growth on the quality of life that is environmentally friendly  
- National strategy on balancing and improving the public administration system  
- SDG No. 11,13,14,15,16  
- UNGP No. 1,3,4,5,7,8,10 |
<p>|     |       | Review and develop mechanisms on the management of natural resources and the environment by emphasising on the participation of all sectors | - Ministry of Natural Resources and Environment | 2562-2566 B.E. (2019-2023) | Revision and development of mechanisms to manage natural resources | - National strategy on creating growth on the quality of life that is environmentally friendly |</p>
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<td></td>
<td></td>
<td></td>
<td>- Ministry of Interior</td>
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<td>and the environment by emphasising on the participation of all sectors</td>
<td>- National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7</td>
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<td></td>
<td>Support the role of communities in conserving natural resources and checking the quality of the environment</td>
<td>- Ministry of Natural Resources and Environment - Ministry of Agriculture and Cooperatives</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Activities or projects to support the role of communities in conserving and reviving natural resources and the environment</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and improving the public administration system - SDG No. 11,13,14,15 - UNGP No. 1,3,4,5,7</td>
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<td>6</td>
<td>Building communities’ capacities</td>
<td>Build knowledge, skills, and academic knowledge of communities to enhance the effectiveness of production</td>
<td>Ministry of Agriculture and Cooperatives</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Activities or projects to build knowledge, skills, and academic knowledge of communities to enhance the effectiveness of production</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly</td>
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</table>
|     | Support the development of community-led research on folk wisdom related agricultural practices | Support the development of community-led research on folk wisdom related agricultural practices | Ministry of Agriculture and Cooperatives                 | 2562-2566 B.E. (2019-2023) | Project or activities to promote and support the development of community-led research on folk wisdom | - National strategy on balancing and developing the public administration system  
   - SDG No. 11,12, 13,14,15  
   - UNGP No. 1,3,4,5,7 |
|     | Promote careers, household income, welfare, development of communities’ way of life, as well as strengthening the security of communities living in highlands along the border and develop a ‘Sufficiency Economy’ village | Promote careers, household income, welfare, development of communities’ way of life, as well as strengthening the security of communities living in highlands along the border and develop a ‘Sufficiency Economy’ village | - Ministry of Social Development and Human Security      | 2562-2566 B.E. (2019-2023) | - People on highlands have their capabilities built and have a good quality of life  
   - The happiness of people in 52,680 villages | - National strategy on security  
   - National strategy on creating competitive capabilities |
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</table>
| 7   | Ethnic minorities/ Ethnic groups | The government should give importance to the ethnic groups, who are minorities, in the development of strategies, policies, and various projects to protect these ethnic groups in order for them to have a fair livelihood | - Ministry of Social Development and Human Security  
- Ministry of Natural Resources and Environment  
- SDG No. 10,11  
- UNGP No. 1,3,4,5,7 |
| 8   | Improving the implementation of the public sector | Conduct investigation and prove the ownership based on the person who owns and utilises the land, and issue a legal land title | - Ministry of Agriculture and Cooperatives  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | Investigation and the proving of ownership of the land owner and the utilisation of land are carried out; the legal issuance of | - National strategy on balancing and improving the public administration system  
- SDG No. 11,16 |
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</table>
|     |       | Consider providing measures to certify rural development and land policies; taking into consideration the gender dimension; and that prevent forced eviction. If there is a need to displace people, there should be Free Prior Informed Consent (FPIC) and those who are evicted from the area should receive compensation. | - Ministry of Natural Resources and Environment  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | - Have measures to certify rural development and land policies, which take into consideration the gender dimension  
- Compensation is paid to the people who are evicted from the area | - National strategy on balancing and improving the public administration system  
- SDG No. 5,10,11  
- UNGP No. 1,3,4,5,7 |
|     |       | Develop Environmental Impact Assessments, business situation and cases of human rights violations that occurred, and determine measures to protect the human rights of villagers | - Ministry of Natural Resources and Environment  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | - Reports on the Environmental Impact Assessment, business situation and cases of human rights violations that occurred are compiled  
- Measures to protect the human rights of the villagers are determined | - National strategy on balancing and improving the public administration system  
- SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7 |
|     |       | Consider establishing mechanisms to monitor and assess human rights situations in which all sectors are involved | - Ministry of Natural Resources and Environment  
- Ministry of Interior  
- Ministry of Justice | 2562-2566 B.E. (2019-2023) | Mechanism to monitor and assess the human rights situations are established; representatives from | - National strategy on balancing and improving the public administration system  
- SDG No. 11  
- UNGP No. 1,3,4,5,7 |
Pillar 2 Corporate responsibility to respect (Respect)

Pillar 2 stipulates operations based on the “expectation on state enterprises and the business sector”, in order for it to serve as a guideline for social enterprises and the business sector to adopt as principles in their activities. However, such expectations will just serve as the starting point and motivation for social enterprises and businesses of all sizes, including big, medium, and small size; to use as a guideline for their operations moving forward, which is an important factor to reduce the adverse impact of business activities.

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</table>
| 9   | Action taken on business sector | Consider the establishment of mechanisms to monitor and investigate the actions of the business sector that violate rights related to land, natural resources, and the environment. | - Ministry of Natural Resources and Environment  
- Ministry of Industry  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | Mechanism to monitor and investigate the actions of the business sector that violate rights related to land, natural resources, and the environment | - National strategy on balancing and improving the public administration system  
- SDG No. 11,13,14,15  
- UNGP No.1,3,4,5,7,8,10 |
|     |       | Consider establishing rules, regulations, or policies to encourage the business sector to respect human rights, such as through regular reporting | - Ministry of Justice  
- The Securities and Exchange Commission | 2562-2566 B.E. (2019-2023) | Have rules, regulations, or policies to encourage business sectors to respect human rights | - National strategy on balancing and developing the public administration system  
- SDG No. 11,13,14,15  
- UNGP No. 1,3,4,5,7 |
1. Compliance with laws, standards and principles of human rights related to the environment, natural resources, communities and land
   - State enterprises and the business sector should review rules and regulations of the organisation and improve them to be in line with laws, standards and human rights principles related to the environment, natural resources, communities and land, particularly the UNGPs, in order to prevent the violation of human rights.
   - State enterprises and the business sector must promote and monitor their subsidiaries, and their supply chains, to ensure they respect the laws, standards and human rights principles related to the environment, natural resources, communities and land.
   - State enterprises and the business sector must cooperate with public sector and international organisations in the case of monitoring and investigating on the compliance with laws, standards and human rights principles related to the environment, natural resources, communities, and land.
   - State enterprises and the business sector should provide measures with alternatives and appropriate remedy in cases where it is necessary to expropriate land from people, and by coordinating with relevant government agencies to inform the public in advance.

2. Provision for the participation of people and communities
   - State enterprises and the business sector should provide information about businesses and projects to the public, particularly to local communities and individuals, before, during and after the implementation of the project in order to ensure transparency.
   - State enterprises and the business sector should gather comments from the public belonging to all sectors and respect the participation process of stakeholders, in accordance with the UNGPs.
   - State enterprises and the business sector should work closely with communities to support valuable and appropriate development processes for communities.
   - State enterprises and the business sector should communicate and create an understanding with local people and communities and cooperate with relevant agencies in cases where there is established practice to cope with the impact from the implementation of projects.

3. Development of EIA and EHIA
   - State enterprises and the business sector should conduct an EIA and EHIA that should be carried out by independent experts who are independent, reliable, and accepted.
   - State enterprises and the business sector should conduct an EIA and EHIA in accordance with the guidelines set out in relevant laws, regulations or measures.
   - State enterprises and the business sector should create an understanding with the local people and communities that have been affected, and provide opportunities for those individuals to participate in the development of the EIA and EHIA.
4. Mechanism for complaints and remedies

- State enterprises and the business sector should cooperate with the government and various agencies in case there is an investigation into the accuracy and transparency in the development process of the EIA and EHIA.
- State enterprises and the business sector should develop reports on Human Rights Due Diligence and annual reports to publicise this information.
- State enterprises and the business sector should provide various channels to raise complaints, which can be deferred to other agencies and also set out measures to protect individuals who submit these complainants.
- State enterprises and the business sector should settle disputes with communities, through negotiation and discussion with affected communities before bringing the case before the judiciary. It can coordinate with relevant agencies to help settle these disputes.
- State enterprises and the business sector should set out measures that provide remedies for individuals and communities affected by human rights violations that result from business activities.

Pillar 3 Responsibility of the State and Businesses to provide remedy (Remedy)

The relevant agencies have jointly considered the comments and recommendations received from various sectors as set out in point 4 above and categorised them by stipulating the role of the public and private sectors in providing remedy to workers affected, whose rights were violated by social enterprises or businesses, or as a result of business activities, by linking these to compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation moving forward. The comments and recommendations can be summarised as follows:

