

1st National Action Plan on Business and Human Rights (2019-2022)



**First National Action Plan on Business and Human Rights
(2019–2022)**

**Rights and Liberties Protection Department
Ministry of Justice
Thailand**

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Preamble

This First National Action Plan on Business and Human Rights (NAP) was initiated by the Royal Thai Government (RTG) from the realization of the duty to respond to human rights violations, including but not limited to the impacts that business enterprises have on the fulfilment of human rights. As such, the Royal Thai Government provides concrete measures through the integration of policies, laws, regulations, measures and interventions, both at the national level and international level. Furthermore, international human rights law obligations and the three main principles of the United Nations Guiding Principles on Business and Human Rights (UNGPs) will be taken into consideration, in terms of the duty of the state to protect the human rights of the public, the duty of businesses to respect human rights, and the duty of the state and businesses to provide remediation to victims affected by business enterprises.

The Ministry of Justice through the Rights and Liberties Protection Department, as the focal agency for developing the National Action Plan on Business and Human Rights, initiated the drafting process of the NAP in 2015 (B.E. 2559) with participation from all sectors: governmental, state enterprise, business and civil society. The NAP was created to function as part of an implementation framework for relevant sectors that covers the prevention, mitigation and provision of interventions for human rights violations arising from the business sector. At the same time, advocacy and awareness-raising campaigns were carried out to ensure the public is aware of the UNGPs.

In 2018, the RTG invited the UN Working Groups on the issues of human rights and transnational corporations and other business enterprises (the UN Working Group on Business and Human Rights) for an official visit, during which the UN Working Group provided recommendations which were most relevant and useful to the business and human rights situation in Thailand as well as the NAP. The Ministry of Justice through the Rights and Liberties Protection Department sees that the process provides a learning opportunity across all sectors, in which the NAP is contextualized and feasible on an implementation level.

Lastly, the Ministry of Justice through the Rights and Liberties Protection Department would like to express sincere gratitude to everyone involved in the NAP process, including but not limited to the national, regional and international organizations, which have provided great contributions to Thailand's very first National Action Plan on Business and Human Rights. We look forward to further collaborations and to great success in the implementation of the NAP.

Rights and Liberties Protection Department
October 2019

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Executive summary

1. Background of the First National on Business and Human Rights

The Human Rights Council Resolution 17/4 of 16 June 2011 adopted the United Nations Guiding Principles on Business and Human Rights (the UNGPs) as a guiding framework for interventions including the prevention of human rights violations by businesses. The UNGPs mandate that the State shall hold the duty to protect its people from human rights violations and the business sector shall respect the foundation of human rights. At the same time, the state and business sector both have their duties and responsibilities in providing remediation to the victims of human rights violations from businesses. In the implementation of the UNGPs, the UN Working Group on the issues of human rights and transnational corporations and other business enterprises (UN Working Group on Business and Human Rights) provided recommendations that each country shall have a National Action Plan on Business and Human Rights (NAP) by using the UNGPs as the foundation for the draft, and contextualize the NAP to ensure that it is enforceable and provides solutions to the issues.

The First National Action Plan on Business and Human Rights was established from the government's awareness of the importance, necessity and urgency in countering the violations of human rights as a result of businesses. In recent times, a large number of complaints related to human rights violations by businesses have increased. Therefore, Thailand committed to the voluntary pledge and accepted the recommendations from Sweden during the 2nd Cycle of the UPR process, the 25th Session of the Universal Periodic Review (UPR), which took place on 11 May 2016 in Geneva, Switzerland. This symbolic act signifies the commitment from the State on addressing human rights violations through its promotion of multisectoral partner collaboration – including the business sector and state enterprises – to respect human rights and a commitment on the National Action Plan on business and human rights in compliance to the UNGPs. On 31 January 2017, the Cabinet passed a resolution that designates the Department of Rights and Liberties Protection, Ministry of Justice, to be the key focal agency to develop and draft the National Action Plan on Business and Human Rights and push forward the effective as well as concrete implementation.

2. Conceptual framework, drafting process and the key substance and content of the First National Action Plan on Business and Human Rights

2.1 Conceptual framework

The process of drafting the First National Action Plan on Business and Human Rights derives from the attempt to contextualize the UNGPs to the context of Thailand, for example, the National Strategy B.E. 2561–2580 (2018–2037) ; the National Human Rights Plan; various policies, legislation, rules, regulations, measures and interventions and practical guidelines; and

the national situation, including the human rights obligations and commitments to which Thailand as a state party has committed to; the Sustainable Development Goals (SDGs); and other relevant international standards. The process involved consultations on the challenges and issues that must receive immediate response within the time-frame of the National Action Plan. Furthermore, consultations were made to receive recommendations and comments from different sectoral partners in order to complete the National Action Plan and to ensure that the Plan reflects the true situation and is feasible for successful and effective implementation.

2.2 The drafting process for the NAP

The process was in compliance with the Guidance on National Action Plans on Business and Human Rights, which was established by the UN Working Group on the issues of human rights and transnational corporations and other business enterprises (also referred to as the UN Working Group on Business and Human Rights) that functions as a guideline for states in drafting a National Action Plan. The National Action Plan on Business and Human Rights of Thailand has been under the supervision of the NAP National Committee, who was tasked to and provided steering direction, drafting, and monitoring and evaluation of the NAP. The Committee consisted of the Director General of the Rights and Liberties Protection Department (RLPD) as the chairperson and representatives from various agencies as its members. The process of drafting of the National Action Plan can be divided into three phases as follows:

Phase One (2016–2017): Consolidation of information on the situation of business and human rights at the local level

The Ministry of Justice through the Rights and Liberties Protection Department, together with other partners – for example, the Thai representative of the ASEAN Intergovernmental Commission on Human Rights (AICHR), members of the Global Compact Network Thailand, and civil society – conducted regional workshops to gather data on the situation of business and human rights in each region. The workshop consolidated information in terms of development, problems, challenges and obstacles. The objectives were to understand the country situation and to use this as the foundation for the drafting of the National Action Plan.

Phase Two (2017–2018): Drafting and consultations on the National Action Plan on Business and Human Rights (Round One)

The Ministry of Justice, through the RLPD, together with the Faculty of Law, Thammasat University, developed the Zero Draft, which was taken into consultations with the different sectors across five regional areas nationwide. The content was then published on the website for the first time from the period of 27 June to 31 July 2018. That allowed opportunities for public hearing and recommendations were also accepted through posts. Afterwards, the Royal Thai Government invited the UN Working Group on Business and Human Rights for its official mission to Thailand. The UN Working Group provided feedback, comments and recommendations which proved useful for the development of the situation of business and human rights in the country as well as the

National Action Plan. The National Action Plan was drafted in compliance with the UNGPs and contextualized to the national context. The feedback, recommendations and suggestions given from all sectors helped improve the draft of the National Action Plan.

Phase Three (2018–2019): Consultations and dialogue on the National Action Plan on Business and Human Rights (Round Two) and the final revision of the National Action Plan.

The Ministry of Justice, through the RLPD, in collaboration with the United Nations Development Programme (UNDP), hosted a series of cluster meetings with various stakeholders including international organizations, the public sector, civil society, state enterprises and the business sector to consolidate feedback to the draft National Action Plan. The draft National Action Plan was then published online for the second time from 15 February to 15 March 2019 for feedback and recommendations, after which the feedback was then taken into consideration and the NAP revised before it was proposed to the Cabinet.

Current status On 29 October 2019, the Cabinet officially approved the first National Action Plan on Business and Human Rights of Thailand as proposed by the Rights and Liberties Protection Department, Ministry of Justice, marking Thailand as the first country in Asia to have a stand-alone National Action Plan on Business and Human Rights. The official adoption and announcement of the First National Action Plan on Business and Human Rights in Thailand reaffirms the leadership of Thailand in the ASEAN region as well as in Asia. Moreover, it also helps promote responsible business conduct, the respect of human rights, refraining from human rights violation against the community and people in surrounding areas where business takes place, and concretely guarantees the protection of human rights in line with international human rights standards.

2.3 Key content and substance of the National Action Plan on Business and Human Rights

2.3.1 Key content

The Draft of the National Action Plan consists of four main chapters:

Chapter 1: Preamble. Provides background and the foundation of the UNGPs, the drafting in different contexts at the international level, and the history of the draft of the National Action Plan in Thailand.

Chapter 2: The process of drafting the National Action Plan. This chapter consists of the process of the drafting of the National Action Plan, key priority areas, the linkages and relevance between the NAP and other national plans and strategies. Furthermore, the Sustainable Development Goals and time-frame are included in this chapter as well.

Chapter 3: Key content of NAP which consists of 1) Action Plan on Labour; 2) Action Plan on the Community, Land, Natural Resources and the Environment; 3) Action Plan on Human Rights Defenders; and 4) Action Plan on Cross Border Investments and Multinational Enterprises. The content of each of the action plans consists of the overall situation, challenges, actions to be implemented, responsible agencies, time-frame, indicators, and linkages between the implementation plan and national strategy, the SDGs, and the UNGPs.

Chapter 4: The implementation of the action plans. This includes the implementation, steering, monitoring and evaluation of both the short-term action plan and long-term implementation; mechanisms for the monitoring and evaluation of the implementation of the action plan; assessment of the outcomes of the action plan; and steering direction of the action plan.

2.3.2 Indicators

The NAP indicators combine both qualitative and quantitative indicators. Each indicator was designed to fit each different activity, depending on the consideration of the responsible agency for that activity. At the same time, the indicators needed to be based on facts and the feasibility of implementation. The indicators will be used for the monitoring and evaluation of the outcomes of the implementation of the Action Plans.

3 Mechanisms for the implementation, monitoring and evaluation of the outcomes of the National Action Plan on Business and Human Rights

The implementation of the NAP will be conducted by the designated focal agencies for each activity. The monitoring and evaluation of the outcomes of the NAP will be conducted through the Sub-Committee on Driving Forward Human Rights Work in Thailand which has been established under the National Committee on Driving Forward Human Rights Work in Thailand. The Sub-Committee consists of the Director General of RLPD as the Chairman, and members consist of representatives from various stakeholders including governmental agencies who are responsible for the implementation of the action plan.

4 Expected results and the benefits of the NAP

Domestic situation

- Ensures the commitment of government to respect and promote human rights
- Governmental agencies, state enterprises and the business sector use the same framework on the promotion, protection and prevention of human rights violations with the aim to reduce the risk of the business sector to cause human rights violations. This will also create a crucial intervention that will efficiently prevent, address and solve the problem of human rights violations caused by businesses.

- Strengthens multisectoral networks across different partner organizations because of the NAP's emphasis on dialogue and participatory processes, especially involving those who are impacted by the issue.

Social dimension

- Promotes more safety in Thai society as well as ensures the public that human rights violations by the State, state enterprises and private sector are prohibited.
- The public feels secure, safe and happy in life. This is from the fact that Thailand has some guarantee and insurance of rights and liberties that are equal to the international human rights standards.
- Highlights the fact that Thai society respects and promotes human rights. Human rights work is integrated fully into the public sector, state enterprises, businesses and civil society, which will lead to the sustainable development of the society.

Economy and investment dimension

- Increasingly urges the business sector to invest in Thailand due to the increasing of confidence in human rights protection by Thailand.
- Increasing the number of foreign investors in Thailand by creating trust among foreign investors that Thailand will adhere to international human rights standards and also have measures in place, not only to promote responsible business conduct, but also to protect and provide remedy to persons affected from adverse impact on human rights violations caused by businesses.
- Encourages and expands the clientele of Thai entrepreneurs who respect and believe in human rights.

International affairs

- Creates a positive image of Thailand in the international community by proving that Thailand has the strong intention and is determined to address problems of human rights violations by businesses, promoting responsible business conduct, as well as preventing and protecting people from adverse impacts derived from business activities in line with international standards.
- Signifies collaboration and commitment in the implementation of the UNGPs, which is an international standard widely acclaimed at the global level.
- Confirms Thailand's role as a leader in the ASEAN community and creates strong acceptance and trust from the international community.

CHAPTER 1

Introduction

1.1 United Nations Guiding Principles on Business and Human Rights

The United Nations Guiding Principles on Business and Human Rights (UNGPs) were established from an analysis on the situation of business and human rights conducted by Professor John Ruggie while he was a UN Secretary-General's Special Representative on Business and Human Rights (he was appointed by Kofi Annan, the Secretary-General of the United Nations at that time). The UNGPs were endorsed by the UN Human Rights Council (HRC) on 16 June B.E. 2554 (2011). The UNGPs are considered as the first international document that assigns roles, relationships and responsibilities between the state and the private sector in relation to business and human rights. However, the UNGPs are not an international treaty that requires enforcement at the domestic level. It is not a legally binding instrument, nor attached to any international agency. Therefore, the acceptance of the UNGPs both in practice among the public and private sector is solely on a voluntary basis.

The UNGPs consists of 31 key principles – consisting of three main pillars as follows:

The First Pillar: Protection assigns roles and responsibilities of the state in the protection of human rights (Principles 1 to 10). As such, the state has the duty to protect individuals from all forms of violations whether imposed upon them by the state, person, non-governmental organizations or the private sector. Even though the state is not, by itself, responsible for human rights violations in which the private sector is a perpetrator, the state has duties to protect against human rights abuses by taking appropriate steps to prevent, punish and redress such abuse. In such case that there exist violations imposed by the policies or the measures, for instance, justice administration, the state also holds the responsibility to ensure that business enterprises receive effective guidance in their territories and jurisdictions on how to respect human rights throughout their operations.