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</table>
| 1   | Complaint | There should be an establishment of channels for complaints, in cases where people are witness to or are adversely impacted by business operations. This should be advertised for people to be informed, and by establishing complaint mechanisms at the local level | - Ministry of Justice  
- Ministry of Interior  
- Office of the Attorney General  
- Office of Attorney for Rights Protection, Legal Aid and Legal Execution | 2562-2566 B.E. (2019-2023) | Public sector, state enterprise, and business sector have channels for complaints provided to individuals who are affected by business operations and there has been an attempt to inform the public | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 11,16  
- UNGP No. 24,25,26,27,28,29,31 |
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<td>2</td>
<td>Mediation</td>
<td>Consider making laws to grant power to local agencies to address problems at the initial stage or set up a local committee that is approved by all sides. Such committee must have the power to mediate at the local level</td>
<td>Ministry of Interior Justice, Ministry of Interior</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Mediation committee at the local or the community level</td>
<td>National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31</td>
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<td>3</td>
<td>Prosecution</td>
<td>Consider establishing a centre to protect rights in problematic areas</td>
<td>Ministry of Justice</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Have working groups or centres to address rights violation in problematic areas</td>
<td>National strategy on balancing and improving the public administration system - SDG No. 11,16 - UNGP No. 24,25,26,27,28,29,31</td>
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<td></td>
<td>Consider punitive measures against business enterprises that violate human rights</td>
<td>Ministry of Industry</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Lawsuits or punitive measures on business enterprises that violate human rights</td>
<td>National strategy on balancing and improving the public administration system - SDG No. 16 - UNGP No. 24,25,26,27,28,29,31</td>
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<td>Increase the channels in receiving services from the Justice Fund</td>
<td>Ministry of Justice</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Increasing the channels in receiving services from the Justice Fund</td>
<td>National strategy on balancing and improving the public administration system - SDG No. 16</td>
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<td>Increasing the efficiency of prosecuting civil and criminal cases related to the environment, natural resources, and land rights</td>
<td>Office of the Attorney General</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Relevant law enforcement agencies have strictly prosecuted civil and criminal cases related to the environment, natural resources, and land rights</td>
<td>- UNGP No. 24,25,26,27,28,29,31</td>
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| 4   | Monetary support | Consider establishing land banks to provide support to affected individuals. The land fund will be managed by communities | The Land Bank Administration Institute                   | 2562-2566 B.E. (2019-2023) | Result on the study of guidelines for the establishment of land bank in order to help affected people | - National strategy for balancing and improving the public administration system  
- SDG No. 16  
- UNGP No. 24,25,26,27,28,29,31                                                                 |
|     |       | Study guidelines for establishing a hedge fund for people who have suffered as a result of business activities | - Ministry of Natural Resources and Environment  
- Ministry of Industry | 2562-2566 B.E. (2019-2023) | Results of the study on guidelines to consider establishing a hedge fund for people who have suffered as a result of business activities | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 11,16  
- UNGP No. 24,25,26,27,28,29,31                                                                 |
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| 5   | Remedy  | Develop systematic and effective measures to provide remedy to victims who are adversely impacted by the exploitation of natural resources or business activities that violate their rights related to land, natural resources, and the environment. The remedy should cover damages inflicted on body and spirit, according to the needs of individuals and communities affected by business activities and government projects. | - Ministry of Natural Resources and Environment  
- Ministry of Interior  
- Ministry of Justice  
- Ministry of Industry | 2562-2566 B.E. (2019-2023) | Public sector, state enterprises, and the business sector have measures to provide remedy to those affected by natural resource management or business activities that violate rights related to land, natural resources, and the environment | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 11,16  
- UNGP No. 24,25,26,27,28,29,31                                                                 |
|     |         | Develop plans to systematically revive land, natural resources, and the environment in places affected by business activities | - Ministry of Natural Resources and Environment  
- Ministry of Interior | 2562-2566 B.E. (2019-2023) | Public sector, state enterprises, and the business sector have plans to systematically revive land, natural resources, and the environment in places affected by the business activities | - National strategy on creating growth on the quality of life that is environmentally friendly  
- SDG No. 11,13,14,15,16  
- UNGP No. 24,25,26,27,28,29,31                                                                 |
Chapter 4
Human Rights Defenders

4.1 Overview of the situation

Regarding the overview of the human rights situation, the protection of Human Rights Defenders (HRDs) is considered as an issue, which the UN should give importance to. This is guaranteed in the UN Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms or the UN Declaration on Human Rights Defenders, which is acknowledged at the international level as a guideline for governments of various countries to adopt and implement. The Declaration is also connected with other international human rights laws, such as the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, etc.

For Thailand, issues regarding the protection of HRDs are often raised at international forums, such as during the meeting of the Universal Periodic Review Working Group in May 2016, the meeting of the UN Human Rights Committee in March 2017, and the most recent meeting of the Committee on the Elimination of Discrimination against Women in July 2017. Cases that have been raised include the disappearance of human rights defenders, such as Mr. Somchai Neelapaijit and Mr. Porlajee Rakjhangcharoen; the disproportionate charges for wrongdoings in lawsuits against human rights defenders, and violations against human rights defenders.

The Rights and Liberty Protection Department (RLPD) of the Ministry of Justice (MoJ) is aware of the importance of protecting all HRDs and has taken the initiative to develop measures to protect HRDs. These measures include the improvement of various processes and mechanisms, and measures to protect and ensure the safety of HRDs, as well as enabling them to fully exercise their rights and freedoms in their personal lives and while carrying out their work. To ensure the latter, various activities have been undertaken which can be summarised as follows:

1. **Setting up of a working group to enhance measures to protect HRDs who may face the threat of violence (or are on the White List):** The Ministry of Justice issued order no. 412/2014 on 28 October 2014, to set up a working group chaired by the Director General of the RLPD. The working group’s members include representatives from the public sector and CSOs. It is empowered to consider principles, guidelines, and measures to protect HRDs; to consider relevant regulations, rules, and policies to develop guidelines to protect HRDs in accordance with international standards; and to perform other assigned duties. The working group has continuously met in order to determine principles and attributes of HRDs, to benefit from lessons learnt, and to exchange knowledge on the experiences of HRDs.
2. Organised a workshop to establish a framework to protect HRDs: On 1 September 2016, the RLPD organised a workshop to establish a framework to protect HRDs. During this workshop, comments and perspectives on establishing such a framework were gathered and the levels of safety of HRDs was categorised into four groups as follows:

1) Black Group - Group of HRDs who were intimidated and have died. In such cases compensation will need to be provided, for the harm that has occurred and there should be a follow up on whether relatives or individuals involved with such HRDs are still at risk.

2) Red Group - Group of HRDs who have faced threats but have not died. Examples of threats include receiving threatening phone calls and being ambushed.

3) Orange Group - Group of HRDs who have faced legal charges, which include the use of laws as tools to attack HRDs. Such attacks cause actions taken by HRDs to claim and fight for their rights to be put to a halt, or to encounter obstacles because they have to allocate their time for other cases as well.

4) Grey Group - Group of HRDs who start to get involved in conflicts. This means that it is unclear whether violence has occurred or not, but there is evidence that leads to the assumption that violence might occur.

Besides the categorisation as mentioned above, participants also suggested the division of the framework for implementation into three milestones as follows:

<table>
<thead>
<tr>
<th>Short-term</th>
<th>Mid-term</th>
<th>Long-term</th>
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<tbody>
<tr>
<td>1. Raise awareness of government agencies in order for them to understand more about issues related to HRDs</td>
<td>1. Set up HRD protection working groups to extract lessons learnt and assign in order to assign representatives from the Ministry of Interior who will be involved in this process</td>
<td>1. Adoption of laws or regulations by the Office of the Prime Minister, related to measures for the protection of HRDs</td>
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<tr>
<td>2. Sign MoUs with various agencies</td>
<td>2. Carry out pilot implementation projects</td>
<td>2. Include HRDs in the 4th National Human Rights Plan</td>
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<tr>
<td>3. Develop guideline for HRDs</td>
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<tr>
<td>4. Conduct field visits for cases related to HRDs, in order to use the problems and challenges identified to develop appropriate measures to protect HRDs</td>
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</tbody>
</table>

3. Developed guidelines for HRDs: The RLRD and various sectors have developed guidelines for HRDs and distributed such guidelines to groups of HRDs who they met with during the field visits or those who contacted the RLPD.

4. Revised the Fact Request and Investigation Form (Kor Por Sor 17-20 Form) of the Rights and Liberties Protection Unit: The RLPD has revised the form to increase channels for support and to submit complaints on issues related to the work of HRDs.
5. **Conducted field visit to monitor the situation of HRDs whose rights were violated or are at risk of being violated:** The RLPD and the Office of the High Commissioner for Human Rights (OHCHR) conducted field visits to monitor the cases of HRDs in Klong Sai Pattana Community, Surat Thani Province. On 16 to 17 March 2017, RLPD along with the Office of the Judiciary of Surat Thani province, the Office of the Rights and Liberties Protection Area 4, OHCHR, the Southern Peasants Federation of Thailand, and Protection International organised a meeting to compile the information gathered in order to determine measures to address the problems identifies. There has also been continuous coordination and monitoring ongoing.

6. **Developed weekly reports to the Prime Minister, regarding the situation on the violations of rights, freedoms, and human rights:** The RLPD was appointed by the Minister, at the Ministry of Justice to develop reports on the violation of rights, freedoms, and human rights, to present the reports to the Prime Minister on a weekly basis. The Prime Minister also issued an order\(^9\) for “all agencies to inspect and find solutions to these problems. All the cases identified have to be monitored by the Ministry of Justice. If there is no action taken, it means that they are at fault in performing their duty”. This act is a confirmation of the political will of the government to address the problem of human rights violations.

7. **Revised Witness Protection Act 2003 (B.E. 2546):** The RLPD is in the process of proposing an amendment to the act, in order for it to cover cases of threats and intimidation that have not been included in the justice system so far. This is for the purpose of creating more channels to provide protection to HRDs.

8. **Included issues related to HRDs:** The RLPD will include HRDs as one of the key issues in the 4th National Human Rights Plan which will be affective in B.E. 2562-2566 (2019-2023). The National Human Rights Plan is an important tool for all stakeholders to use, to promote and protect human rights of the people and to guarantee the aim of policy and the will of the government to protect HRDs.

9. **Set up a committee to address complaints for cases of torture and enforced disappearance:** The Prime Minister issued Order No. 131/2017 on 23 May 2017 and Order No. 198/2017 on 18 August 2017 to appoint a committee to address complaints in cases related to torture and enforced disappearance, with the Minister of the Ministry of Justice as president of the committee and 16 representatives from relevant agencies as members. The committee has the power to issue policies, plans and various measures to prevent and address complaints and help in providing remedy; to facilitate and coordinate the implementation; to accept complaints; to inspect, consider, investigate, monitor and provide remedy; to invite people to give information and send this information to develop reports on implementation which are to be presented to the Cabinet; and to appoint the sub-committee, working group or other people to perform duties as assigned. In the past, the committee had started to accept complaints, crosscheck evidence, investigate, and consider measure to provide remedy to the families of victims, and to provide measures to prevent torture and enforced disappearance.

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\(^9\) Letter of the Secretariat of the Prime Minister Nor Ror 0403 (Kor Nor)/8237 issued on 4 August 2017
In addition to the activities undertaken by the Ministry of Justice, on 1 May 2018, the National Human Rights Commission provided recommendations or guidelines to promote and protect human rights in the context of HRDs. The Ministry of Justice hosted a consultation and informed all relevant agencies of these recommendations. The participants developed a conclusive proposal to place before the Cabinet, the contents of which are as follows: (1) Human rights defenders should receive equal protection under the law just as all other people in the country; (2) In cases where there are numerous claims made, there should be a balance between a claim for rights and protecting public interests, as it is considered a sensitive issue and government officials have to be reminded of this, so they understand the importance of citizens exercising their freedom of expression; (3) In case of false charges or lawsuits, which are found to result in the dishonest exercising of rights or the distortion of facts, the judicial process has measures to control such exercise of rights by punishing persons who makes false statements to officials under Articles 137 or 172 of the Criminal Code. This also includes the exercise of freedom of expression in a fair manner, whereby the individual receives protection according to Article 329 of the Criminal Code. The Cabinet passed a resolution on 2 October 2018 to acknowledge these conclusions by all relevant agencies and for these agencies to continue adopting these in practice.

The Office of the Judiciary has tried to amend the law to prevent "Strategic litigation to suspend public participation" (Law against Strategic Lawsuit Against Public Participation (SLAPP)) by proposing an amendment to Article 161/1 of the Criminal Procedure Code, by opening channels for judges to use their discretion. For cases in which the citizen is a plaintiff (where the victim is a person or a juristic person), the court has the power to refuse to accept a case if the court considers that the plaintiff has a dishonest intention or distorts facts, or is attempting to persecute or take advantage of the defendant. For such cases, the plaintiff is prohibited to file such a lawsuit again, but it does not affect the power of a public prosecutor to file the same lawsuit once again. The amendment to the law is being carried out to end lawsuits that are used to put pressure on or bully individuals, which includes filing of lawsuits against human rights defenders. Other reasons stated in the proposal to amend the law is the usage of this right to prosecute criminal cases in a dishonest manner; or distorting facts to persecute defendants in several circumstances, such as by submitting cases to courts located at a distance to make it difficult for defendants to travel to the court to defend themselves; or filing lawsuits against defendants for more substantial charges than the reality so that these defendants may commit or avoid the commission of illegal actions; or filing lawsuit that threaten the exercise by defendants of basic rights and freedoms in self-defense, or to protect public interest, etc. The bill has been approved by the National Legislative Assembly on 4 December 2018.

In addition, the Office of the Judiciary has also tried to propose a draft amendment to Article 165/2 of the Criminal Procedure Code, to inform Article 165 as the original text in paragraph 2, states that "the defendant has no power to summon witnesses at the primary stage of examination”. However, the newly drafted provision in Article 165/2 proposes that the defendant may declare to the court facts or important laws that the court may look into to establish that the case has no prima facie validity or the statement of a person, submission of documents or objects that support facts according to the statement of the defendant. In such case, the court may as necessary and appropriate call upon such person, or call for the documents, or objects as a witness or proof to inform the judgement. The plaintiff and the defendant may call upon such witnesses when permitted by the court. Therefore, the amendment to the law in such a manner will be another
measure that would help protect human rights defenders from SLAPP. The National Legislative Assembly approved the draft of this act on 2 November 2018.

The Office of the Attorney General has applied Article 21 of the Public Prosecution Organ and Public Prosecutors Act B.E. 2553 (2010) to various cases. This Act gives public prosecutors the authority to prosecute and act on their duty, according to the Constitution and laws in an honest and just manner. In other words, if prosecutors perceive that criminal prosecution will not benefit the public, or if it could have an impact on the safety or security of the nation or national interests, he/she can propose to the attorney general not to proceed with the prosecution. This is in accordance with regulations specified by the Office of the Attorney General with the approval from the Public Prosecutors Commission according to the regulation of public prosecutors. This is enforced automatically in cases where a prosecutor does not file a petition or appeal before the Supreme Court, and on the withdrawal of charges, petitions and appeals before the Supreme Court.

At present, various agencies have communicated and created an understanding on the work of human rights defenders, amongst their officers. For example, in the past, the Ministry of Interior sent letters to all provincial governors to inform them of the methods to cope with the unrest caused by protests against various government and private projects in the area. Another illustration of this is when the Ministry of Defence created a manual for military and civilian officials to manage protesters. The Rights and Liberties Protection Department of the Ministry of Justice has proposed a draft Conflict Mediation Act B.E., in order to establish a central system for conflict mediation by state agencies, and for mediating criminal cases in the state of inquiry officials to provide an alternative to individuals to voluntarily end a conflict, to the satisfaction of both sides. This would also strengthen social unity. Such measures are considered as increasing the protection guaranteed to human rights defenders. This draft Act was approved by the National Legislative Assembly on 13 February 2019 to be enforced as law, which will come into effect on its publication in the Government Gazette.

4.2. Challenges

From the field visit conducted to gather information to inform the National Action Plan, and through continuous consultations with various sectors held in B.E. 2559-2561 (2016-2018), it was found that there are still many challenges that people hope for the government to resolve by taking swift action to address problems related to human rights defenders, which can be summarised as follows:

- **Ratification of international human rights conventions** - Accelerate the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPRED)
- **Cooperation with human rights mechanisms of the United Nations and at the regional level** - Encourage the government to cooperate with human rights mechanisms of the United Nations and those at the regional level, including with the Special Rapporteur on the situation of HRDs.
- **Updating relevant laws, rules, regulations, policies, and measures** – Accelerate the adoption of the draft on the Prevention and Suppression of Torture and Enforced Disappearance Act B.E...; the amendment of the Witness Protection Act
B.E. 2546 (2003); the amendment of Article 161/1 of the Criminal Procedure Code to prevent Strategic Litigation Against Public Participation (Anti-Strategic Litigation Against Public Participation [Anti-SLAPP] provision; and review or repeal any laws, regulations, rules, or orders that limit the rights and liberties of people, and that provide conditions exempting government officials from getting punishments, such as Highways Act B.E. 2535 (1992) (updated version B.E. 2549 (2006)), Public Assembly Act B.E. 2558 (2015), Article 116 of the Criminal Code, National Council for Peace and Order (NCPO) Order No. 3/2015, etc.

- **Protection of Human Rights Defenders** - There is a need to clearly define the term “Human Rights Defender” and to study the European Union Guidelines on Human Right Defenders, for it to serve as a guideline for the provision of measures and mechanisms in protecting human rights defenders, which also includes measure to protect witnesses. The government also has to keep certain information confidential, including the information on human rights defenders, on individuals who make complaints, and on officers who work to protect witnesses in the cases of human rights defenders. With respect to this, it has been proposed to consult with human rights defenders periodically to improve measures to protect them by making such measures suitable for these individuals and their circumstances. There is also an inclusion of issues for the protection of human rights defenders in the 4th National Human Rights Plan. A suggestion has been made to the public and private sectors on issuing internal circular letters, orders, or regulations in order for them to understand and acknowledge the work of human rights defenders as “important partners” who can cooperate meaningfully to prevent, redress, and provide remedy for adverse impacts on human rights; and by these public and private sector actors refraining from filing criminal cases against human rights defenders, who are merely carrying out their duty in an honest manner.

- **Women Human Rights Defenders** - Establish appropriate measures to protect Women Human Rights Defenders, in order for them to carry out their work safely.

- **Creating knowledge and understanding** - Speed up the process to create an understanding for every sector, especially for government officials and the local administrative organisations, on the work of human rights defenders; provide knowledge to law enforcement officials on how to manage protests; and study the good practice on measures to promote Freedom of Expression and adapt them to Thai context.

- **Building capacity of human right defenders** - Create a list of lawyers with an expertise in fighting cases on human rights to assure people that they will be protected from the rights violations; and conduct training to develop the capacity of communities and human right defenders on government services, and other forms of support, such as the bail process, law enforcement, etc.

- **Improvement of government implementation** - Organise consultations between government officials, human rights defenders, organisations, communities, politicians, and the public to eliminate the atmosphere of fear. Provide funds and resources to officials stationed in rural areas who have a duty to protect human rights defenders; and provide opportunities for CSO to participate in this work. There also remain concerns over limitations on public gathering, the prohibition of peaceful protest, the use of "attitude adjustment", and SLAPP lawsuits by the government and private sector.
4.3 (Draft) Action 2019-2023 (B.E. 2562-2566)\textsuperscript{10}

The relevant agencies have considered the recommendations received from various sectors as set out in section 4.2. and categorised them by issue, and developed an action plan, which specifies the responsible agencies, the timeframe for implementation under the NAP, indicators, and its compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation. Further, it helps make monitoring of the situation easier. The action plan is divided into 3 pillars according to the UNGPs as follows:

Pillar 1 The duty of the state to protect (Protect)