Furthermore, the state is responsible for creating an environment that fosters respect for human rights, which includes but is not limited to the global operations of the enterprise, especially in the case that the home state is involved or supported by linkages between the state and business enterprises. The UNGPs 4 to 6 continue to refer to the roles of the state in providing protection of human rights in various modes of operation: by state enterprises, government contracts with private businesses, and in the case of commercial transactions between the government and private enterprises (for instance, procurement) which includes human rights obligations in the contract between government and the private enterprise.

Details of Pillar One on the State Duty to Protect Human Rights (Principles 1 to 10) can be summarized as follows:

A: Foundational principles

1. States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

2. States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

B. Operational principles

3. In meeting their duty to protect, States should:

- a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically assess the adequacy of such laws and address any gaps
- b) Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights
- c) Provide effective guidance to business enterprises on how to respect human rights throughout their operations
- d) Encourage, and where appropriate require, business enterprises to communicate to the public on how they address their human rights impacts.

4. States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.

5. States should exercise adequate oversight in order to meet their international human rights obligations when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights.

6. States should promote respect for human rights through business enterprises they conduct commercial transactions with.

7. Because the risk of gross human rights abuses is heightened in conflict-affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by:

- a) Engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships
- b) Providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence
- c) Denying access to public support and services for a business enterprise that is involved with gross human rights abuses and refuses to cooperate in addressing the situation
- d) Ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses.

8. States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support.

9. States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts.

10. States, when acting as members of multilateral institutions that deal with business-related issues, should:

- a) Seek to ensure that those institutions neither restrain the ability of their member States to meet their duty to protect nor hinder business enterprises from respecting human rights
- b) Encourage those institutions, within their respective mandates and capacities, to promote business respect for human rights and, where requested, to help States meet their duty to protect against human rights abuse by business enterprises, including through technical assistance, capacity-building and awareness-raising
- c) Draw on these Guiding Principles to promote shared understanding and advance international cooperation in the management of business and human rights challenges.

The Second Pillar: Respect addresses the responsibilities private enterprises hold in respecting human rights (Principles 11 to 24), or in other words, the private enterprises shall operate in compliance to the domestic law which protects and promotes the human rights of its

people. Moreover, private enterprises shall hold responsibility for the respect of human rights by avoiding infringement and managing adverse human rights impacts which occur. The evaluation of such impacts should be in place to prevent violations. Adequate measures for their prevention, mitigation and remediation should be in place. Private enterprises should have human rights due diligence adequate to the scale of the business, the risks and the impacts that may result from the operations.

The context of the Second Pillar – The Corporate Responsibility to Respect Human Rights (Principles 11 to 24) can be summarized as follows:

A. Foundational principles

11. Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts in which they are involved.

12. The responsibility of business enterprises to respect human rights refer to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.

13. The responsibility to respect human rights requires that business enterprises:

- (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur
- (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

14. The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise’s adverse human rights impacts.

15. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

- (a) A policy commitment to meet their responsibility to respect human rights
- (b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their adverse impacts on human rights

- (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

B. Operational principles

16. As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that is:

- (a) Approved at the most senior level of the business enterprise
- (b) Informed by relevant internal and/or external expertise
- (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services
- (d) Publicly available and communicated internally and externally to all personnel, business partners and other relevant parties
- (e) Reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

17. In order to identify, prevent, mitigate and account for how they address their human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:

- (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships
- (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations
- (c) Should be ongoing, recognizing that human rights risks may change over time as the business enterprise's operations and operating context evolve.

18. In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts in which they may be involved either through their own activities or as a result of their business relationships. This process should:

- (a) Draw on internal and/or independent external human rights expertise

- (b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.

19. In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action.

- (a) Effective integration requires that:
 - (i) Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise
 - (ii) Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts.
- (b) Appropriate action will vary according to:
 - (i) Whether the business enterprise causes or contributes to an adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship
 - (ii) The extent of its leverage in addressing the adverse impact.

20. In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should:

- (a) Be based on appropriate qualitative and quantitative indicators
- (b) Draw on feedback from both internal and external sources, including affected stakeholders.

21. In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:

- (a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences
- (b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved
- (c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

22. Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.

23. Business enterprises should:

- (a) Comply with all applicable laws and respect internationally recognized human rights wherever they operate
- (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements
- (c) Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.

24. Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.

The Third Pillar: Remedy Those affected by human rights violations from business enterprises should have access to effective remedies with the involvement of state in the steps to investigate, punish and redress business-related human rights abuses. The remedy can be through the state’s judicial system and non-judicial mechanisms, or through complaint mechanisms of private businesses, and measures such as consultations, communications of relevant information, and warning of the impacts of such action that may be inflicted upon persons or a related community, including measures for remedy or to mitigate the abuse inflicted by the enterprise.

The summary of the third pillar, Access to Remedy (Principles 25 to 31) can be summarized as follows:

A. Foundation principle

25. As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through juridical, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction, those affected have access to effective remedy.

B. Operating principles

26. States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.

27. States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse.

28. States should consider ways to facilitate access to effective non-State-based grievance mechanisms dealing with business-related human rights harms.

29. To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.

30. All stakeholders should ensure that effective grievance mechanisms are available.

31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:

- (a) Legitimate
- (b) Accessible
- (c) Predictable: with clear and known procedures with an indicative time-frame.
- (d) Equitable
- (e) Transparent
- (f) Rights-compatible
- (g) A source of continuous learning
- (h) Based on engagement and dialogue.

In practice, there are several human rights-related issues related to the context of business practices, for example, rights and freedom of expression, the right to peaceful assembly and association, the right to participation in political and public affairs, labour rights, community rights, the right to access to justice, protection of human rights defenders, impact from mega-infrastructure projects or investments including special economic zones, land rights, the right to health, the right to the environment and natural resources, and right to be free from discrimination. Furthermore, vulnerable groups, such as women, children, the elderly, persons with disabilities, ethnic groups, migrant workers and LGBTI people are at risk of human rights abuse by businesses.

Following the UNGPs is considered a comprehensive way for the promotion of the protection of human rights in an integrated manner and in alignment with the various international human right treaties to which the State is a party. Moreover, dialogues at international and national platforms have led to the development and linkages with other relevant key concepts such as Corporate Social Responsibility (CSR), Sustainable Business, Social Enterprises and the Sustainable Development Goals (SDGs).

Therefore, to ensure that the UNGPs are implemented in a concrete and efficient manner, the UN Working Group on Business and Human Rights recommended that States establish National Action Plans on Business and Human Rights (NAPs) by using the UNGPs as a standard to design a strategic framework, operational measures and an action plan, as well as to develop a mechanism to implement and contextualize the UNGPs at the country level. The contextualization should consider the different contexts and the situation of the country as a priority. As such, the state must conduct a gap analysis to identify the cause of human rights abuses, systematically evaluate the progress of the action plan, and review and revise the action plan to ensure that it is always up to date.

1.2 Guidelines on developing the National Action Plan on Business and Human Rights

The drafting of the National Action Plan on Business and Human Rights was based on the Guidance on National Plans on Business and Human Rights that was established by the UN Working Group on Business and Human Rights to be used as guidance for different countries. The drafting process was based on the mutual understanding of “no one size fits all” or, in other words, the drafting process had no single format. It can be done as a stand-alone action plan or attached as part of an existing policy framework.

(1) The NAP drafting process

The UN Working Group divided the drafting process of the National Action Plan on Business and Human Rights into 5 phases consisting of 15 processes as follows:

Phase 1: Beginning phase

1. Announcement of the Government’s commitment
2. Collaboration between different sectors and assignment of focal agency
3. Strengthening the participation process with other non-governmental stakeholders
4. Drafting of the action plan, and allocating budget for the implementation

Phase 2: Assessment and consultation with other sectors

5. Understanding the adverse impact on human rights
6. Identifying the gaps in UNGPs implementation, both in the governmental sector and business sector
7. Consultations with various sectors and prioritization of the issues

Phase 3: Drafting of the National Action Plan on Business and Human Rights

8. Initial draft of the NAP
9. Consultation of the initial draft with the relevant sectors
10. Final revision of the NAP and launch

Phase 4: Implementation of the NAP

11. Implement the activities assigned in the NAP together with other agencies.
12. Ensuring monitoring and assessment of the NAP by the different sectors

Phase 5: Revision of the NAP

13. Conduct impact assessment of the NAP and identify gaps.
14. Consultations with different sectors and prioritize.
15. Draft the revised NAP and consult with other sectors for final revision. Official adoption and announcement of the NAP.

As such, the current status of the NAP process is under the implementation of the framework of phases 1 to 3. For phase 4, it is the implementation that puts the plans into action. For phase 5, it is the follow-up and revising the NAP to ensure it is up to date and is in alignment with the current situation and context of Thailand.

(2) Key content of the NAP

The UN Working Group provided the recommendation that even though the NAP can be contextualized, there are key four areas that should be included in the plan:

Part 1: Introduction that reflects the Government's commitment in protecting people from adverse impacts on human rights resulting from business operations.

Part 2: Communicates the basic foundation of the UNGPs – relationships between the NAP and governmental policies, challenges on business and human rights.

Part 3: Key challenges that needs to be resolved under the NAP; activities for implementation, with clear guidelines, responsible agencies, time-frame and indicators.

Part 4: Process, review mechanisms, follow up and revision of the NAP.

Furthermore, the UN Working Group emphasized that the key content of part 3 should be to reduce the adverse human rights impact from business operations, with the following recommendations:

- (1) Prevent and reduce risks of human rights violation as well as provide remedies for adverse human rights impacts
- (2) The problem needs to be addressed and linkages shall be made to the UNGPs on its three main pillars
- (3) A sensible mix of mandatory and voluntary measures should be used to address business-related human rights violation problems, both at the domestic and international level.
- (4) Gender perspectives shall be put into consideration of the different impacts on women and men, girls and boys.

1.3 National Action Plan on Business and Human Rights: the international context¹

At present, 25 countries have included the issues of business and human rights as part of their policies at the national level which have been contextualized according to their national situation, as follows

1.3.1 The States that have their own stand-alone plan, a National Action Plan on Business and Human Rights, are 22 in total: – Belgium, Chile, Columbia, Czech, Denmark, Finland, France, Germany, Ireland, Italy, Kenya, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. However, the content, details and key concepts of each of the NAPs differs according to their own context. Many States adopted a general guideline without a clear action plan. Some countries, for example Spain and Switzerland, drafted the NAP adopting only Pillar 1 and Pillar 3, as those are the areas that the State can be responsible for. For some other States, such as France and Denmark, specific activities have been designed, and the focal agency has been designated as well.

1.3.2 The States which assigned Business and Human Rights as part of their National Human Rights Plan without having a separate National Action Plan were Georgia and the Republic of Korea (South Korea).

1.3.3 The country that has a similar National Action Plan is the United States, which has its own National Action Plan on Responsible Business Conduct – which is a reference to the OECD Guidelines that also cover the subject of business and human rights.

1 Information received on 29 October 2019 from The Danish Institute for Human Rights <http://globalnaps.org> and the Office of High Commissioner for Human Rights <http://globalnaps.org>

In terms of international affairs, the UN Working Group has continued to highlight that the National Action Plans on Business and Human Rights are country-specific, and there is no exact formula, but each country shall appropriately apply it to their different national contexts. Most importantly, it needs to be effectively implemented at the national level.

1.4 Thailand and the drafting of the National Action Plan on Business and Human Rights

The drafting of the National Action Plan on Business and Human Rights in Thailand was initiated by the Royal Thai Government, which acknowledges the importance, necessity and urgency of responding to human rights violations from business operations. This is a result of the policy recommendations proposed to the Cabinet by the National Human Rights Commission of Thailand in order to develop mechanisms for the monitoring of Thai investments abroad. The said recommendations also included emphasis on the respect of human rights foundations with the UNGPs framework.

The commitment by the Royal Thai Government in solving human right violations from business operations is reflected through the Voluntary Pledge during the 2nd Cycle of the Universal Periodic Review of Thailand, the 25th Session of the UPR, on 11 May 2016. The RTG committed to promoting the principles of business in human rights as well as accepted the recommendations made by Swedish Government, for Thailand, to develop, adopt and implement the NAP that is in alignment with the UNGPs. Furthermore, after Thailand accepted the recommendation and made the voluntary pledge, relevant agencies drafted the “Action Plan on the Voluntary Pledge to the Accepted Recommendations under the UPR”, in which the activities, time-frame and responsible agencies under each of their respective issues according to the recommendations are included as part of the plan. The action plan was then proposed to the Cabinet. On 31 January 2017, the Cabinet agreed with the draft of the Action Plan on the Voluntary Pledge to the Accepted Recommendations under the UPR, under which the subject of business and human rights was assigned to the Rights and Liberties Protection Department, Ministry of Justice, to act as the responsible focal agency to draft the NAP and drive forward to concrete implementation of the NAP.

The Department of Rights and Liberties Protection, Ministry of Justice, was assigned as the focal agency because the Department of Rights and Liberties Protection is a core governmental agency under the Ministry of Justice which is mandated to be responsible for human rights issues, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Periodic Review (UPR), and also responsible for the drafting, steering, monitoring and evaluation of the National Human Rights Plan of Thailand.