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<tr>
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<th>Responsible agencies</th>
<th>Timeframe</th>
<th>Indicator</th>
<th>Compliance with national strategy, SDGs and UNGPs</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Ratification of international human rights conventions and collaboration with various human rights mechanisms</td>
<td>Develop a clear definition of Human Rights Defenders by analysing international standards</td>
<td>Ministry of Justice</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Consultation with relevant government agencies to develop a clear definition of HRDs</td>
<td>- National strategy on security</td>
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<td>Accelerate the process in ratifying relevant conventions, such as International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)</td>
<td>Ministry of Justice</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Ratified International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)</td>
<td>- National strategy on balancing and improving the public administration system</td>
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\textsuperscript{10} Under the consideration of relevant agencies
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<tr>
<th>No.</th>
<th>Issue</th>
<th>Activity</th>
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<th>Timeframe</th>
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<th>Compliance with national strategy, SDGs and UNGPs</th>
</tr>
</thead>
</table>
| 1   |       |          | All agencies          | 2562-2566 B.E. (2019-2023) | Conducted official visit to Thailand, or in the form of technical visit of the relevant special procedure of the UN Human Rights Council | - National strategy on security  
- National strategy on balancing and improving the public administration system  
- SDG No. 11,16, 17  
- UNGP No. 1, 3, 5, 7 |
| 2   | Amendments of relevant laws, rules, regulations, policies and measures | Push for the review, amendment and repeal of relevant laws, mechanisms and protocols to enable the protection of HRDs, such as through the witness protection law, etc. | Ministry of Justice | 2562-2566 B.E. (2019-2023) | A review of policy and laws, as well as relevant measures and mechanisms to enable the protection of HRDs | - National strategy on security  
- National strategy on balancing and improving the public administration system  
- SDG No.16  
- UNGP 1, 3, 5, 7 |
| 3   | Protection of human rights defenders | To determine or review the policies, protocols, procedures, and mechanisms to protect HRDs, which includes women human rights defenders; in order for them to have safe conditions of work, and to provide training to encourage law enforcement agencies to implement these measures in practice | - Ministry of Justice  
- Royal Thai Police | 2562-2566 B.E. (2019-2023) | - Drafting, review, or improvement of policies, mechanisms, processes or measures to protect HRDs, including HRDs who are women.  
- Provide training on such policies, mechanisms, | - National strategy on security  
- National strategy on balancing and improving the public administration system  
- SDG No. 5,16  
- UNGP 1, 3, 5, 7 |
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<tr>
<th>No.</th>
<th>Issue</th>
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<th>Timeframe</th>
<th>Indicator</th>
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</tr>
</thead>
</table>
|     |                                     | Include the protection of HRDs in the 4th National Human Rights Plan.     | Ministry of Justice                                                                   | 2562 B.E. (2019) | - Inclusion of issues faced by HRDs in the 4th National Human Rights Plan                                                       | - National strategy on balancing and improving the public administration system  
|     |                                     | Organise consultations with HRDs by collaborating meaningfully to prevent, address, and provide remedy for adverse impacts on human rights. | - Ministry of Foreign Affairs  
- Ministry of Defense  
- Ministry of Justice  
- Other relevant agencies | 2562-2566 B.E. (2019-2023) | - Periodically consult with HRDs                                                      | - National strategy on security  
- National strategy on balancing and improving the public administration system  
- SDG No. 11,16  
- UNGP No. 1, 3, 5, 7                                                                 |
|     | Building knowledge and understanding | Study and exchange good practices regarding measures to promote Freedom of Expression in order to apply to the Thai context | - Ministry of Foreign Affairs  
- Ministry of Justice                                                                   | 2562-2566 B.E. (2019-2023) | Studied and exchanged good practices regarding measures to promote Freedom of Expression in various countries and international organisations | - National strategy on developing and building the capacities of human resources  
- SDG No. 11,16, 17  
- UNGP no. 1, 3, 5, 7,8,10                                                                 |
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<th>No.</th>
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<th>Timeframe</th>
<th>Indicator</th>
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</table>
| 1   | Organise trainings for law enforcement officers to build their knowledge and understanding of the enforcement of laws to protect HRDs, such as with respect to the organisation of public gatherings and Freedom of Expression pertaining to human rights, etc. | Organise activities to build the capacity of communities and of HRDs in the community.                                                 | - Royal Thai Police  
- Ministry of Defense  
- Ministry of Justice  
- Ministry of Foreign Affairs                                                                                         | 2562-2566 B.E. (2019-2023) | Training is conducted for law enforcement officers to build knowledge and understanding in enforcing laws related to the protection of human rights for officials in the agencies | - National strategy on balancing and improving the public administration systems  
- SDG No. 11,16,17  
- UNGP No. 1, 3, 5, 7,8,10                                                                                                           |
|     |                                                                      |                                                                                            | - Ministry of Interior (Department of Provincial Administration)  
- Ministry of Justice                                                                                       | 2562-2566 B.E. (2019-2023) | 1. The target population in 76 provinces and 878 districts has knowledge, understanding, and can protect themselves from being a victim of human rights violations  
2. Staff have skills, knowledge, efficiency and potential that were developed through the provision of knowledge and guidelines on human rights to the Deputy District Chief and administrative officers | - National strategy on security  
- National strategy on developing and building the capacities of human resources  
- National strategy balancing and improving the public administration systems  
- SDG No. 11,16  
- UNGP No. 1, 3, 5, 7                                                                                                               |
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</tr>
</thead>
</table>
|     |       | Create a list of lawyers/legal advisors with an expertise and understanding, of mechanisms and policies to address cases on human rights violations | - Ministry of Justice  
- Office of the Attorney General | 2562-2566 B.E. (2019-2023) | Have a list of lawyers/legal advisors with an expertise and understanding, of mechanisms and policies to address cases on human rights violations | - National strategy on balancing and improving the public administration system  
- SDG No. 16  
- UNGP No. 1, 3, 5, 7 |
|     |       | Provide correct knowledge to people on their rights, and educate HRDs about various services for assistance that are provided by the state on the bail process, on law enforcement, etc. | - Office of the Attorney General  
- Ministry of Justice | 2562-2566 B.E. (2019-2023) | Have an activity to provide knowledge to people on their rights, as well as provide knowledge to HRDs on assistance and services provided by the state, the bail process, law enforcement, etc. | - National strategy on developing and building the capacities of human resources  
- National strategy on balancing and improving the public administration systems  
- SDG No. 11,16  
- UNGP no. 1, 3, 5, 7,8,9,10 |
Pillar 2 Corporate responsibility to respect (Respect)

Pillar 2 stipulates operations based on the “expectation on state enterprises and the business sector”, in order for it to serve as a guideline for social enterprises and the business sector to adopt as principles in their activities. However, such expectations will just serve as the starting point and motivation for social enterprises and businesses of all sizes, including big, medium, and small size; to use as a guideline for their operations moving forward, which is an important factor to reduce the adverse impact of business activities.

1. Compliance with laws, measures and principles of human rights related to the protection of HRDs
   - State enterprises and the business sector has to comply with laws, measures, and human rights principles related to the protection of HRDs.
   - State enterprises and the business sector should provide channels to disseminate knowledge and create an understanding of laws, measures, and human rights principles related to the protection of HRDs, which can be accessed by the personnel of the agency.
   - State enterprises and the business sector should cooperate with the government sector and international organisations for cases of lawsuits filed against the HRDs.
   - State enterprises and the business sector should build an understanding on the role of HRDs, to protect their work and guarantee that these individuals will not be laid-off or persecuted for protecting the rights of others.

2. Create an understanding on the work of HRDs
   - State enterprises and the business sector should study and create an understanding on the work of HRDs.
   - State enterprises and the business sector should cooperate, by participating in activities organised by the government sector, aiming to provide knowledge on the work of HRDs.
   - State enterprises and the business sector should organise consultations with HRDs to create an understanding of their work, together.
   - State enterprises and the business sector should make an announcement and disseminate information of the activities of HRDs to their subsidiaries and their supply chain.

3. Development of measure for the protection of HRDs
   - State enterprises and the business sector must provide information on the overall situation of collaboration with HRDs, upon the request of the government agencies.
   - State enterprises and the business sector should work with government agencies to develop measures on the protection of HRDs and build an understanding on the role and work of HRDs.
   - State enterprises, the business sector, and civil society should cooperate meaningfully to prevent, redress and provide remedy for adverse impacts on human rights.
• State enterprises and the business sector should assign to personnel or department the duty to promote knowledge on and ensure the correct understanding of personnel working under them, on the work of HRDs to prevent misunderstanding and violations amongst these individuals.

4. Mechanism for complaints and remedies
• State enterprises and the business sector should establish mechanisms to consult with HRDs in order to address problems related to the violation of rights.
• State enterprises and the business sector should provide clear channels to receive complains and a coordinator to undertake these actions.
• State enterprises and the business sector should address disputes with HRDs, by negotiating and mediating the disputes to their full capacity before bringing the case before the judicial system. They can also coordinate with relevant agencies with specialisation on an issue to help mediate these disputes.
• State enterprises and the business sector should refrain from filing lawsuits against HRDs, for performing their duties on claiming and protecting the rights of others.

Pillar 3 Responsibility of the State and Businesses to provide remedy (Remedy)
The relevant agencies have jointly considered the comments and recommendations received from various sectors as set out in point 4 above and categorised them by stipulating the role of the public and private sectors in providing remedy to workers affected, whose rights were violated by social enterprises or businesses, or as a result of business activities, by linking these to compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation moving forward. The comments and recommendations can be summarised as follows:

<table>
<thead>
<tr>
<th>No.</th>
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<th>Indicator</th>
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</tr>
</thead>
</table>
| 1   | Complaints and requests for support       | Establish effective, appropriate, and sufficient complaints and support mechanisms, to address human rights violations that may arise from business operations. | - Ministry of Justice  
- Ministry of Interior  
- Ministry of Commerce  
- Ministry of Industry | 2562-2566 B.E. (2019-2023) | Have effective, appropriate, and sufficient complaints and support mechanisms, to address human rights violations that may occur from business operations | - National strategy on balancing and improving the public administration system  
- SDG No. 16  
- UNGP No. 24,25,2627,28,29,31 |
<table>
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</tr>
</thead>
</table>
| 2   | Promote mediation system | Promote mediation at all levels of the justice system, and by developing alternative dispute resolution mechanisms | - Office of the Attorney General  
- Ministry of Justice  
- Judicial System | 2562-2566 B.E. (2019-2023) | Organise activities, projects or measures to promote mediation at all levels of the justice system as well as developing alternative dispute resolution mechanisms | - National strategy on balancing and improving the public administration system  
- SDG No. 16  
- UNGP No. 24,25,26,27,28,29,31 |
| 3   | Litigation | Provide assistance in accessing the justice system to victims who are HRDs, such as through the Justice Fund and legal advisors  
Consider the amendment of the law for public prosecutors, to be able to prosecute through class action lawsuits | - Office of the Attorney General  
- Ministry of Justice  
- Office of the Attorney General | 2562-2566 B.E. (2019-2023) | Have channels/mechanisms/measures to assist HRDs in accessing the justice system  
Amendments made for the public prosecutor to be able to prosecute through class action lawsuits | - National strategy on balancing and improving the public administration system  
- SDG No. 16  
- UNGP No. 24,25,26,27,28,29,31 |
<p>|     |       | Build knowledge and skills of officers who are responsible for the correct and just execution of laws, regulations, | Office of the Attorney General | 2562-2566 B.E. (2019-2023) | Training to build knowledge on the correct and just execution of laws, regulations, | - National strategy on balancing and improving the public administration system |</p>
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</tr>
</thead>
</table>
| 4   | Remedy| and policies for offences occurring outside the state | Ministry of Justice | 2562-2566 B.E. (2019-2023) | and policies for offences occurring outside the state is provided to officials | - SDG No. 16  
- UNGP No. 24,25,26,27,28,29,31 |
|     |       | Provide remedy to victims according to the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse in an appropriate manner, by taking into account their gender |             |           | Improvement made to the system and measures to provide remedy to victims for it to be in line with the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse in an appropriate manner, by taking into account the gender of the victim | - National strategy on balancing and improving the public administration system  
- SDG No. 16  
- UNGP No. 24,25,26,27,28,29,31 |
|     |       | Coordinate to assist victims physically, mentally, socially, professionally, etc. | -Ministry of Social Development and Human Security  
- Ministry of Justice  
- Ministry of Public Health  
- Royal Thai Police | 2562-2566 B.E. (2019-2023) | - Provide protection and take care of those who are discriminated against due to gender and are victims of violence  
- Have measures to coordinate between various agencies in order to provide assistance to victims physically, mentally, socially, professionally, etc. | - National strategy on balancing and improving the public administration system  
- SDG No. 5,11,16  
- UNGP No. 24,25,26,27,28,29,31 |
<table>
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<th>Responsible agencies</th>
<th>Timeframe</th>
<th>Indicator</th>
<th>Compliance with national strategy, SDGs and UNGPs</th>
</tr>
</thead>
</table>
|     |       | Study and analyse legal gaps and barriers to accessing justice of HRDs, in order to develop an effective process for remedy. | Ministry of Justice  | 2562-2566 B.E. (2019-2023) | Study and analyse legal gaps and barriers to accessing justice for HRDs    | - National strategy on balancing and improving the public administration system  
  - SDG No. 16  
  - UNGP No. 24, 25, 26, 27, 28, 29, 31 |
Chapter 5
International Investments and Transnational Corporations (TNCs)

5.1. Overview of the situation
Thai Direct Investment Abroad (TDI)\textsuperscript{11} is necessary for the strategy to develop the country in many areas, including adjustment of the economic structure of the country for it to be able to compete and grow in the globalised world economy. The Research Department of the Stock Exchange of Thailand conducted a survey and found four important reasons for this, including: 1) to seek new markets or maintain the same market share in the country for products with a big market or where there is a trend resulting in growth (Market Seeking); 2) to seek natural resources, and access to raw materials and labour that is cheaper than in the country (Resource and Labour Seeking); 3) to increase production efficiency that includes seeking new technologies (Efficiency Seeking); and 4) to help in distributing business risks.

The trend of investing abroad by the private sector has increased continuously, as seen from the development approach of developed countries. This is seen in the accumulated investment value of Thai businesses (TDI). In 2005, TDI had a value of only 8 billion US dollars, but by 2016, TDI had increased in value to 94.3 billion US dollars, or up to 10 times more than it was in 2005. The group of countries where Thailand had mostly invested in by 2016 were ASEAN countries, with a value of 30.8 billion US dollars, or 30.2 percent of the TDI value investment, led by Singapore, Vietnam, and Myanmar. The businesses that Thailand had invested in were food and beverage products, mining, financial services, wholesale and retail services, etc.

In 2017, the Thai private sector had an outstanding value of foreign investment of over 1.36 hundred billion US dollars, or about 4.45 trillion baht, which has increased from 2016 by over 9.68 hundred billion baht. This can be divided into Thai Direct Investment Abroad (TDI) for a total of 116,865 million US dollars, or approximately 3.79 trillion baht, which has increased from the previous year by about 23 percent. In 2017, the group of countries where the Thai private sector directly invested in, the most was the European Union. The value of Thai direct investments in ASEAN in 2017, were at a value with an outstanding balance of 33.99 million US dollars, an increase of 20 percent most of which went to Cambodia, Laos, Myanmar and Vietnam (CLMV). The businesses that Thailand has invested in include hotel and food services, real estate, the manufacturing industry, etc.

For the year 2018, investment in infrastructure of the public sector and the Eastern Economic Corridor (EEC) helped boost the confidence of both Thai and foreign investors, to encourage them to return and invest more in Thailand. Thai Direct Investments Abroad (TDI) began to play a more important role in the development and promotion of the supply chain to create production activities in Thailand for the future. However, as in the past Thailand had to face many problems, such as higher wages for labour, labour shortage due to an ageing society, disqualification from GSP by developed countries, etc. These factors are an important driving force for Thai investors to invest more in foreign countries particularly for industries that use labour.

\textsuperscript{11} Thai Direct Investment Abroad means investment transactions that investors, who have the residence in Thailand, have on the businesses that have the residence in the countries, which are businesses in the branch. The shareholders of the businesses in the branch or businesses that invest more than 10% (Bank of Thailand)
in order for them to maintain their capacity on competitive pricing. However, a few groups of entrepreneurs want to expand the market and seek new opportunities, in order to achieve the goal of developing their long-term business growth potential. In the past 10 years, investment by Thai investors in foreign countries has continuously risen. Investment in foreign countries does not only result in money flowing out of the country, but foreign investment also helps support the supply chain and expands channels for Thai investors in the form of an "Investment Induced-Trade" strategy. This can be carried out by creating added value to the economy by investing in countries with potential. In the future, this may be a channel to encourage small companies in the same supply chain to invest more, which will be expand the Thai supply chain at the regional level and strengthen it.

Foreign Direct Investment (FDI)\textsuperscript{12} is very important for the development of the economy of developing countries, due to the existing situation of insufficient domestic savings for investment needs. Investments from overseas provides benefit to both investors and individuals who receive investment funds, as the expansion of investment or the relocation of production bases to other countries by investors enables entrepreneurs to use resources available in that country to increase the competitiveness and profitability of their companies. The country that receives investment funds also receives the benefit of an increase in the national income from new investments and the transfer of technology from investors coming from other countries, to improve such industry in their own country.

From 2017, the investment value of Foreign Direct Investment (FDI) of Thailand has continuously increased, with most investment accruing to the service sector, in wholesale and retail, in financial services, and real estate. For the manufacturing sector, the majority of investment is retained by the machinery industry, and in the manufacturing of computers, tyres, rubber, and plastic, with the top 5 countries or regional groups that invested the most in Thailand being Japan, ASEAN, EU, USA and Hong Kong.

In the past, Thailand was considered as a country with a very high rate of Foreign Direct Investment (FDI). However, one of the current challenges is that the value of Foreign Direct Investment has decreased due to the higher cost of wage for labour, the shortage of labour due to an ageing society, the occurrence of various disasters, and the lack of political stability. These factors have all affected the confidence of foreign investors. To tackle this, BOI has established several measures that help stimulate and encourage foreign investors to invest in Thailand, through the granting of tax benefits to foreign businesses that invest in 10 types of S-Curve Industries\textsuperscript{13}; by providing opportunities

\textsuperscript{12} Foreign Direct Investment means the desire of the companies established abroad or the countries that would come to invest (Source Countries) or the countries that receive investment (Host Countries) to create profits and send them back to the companies in their own countries (Research and Development Department of the Secretariat of the House of Representatives)

\textsuperscript{13} Target industries comprises of the 5 industries that have potential, including Next-Generation Automotive, Smart Electronic, Affluent, Medical and Wellness Tourism, Agriculture and Biotechnology, Food for the Future, and 5 future industries, which are Robotics, Aviation and Logistics, Biofuels and Biochemicals, Digital, and Medical Hub.
to participate in Public Private Partnerships (PPPs) for transportation infrastructure projects; and through a policy formulated by the government to promote the activities of the Eastern Economic Corridor (EEC), etc. All of these are important developments that have helped build the confidence of investors and that will attract more Foreign Direct Investment to the country. According to the statistics of Foreign Direct Investment in 2018, it was found that most of the investment values were under metal products, machinery, and transport equipment categories, followed by the service and utilities categories, with Japan, China and Singapore having the highest amount of investments and with the highest requests for investment promotion. Additionally, according to the 2018 Doing Business report of the World Bank, Thailand was ranked as 26 amongst all countries around the world for its convenience in supporting small and medium sized businesses. However, Thailand still has to develop its capacity in terms of technologies and innovation, its capacity on competition, and the quality of various production in order for Thailand to continue to be in demand for investment, at all levels.

Complaint situation - The National Human Rights Commission has received many complaints on cases related to the impacts of transboundary activities of Thai entrepreneurs, such as in the case of a Thai private company that received land concessions for sugarcane cultivation and the establishment of a sugar factory in Cambodia, which led to human rights violations against the Cambodian people. In this case, NHRCT examined the facts and concluded that there were impacts on human rights and even though the company was not a perpetrator, the impacts that occurred were considered as a part of it’s direct responsibility. Another case brought before the NHRCT was that of a private company that signed a Memorandum of Agreement with the Myanmar Port Authority, to operate a deep-sea port project in Dawei Special Economic Zone in Myanmar. In this case, the National Human Rights Commission examined the facts and concluded that the construction of infrastructure had caused problems resulting in human rights violations against the Burmese people. It recommended a policy for relevant agencies to consider, by establishing mechanisms or missions to regulate overseas investments by Thai investors to ensure they respect the basic principles of human rights by using the UNGPs as a framework for implementation.

Implementation by the government - In the past, the government has given more importance and has been more aware of the impacts resulting from Thai business operations abroad, which can be seen from its decision to appoint an agency to carry out implementation in line with the policy recommendations of the National Human Rights Commission. Examples of important cases herein include:

(1) In the cases related to the operation of a deep-sea port project and the Dawei Special Economic Zone in Myanmar as carried out by a private company; the Cabinet passed a resolution on 16 May 2016 to acknowledge the results of the consideration and review of these activities in the form of a report and a proposal by the Ministry of Foreign Affairs, which were both in line with the recommendations made by the National Human Rights Commission. Proposals made include encouraging the private sector to have measures that promote human rights on various aspects in a direct and strict manner; considering the use of policy tools, such as the development of the National Action Plan
on Business and Human Rights, which government agencies need to cooperate with the private sector on to strengthen the process and guarantee concrete results.

(2) In the case regarding the operation of a sugar-production company that had an impact on people living in the districts of Samrong and Chongkal in Oddar Meanchey, a province in the Northeastern region of Cambodia; the Cabinet passed a resolution on 2 May 2017 to acknowledge the summary of the consideration and review of these business activities by the Ministry of Foreign Affairs. There was also a proposal made to establish measures or to regulate the investment of Thai investors abroad, to ensure they respect the basic principles of human rights by using the UNGPs as a framework for implementation of the investment activities by Thai investors abroad.