CHAPTER 2

The drafting process of the National Action Plan on Business and Human Rights

2.1 The process of developing the National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice started the process of developing a National Action Plan on Business and Human Rights in 2016, with the following process:

(1) Appointment of a Committee to Prescribe, Prepare, Monitor and Evaluate the Implementation of the National Action Plan on Business and Human Rights (the NAP National Committee)

The Ministry of Justice issued its order no. 557/2559 (2016) dated 14 November 2016 to appoint a committee to prescribe, prepare, monitor and evaluate the implementation of the National Action Plan on Business and Human Rights – the NAP National Committee – chaired by the Director-General of the Rights and Liberties Protection Department. The Committee comprises representatives from relevant agencies such as the Office of the National Human Rights Commission of Thailand, Ministry of Foreign Affairs, Ministry of Commerce, Ministry of Finance and Ministry of Labour, etc. The Committee has the authority to consider and determine the guidelines for drafting, implementing, monitoring and evaluating the NAP; encourage various sectors to implement the NAP; and provide suggestions for implementation and revision of the NAP. However, due to the fact that the implementation of the UNGPs is related to various sectors, namely, the government, business and civil society sectors and more, therefore, in order to effectively implement the UNGPs and achieve the goals as set in the NAP, the Rights and Liberties Protection Department under the Ministry of Justice issued a new order no. 89/2561 (2018) dated 19 March 2018, regarding the appointment of a committee to prescribe, prepare, monitor and evaluate the implementation of the National Action Plan on Business and Human Rights in which the composition and authority remain the same but with additional representatives from government agencies, the business sector and civil society sector. The NAP National Committee has held meetings periodically since 2016 until present to provide comments and suggestions for the developing of the NAP.

(2) The 1st National Dialogue on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice has collaborated with the Thai representative of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the Global Compact Network Thailand Association to organize the

first national dialogue on business and human rights on 22 December 2016 in order to (1) Launch the official operation of Business and Human Rights of the Ministry of Justice; (2) Raise awareness about the UNGPs; (3) Exchange information about the results of business and human rights operations among different sectors; and (4) Plan to drive forward the “Business and Human Rights” agenda together with all sectors. With information received from the meeting, the Rights and Liberties Protection Department under the Ministry of Justice has summarized and initially identified issues and situations of human rights in the business sector, as well as used the data to supplement the development of the action plan.

(3) Gathering information on situations of Business and Human Rights at the regional level (First Regional Consultation)

The Rights and Liberties Protection Department under the Ministry of Justice together with the Thai representative of the ASEAN Intergovernmental Commission on Human Rights (AICHR), the Global Compact Network Thailand, Manushya Foundation and Thai CSOs Coalition for the UPR conducted the first regional consultation with an aim to gather information on the situation of business and human rights in four regions (Chiang Mai, Khon Kaen, Rayong and Songkhla). The regional consultations were organized with the participation of various related sectors such as government, civil society, the private and business sector, and also people affected by business operations, etc. The consultation in each region was held in the same format, that is, the meeting started by creating knowledge and understanding for the participants to understand the basic objectives of the UNGPs, the government and business operations that drive forward the UNGPs, and the plan to develop the NAP; as well as receiving comments and suggestions from representatives of civil society in the area. Then, at the end of the meeting, the participants were divided into small groups to discuss the business and human rights situation in the area, and to consider selecting the top three priority issues in the area which should be urgently resolved. The information gathered were used to formulate the NAP.

(4) The first expert group meeting to exchange knowledge on the development of the civil society organization baseline assessment (CSO NBA) and the National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice together with Thai representative of the ASEAN intergovernmental commission Human Rights (AICHR), the Manushya Foundation and Thai CSOs Coalition for the UPR organized the meeting on 2 and 3 September 2017 at Sampran Riverside Hotel, Sampran District, Nakhon Pathom Province with the objective of being a forum for exchanging knowledge with experts from different countries on business and human rights issues, including how to develop the CSO baseline assessment on the situation of business and human rights in Thailand and received recommendations and suggestions on how to develop the National Action Plan on Business and Human Rights.

(5) The second expert group meeting to exchange knowledge on the development of the baseline assessment of civil society organizations (CSO NBA) and the National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice collaborated with the Faculty of Law, Thammasat University, to analyse the information on the business and human rights situation obtained from the first regional consultation, the meetings with various sectors and the official visit of the UN Working Group, including recommendations from the National Human Rights Commission of Thailand, the NAP National Committee, from 2016 to 2018. All of these were compiled and develop into a zero draft of the NAP. The zero draft of the NAP then went to the five regions (Rayong, Songkhla, Chiang Mai, Khon Kaen and Bangkok) to allow all regions to criticize it and provide comments as well as suggestions to improve it.

(8) Hearing opinions on the zero draft of the National Action Plan on Business and Human Rights through the website of the Rights and Liberties Protection Department and by mail

The Rights and Liberties Protection Department under the Ministry of Justice uploaded the zero draft of the NAP onto its website and provided the opportunity for the public to voice their opinions from 27 June to 31 July 2018, including the opportunity for those wishing to express their views to send suggestions and comments by mail to improve the draft of the NAP.

(9) Discussion with the representatives of the UN agencies in Thailand to comment on the draft National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice in collaboration with the United Nations Development Program (UNDP) organized a cluster meeting to discuss the draft of the NAP with representatives from United Nations agencies in Thailand on 20 August 2018 at the United Nations Office, Bangkok. Useful comments and suggestions were added to improve the draft NAP.

(10) Discussion with civil society to comment on the draft National Action Plan on Business and Human Rights

The Office of the National Human Rights Commission of Thailand together with the Rights and Liberties Protection Department under the Ministry of Justice, Ministry of Foreign Affairs, the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR) held a workshop on “The role of civil society in developing the National Action Plan on Business and Human Rights” on 23 August 2018 at Mida Hotel, Don Muaeng, Bangkok, to provide opportunity for civil society to criticize the draft

NAP. Comments and suggestions from civil society were compiled, by the Rights and Liberties Protection Department, to further improve the draft NAP.

(11) Discussion with government agencies to comment on the draft National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice in collaboration with the United Nations Development Programme (UNDP) held the Cluster Group Meetings on 21 and 22 November 2018 at Novotel Hotel, Sukhumvit 20, Bangkok, to hear comments and suggestions on the draft NAP from relevant government agencies related to the four key priority areas specified in the NAP, namely, (1) labour; (2) community, land, natural resource and environment; (3) human rights defender; and (4) cross border investment and multinational enterprise.

(12) Discussion with the business sector and state enterprises to comment on the draft National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice in cooperation with the United Nations Development Programme (UNDP) organized a meeting with business organizations as well as state-owned enterprises on 30 November 2018 at Novotel Hotel, Sukhumvit 20, Bangkok, to hear their comments and suggestions on the draft NAP, especially in the area of Column 2, which sets the expectations from the government towards the business sector in order to encourage businesses and state enterprises to respect human rights.

(13) Criticizing the final draft of the National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice amended the draft NAP as discussed with various target groups such as international organizations, civil society, government and business. After that, the amended version of draft NAP was uploaded to the website of the Department for final comments before revising and then proposing it to the Cabinet.

(14) Finalize the revision of the draft of the National Action Plan on Business and Human Rights and submission to the Cabinet for consideration

The Rights and Liberties Protection Department under the Ministry of Justice brought comments and suggestions gained from criticizing the final draft to improve the draft NAP before proposing it to the Cabinet for consideration.

In addition to the processes mentioned above, many sectors have held meetings to view the draft NAP with representatives from the Rights and Liberties Protection Department attending. Many departments also submitted suggestions on the draft NAP to the Rights and Liberties Protection Department in the form of letters and emails in which all information and comments were considered useful and helped complete the draft NAP to be more consistent with the current situation.

2.2 Key priority areas in the National Action Plan on Business and Human Rights

The Rights and Liberties Protection Department under the Ministry of Justice collected data, comments and suggestions received from discussions with various related sectors, field trips and written suggestions, including comments from the National Human Rights Commission and the UN Working Group on Business and Human Rights. The information and views were also collected from the analysis of the current situation on business and human rights, as well as on the three main urgent issues, which were needed to be addressed, selected by participants in the regional consultations. All of this information was submitted to the NAP National Committee to consider and select the top priorities that should be put in the NAP. The Committee finally selected the following issues as the Key Priority Areas that are included in the 1st National Action Plan on Business and Human Rights of Thailand:

- (1) Labour
- (2) Community, Land, Natural Resources and Environment
- (3) Human Rights Defenders
- (4) Cross Border Investment and Multinational Enterprises

The four issues above were reflected in many areas, with various methods, problems and activities involving individuals, communities and society at large. In addition, the issues are complicated and involve with both internal and external sectors. Therefore, they should be resolved as a priority.

2.3 The linkages between the National Action Plan on Business and Human Rights and other plans and policies on the national level including the SDGs

The 20-year National Strategy. The National Action Plan on Business and Human Rights is consistent with the 20-year National Strategy in many dimensions, such as:

- (1) Creating social equality opportunities by aiming to solve the problem of discrimination of labour rights and occupation by gender, physical disability, status or other reasons to create equality for people to access job opportunities.

(2) Green growth which is environmentally friendly emphasizes the importance of sustainable development and being harmless to the environment in which any project that could do any harm has to go through an environmental impact assessment (EIA) by focusing on the duties and responsibilities of the business sector, both internal and external investment. People who are affected by the project must be given an opportunity to access the above information in a participatory way. In the event of any damage occurred, fair remedies must be given without delay.

(3) Rebalancing public sector development by setting a goal to be “The public sector of the people for the people”. The action plan will emphasize the improvement of grievance procedures and remedy mechanisms to be effective. It will include a mechanism for tracking and reporting the results to the complainants through communication channels in a variety of forms, including the use of technology to be able to communicate quickly and conveniently.

Policy statement of the Cabinet by General Prayut Chan-o-cha, Prime Minister, to the National Legislative Assembly on 12 September 2014 on state security and foreign issues, included statements on reducing social disparity and creating opportunities to access government services, enhancing the country’s economic potential, and promoting roles and opportunities in the ASEAN Community.

Policy statement of the Cabinet by General Prayut Chan-o-cha, Prime Minister, to the Parliament on 25 July 2019 on reforming public administration, reviewing laws and regulations to facilitate business and daily lives operations, including ensuring that inbound and outbound investment can be done under the evolution of different contexts, monitoring and promoting government agencies to strictly adhere and enforce the law with the aim to create justice, equality and fairness in society in accordance with the rule of law and international standards.

The National Agenda “Human Rights as Driving Force for Thailand 4.0 Policy towards Sustainable Development”, approved by the Cabinet on 21 November 2017, the National Human Rights Agenda has included business and human rights issues as one of the important activities which must be completed with participation from all sectors.

The Twelfth National Economic and Social Development Plan, Strategy 2 which is the Strategy for Social Cohesion and Just Society and Strategy 3 which is the Strategy for Strengthening Sustainable Economic Capacity and Competitiveness. Although the Twelfth National Economic and Social Development Plan does not directly mention human rights in the business sector, it emphasizes promoting corporate social responsibility² in order to create a just society and reduce inequality and to identify indicators for business in terms of increasing the number of social enterprises.³

2 The 12th National Economic and Social Development Plan (2017–2021), p. 78.

3 Ibid., p. 67.

National Human Rights Plan. The Rights and Liberties Protection Department is the core government agency responsible for developing, driving and evaluating the National Human Rights Plan (currently the 4rd National Human Rights Plan 2019–2023 is under the consideration of the Office of the National Economics and Social Development Council). The National Human Rights Plan covers the overall protection of human rights by dividing protection according to human rights issues in 11 areas and 15 target groups which includes the protection of economic rights, labour rights, land rights, natural resources and the environment, etc. Therefore these issues can be linked to the issues of business and human rights. Although the National Human Rights Plan does not directly certify the UNGPs, it has emphasized the responsibility of the private sector to respect human rights, the role of ISO 26000, and Corporate Social Responsibility (CSR). For the 4th National Human Rights Plan which is currently being prepared, there will be references and links to the NAP as well.

Sustainable Development Goals (SDGs). Many goals are aligned with the NAP such as **Goal 8**, to promote sustainable and thorough economic growth, enhancing full-time employment and quality work for everyone. **Goal 9** is to develop infrastructure to be ready to change, and to promote adaptation to a sustainable and thorough industry, and to support innovation. **Goal 16** is to promote a peaceful, fair, non-discriminatory society for sustainable development.

International Covenant on Economic, Social and Cultural Rights (ICESCR). The Cabinet passed a resolution on 5 April 2016, assigning the Rights and Liberties Protection Department under the Ministry of Justice to be the core governmental agency responsible for the implementation of the obligations under the ICESCR Covenant which have human rights issues that are consistent with business operations, such as labour rights, health rights, community rights, etc.

The Universal Periodic Review (UPR). The Rights and Liberties Protection Department of the Ministry of Justice in collaboration with the Department of International Organization of the Ministry of Foreign Affairs are the focal agencies responsible for drafting the UPR report and encouraging implementation of the recommendations received from UPR at the domestic level. On 11 May 2016, Thailand underwent a second cycle of review of the human rights situation under the UPR process in Geneva, Switzerland. Thailand made a voluntary pledge to promote the respect for human rights in the business sector, as well as accepted recommendations from various countries including Sweden to develop, prepare and implement the action plan according to the UNGPs.