5.2. Challenges

- **Improve relevant laws, rules, regulations, policies and measures** - Issue laws or concrete policies, and establish a mechanism to monitor human rights violations outside the territory in order for protection, remedy, and cross-border responsibilities to be complied with. The victims can use the justice process in Thailand for protection and remedy, such as the Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992) and the Amendment to the Securities and Exchange Act B.E. 2535 (1992). There should be regulations and sanctions regarding investments by Thai investors abroad, regardless of whether the investment model is in the form of a subsidiary company or a joint venture; and improve the Corporate Governance Code (CG code) to provide legal obligations. There should be an issuance of laws and regulations related to the supervision of the Eastern Economic Corridor (EEC) and to provide clear sanctions. There should also be an establishment of measures to disclose information about all projects under the EEC to the public, for them to be informed in advance and there should be consultation with local communities before those projects are approved by the Securities and Exchange Commission (SEC) and prior to receiving a loan approval from the bank.

- **Create awareness for investors** - Encourage the dissemination of knowledge on the UNGPs to the business sector or entrepreneurs, by establishing formal channels to work with the Securities and Exchange Commission.

- **Promote investment** - Consider the provision of conditions so that the government considers human rights impacts before signing an agreement, an international trade agreement or an international investment. Consider the addition of a stabilisation clause in investment agreements such that the investment will not affect the implementation of state policies in promoting the UNGPs. Establish measures for business organisations located in the territory or under sovereignty of Thailand to ensure they comply with the UNGPs. Establish measures for any initiative or for the development of any project to take into consideration the public benefits, the right to public participation, and the impact on people in the project area before deciding to implement the project. Establish measures to regulate the investment of Thai investors abroad to respect human rights principles. Establish measures for businesses receiving support and guarantee investment for businesses by respecting human rights. Require studies to be conducted on risk and human rights impacts related to the provision
of public services by independent experts that have been approved by individuals and communities residing in the area of the project; and establish measures and mechanisms to regulate and solve such problems. Apply the principles in assessing risk on human rights and human rights due diligence for the provision of public services and agreement for joint investment (in case the state assigns implementation to the private sector). Consider cancelling assignations to the private sector undertaking projects related to basic infrastructure and public services, through Public-Private Partnership.

- **Prevent human rights violation abroad** - Establish clear guidelines to regulate companies and businesses abroad by considering the establishment of measures that require the development of transboundary Environment Impact Assessments (EIA); to monitor the transboundary impact on health, agriculture, and the environment; to prevent human rights violations by investments of state enterprises and Thai businesses abroad; and to encourage the carrying out of Human Rights Due Diligence.

- **Improve government implementation** - Require the establishment of a central organisation to regulate cases, where there are international environmental impacts. Set out the role of the Securities and Exchange Commission (SEC) in regulating public companies to ensure they respect and comply with the UNGPs. Establish mechanisms for monitoring cross-border human rights impacts. Promote the role of the National Human Rights Commission in monitoring human rights violations abroad by the Thai business sector, which have their headquarters registered, or have a head office located in Thailand. Require the Bank of Thailand to issue measures to regulate Thai banks, so they formulate policy to protect the environment and society (through the Bank's Environmental and Social Safeguards Policies), especially while giving loans to large investment businesses in Thailand and neighbouring countries by applying the Equator Principles (international standards for credit consideration).

- **State enterprise** - Issue regulations to require state enterprises to implement provisions in order for it to serve as model in respecting human rights, through concrete guidelines and incentives, such as indicators in the implementation of activities of state enterprise in protecting and mitigating human rights risks and impacts, including activities that are carried out abroad by affiliates, employees, or through joint ventures.

- **Supply chain** - Encourage large companies to regulate their supply chain, subsidiaries, outsourcing services, and subcontracting companies, to ensure respect for human rights, because of the risk of causing adverse impacts on human rights.

- **Actions taken on business sector** - Provide measures or mechanisms to address problems in cases related to the violation of human rights abroad by state enterprises or the Thai private sector. Strictly apply measures for voluntarily or semi-forced disclosure of information related to the Securities and Exchange Commission (SEC). Establish a mechanism or committee to regulate transnational corporations. Assign a duty to the National Human Rights Commission of Thailand, to help encourage banks to conduct social and environmental risk assessment before approving loans for investment. Encourage private companies to respect human rights in procurement by the public sector and through economic diplomacy. Promote the assessment of human rights impacts (due diligence) by Thai companies.
that are involved in large-scale projects in ASEAN. Request the business sector of all sizes that engage in cross-border investment to include human rights due diligence in projects that have already been implemented at, particularly large-scale projects; and encourage all agencies to take urgent steps in accordance with the Cabinet Resolution that acknowledged policy recommendations by the National Human Rights Commission on the addressing of various problems.
5.3. (Draft) Action plan B.E. 2562-2566 (2019 – 2023)

The relevant agencies have considered the recommendations received from various sectors as set out in section 5.2. and categorised them by issue, and developed an action plan, which specifies the responsible agencies, the timeframe for implementation under the NAP, indicators, and its compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation. Further, it helps make monitoring of the situation easier. The action plan is divided into 3 pillars according to the UNGPs as follows:

**Pillar 1 The duty of the state to protect (Protect)**

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<td>1</td>
<td>Amendment of relevant laws, rules, regulations, policies, and measures</td>
<td>Develop guidelines and processes in checking contracts for cases where the government sector does business with TNCs, while taking into consideration of Human Rights Due Diligence (HRDD) Study ways to improve laws, policies, measures that are concrete in examining the violation of adverse transboundary human rights impacts in order to ensure protection, remedy, and transboundary accountability that is</td>
<td>The Office of Attorney General - Ministry of Foreign Affairs - Ministry of Justice</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Guideline and process in checking the contract for cases where the government sector does business with TNCs, while taking into consideration of Human Rights Due Diligence (HRDD) Improvement of laws, policies, or mechanisms in order to examine the adverse transboundary human rights impacts in order to ensure protection, remedy, and transboundary accountability that is</td>
<td>- National strategy for creating competitive capability - National strategy for balancing and developing the public administration system SDG No. 8,16 UNGP No. 1,3,4,5,7,8,9,10</td>
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<td>1</td>
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<td>in line with international standards, such as the OECD Guideline for Multinational Enterprises</td>
<td>Securities and Exchange Commission</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>- Result of the study on ways to amend the Securities and Exchange Act B.E. 2535 (1992) in order to include regulation, control, oversight, and punishment; in the case of investment by companies registered in the Stock Exchange of Thailand, whether or not the investment is in the form of a subsidiary or a joint venture. - Develop a Good Governance Code (CG code) to provide a legal obligation</td>
<td>- SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9, 10</td>
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<td>2</td>
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<td>Study ways to amend the Securities and Exchange Act B.E. 2535 (1992) in order to include regulation, control, oversight, and punishment; in the case of investment by companies registered in the Stock Exchange of Thailand, whether or not the investment is in the form of a subsidiary or a joint venture. Develop a Good Governance Code (CG code) to provide a legal obligation</td>
<td>- Office of the National Economic and Social Development Council</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A meeting is convened to review laws and regulations</td>
<td>- National strategy for creating competitive capability - National strategy for balancing and developing the public administration system SDG No. 8,16 UNGP No. 1,3,4,5,7,8</td>
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<td>3</td>
<td></td>
<td>Consider reviewing laws and regulations related to the Eastern Economic Corridor</td>
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<td></td>
<td>- National strategy for creating competitive capability</td>
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| 1   |       | (EEC). There should be clear regulation and punishment in this case. | - Neighbouring Countries Economic Development Corporation Agency (public organisation)  
- Eastern Economic Corridor (EEC) Office |          | related to the Eastern Economic Corridor (EEC) | - National strategy for creating growth on the quality of life that is environmentally friendly  
- National strategy for balancing and developing the public administration system  
SDG No. 8,16  
UNGP No. 1,3,4,5,7,8 |
| 2   | Creating awareness of the investor | Create a channel to disclose information about the Eastern Economic Corridor Project (EEC), including in all border economic zones, and mechanisms to consult with affected communities. | - Office of the National Economic and Social Development Council  
- Neighbouring Countries Economic Development Corporation Agency (public organisation)  
- Ministry of Interior  
- Ministry of Industry  
- Eastern Economic Corridor (EEC) Office  
- Securities and Exchange Commission  
- Stock Exchange of Thailand  
- Bank of Thailand | 2562-2566 B.E. (2019-2023) | A channel is established to disclose information about the Eastern Economic Corridor Project (EEC), including in all border economic zones, and on mechanisms to consult with affected communities.  
Trainings and meetings are convened to disseminate the UNGPs | - National strategy for creating competitive capability  
- National strategy for creating growth on the quality of life that is environmentally friendly.  
- National strategy for balancing and developing the public administration system  
SDG No. 8, 16  
UNGP No. 1,3,4,5,7,8  
- National strategy for creating competitive capability |
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| 1   | Encouraging the business sector to place importance on the relationship between large companies and their supply chain, outsourced services and subcontractors that may cause an adverse impact on human rights | - The Joint Standing Committee on Commerce, Industry and Banking  
- Ministry of Justice  
- Ministry of Commerce (Department of Business Development)  
- Securities and Exchange Commission | 2562-2566 B.E. (2019-2023)                                                                                                                                  | Training of the business sector to have knowledge and understanding on human rights and the connection between large companies and their supply chain, outsourced services and subcontractors that may cause an adverse impact on human rights | - National strategy for balancing and developing the public administration system  
SDG No. 8,16  
UNGP No. 1,3,4,5,7,8  
- National strategy for creating competitive capability  
- National strategy for balancing and developing the public administration system  
SDG No. 8,16  
UNGP No. 1,3,4,5,7,8                                                                                   |
| 2   | Ascribe a duty on the Bank of Thailand to require Thai banks to have a policy, to protect the environment and society (Bank’s Environmental and Social Safeguards Policies), especially while giving loans to large investment companies, both in Thailand and neighbouring countries, by applying the Equator Principles | - Ministry of Finance  
- Bank of Thailand | 2562-2566 B.E. (2019-2023)                                                                                                                                  | - Have environmental and social safeguards policies, for measures such as giving loans to the businesses in Thailand and abroad  
- A meeting is convened on implementing the Equator Principles                                                                                                   | - National strategy on creating growth on the quality of life that is environmentally friendly  
- National strategy on developing and building the capacities of human resources  
SDG No. 8,16  
- UNGP No. 1,3,4,5,7,8                                                                                   |
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| 3   | Promoting investment | Certify that the state gives priority to promoting and encouraging investors and business organisations located in Thailand, to respect and comply with laws and domestic regulations. This will reflect the government’s policy in managing and protecting public interests, as well as protecting basic human rights, the environment, public health, etc. | - Ministry of Foreign Affairs  
- Ministry of Commerce (Department of Trade Negotiations) | 2562-2566 B.E. (2019-2023) | Negotiating agreements to promote and protect an investment and stabilisation clause in the Free Trade Agreement, which adheres to the principles of protection and respect human rights and avoids negative impacts | - National strategy on creating competitive capability  
- National strategy on balancing and developing the public administration system  
SDG No. 8,16,17  
UNGP No. 1,3,4,5,7,8 |
|     | Consider measures to encourage businesses located at the border of sovereignty of Thailand, to implement the UNGPs. The initiative or the development of the project should take into consideration the public interest, the right to participation of persons, and the effect on the local population; before deciding to implement the project | Securities and Exchange Commission | 2562-2566 B.E. (2019-2023) | Training for business organisations located at the border of sovereignty of Thailand, to comply with the UNGPs | - National strategy on creating competitive capability  
- National strategy on balancing and developing the public administration system  
SDG No. 8,16  
UNGP No. 1,3,4,5,7,8,9 & 10 |
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|     |       | Create awareness, promote and facilitate Thai entrepreneurs to invest abroad while respecting human rights, as well as complying with various rules and regulations; which include rules related to human rights of the country of investment (host country). Consider creating a guideline on investing in each country | - Securities and Exchange Commission  
- BOI  
- Exim Bank  
- Ministry of Commerce (Department of International Trade Promotion) | 2562-2566 B.E. (2019-2023) | Training or provision of knowledge to entrepreneurs who are going to invest abroad in order for them to respect human rights principles. | - National strategy on creating competitive capability  
- National strategy on the development and strengthening of human resources  
SDG No. 8,16,17  
UNGP No. 1,3,4,5,7,8,9,10 |
|     | Require Human Rights Due Diligence to be conducted by independent academics that the local population and society accepts, before implementing a large-scale development project or projects related to the provision of public services. This also includes joint investments between the government and private sector to develop projects about infrastructures and public services that are the duty of the state, including in cases where the state has assigned | - Office of the National Economic and Social Development Council  
- Ministry of Natural Resources and Environment (Office of Natural Resources and Environmental Policy and Planning)  
- Ministry of Transport  
- Ministry of Finance (State Enterprise Policy Office)  
- Ministry of Energy | 2562-2566 B.E. (2019-2023) | Human Rights Due Diligence is conducted by independent academics before undertaking large-scale projects. | - National strategy on creating competitive capability  
- National strategy on balancing and developing the public administration system  
- National strategy on the development and strengthening of human resources  
SDG No. 8,16,17  
UNGP No. 1,3,4,5,7,8,9,10,17,18,19 |
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| 4   | Preventing human rights violations abroad | Promote Thai businesses abroad to respect human rights | - Ministry of Foreign Affairs  
- Ministry of Finance | 2562-2566 B.E. (2019-2023) | A handbook for Thai businesses in operating abroad, while respecting human rights according to the UNGPs. | - National strategy on developing and building the capacities of human resources  
- National strategy on balancing and improving the public administration system  
- SDG No. 8,16,17  
- UNGP No. 1,3,4,5,7,8,9,10 |
<p>|     | Consider the possibility of developing guidelines or agreements regarding transboundary Environmental Impact Assessments and monitor the transboundary | | Office of Natural Resources and Environmental Policy and Planning | 2562-2566 B.E. (2019-2023) | - A consultation or feasibility study is organised to develop a guideline or agreement regarding | - National strategy on balancing and developing the public administration system |</p>
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<td>impact on health, agriculture, society, and the environment</td>
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<td></td>
<td>transboundary Environmental Impact Assessments - A consultation or establishment measure to monitor the transboundary impacts on health, agriculture, society, and the environment</td>
<td>- SDG No. 8,13,14,15,16 - UNGP No. 1,3,4,5,7,8,9,10</td>
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<td>Establish measures to prevent human rights violations in state enterprise investment projects (and Thai businesses abroad), as well as complaint mechanisms</td>
<td>- Office of the National Economic and Social Development Council - State Enterprise Policy Office (Ministry of Commerce)</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A consultation and the establishment of measures and complaint mechanisms for cases of human rights violation in state enterprise investment projects (and Thai businesses abroad)</td>
<td>- National strategy on balancing and developing the public administration system SDG No. 8,16,17 UNGP No. 1,3,4,5,7,8,9,10</td>
</tr>
<tr>
<td>5</td>
<td>Improving the operation of the public sector</td>
<td>Provide for the setting up of a central agency to control and monitor cases of international environmental impacts</td>
<td>Ministry of Natural Resources and Environment</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Consultation and consideration for setting up a central agency to control and monitor cases of international environmental impacts</td>
<td>- National strategy on creating growth on the quality of life that is environmentally friendly - National strategy on balancing and developing the public administration system SDG No. 8,13,14,15,17 UNGP No. 1,3,4,5,7,8,9,10</td>
</tr>
<tr>
<td>No.</td>
<td>Issue</td>
<td>Activity</td>
<td>Responsible agencies</td>
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<td>Indicators</td>
<td>Compliance with national strategy, SDGs and UNGPs</td>
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<td>6</td>
<td>State enterprise</td>
<td>Arrange for state enterprises to be a model for the business sector, by creating a guideline that is concrete and motivational, such as through indicators for the operation of state enterprises in protecting and mitigating risks and human rights impacts and doing so in their activities abroad undertaken by their subsidiaries, sub-contractors, or in joint ventures.</td>
<td>Ministry of Finance (State Enterprise Policy Office)</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>State enterprises have projects or activities to mobilise the UNGPs and Human Rights Due Diligence assessment, and share good practices and concrete measures to other business sectors</td>
<td>- National strategy on balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 1,3,4,5,7,8,9,10</td>
</tr>
<tr>
<td>7</td>
<td>Operation of the business sector</td>
<td>Promote the application of measures on the voluntary or compelled disclosure of information, in relation to the Securities and Exchange Commission (SEC) Study and consider establishing incentive measures that are in line with activities of the business sector, to align with the country's situation and their many small-scale enterprises.</td>
<td>Securities and Exchange Commission - Office of the National Economic and Social Development Council - The Office of SMEs Promotion</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A consideration of measure to promote agencies to apply measures on voluntarily or compelled disclosing of information, in relation to the Securities and Exchange Commission A study and establishment of incentive measures for the business sector, entrepreneurs or workers by taking</td>
<td>- National strategy on balancing and developing the public administration system SDG No. 8,16 UNGP No. 1,3,4,5,7,8,9,10 - National strategy on balancing and developing the public administration system - SDG No. 8,16</td>
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<td>No.</td>
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</table>
| 8   | Promoting cooperation in the mobilisation of issues on business and human rights at the regional and international levels | This can be done by establishing incentive measure for entrepreneurs and workers directly, such as by developing a project to support activities on the protection of human rights in small-scale enterprises. Exchange and disseminate good practices in mobilising issues related to business and human rights at the regional and international levels. | - Ministry of Foreign Affairs  
- Ministry of Justice | 2562-2566 B.E. (2019-2023) | Activities to exchange or disseminate good practices to mobilise the implementation of UNGPs, such as through the periodic preparation of courses for relevant officials in countries that are interested in workshops. | UNGP No. 1,3,4,5,7,8,9,10 |
Pillar 2 Corporate responsibility to respect (Respect)

Pillar 2 stipulates operations based on the “expectation on state enterprises and the business sector”, in order for it to serve as a guideline for social enterprises and the business sector to adopt as principles in their activities. However, such expectations will just serve as the starting point and motivation for social enterprises and businesses of all sizes, including big, medium, and small size; to use as a guideline for their operations moving forward, which is an important factor to reduce the adverse impact of business activities.

1. Compliance with laws, standards and principles of human rights related to international investments and transnational corporations

   • State enterprises and the business sector must review rules and regulations of their organisations and improve them to comply with laws, standards, and human rights principles related to the environment, natural resources, community, and land, especially the UNGPs, in order to prevent violations of human rights from occurring.

   • State enterprises and the business sector must act in accordance with the laws, rules, regulations, and standards related to human rights, and regulate businesses and investments of Thailand, in the case of investments in Thailand, and those of the country of investment in the case of international investments.

   • State enterprises and the business sector should support and examine their subsidiaries, and their supply chains, to respect laws, rules, regulations, and standards related to human rights, and by regulating businesses and investments of Thailand in the case of investments in Thailand, and of the country of investment in the case of international investments.

   • State enterprises and the business sector should cooperate with the government and international organisations in case of monitoring and inspection of their compliance with laws, rules, regulations, and standards related to human rights, and regulate businesses and investments of Thailand in the case of investments in Thailand, and of the country of investment for cases of international investments.

2. Promote awareness on international principles and standards on human rights and conducting business legally

   • State enterprises and the business sector should organise trainings to provide knowledge on international principles and standards related to human rights and the conduct of business legally, to all departments and personnel under them.

   • State enterprises and the business sector both for domestic investments or international investments must disclose information before, during, and after implementation of their projects to the public, specifically to locals and people living in the proximity of these projects to create transparency.

   • State enterprises and the business sector should study the UNGPs and the OECD Guidelines on Multinational Enterprises, and communicate and create an understanding of these, with their subsidiaries and departments under them.