2.4 Time-frame for enforcement of the National Action Plan on Business and Human Rights

The First National Action Plan on Business and Human Rights has a four-year enforcement period, 2019–2022, in order to be consistent with the initial period of enforcement of the National Strategy. Such a time-frame will make it easy to share and integrate information among relevant agencies as well as enhance benefit for implementation, monitoring and evaluation in line with the time-frame of the National Strategy, Master Plans under the National Strategy, and other relevant plans.

The core content of the National Action Plan on Business and Human Rights

3.1 Action plan on labour

3.1.1 Overall situation

The Royal Thai Government attaches great importance to the protection of the rights of all workers by amending the law and improving various measures to increase the protection and welfare of workers to comply with the standards of the International Labour Organization and international human rights obligations such as increasing minimum wage nationwide since 1 April 2018, the promulgation of the Social Security Act (No. 4) 2015, the Maritime Labour Act 2015, the Labour Protection Act 1998 (No. 5) 2017, (No. 6) 2017 and (No. 7) 2019, the Migrant Worker Management Royal Decree (No. 2) 2018, etc. Recently, the Ministry of Labour has drafted the Act on Prevention and Elimination of Forced Labour, which increases benefits for labour in various cases – for example, in the case of unemployment, temporarily shutdowns or the intention to cause injury, disability and death – and expands the protected group to include government temporary employees, and employees of employers who have offices abroad and employees who are working abroad. In 2017, there were 16,872,900 workers in the system and 20,747,300 out-of-system workers.⁴

The government has taken various steps to protect the safety of workers including ratifying many Conventions of the International Labour Organization. The latest were the Convention No. 187 on the Promotional Framework for Occupational Safety and Health Convention 2006, ratified on 23 March 2016; the Maritime Labour Convention 2006, ratified on 7 June 2016; Convention No. 111 on Discrimination Employment and Occupation Convention 1958, ratified on 13 June 2017; Protocol of 2014 to the Forced Labour Convention 1930 (P29), ratified on 4 June 2018; and most recently, the Convention No.188 on the Work in Fishing Convention 2007, ratified on 30 January 2019.

At present, the government has registered more than 2 million migrant workers,⁵ allowing them to work legally and receive equal protection and gain access to public services and benefits. Thailand also cooperates with neighbouring countries in preventing labour trafficking in all channels and signed a Memorandum of Understanding on labour cooperation and a Memorandum of Agreement on employing labour from Vietnam, Cambodia, Myanmar and Laos, expanding the dimension of labour cooperation from the original issue into important fields such

4 Labour Statistics Year 2017 of the Ministry of Labour

5 The Minister of Labour announced the progress of the operation "national verification in the fishery sector" on 15 February 2018.

as technical cooperation and skills development. In addition, the government has promulgated the Migrant Worker Management Royal Decree 2018 (No. 2), which allows employers to register migrant workers and the period of registration was extended several times to ensure opportunity for migrant workers to be legally registered. On 16 January 2018, the Cabinet approved a waiver for migrant workers from Cambodia, Laos and Myanmar who comply with the regulations to continue working in Thailand for a period of time as announced in response to the situation that Thailand still relies on labour from neighbouring countries. The Cabinet also asked all provinces to establish a management committee for migrant workers in their area and to supervise the implementation of nationality verification and establish a database of migrant workers in the province,⁶ which shows the intention to develop Thai labour standards to be equal to international standards.

The Thai government pays attention to the prevention, suppression and elimination of Illegal Unreported and Unregulated (IUU) fishing. In 2015, the RTG established the Command Center for Combating Illegal Fishing (CCCIF) to solve illegal fishery problems with the related sectors. A surveillance and forecasting of the fishery situation centre has been established. Measures to monitor IUU fishing such as Fisheries Regulations 2015 and Amendments (Issue 2) 2015, and more than 100 IUU situation control regulations have been issued. In addition, the Cabinet passed a resolution on 3 November 2015, adopting the National Action Plan to Prevent, Suppress and Eliminate Illegal, Unreported and Unregulated Fishing for 2015–2019, the National Marine Fisheries Management Plan and National Policy in the Matter of Marine Fishery Management 2015–2019. Importantly, the National Fisheries Policy Committee passed a resolution on 25 January 2018, approving the country’s fishery development guidelines to rid IUU fishing (IUU – Free Thailand) to show the determination to push the whole Thai fishery system to adhere to international standards and to be accepted among the international community. The Cabinet passed a resolution on 3 April 2018, approving the appointment of a National Committee to set policies, supervise and implement the plan on freeing Thailand from illegal, unreported and unregulated fishing with an aim for correct, rapid, and successful achievement.

Thailand also places emphasis on the prevention and suppression of human trafficking in labour, especially in the fishery industries. The Prime Minister announced “Combating human trafficking as a national agenda” and assigned relevant departments to focus on human trafficking suppression and seriously prosecute government officials involved. After the announcement of National Agenda, the government has set a clear policy for “Eliminating all forms of human trafficking”, considering it a violation of human dignity and against human rights principles. The budget has been increased to support the operation in all areas. Laws are being drafted to be more stringent including increasing the efficiency of lawsuits, rehabilitation and remedy for victims and witness protection, as well as improving better preventive measures to reduce the risk of becoming victims of human trafficking, and including improving various operations in accordance with international standards with concrete works such as taking disciplinary actions on government officials who were involved in human trafficking in both civil and criminal cases.

6 Report of Overview in Thai Society on Quarter Four of 2017 by the National Economic and Social Development Board

Other developments included:

- Investigating officers expediting the investigation of human trafficking are faster from an average of 72 days in 2016 to 69 days in 2017.
- The prosecutor has lessened the time taken for consideration from an average of 38 days in 2016 to 28 days in 2017.
- The court has sped up cases by setting up a Department of Human Trafficking within Criminal Court, which will allow judges, who have specific knowledge and expertise as well as understanding the problems and particular methods used, to be involved. Therefore, the process of finding facts will be more efficient, concise, faster, and more just.
- The Human Trafficking Procedure Act 2016 gives the right to the victim to request compensation and allow the court to give a verdict on punitive damage.

The aforementioned developments have led to the number of cases, victims, and those accused of human trafficking cases continuously decreasing, resulting in Thailand being upgraded from Tier 2 Watch list to Tier 2 in 2018.

The Office of the Thai Health Promotion Foundation has implemented a project to improve the well-being of informal workers and develop mental health promotion models to help “reduce suffering and create happiness” among labourers, both in the field of health training for informal labour leaders and creating incentives for informal workers to change health behaviours to increase happiness and reduce stress in their lives. After participating in various activities, it was found that informal labour leaders had an average happiness equal to 32.36 points, up from the original 30.28 points (27 to 32 points mean an average happy person) and the average stress is 4.14 points, down from the previous 5.08 points (0–4 points means less stress) which results in an increase in happiness levels and less stress levels.⁷

For the promotion of people with disabilities to enter a career and have a better quality of life, the Ministry of Labour and the Ministry of Social Development and Human Security jointly announced their cooperation to support the employment of people with disabilities to develop the potential of improved work by setting a target of employment of 10,000 people with disabilities and a Memorandum of Agreement between the Ministry of Public Health, Ministry of Labour and the Ministry of Social Development and Human Security signed to coordinate the employment of people with disabilities in the community to work in a government agency under the Ministry of Public Health. In addition, the Civil State for Society Project can also help the employment of people with disabilities with more work. Many businesses including educational institutions have also put efforts into hiring people with disabilities.

7 Annual Report 2016 Health Support Fund

For the promotion of employment of the elderly, the Ministry of Labour has prepared legislation to issue an hourly minimum wage for elderly employees, and include plans to open a service centre for employment for the elderly. Tax incentives will be issued to encourage private sector agencies to hire elderly workers aged 60 years and over. Starting from the accounting period beginning on or after 1 January 2016 onwards, the private sector can file in their corporate income taxes an exemption of up to 100 percent of the money paid to senior employees in accordance with the Royal Decree on the Revenue Code regarding Tax Exemption (No. 639) 2017, which is in effect from 3 March 2017, and the Notification of the Director-General of the Revenue Department on Income Tax (No. 290) dated 14 March 2017. This measure is meant to support the elderly to have an opportunity to continue working and have sufficient post-retirement income, reducing social inequality and alleviating the government welfare budget burden on a long-term basis – as Thailand will enter the Aged Society in 2021.

3.1.2 Challenges

Challenges identified in this section come from the information gathered during regional consultations and discussions with various sectors continuously during 2016–2019. It has been found that there are still many challenges that people expect the government to accelerate in solving problems related to labour issues. These can be summarized as follows:

- **Accession to international treaties.** Government should consider becoming a state party to the International Labour Organization Convention No. 87 and 98 (the right to assembly and negotiate), 189 (domestic labour) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), including the promotion of the implementation of the tripartite declaration of principles concerning multinational enterprises and social policy (MNE declaration).

- **Amendments to laws, regulations, policies and measures.** Government should consider amendment of laws, regulations, policies and various measures regarding the promotion and protection of labour rights, welfare, recruitment, employment, management of migrant workers, and social security to reduce gaps in practice and to comply with international standards such as the Labour Relations Act 1975, the State Enterprise Labour Relations Act 2000, the Labour Protection Act 1998, etc.

- **The systematic development of labour management systems for both Thai and migrant workers to be more efficient.** Methods for accessing such systems for agencies and employers should be established so that employers can check the details of labour.

- **Registration and issuance of work permits for migrant workers.** The State should oversee the legal issuance of work permits, monitor corruption, and set up a measure to protect witnesses who give evidence in the event of corruption from work permit issuing services.

- **Capacity development and knowledge dissemination for workers.** Knowledge, skills in using technology including knowledge about labour rights and welfare laws, occupational health safety, channels to request public services and assistance from the state, complaint mechanisms and channels should be disseminated to workers through various forms of media and prepared in multiple languages for migrant workers to understand easily.

- **Law enforcement relating to prostitution.** The recommendations from the UN Committee on the Elimination of All Forms of Discrimination Against Women in 2017 should be implemented by monitoring the entertainment business to fully comply with labour laws and the repeal of the Prostitution Prevention and Suppression Act 1996, especially the criminal offence for prostitutes should be considered.

- **Promoting employment for the disabled, the elderly and ex-convicts.** Efforts to promote employment for the disabled, the elderly and ex-convicts which is suitable for their skills, abilities and the needs of the labour market, should be increased. Training on occupational skills for these groups should be provided in order to prepare them for work and take advantage of various funds to help them get jobs and strengthen their potential.

- **Elimination of employment discrimination and discrimination in workplace.** Relevant laws should be reviewed and amended to protect and eliminate employment discrimination in all cases. The Gender Equality Act 2015, especially Section 17, should be reviewed whereas awareness of the Act as well as complaint mechanism under this Act should be raised among all sectors. Equal employment regardless of gender discrimination should be promoted. The following problems should be addressed, for example, termination of employment due to pregnancy, forced HIV testing before and during work, discrimination against employees with HIV in workplace, not giving women the opportunity to be promoted, discrimination due to locality, origin, nationality, race, ethnicity, religion, gender, etc., sexual harassment and violence in workplace, unfair wages for women, unfair recruitment towards LGBTI people, vulnerable situation for women labour in some contexts and situations, e.g. domestic workers, women migrant workers, sex workers, etc.

- **Obtaining a fair wage.** A minimum wage payment policy should be equally applied to all groups of workers and every business sector. Measures to support fair wages, timely payment, proof of payment and clear wage deductions according to the law should be established. Moreover, mechanisms, measures and policies to determine the steps for adjusting wages to be fair, appropriate and consistent with the cost of living every year should be developed.

- **Appropriate working conditions.** Working conditions that are valuable with rights, freedoms and welfare equal to international standards on decent work should be created.

- **Access to healthcare for workers.** Employers should oversee and provide medical treatment, and certify health insurance for workers as well as ensure the right to access to the universal healthcare coverage scheme for workers including migrant workers without discrimination.

- **Protect labour from using technology to replace labour.** Studies and appropriate measures should be conducted to protect workers from being terminated due to their replacement by technology.

- **The protection of labour in the supply chain system.** The business sector in the supply chain or franchise system should provide labour protection at the same standard as the headquarter/parent company.

- **Protection of Thai labour abroad.** Knowledge about mechanisms to protect the rights of workers in the destination country should be provided to Thai workers who work in a foreign country.

- **Public procurement.** The Public Procurement and Supplies Management Act 2017 should be amended by requiring the state to examine human rights protection of business organizations and state-owned enterprises that benefit from government procurement, including consideration of adding respect and protection of human rights in the law and government procurement contracts for the business sector and state enterprises.

- **Improve effectiveness of the work of government agencies.** The number of labour inspectors should be increased by taking into consideration the number of workers who need services from the state. The number of interpreters should also be increased in order to help inspect labour. Importantly, the capacity of labour inspectors should be developed to be able to access any form of workplace.

- **Taking action on the business sector.** The State should initiate a pilot project with the private sector to set an example for various operators in the implementation of human rights principles. All types of entrepreneurs and businesses should be encouraged to respect human rights. Illegally established business enterprises should be prevented and suppressed. Measures for businesses of all sizes to conduct the Human Rights Due Diligence Report and disclose the report to the public should be stipulated. The dissolution and registration of companies should be examined to prevent the use of corporate principles in order to avoid not following verdicts. Measures to control employers to comply with labour laws should be established. Measures that apply to the fishery sector should be properly applied to look after the labour conditions in other industrial sectors such as agriculture and construction. Knowledge on the UNGPs and the NAP should be disseminated to businesses of all sizes as well as companies, branches and supply chain groups, etc.

3.1.3 Action Plan (2019–2022)

Relevant agencies have jointly considered the recommendations received from various sectors in accordance with Section 3.1.2 and put them into groups by defining important issues including the activity plan which specifies the responsible agencies, time-frame of implementation of the Action Plan, indicators, and linkages with the national strategy, the SDGs and the UNGPs as a guideline for related agencies to follow. It also helps to follow up and evaluate the results. In this regard, the Action Plan has been divided into three pillars in accordance with the UNGPs as in the following tables.

Pillar 1: State duties in protecting (Protect)

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Becoming an international treaty party	Study the possibility of becoming a party to the ILO Conventions 98 and 189 by assessing the situation and context of Thailand	<ul style="list-style-type: none"> - Ministry of Labour 	2019	A feasibility study in becoming a party to the ILO Conventions 98 and 189 within the year 2019	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs, Article 5
		Study the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration) of the ILO and consider operational guidelines to promote the Declaration	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Foreign Affairs 	2019–2020	A study of the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration) of the ILO	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs, Article 5

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
2.	Amendments to laws, regulations, policies and related measures	Review the law on labour protection, social welfare, social security, and minimum wage whether there is still a gap between the law and practice, and consider improving or developing it to be in line with international standards	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Labour 	2019–2022	Number of laws that have been improved	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs, Articles 1, 3, 5 and 7
		Review relevant laws and consider improvements or developments in accordance with ILO Convention No. 138 and 182 and Protocol 2014 of the ILO Convention on Forced Labour, 1930	<ul style="list-style-type: none"> - Ministry of Labour 	2019–2022	The number of meetings to review relevant laws	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Study the ILO General Principles and Operational Guidelines on Fair Recruitment and review the laws and practical guidelines that are in force to comply with the said principles.</p>	<p>- Ministry of Labour</p>	<p>2019–2022</p>	<p>The results of the study</p>	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
		<p>Review border employment policy in a manner aimed at protecting all workers who are legal without discrimination, including protection of family members who are with them. This is to be in accordance with the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.</p>	<p>- Ministry of Labour</p>	<p>2019–2022</p>	<p>Number of policies reviewed</p>	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Improve the Labour Law in accordance with the current situation and international standards such as the Labour Relations Act 1975 and the State Enterprise Labour Relations Act 2000</p>	<p>- Ministry of Labour</p>	<p>2019–2022</p>	<p>Number of bills passed with Cabinet approval</p>	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
		<p>Review the law and social security system by considering (1) improving the conditions and benefits of the insured (2) having tripartite participation in Social Security Fund management (3) Access to funds by all types of workers equally, especially informal workers. (4) Provide protection for retired employees (5) Compliance with the principles of the ILO</p>	<p>- Ministry of Labour</p>	<p>2019–2022</p>	<p>Benefits or criteria that have been reviewed or improved</p>	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 3 and 8 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Review public sector employment laws to create fairness for employees in the public sector	<ul style="list-style-type: none"> - Office of the Civil Service Commission 	2019–2022	Number of reviews of the relevant laws	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
		Study, analyse, and review the Prevention and Suppression of Prostitution Act 1996 and related laws, including the supervision of law-abiding entertainment businesses and encouragement of entertainment businesses to comply with the laws	<ul style="list-style-type: none"> - Royal Thai Police - Ministry of Social Development and Human Security 	2019–2022	Meeting and study to review the Prevention and Suppression of Prostitution Act 1996 and discussions with entertainment businesses and sex workers	<ul style="list-style-type: none"> - National Strategy for National Security - SDG 5 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
3.	Development of labour management system	Establish a system for collecting detailed information of labour so that agencies and employers are able to check the details of labourers.	- Ministry of Labour	2019–2022	Effective data storage system	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
4.	Recruitment	Develop control and checking measures for fair recruitment	- Ministry of Labour	2019–2022	<ul style="list-style-type: none"> - Check recruitment agencies for overseas workers - Registration of recruitment licensee can be checked by the public 	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 1, 3 and 7
	Arrange for informers of corruption cases to enter the witness protection programme		<ul style="list-style-type: none"> - Royal Thai Police - Ministry of Justice 	2019–2022	Number of witnesses entering protection and receiving safety	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 1, 3, 4, 10 and 25

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
5.	Capacity development and knowledge dissemination for workers	Training on knowledge about legal rights, labour protection, labour rights, occupation safety, and social security for labourers, which includes migrant workers. In addition, develop a variety of media, including a manual, to disseminate such knowledge in a language that such workers can easily understand	- Ministry of Labour	2019–2022	<ul style="list-style-type: none"> - Migrant workers receive knowledge and understanding of practical information about victims of human trafficking - Number of trainees - Percentage of cognition increased - Number of documents published in foreign languages 	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - SDG 8 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
6.	Eliminating discrimination in employment and the workplace	<ul style="list-style-type: none"> - Promote jobs and employment for persons with disabilities in the workplace and in public sectors by having a coordinator between entrepreneurs and the disabled, including make use of screening systems for people with disabilities to find appropriate jobs and employment. - Manage working conditions that are suitable to their needs, including being equipped with facilities that ensure physical in person, access to the workplace, services, all instruments and equipment. This includes facilitation of persons with disabilities to access assisting tools and equipment such as wheelchairs, touch screen computers, etc. in order to help facilitate the disabled to be able to work in the same manner as other staff in the organization. 	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Labour 	<p>2019</p> <ul style="list-style-type: none"> project to find jobs for persons with disabilities Specially needed recruitment activities for disabled workers Activities to promote the disabled to work in the public sector 	<p>Quantitative</p> <ul style="list-style-type: none"> - 1,750 persons with disabilities are employed. <p>Qualitative</p> <ul style="list-style-type: none"> - persons with disabilities are employed no less than 62% - 88 persons with disabilities are employed in government agencies - promote employment of the disabled to work in government agencies as specified by law in the ratio 100: 1 	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 and 10 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<ul style="list-style-type: none"> - Build up the capacity of staff working with the disabled to have expertise in job guidance and coaching by providing training for job guidance and coaching in order to coordinate between entrepreneurs and the disabled 				
		<p>Improve the efficiency of the Fund for Empowerment of Persons with Disabilities</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security 	2019–2022	<ul style="list-style-type: none"> - Supporting the disabled to have jobs or independent employment - Promote the workplace to provide facilities that facilitate persons with disabilities to work 	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5, 7 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Develop measures and mechanisms to promote employment for senior citizens to be more employed	<ul style="list-style-type: none"> - Ministry of Labour 	2019 project to expand working opportunities for senior citizens	100,000 senior citizens get employed and earn a living	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5, 7 and 10
	Find a way to allow ex-convicts to have a career as an employee or entrepreneur		<ul style="list-style-type: none"> - Ministry of Justice - Ministry of Labour 	2019 labour preparation project, career guidance activity and employment promotion for prisoners in prisons, Civilian Development Center, Juvenile Observation and Protection Center, Recruitment for special needs groups and special employment activities for ex-convicts	Quantitative number of detainees in prisons, Civil Development Center and Juvenile Observation and Protection Center receive career guidance and promoting 10,000 in professional work. Quantitative. All workers receive services to promote employment of 500 people.	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5, 7 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Study the feasibility and effect of the amendment of the Labour Law to be consistent with the Gender Equality Act 2015	- Ministry of Labour	2019–2022	Number of reviews of the Labour Law	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - SDG 8 and 10 - UNGPs Articles 1, 3, 4, 5 and 7
		Consider measures of social protection for migrant workers, especially agricultural and fishery workers, seasonal employees, and domestic workers.	- Ministry of Labour	2019–2022	Monitoring measures of migrant workers	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
		Disseminate knowledge and understanding about the Gender Equality Act 2015 and mechanisms under the Act to adjust people's attitudes in society to understand and accept gender equality	- Ministry of Social Development and Human Security	2019–2022	<ul style="list-style-type: none"> - Number of media pieces disseminated - Number of trainees 	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - SDG 5 and 10 - UNGPs Articles 1, 3 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Organize activities to enhance knowledge and understanding on gender diversity with various sectors, including the business sector	- Ministry of Justice	2019–2022	Percentage of understanding regarding gender diversity issues	- National Strategy for Social Cohesion and Just Society - SDG 5 and 10 - UNGPs Articles 1, 3 and 8
		Encourage entrepreneurs to issue policies, regulations, or measures to prevent sexual harassment and violence in the workplace	- Ministry of Social Development and Human Security - Ministry of Labour	2019–2022	Number of businesses/ establishments that follow the Thai Labour Standards and are encouraged to have policies to protect against sexual harassment	- National Strategy for Social Cohesion and Just Society - SDG 5, 8 and 10 - UNGPs Articles 1, 2, 3, 5, 7 and 8
		Develop measures to prevent and manage issues related to HIV/AIDS in the workplace by promoting the implementation of National Guidelines on Prevention and Administration of HIV/AIDS in the Workplace to be used as operational guidelines for HIV/AIDS in the workplace.	- Ministry of Labour - Ministry of Public Health (Sub-committee on Promotion and Protection of the rights of HIV/AIDS)	2019–2022	Number of establishments/ businesses/ employees involved in promotion activities	- National Strategy for Social Cohesion and Just Society - SDG 3 and 8 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Consider and determine measures, policies and mechanisms to promote women's employment. Allow women to have roles in the labour system to create gender equality in line with international standards.	<ul style="list-style-type: none"> - Ministry of Labour 	2019–2022	Number of establishments/businesses inspected and joining in employing women to promote gender equality	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - SDG 5, 8 and 10 - UNGPs Articles 1, 3, 4, 5 and 7
		Consider and determine measures and mechanisms for employment of other vulnerable groups, such as ethnic groups, stateless persons and migrants, including those of diverse sexual orientation and gender identity to enter the labour system in line with international human rights principles	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Interior - Ministry of Social Development and Human Security - Office of the National Security Council 	2019–2022	Number of vulnerable groups employed	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 5, 8 and 10 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
7.	Receiving fair wages and salary	Study the current situation of wage structure and develop mechanisms, measures or policies to adjust wages to be fair and suitable for the living cost.	- Ministry of Labour	2019–2022	Number of times of study or wage adjusted.	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
8.	Suitable working conditions	Study international standards regarding appropriate work conditions (Decent Work for All), including safety and occupational health, and use them as a baseline to create a suitable regulation or rule as an operating guidance for business	- Ministry of Labour	2019–2022	Number of studies	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
9.	Access to health services for workers	Providing health services to workers including disease prevention and control, health promotion and medical treatment and rehabilitation	<ul style="list-style-type: none"> - Ministry of Labour - Ministry of Public Health 	2019–2022	Number of insured persons receiving medical services	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - SDG 3 and 8 - UNGPs Articles 1, 3, 4, 5 and 7
		Develop friendly health service systems for migrant workers such as migrant public health volunteers to create effective access to public health	<ul style="list-style-type: none"> - Ministry of Public Health 	2019–2022	A mechanism to provide public health services for migrant workers	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Social Cohesion and Just Society - SDG 3, 8 and 10 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Driving forward the settlement and operation of Wellness Centers both in public health service points and establishments	- Ministry of Public Health	2019–2022	Number of hospital and establishments that operate Wellness Centers in line with criteria set by the Department of Disease Control	- National Strategy for Human Capital Development and Strengthening - SDG 3 and 8 - UNGPs Articles 1, 3, 4, 5 and 7
10.	Children of migrant workers	Address the problem of access to education by children of migrant workers by providing basic education in accordance with the problem's conditions and needs, both in the public and private system and informal (non-formal education)	- Ministry of Education	2019–2022	Number of establishments received promotion of welfare other than those stated by law (places/ persons)	- National Strategy for Human Capital Development and Strengthening - SDG 4 and 8 - UNGPs Articles 1, 3, 4, 5 and 7
		Encouraging establishments to organize childcare centres at work by registering as child service centres in the workplace with the Ministry of Social Development and Human Security. Such establishments will receive tax deductions and children of employees and workers are taken care of with proper development.	- Ministry of Social Development and Human Security - Ministry of Labour	2019–2022	Number of establishments registered as a child service centre in the workplace	- National Strategy for Human Capital Development and Strengthening - SDG 8 and 11 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Consult with the business sector to determine guidelines for service provision by taking into account children in the business sector, such as organizing staff to supervise a chat line in the mobile phone network, develop a mobile application or channel to receive complaints, refer the case to relevant agencies if there are children who need help or give counselling to children bullied in schools or support the study and research by working with relevant state agencies and CSOs</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Digital, Economic and Society - Ministry of Education - Royal Thai Police 	2019–2022	<p>Number of activities and services of the business sector in collaboration with other sectors that aims to protect children from cyber bullying (online media)</p> <p>Number of activities and services of business that aims to protect children from cyber bullying have extended their activities into schools</p> <p>Percentage of success in counselling and ongoing collaboration with relevant agencies</p>	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - SDGs Target 11 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
11.	Human trafficking and forced labour	Consider bringing measures or labour laws which are applied to the fishery sector to be used in the supervision of labour conditions in other industrial sectors such as agriculture and construction in which many migrant workers are hired	<ul style="list-style-type: none"> - Royal Thai Police - Ministry of Agriculture - Ministry of Labour - Ministry of Industry 	2019–2022	Number of at-risk establishments that have been examined	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
12.	Protection of labour being replaced by the use of technology	Making plans or measures to support remedies and help groups of dismissed workers in accordance with regulations set for relief.	<ul style="list-style-type: none"> - Ministry of Labour 	2019–2022	Plans or measures to support and provide assistance to groups of workers who were replaced by technology	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
13.	Protection of labour in the supply chain system	Study and issue measures for the business sector that has a supply chain to have a management system that meets the Thai Labour Standard (TLS 8001)	- Ministry of Labour	2019–2022	Number of studies	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
14.	Protection of Thai labour abroad	Train job seekers before travelling to work in a foreign country by providing knowledge about the rights and benefits according to the laws of that country and the mechanisms to protect labour rights at the country of destination, including protection given to Thai workers experiencing problems, and giving advice on health care.	<ul style="list-style-type: none"> - Ministry of Labour (Department of Employment) - Ministry of Foreign Affairs (Department of Consular Affairs) - Ministry of Public Health 	2019–2022	<ul style="list-style-type: none"> - Number of job seekers trained before traveling - 90 percent of problems encountered by Thai labour abroad have been resolved - Number of counselling sessions and giving healthcare information to Thai workers. 	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - SDG 8 and 17 - UNGPs Articles 1, 3, 4, 5, 7 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
15.	Operations set for business sector	Encourage establishments/businesses to apply Good Labour Practice (GLP) in their business management	- Ministry of Labour	2019–2022	1,000 establishments/year have been promoted	- National Strategy for National Competitiveness Enhancement - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7
		Inspect and monitor entertainment places/businesses, establishments, and recruitment agencies, focusing on inspecting business licences, labour contracts, working conditions and work permits (in the case of migrant workers)	- Royal Thai Police - Ministry of Labour - Ministry of Interior	2019–2022	- Number of employment/recruitment licensees inspected - Number of establishments and migrant workers inspected	- National Strategy for National Security. - SDG 8 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Regulate, supervise and require the large business sector and companies listed in the stock market that use migrant labour as their primary production resource, prepare a Human Rights Due Diligence report as a measure in deterring labour exploitation. The said report must be disclosed to the public in order to create awareness and be easy to review. This is important for transparency and traceability in accordance with good corporate governance.</p>	<ul style="list-style-type: none"> - Ministry of Industry - The Office of the Securities and Exchange Commission 	2019–2022	<p>Letter circulated to the companies listed in the Stock Exchange of Thailand for disseminating the report on Human Rights Due Diligence</p>	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - SDG 8 and 12 - UNGPs Articles 1, 3, 4, 5, 7, 17, 18 and 19