   • State enterprises and the business sector should monitor the operation of their supply chain, outsourcing services and subcontractors to ensure that they do not create adverse impacts on human rights, as specified in the UNGPs.
3. Mechanism for complaints and remedies

- State enterprises and the business sector operating in Thailand and Thai entrepreneurs investing abroad should conduct Human Right Due Diligence and disclose information to the public.
- State enterprises and the business sector should have channels or mechanisms to receive complaints on violations that are caused by business conduct and refer the information to relevant agencies.
- State enterprises and the business sector operating in Thailand and Thai entrepreneurs investing abroad, should mediate any disputes with the community through negotiation and by organising consultations with affected communities, and giving them full compensation before submitting the case before the judiciary. They could also coordinate with relevant organisations working in the area to help in mediating the disputes.
- State enterprises and the business sector operating in Thailand and Thai entrepreneurs investing abroad, should establish measures for remedy for individuals and communities affected by human rights violations due to business operations.

Pillar 3 Responsibility of the State and Businesses to provide remedy (Remedy)

The relevant agencies have jointly considered the comments and recommendations received from various sectors as set out in point 3 above and categorised them by stipulating the role of the public and private sectors in providing remedy to workers affected, whose rights were violated by social enterprises or businesses, or as a result of business activities, by linking these to compliance with the national strategy, SDGs, and UNGPs, to serve as a guideline for relevant agencies in their implementation moving forward. The comments and recommendations can be summarised as follows:

<table>
<thead>
<tr>
<th>No.</th>
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<th>Responsible agencies</th>
<th>Timeframe</th>
<th>Indicators</th>
<th>Compliance with national strategy, SDGs and UNGPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Complaint Mechanism</td>
<td>Coordinate cooperation with foreign countries in order to set up an international mechanism, to examine and investigate business activities which have an impact on the communities</td>
<td>Ministry of Foreign Affairs</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A meeting or discussion is organised with foreign countries to consider the possibility of establishing an international mechanism, to</td>
<td>- National strategy for balancing and developing the public administration system - SDG No. 8,16</td>
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<tr>
<td>No.</td>
<td>Issue</td>
<td>Activity</td>
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<td></td>
<td>examine and investigate business activities which have impacts on communities</td>
<td>- UNGP No. 24,25,26,27,28,29,31</td>
</tr>
<tr>
<td>2</td>
<td>Monetary assistance/ remedy</td>
<td>Consider the possibility of establishing funds to compensate and restore affected persons in terms of occupation, livelihood, society, culture, health, and natural resources, in order to provide prompt assistance</td>
<td>Ministry of Natural Resources and Environment</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>A meeting is convened to consider the possibility of establishing a fund to compensate and restore the affected persons in terms of occupation, livelihood, society, culture, health, and natural resources, in order to provide prompt assistance</td>
<td>- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31</td>
</tr>
<tr>
<td>3</td>
<td>Preventing impacts</td>
<td>Establish measures to handle potential impacts, such as having regular assessments to test the understanding of villagers, such as by having rehearsals or alarms, or having in place processes to prevent chemical leakage</td>
<td>- Ministry of Interior - Ministry of Industry</td>
<td>2562-2566 B.E. (2019-2023)</td>
<td>Establish measures to handle potential impacts</td>
<td>- National strategy for balancing and developing the public administration system - SDG No. 8,16 - UNGP No. 24,25,26,27,28,29,31</td>
</tr>
</tbody>
</table>
Chapter 6

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

Mobilising the National Action Plan on Business and Human Rights is the duty of relevant agencies from all sectors, which are to carry out implementation according to the guidelines specified in the NAP on Business and Human Rights. The guideline was prepared with the participation of all sectors and has passed the consideration and approval of all relevant agencies. For the implementation of the NAP on Business and Human Rights, there are two plans that have been formulated, which includes a short-term action plan with a 2-year timeframe for implementation of urgent projects/activities and with results that can be achieved in a short period of time; and a long-term action plan with a 5-year timeframe for implementation of projects/activities and that requires a longer period of time to implement or is a project that has to be continuously carried out. The model of the project/activity each agency has to undertake can be adjusted according to the mission framework of each agency, but they must be in line with implementation as specified in the National Action Plan on Business and Human Rights. In this chapter, we would like to propose a sample plan that the Rights and Liberties Protection Department of the Ministry of Justice may implement, as it is the main agency responsible for mobilising the National Action Plan on Business and Human Rights.


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<thead>
<tr>
<th>No.</th>
<th>Activity</th>
<th>Responsible Agency</th>
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<tbody>
<tr>
<td>1</td>
<td>Organise a meeting to announce the implementation of NAP on Business and Human Rights</td>
<td>Ministry of Justice</td>
<td>B.E. 2562 (2019)</td>
</tr>
<tr>
<td>2</td>
<td>Produce various kinds of media to disseminate the NAP on Business and Human Rights and the UNGPs</td>
<td>Ministry of Justice</td>
<td>B.E. 2562-2563 (2019-2020)</td>
</tr>
<tr>
<td>3</td>
<td>Encourage the large-scale business sector in GCNT group and state-owned enterprises to implement the NAP on Business and Human Rights and the UNGPs principles to be a good practice for other business sectors</td>
<td>Ministry of Justice</td>
<td>B.E. 2562-2563 (2019-2020)</td>
</tr>
<tr>
<td>4</td>
<td>Organise a project to select organisations from business/state enterprise, to be the good practice in implementing the NAP on Business and Human Rights and the UNGPs</td>
<td>Ministry of Justice</td>
<td>B.E. 2562-2563 (2019-2020)</td>
</tr>
<tr>
<td>5</td>
<td>Develop the guidelines for the implementation of the National Action Plan and the UNGPs</td>
<td>Ministry of Justice</td>
<td>B.E. 2562-2563 (2019-2020)</td>
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</tbody>
</table>
## 6.2. Long-term Action Plan (5 years)

<table>
<thead>
<tr>
<th>No.</th>
<th>Activity</th>
<th>Responsible Agency</th>
<th>Timeframe</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Disseminate the NAP on Business and Human Rights and the UNGPs through various channels</td>
<td>All agencies related to NAP on Business and Human Rights</td>
<td>B.E. 2562-2566 (2019-2023)</td>
</tr>
<tr>
<td>2</td>
<td>Organise a meeting at the ASEAN level every year to disseminate knowledge on the National Action Plan on Business and Human Rights and the mobilisation of the UNGPs to all sectors</td>
<td>Ministry of Justice</td>
<td>B.E. 2562-2566 (2019-2023)</td>
</tr>
</tbody>
</table>
| 3   | Exchange the good practice in the development of the National Action Plan on Business and Human Rights to the ASEAN countries | - Ministry of Justice  
- Ministry of Foreign Affairs                                                             | B.E. 2562-2566 (2019-2023) |
| 4   | Develop courses, such as Training of Trainers and disseminate knowledge on business and human rights, which covers the National Action Plan on Business and Human Rights and the UNGPs | Ministry of Justice                                                                  | B.E. 2563-2566 (2020-2023) |
| 5   | Train the trainers on business and human rights                           | Ministry of Justice                                                                  | B.E. 2563-2566 (2020-2023) |
| 6   | Improve E-learning on business and human rights, which covers the content of the National Action Plan on Business and Human Rights and the UNGPs | Ministry of Justice                                                                  | B.E. 2564-2566 (2021-2023) |
| 7   | Develop applications to receive complaints on business and human rights issues | Ministry of Justice                                                                  | B.E. 2564-2566 (2021-2023) |
| 8   | Encourage small and medium-sized businesses to implement the NAP and the UNGPs | Ministry of Justice                                                                  | B.E. 2562-2566 (2019-2023) |
| 9   | Convene meetings to discuss issues that have not yet been achieved in the NAP and push forward for various agencies to implement the National Action Plan on Business and Human Rights | Ministry of Justice                                                                  | B.E. 2564-2566 (2021-2023) |
| 10  | Consider the study of a policy on tax incentives, or benefits, to convince the business sector/state enterprises to implement the National Action Plan | Ministry of Justice                                                                  | B.E. 2563-2566 (2020-2023) |
Consider measures in requiring the business sector/state enterprises to develop Human Rights Due Diligence reports more

Ministry of Justice

B.E. 2563-2566 (2020-2023)

The above information is merely an example of activities that the Rights and Liberties Protection Department of the Ministry of Justice plans to implement. Activities are not limited to projects/actions only specified in the above table, but can also be changed, added to, or modified appropriately according to the facts, resources, and the context of each organisation to ensure the implementation of the National Action Plan on Business and Human Rights successfully.
Chapter 7

Regulating, oversight, monitoring and evaluation
National Action Plan on Business and Human Rights

7.1. Mechanism to Regulate, Oversee and Monitor the implementation of the National Action Plan on Business and Human Rights

The NAP Committee made a resolution for it to be the main mechanism to regulate, oversee, and monitor the implementation of the National Action Plan on Business and Human Rights; since the committee consists of representatives from various agencies that will be involved in the implementation of the National Action Plan. However, at present, the Ministry of Justice is in the process of proposing the establishment of a committee to mobilise the work on human rights in Thailand, with the Deputy Prime Minister (who is also overseeing the Ministry of Justice) as the President of this committee. Once implementation is undertaken, the NAP Committee will be promoted as one of the sub-committees under the committee to mobilise the work on human rights in Thailand. This committee to mobilise the work on human rights will also centre for regulation, oversight, and monitoring of the implementation of work on business and human rights, so as to ensure these are carried out in the same direction and under the framework of the National Agenda on Human Rights.

7.2. Assessing the implementation of the National Action Plan on Business and Human Rights

Assessing the implementation of the National Action Plan on Business and Human rights will be carried out by the National Human Rights Commission since it is in line with the mission it has already carried out. The NHRCT will do so because the NAP on BHR is in line with the mission NHRC previously carried out. The NHRCT will develop a report for two periods; a mid-term report (2564/2021) and a final report (2566/2023). Both reports will be presented to the Cabinet and will be publicly disseminated to the relevant agencies. This implementation according to the National Action Plan, will include reports of implementation from relevant agencies, information, comments, and recommendations from various sectors; which will then be considered as guidelines to improve the National Action Plan so that it protects and addresses the violation of human rights as a result of business activities in a practical and appropriate manner in accordance with conditions in various regions of the country.

7.3. Direction of the National Action Plan on Business and Human Rights

The direction for the development of the National Action Plan depends on the results of the implementation of the National Action Plan on Business and Human rights and the individual context of the country. If appropriate, in the future, there may be a combination of the National Action Plan on Business and Human Rights and the National Human Rights Plan in order for them to be the same mechanism, which will make further implementation, monitoring, and assessment an easier process.