Pillar 2: Responsibilities of the business sector in respecting of human rights

For Pillar 2, “Expectations for state enterprises and the business sector” will be determined to guide them as the key to their operations. The expectations will be the starting point and state enterprises as well as businesses of all sizes are encouraged to use them as a guideline, which is an important factor to reduce the adverse human rights impact of business operations.

2.1 Compliance with labour laws, the Thai Labour Standards and the principles of human rights

- State enterprises and the business sector must provide an announcement or a statement on the human rights policy in their organizations. This includes the UNGPs.
- State enterprises and the business sector must implement the Thai Labour Standards, respecting and strictly complying with labour laws.
- State enterprises and the business sector must promote knowledge about labour laws, the Labour Standards and human rights principles, both in Thailand and internationally, to labour in the workplace.
- State enterprises and the business sector must cooperate with government agencies and international organizations in case there is an inspection of operation under labour laws, the Labour Standards and human rights principles.

2.2 Labour rights and welfare

- State enterprises and the business sector should provide welfare for workers and their families, such as childcare centres in a workplace.
- State enterprises and the business sector should not force workers to work overtime. Overtime work must be voluntary or by necessity, such as without doing so would cause damage. Overtime work should be proposed to workers systematically depending on the necessity.

State enterprises and the business sector should establish measures to certify or insure health care for workers in the workplace.

- State enterprises and the business sector that use migrant workers should be responsible for the costs of recruiting labour and other expenses in accordance with the “employer pay principle”.

2.3 Elimination of discrimination in the workplace

- State enterprises and the business sector should specify measures and policies to show the intention of supporting equal opportunities without discrimination in employment, recruitment, compensation, termination, promotion and removal of any conditions that cause a negative impact on employees and job seekers as appropriate.
- State enterprises and the business sector should establish measures and policies to prevent sexual harassment in the workplace.
- State enterprises and the business sector should increase the employment of women, ethnic groups, persons with disability, senior citizens, ex-convicts, etc. by considering as appropriate, including requiring the establishments for proper facilities set-up.
- State enterprises and the business sector must not consider not employing or terminating employment due to HIV infection.

2.4 Complaint and remedy mechanisms

- State enterprises and the business sector should provide internal channels for complaint/petition mechanisms and keeping it as confidential information. Many channels should be opened and must have a convenient and fast access for tracking, such as on the website and via application on mobile phones, etc.
- State enterprises and the business sector should hold discussions to mediate disputes to achieve resolutions between workers before bringing the case to justice by giving the opportunity for workers to participate in negotiations.
- State enterprises and the business sector should agree on measures to remedy damage to workers in the event that workers' human rights are violated. The remedies should cover physical and mental damage.
- State enterprises and the business sector should specify measures and mechanisms to support and solve issues around firing workers, including compensation for termination of employment in accordance with the relevant laws.

Pillar 3: Duties of the state and the business sector to provide remedy (Remedy)

Relevant government departments have jointly considered opinions and recommendations received from various sectors according to item 3.1.2 and set the duties of the State, state enterprises and business sector in remedying damage to workers or persons affected or abused by state enterprises and the business sector or as a result of business operations in conformity with the National Strategy, the SDGs and the principles of the UNGPs to provide guidelines for relevant agencies to understand and adhere to. This can be summarized as follows:

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Complaints and petitions	Establish a complaint system (both public and private) and develop staff competency in order to receive complaints effectively and keep the information confidentially. Open multiple channels that are convenient, fast and traceable for the result of the complaint by using technology, such as hotline services, website channels and mobile phone applications, etc.	<ul style="list-style-type: none"> - Office of the Attorney General - Ministry of Interior - Ministry of Justice - Ministry of Public Health - Ministry of Labour - Ministry of Foreign Affairs (Department of Consular Affairs) 	2019–2022	An easy, accessible complaint system for the complainant.	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 11 - UNGPs Articles 27, 28, 29 and 31
	Increase the efficiency of the mechanism to receive complaints under the Gender Equality Act 2015		<ul style="list-style-type: none"> - Ministry of Social Development and Human Security 	2019–2022	Assigned officials according to the Act in every province	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 11 - UNGPs Articles 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Review and improve the complaint mechanism in order to access existing protection and remedies, such as a claim filing mechanism so that every worker can access protection and remedy without discrimination and regardless of nationality	<ul style="list-style-type: none"> - Ministry of Labour 	2019–2022	Number of channels of complaint improved	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 10 - UNGPs Articles 27, 28, 29 and 31
		The complaint mechanism of government agencies should be evaluated for efficiency and the adjusted working method periodically for enabling migrant workers to access conveniently and efficiently	<ul style="list-style-type: none"> - Ministry of the Interior - Ministry of Justice - Ministry of Labour 	2019–2022	Number of evaluations	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 10 - UNGPs Articles 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Provide channels for complaints and hotlines in languages that migrant workers understand	<ul style="list-style-type: none"> - Ministry of the Interior - Ministry of Justice - Ministry of Labour 	2019–2022	Number of complaint channels and hotlines in languages that migrant workers understand	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 10 - UNGPs Articles 27, 28, 29 and 31
2.	Access to the Employee Welfare Fund	Employees have the right to access the Employee Welfare Fund as regulated in the Labour Protection Act 1998 and the set criteria	<ul style="list-style-type: none"> - Ministry of Labour 	2019–2022	Number of employees using the service from the Fund	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - SDG 8 - UNGPs Articles 25, 26, 27, 28, 29 and 31
		Study the possibility of establishing a fund to remedy victims of discrimination or sexual harassment in the workplace	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security 	2019–2022	<ul style="list-style-type: none"> - Study results - Number of victims that the Commission of the Act identified and wish to receive remedies 	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - SDG 5 and 8 - UNGPs Articles 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
3.	Administration of Justice	Develop criteria for approval and selection of migrant workers from three countries (Cambodia, Laos and Myanmar) to be the language coordinators to facilitate migrant workers who enter into the justice system. The coordinators should be trained in order to perform duties correctly, fairly and efficiently	- Ministry of Labour	2019–2022	<ul style="list-style-type: none"> - Develop and improve criteria for selecting the coordinators - Number of trainings for language coordinators 	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - National Strategy for Public Sector Rebalancing and Development - SDG 8, 10 and 16 - UNGPs Articles 25, 26, 27, 28, 29 and 31
4.	Dispute settlement and resolution	Enhance the capacity of staff in resolving labour disputes efficiently	- Ministry of Labour (The Bureau of Labour Relations)	2019–2022	Number of personnel resolving disputes trained to strengthen knowledge and develop technical skills in conciliation	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 - UNGPs Articles 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
5.	Remedies	Review and revise the Compensation Act 1994 and modernize the Compensation Fund system to be transparent, fair and in line with international principles	- Ministry of Labour	2019–2022	Amount of benefits or criteria that have been reviewed or improved	- National Strategy for Public Sector Rebalancing and Development - SDG 8 and 10 - UNGPs Articles 27, 28, 29 and 31
		Set up remedy mechanisms from both the government and private sectors at the regional level. Remedies should be in consistent with the needs of affected people and communities.	- Ministry of the Interior (Department of Local Administration) - Ministry of Justice	2019–2022	Mechanisms and remedy measures for adversely affected victims and victims of human rights violations as a result of business operations	- Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 25, 26, 27, 28, 29 and 31
		Review criteria of compensation under the Act on Compensation for Injured Persons and the Damages and Expenses for the Accused in Criminal Cases B.E. 2544 (2001) and the Amendment (No. 2) B.E. 2559 (2016) to cover migrant workers that have been victims of crime.	- Ministry of Justice	2019–2022	Meetings to review payment criteria for state compensation under the Act on Compensation for Injured Persons and the Damages and Expenses for the Accused in Criminal Cases B.E. 2544 (2001) and the Amendment (No. 2) B.E. 2559 (2016) to cover migrant workers that have been victims of crime	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
6.	Protecting the rights of Thai workers working abroad	Provide information and assistance in accessibility to mechanisms protecting the rights of Thai workers working abroad	<ul style="list-style-type: none"> - Ministry of Foreign Affairs - Ministry of Labour 	2019–2022	<ul style="list-style-type: none"> - Percentage of job seekers trained before traveling abroad with more knowledge about domestic rights in their destinations - The Department of Consular Affairs, Embassies and Consulates-General of Thailand provide information about their rights continuously through documents, websites, phone lines, applications, etc. - Thai workers abroad get access to rights protection mechanisms including help in negotiating with employers or government agencies of that country in case of unfair treatment or rights violations 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 17 - UNGPs Articles 1, 8, 25, 26, 27, 28, 29 and 31

3.2 Action plan for community, land, natural resources and the environment

3.2.1 Overview of the situation

Community rights are one important component in the political and governance sphere as it is an important part of participatory processes in planning and making decisions about operations for implementing government policies. Collective rights mean the rights of a person as a member of a group under Section 42 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017), which recognizes the right and freedom of individuals to join associations, cooperatives, unions, organizations, and community or other groups. Section 43, paragraph 2 and paragraph 3 have recognized community rights in the management, maintenance and utilization of natural resources, environment and biodiversity in a balanced and sustainable manner according to the methods provided by law. The community can submit a joint petition to government agencies to take any action that is beneficial to the people or the community or refrain from any action which will affect the peaceful living of people or community and must be notified of the results quickly.

In addition, in determining the process of participation of the community and the public, Section 58 under the section of the State duty, stipulates that individuals and communities have the right to receive information, explanations and reasons from government agencies before allowing anybody to do what may affect resources, quality of life, health, sanitation, quality of life or any issue seriously affecting people or communities. The government must conduct studies and assess the impact on the quality of the environment and health of people or communities, and arrange for public hearings in which people and communities are involved.

However, the fast development of industrialized areas of the country and the use of modern technology for development results in affecting more parts of nature, and at the same time it also results in negatively affecting others in various fields, including the impact on natural resources and their depletion, natural disasters that occur frequently and more violently than in the past, and direct negative health effects from using technology such as pesticides in new farming practices and indirectly due to the quality of natural resources depletion in various fields such as land, water and air. Therefore, it is a challenge that the government has duties and responsibilities to supervise an appropriate development level for the country to create a balance between the use of natural resources at the appropriate levels and guidelines to drive the growth of the country, together with the conservation of natural resources for the highest benefit as well as sustainability of the country in every dimension.

At present, Thailand is in the process of implementing the National Economic and Social Development Plan No. 12 (B.E. 2560–2564) (2017–2021) which is being conducted with a participatory process in all regions throughout the country. The plan emphasizes four main objectives which are (1) Implementation and application of the sufficient economy philosophy; (2) Participation of people placed at the centre of development; (3) Support and promotion of national reform; and (4) Development toward stability, prosperity and sustainability for society to live happily together while dealing with changes such as the liberalization of the economy, challenges of new technology and the occurrence of severe natural disasters, and other challenges such as being

caught in a middle-income trap, entering into an aging society and social inequality. In addition, the plan emphasizes the creation of economic and social growth while being environmentally friendly, and the promotion of responsible production and investment and creating green business jobs in private organizations to reduce policy conflicts that affect the environment and people during the development of infrastructure, tourism and community livelihoods.

The government has tried to solve problems by raising the level of competitiveness, promoting research and development, restructuring of economic and social structures such as tax structure (inheritance tax and land tax), setting up the rules of society to be secure and fair, promoting equality and opportunity to access public resources and services, promoting good governance, and eliminating corruption and patronage systems while in the short-term, implementing measures to help farmers and low-income people affected by the economy and disasters.

The government has maintained an equilibrium in looking after its people to be able to have land and access natural resources fairly by establishing the National Land Policy Committee (NTC) in 2014 with the Prime Minister acting as the chairperson of the committee. The committee consists of executives from government agencies related to forestry, land, natural resources and the environment with the objectives to (1) Reduce social inequality and create opportunities to access to government services; (2) Maintain natural resources security by creating a balance between conservation and sustainable use, accelerate the process of land protection and reform, and conserve forest and wildlife; (3) Solve long-term problems of landlessness for farmers and encroachment on reserved forest by distributing ownership rights to people in the non-reserved area and issue measures to prevent the change of hands of land rights to non-farmers; (4) Organize land management systems such as establishing clear boundaries and speed up the process of the proof of rights; (5) Modernize the law and effectively and fairly enforce it; (6) Establish a land ownership registration database; (7) Expedite land allocation for the underprivileged who do not have land ownership; and (8) Certify the joint rights of the community to manage the land.

Land management for the community is a government action according to the important policy under the National Land Policy Committee by organizing land to the community in the form of collective plots. The land will come with no ownership but groups or communities are allowed to use land in cooperative or other suitable forms in accordance with the criteria and conditions specified by the National Land Policy Committee. The government agencies authorized by law, based on types of land, are eligible to set regulations, rules, obligations, and conditions under the approval of the National Land Policy Committee, according to the conceptual framework of the Sufficient Economy Philosophy and the community co-existing with forests. The benefits that people receive are to use or live on government land legally while occupations and marketing are systematically promoted and developed. This is to allow people to be secure, earn more income and live a better life, and it also helps prevent and solve the problems of land encroachment and land trading.

The government amended the Agricultural Land Lease Act B.E. 2524 (1981) to be the Land Lease for Agriculture Act (No. 2) B.E. 2559 (2016), which came into effect on 30 April B.E.

2559 (2016, to be more flexible. The tenant and the lessor are agreed appropriately with the government as a central mechanism supervising for a fair deal. The amendment of this law does not apply to tenants who are legal entities. The lease period and the rental fee are set in order to be fair to both the tenants and the landlord and prohibiting foreigners from renting land for agricultural purposes, in order to protect the rights in agricultural areas of Thailand to Thai national tenants only.

The Department of Forestry of the Ministry of Natural Resources and Environment is a government department that has administrative roles in managing forest resources for sustainable use. It is under the process of implementing the policy of reforming the natural resource and environmental management system (forestry) to support the 20-year National Strategy (2017–2037). The Ministry has also pushed forward the Community Forest Act, which gives the opportunity for the community to participate in the collective maintenance and use of forest resources. The Cabinet passed a resolution to approve the principles of the Community Forest Act on 22 May 2018. Most recently, the Community Forest Act was enacted and announced in the Royal Gazette on 24 May 2019.

All minorities and ethnic groups in Thailand are protected by law and have access to government services which include education, medical treatment and job opportunities. The government provides care with supporting regulations where people can prove their rights by evidence of living in the area and long-time usage. If it is necessary to leave the area, the government has measures to take care of housing and vocational training by recognizing the way of life of the group. In addition, the Ministry of Social Development and Human Security made a master plan for ethnic groups' development in Thailand (2015–2017) as a mechanism to develop assistance provided to these groups in various areas such as access to land rights and obtaining legal status as well as the enhancement of their balance, security and resilience to cope with various changes.

For the problem of land encroachment of reserved forest of villagers in the area, at present, the government has allowed the community to participate in negotiations to find a solution together instead of forcing them to move out. The forestry officers and the villagers in the area will jointly define the boundary for the living areas and agree not to encroach into the restricted area, at the same time, villagers must help to monitor the encroachment and conserve the fertile forest areas, resulting in the decrease of deforestation and a considerable shifting of cultivation fields.

Another important challenge is the protection of human rights during the implementation of large-scale development projects to create economic growth especially mega-projects that affect the way of life of people and the environment. The government has various measures such as directions for feasibility studies including environmental and health impacts. A committee is appointed to supervise, setting up measures to support or compensate the affected people such as the provision of relocation. The government has decided to delay some projects as requested by civil society and has engaged in trying to find solutions through discussions with local people.

Currently, the Industrial Estate Authority of Thailand strengthens the Environmental Impact Assessment (EIA) process by strictly complying with the National Environmental Quality Promotion and Conservation Act (No. 2) B.E. 2561 (2018), in the second paragraph of Section 48 stating that the EIA must include the issue of compensation for suffering or damage, and in the third paragraph of Section 48 stating that the EIA must add assessment of health impacts and conduct hearings for the opinions of stakeholders and related communities. In addition, the Industrial Estate Authority of Thailand has also created a transparent process in the EIA and Environmental Health and Impact Assessment (EHIA) by (1) Conducting public hearings by inviting all target groups, including communities, NGOs, local government organizations, stakeholders and the media; (2) Providing opportunities for communities and the public to express their opinions at public forums; (3) Opening multiple channels for complaints; (4) Holding an EIA Monitoring meeting with tripartite components, namely, the Industrial Estate Authority of Thailand, local government officials, industrial plant operators and communities. In addition, the Industrial Estate Authority of Thailand has strictly supervised the private consulting firms to ensure that they have neutrality in their work.

Every project of the Industrial Estate and Industrial Port Development Project must have an assessment report on the effect of the environment in the forms of an EIA or EHIA report, in which the Industrial Estate Authority of Thailand, as the project owner and the authorized approval agency, conducted hearings with surrounding communities and people about the project development, as well as promoting community participation processes from the beginning of the development of the projects until implementation of the projects. In the EIA and EHIA reports, measures are added for reducing the impact on the quality of life of the community including human rights risks.

For the mining project, details of improvement of the environmental and social impact assessment system are as follows:

(1) Minerals Act B.E. 2560 (2017) and related subordinate legislation divided mining into three types according to the size of the area, types of minerals, geological characteristics of the mineral resources, mining methods and impacts on the quality of environment and public health that may arise from mining. The scope of the mining project (in accordance with the promotion and conservation of national environmental quality law defined as type 2 or type 3 mines) must include preparing the environmental impact assessment report (EIA or EHIA), dependent upon the context of each case.

(2) Improvements in the environmental and social impact assessment system for mining projects in order to be prudent and concise by requiring public hearings with affected communities, both according to the mineral law and in accordance with the law on promotion and conservation of national environmental quality are as follows:

(2.1) Minerals Act B.E. 2560 (2017) and subordinate legislation stipulates that a public hearing of the community is required and, in the event, that the community does

not agree, a public referendum, in the area requesting a concession certificate, shall be conducted according to the characteristics and methods announced by the Minister.

(2.2) The National Environmental Quality Promotion and Conservation Act B.E. 2535 (1992). The project must conduct the EIA report with two times a participatory process, namely, the first time at the initial stage of the project to hear opinions on the draft proposal of the project and the scope of the study and, the second time, during the preparation of the draft report, measures to prevent and correct the environmental impact, as well as the area rehabilitation plan after the expiration of the concession. For the project that requires the EHIA report, four times participation is required: (1) To listen to opinions on the scope of the study; (2) For participation in the impact assessment; (3) For hearing opinions on the draft report; and (4) For the authorized approval agencies to organize the process for hearing opinions and to clarify in detail.

(3) In addition, the Mineral Act B.E. 2560 (2017) and the relevant subordinate legislation require the preparation of basic information on the environment and public health and creating a barrier area in the case that the mine may result in causing highly adverse impacts to the quality of environment and public health.

(4) At present, every step of the environmental and social impact assessment of the mining project considers the importance of three types of impacts from large-scale projects: (1) The impact of environmental pollution on health; (2) Forcing communities to relocate without compensation or insufficient plans; and (3) Lack of public consultation or inadequate studies with communities that are affected by the development of large-scale projects. Therefore, the Department of Primary Industries and Mines (DPIM) has emphasized the accuracy and transparency of information in every step from preparation of the area for the request for permissions, details of areas and communities, geological report, mining project plans and area rehabilitation, the EIA report, details and the opinions of the community, both according to the requirements of the mineral law and the law on the promotion and conservation of national environmental quality. As well as these issues, details of the consideration of the Environmental Impact Assessment Report from the Specialist Committee are to be stipulated as additional conditions for approval.

The government has encouraged people around the project area to participate in public consultations in several steps as follows:

1. The procedure for requesting a mining concession certificate: Section 56, paragraph 2 of the Mineral Act B.E. 2560 (2017), which stipulates that after the request for a concession certificate is announced for a period of not less than 30 days, the local mineral industry official would arrange for public hearings in accordance with the criteria set by the Minister. At present, the said regulations have been established, according to the notification of the Ministry of Industry, subject: Regulations and method to listen to community comments in the area requested for a concession certificate B.E. 2561 (2018), which was announced in the Royal Gazette on 15 May 2018. The principle of the said announcement stipulates that the local mineral industry official

with the village headman should prepare to hear the opinions of the villagers within a radius rim of the concession certificate requested as stipulated in each category (categories 1, 2 and 3), subject to public debate before making a report to the local government administration for an opinion and presenting to the authorized official for further consideration on the issuance of a concession certificate. In this process, relevant citizens can discuss and express opinions, concerns and suggestions.

2. The process of developing the environmental impact assessment report: In the preparation for the analysis report on environmental impact, the Office of the Natural Resources and Environmental Policy and Planning stipulated that a public hearing of community during the beginning of the project must be arranged by informing the relevant agencies, notifying the public, organizing the first opinion survey and summarizing opinions. After that, they should arrange another public hearing during the preparation for a draft report and measures for prevention and correction of environmental impact by informing the relevant agencies, notifying the public, organizing the second public hearing and summarizing opinions. The results of the hearing will be put in the EIA report for further consideration by the Specialist Committee.

3. During the mining process: The Department of Primary Industries and Mines (DPIM) would establish a civilian network to monitor the mining environment quality. Their responsibility is to report the environmental impact of dust, loud noise, vibration, etc. to the DPIM. If the network reports that it was affected from the mining operation, an investigation team will be sent to investigate. Should the examination results show that the mine causes real impacts, the mine operator will be ordered to improve and address the problems. The results of the problem solving will be sent to the network for information. Currently, there are 490 civilian networks covering most areas of mining and the Department of Primary Industries and Mines (DPIM) continues to strengthen the network by providing training to educate the network on environmental quality surveillance as well as constantly organizing activities to stimulate network performance.

From the above, it can be seen that people in the vicinity of the mining area can participate in providing comments, overseeing and surveillance of the environmental impact from the beginning until the end of the concession for the sustainable development of mineral resources.

The Department of Industrial Works has specified the location of factories to be away from public places or communities and defined the specification of the type and size of the factory that requires having environmental personnel at the factory to determine the amount of pollution (water pollution, air pollution, soil pollution and sound/noise pollution) that can be released into the environment. They will also assign a specialist to be responsible for the safe storage of hazardous materials under the responsibility of the Department of Industrial Works in accordance with the Hazardous Materials Act B.E. 2535 (1992) including regulation criteria to eliminate waste or unused waste and the supervision of chemicals and hazardous waste as well. The steps in determining the authorization to establish or expand the factory that needs to prepare the Environmental Impact Assessment Report (EIA) must go through the process of

the public hearing as required by the Ministry of Industry for safety. There are safety measures from the risk assessment of the factories that must prepare a risk analysis report for the potential dangers in operating a factory. Criteria are set for hazard identification for risk assessment and the preparation of risk management plans and safety measures for the working environment including boilers, industrial gas, chemicals, radioactive materials, electrical systems in the factories, fires and cold storage.

The Department of Industrial Works by the Eco Industrial Development Division evaluated the ecological industry city of the target areas in 15 provinces: Rayong, Samut Prakan, Samut Sakhon, Chachoengsao, Prachin Buri, Chon Buri, Pathum Thani, Nakhon Pathom, Ratchaburi, Phra Nakhon Si Ayutthaya, Saraburi, Nakhon Ratchasima, Khon Kaen, Songkhla and Surat Thani. The criteria and indicators of being an eco-industrial city cover five dimensions: physical, economic, environmental, social and administration. In the social dimension, the employees and the surrounding community in the area will be focused on having a quality of life and a pleasant society which consists of two areas: (1) The quality of life and society of the staff; and (2) The quality of life and society of the people in the surrounding area.

The Industrial Estate Authority of Thailand is assigned by the government to develop industrial estates in three Special Economic Zone (SEZ) areas in three provinces: Sa Kaeo Industrial Estate, Sa Kaeo Province, Sadao Industrial Estate, Songkhla Province, and industrial estates in the Special Economic Zone in Tak Province. Each industrial estate established has studied the impact on environment, economy, society and community through the preparation of the environmental impact assessment report and use it as a tool to create preventative and alleviative measures towards environmental impact and to monitor environmental quality. One of the measures requires factories in the industrial estates to pay attention to the importance of hiring local labour which will help reduce migrant labour problems. But if using migrant workers is a necessity, the operator should choose only registered ones. The Industrial Estate Authority of Thailand used State land that has been correctly transferred without having to expropriate land from people to develop into an industrial estate in all three special economic zones.

However, in the future, the government has laid down a policy for establishing and developing an industrial estate to do the Strategic Environmental Assessment (SEA) report, to which all related departments must adhere to as a guideline. The SEA is an assessment of integrated sustainability in the area of environment, economy, society and community.

3.2.2 Challenges

Challenges identified in this section come from the information gathered during regional consultations and discussions with various sectors continuously during 2016–2019. It has been found that there are still many challenges that people expect the government to accelerate in solving problems related to community, land, natural resources and environment issues. These can be summarized as follows:

• **Amendments to laws, rules, regulations, policies and related measures.** The laws related to land management, natural resources and the environment that are affected by business operations, such as the Factory Act, Mining Act, National Forest Reserve Act, Community Forest Act, National Park Act, Animal Preservation Act, Land Code, Promotion and conservation of the national environmental quality Act B.E. 2535 (1992), should be reviewed. The misunderstanding on policy enforcement/Article 44/National Council for Peace and Order (NCPO) relating to special economic zones, forestry, agriculture, fishery, town planning etc. should be solved. The recommendations of the National Human Rights Commission of Thailand regarding amendments of the law on environment and the law related to public participation in public policy should be considered and implemented, The impact on people in the area and the risk of changes in natural resources and the environment before enforcing any law or order should be assessed.

• **Public participation.** Although Thailand has many laws and measures that support community rights in natural resource management, from brainstorming for public opinion in the area and assessing the human rights situation of many organizations, challenges are still encountered in practice. Therefore, the suggestion on this point is to promote the participatory process by disclosing information about large-scale projects, special economic zones, or any projects to the public, especially stakeholders and communities that may be affected before acting. Especially in doing the EIA and EHIA report, discussions with people and communities are needed in order for them to participate in consideration throughout the process from the project area determination, project implementation, follow-up after the project with regard to livelihoods, community culture, the right to engage in agriculture, and the right to housing of the people as matters of priority. Propagation of the power to manage resources for the community with participatory processes should be encouraged. Proactive publicity to inform people how to access to information and their rights in participating in various processes.

• **Environmental impact assessment and health.** Measures to force every state project including projects of businesses of all sizes to do the Environmental Impact Assessment (EIA) and the analysis of the Environmental Health Impact Assessment (EHIA), which must be assessed with participation from all sectors and a neutral, independent, transparent independent organization which is accepted by the community. The EIA/EHIA analysis results should be disclosed to the public before the implementation of the project, including the monitoring measures after the EIA/EHIA assessment has been completed to prevent the business sector from violating various rights after the project has been approved. The EIA/EHIA evaluation process should be strengthened by focusing on holistic, sustainable assessments, including of social and human rights dimensions and with specific risks in each sector.

• **Special Economic Zones.** The plan to establish 10 SEZs in 10 provinces and the Eastern Economic Corridor (EEC) should be reviewed by assessing risk and the effects on all sides before making a decision. Opportunities for people should be arranged to be able to access to information as well as to be aware of the impact that may occur. Appropriate measures in land expropriation and decision-making on all 10 SEZ locations, including the EEC, should be set in accordance with UNGPs whereas the consultation and fair compensation for people living in SEZ and EEC areas

should be provided. The SEZ and EEC should be determined to be equivalent to state enterprises which must comply with the highest standards of good governance and practices. The UNGPs should be included in the measures of establishment and management of SEZs and the EEC.

- **Management of natural resources and the environment.** Administrative laws regarding the management of natural resources and the environment should be enforced by considering the protection of community rights, allowing the community to participate in managing natural resources and environment management and support the role of communities in conservation, restoring natural resources and inspecting environmental quality.

- **Development of community potential and integration.** Knowledge and skills for communities should be strengthened continually to increase production efficiency, support community research on folk wisdom in agriculture, as well as support the integration of farmers in order to have more bargaining power.

- **Minorities and ethnic groups.** Consultation processes with minority and ethnic groups should be conducted in order to get involved in the decision-making process in terms of strategy, policies and projects, especially in the formulation of land management and forest conservation policies as well as the development of large projects in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Filing cases against ethnic groups living in the forest, which can later be declared a conservation forest, should be avoided. Measures to protect the ethnic groups should be established to ensure their good livelihoods.

- **Development of government operations.** Neutral investigation and proof of ownership of land should be arranged. Land ownership documents to villagers should be issued as appropriate, Independent mechanisms to investigate, monitor and assess human rights situations should be established with the participation of every sector. State should conduct a report on environmental assessment, critical business situations, and cases of human rights violations occurring both domestically and internationally that have an impact on Thailand.

- **Actions towards business operations.** Legislation or regulations to force businesses to respect human rights should be enacted and report on this issue should be published annually. An expert should be appointed to monitor and investigate the parts of the business sector that violate human rights with thorough consideration.

3.2.3 Action Plan (2019–2022)

Relevant agencies have jointly considered the recommendations received from various sectors in accordance with Section 3.2.2 and put them into groups by defining important issues including the activity plan which specifies the responsible agencies, time-frame of implementation of the Action Plan, indicators, and linkages with the national strategy, the SDGs and the UNGPs as a guideline for related agencies to follow. It also helps to follow up and evaluate the results. In this regard, the Action Plan has been divided into three pillars in accordance with the UNGPs as follows:

Pillar 1: State duties in protecting (Protect)

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Developing and improving laws, regulations, policies and related measures	Review, amend, revise and propose laws, regulations and measures regarding land management, water resources and climate that are affected by business operations	<ul style="list-style-type: none"> - Ministry of Agriculture - Ministry of Natural Resources and Environment - Ministry of Industry 	2019–2022	Amount of laws, regulations, and measures relating to land management, water resources and climate that are affected by business operations that have been reviewed, and regulated	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 6, 13, 14 and 15 - UNGPs Articles 1, 3, 5 and 7
		Review existing laws that affect community rights through the participation process	<ul style="list-style-type: none"> - Ministry of Agriculture - Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Industry 	2019–2022	Number of laws relating to the participation of community reviewed	<ul style="list-style-type: none"> - Strategy for Eco-Friendly Development and Growth - SDG 6, 13, 14 and 15 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Reviewing the Factory Act by requiring factories to be located farther away from communities	- Ministry of Industry	2019–2022	A revision of the Factory Act to determine the distance between factories and communities	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 6, 13, 14 and 15 - UNGPs Articles 1, 3, 5 and 7
		Revise the laws that cause monopolies in agriculture	- Ministry of Agriculture	2019–2022	Number of laws reviewed and propose amendments to prevent or reduce monopolies in the agricultural sector	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - SDG 2 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Relevant agencies took the comments and recommendations of the National Human Rights Commission of Thailand, which the Cabinet has resolved to consider improving the Act to Promote and Conserve National Environmental Quality Act B.E. 2535 (1992) and expedite enactment of the Act on People Participation in the Public Policy Process B.E. (draft) and issue regulations on the Report of Pollutant Release and Transfer Registers (PRTR)</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment 	<p>2019–2022</p>	<ul style="list-style-type: none"> - Consideration has been taken in accordance with recommendations of the National Human Rights Commission of Thailand - Meeting for consideration of the Act on People Participation in the Public Policy Process B.E. (draft) and Regulations on the Report of Pollutant Release and Transfer Registers report 	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Review mining laws, including issuing permits and defining mining areas	- Ministry of Industry	2019–2022	Reviewed the mining law, licensing and mining areas	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 13, 14 and 15 - UNGPs Articles 1, 3, 5 and 7
2.	Public participation	Promoting the management of community forests to solve the problem of coexistence between forests and communities	- Ministry of Natural Resources and Environment	2019–2022	Activities, projects and measures organized to promote or solve community forest management problems	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Disclose news and information to the people, especially the stakeholders and communities that may be affected, about areas affected by large-scale projects and special economic zones</p>	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Ministry of the Interior (Department of Public Works and Town and Country Planning) - Ministry of Industry - Ministry of Transport 	2019–2022	<ul style="list-style-type: none"> - Advertisements publicized on the projects both before, during and after the project implemented by letting the public get information thoroughly - Increase distribution channels of information about the project for the public, in particular, stakeholders - Organize a meeting to hear opinions of people in all areas affected by projects 	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 9, 11, 13, 14 and 15 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Organize discussions and public hearing to receive people's opinions, including from related ethnic groups in the area. The public and communities should get access to complete information and participate in decision- making processes easily, as well as giving comments on the evaluation of the effect on the environment, land expropriation considerations, land management and forest conservation of the government, etc. before undertaking any project, including large-scale projects relating to energy management, power plants, petroleum, and drilling for the exploration of natural resources, in order to encourage people and communities to have a role in determining project operation areas, considering the way of life and culture.</p>	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Ministry of Agriculture - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Interior - Ministry of Industry 	2019–2022	<p>Number of activities and projects organized to listen to the opinions of the people relating to operations that affect the public</p>	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 7, 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Prepare a manual to promote access to information to urge people to be aware of their rights to participate, which should be done proactively.</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry 	2019–2022	<p>A guidebook explaining the right of people to participate in the implementation of government projects</p>	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7
	<p>Promote participation and listening to opinions of children through the Juvenile and Youth Council mechanism in order to ensure that children and youth are acknowledged and able to comment on changes in communities that will affect the quality of their lives.</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Interior 	2019–2022	<ul style="list-style-type: none"> - Collecting data of children’s comments regarding changes in the community through the Juvenile and Youth Council - Implemented measures or procedures to promote, support and educate children and youth to be able to comment effectively 	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 9, 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7 	

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
3.	Environmental and Health Impact Assessment (EIA/EHIA)	Require the Environmental Impact Assessment (EIA) and the Environmental Health Impact Assessment (EHIA) to assess public participation in a neutral, independent, and transparent manner. Monitor and investigate after passing the environment evaluation to control the business sector not to violate various rights after the project has been approved.	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Industry 	2019–2022	<ul style="list-style-type: none"> - Doing EIA/EHIA as required by law, with people and communities in the area participating - Set a process to monitor the project periodically 	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Review and develop the evaluation system for environment impact and the process to receive public opinion and stakeholder participation from the start and in every step of the project. Inform public of the impact assessment report. Access to information must be easy and convenient.</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry 	2019–2022	<ul style="list-style-type: none"> - Reviewed and developed an evaluation system for environment impact and the process to receive public opinion and stakeholder participation. – Access to EIA/EHIA assessment data 	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Strengthen the current impact assessment process to be stronger, especially in large-scale development projects such as infrastructure and mining and energy projects	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry - Ministry of Transport 	2019–2022	Strictly implementing the EIA/EHIA process especially on large projects	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Follow up and monitor the implementation of the measures specified in the EIA report for prevention and addressing of expected impacts from the project accurately and quickly in order to be a database of projects to prevent and address the expected effects in the future</p>	<p>- Agency that is authorized to approve the project is the main responsible agency with the following joint agencies:</p> <ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Industry - Ministry of Energy - Ministry of Transport 	<p>2019–2022</p>	<p>Monitoring of compliance with the measures set out in the EIA/EHIA evaluation report for prevention and address the expected effects in the future</p>	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5, 7 and 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Prepare Strategic Environment Assessment (SEA), a systematic analysis process to assess the potential environmental impact arising from implementing and policy, plan and programme (PPP) levels to achieve the goal on sustainable environment in compliance with the SDGs</p>	<p>- Office of the National Economic and Social Development Council</p>	<p>2019–2022</p>	<p>- Guidelines for Strategic Environment Assessment</p> <p>- Promotion and dissemination of evaluation guidelines of Strategic Environment Assessment for agencies to follow</p>	<p>- National Strategy for Eco-Friendly Development and Growth</p> <p>- National Strategy for Public Sector Rebalancing and Development</p> <p>- SDG 11, 13, 14 and 15</p> <p>- UNGPs Articles 1, 3, 4, 5, 7, 8 and 10</p>

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
4.	Special Economic Zones	Consider appropriate measures for land expropriation, including measures for consultation and compensation for those affected by fair expropriation	<ul style="list-style-type: none"> - Ministry of Transport - Ministry of Natural Resources and Environment - Office of the National Economic and Social Council - Ministry of Industry 	2019–2022	Appropriate measures for land expropriation along with fair compensation	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14, 15 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 10 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Consider making guidelines or measures for Special Economic Zones (SEZs), including the Eastern Economic Corridor (EEC) so they adhere to the highest standards of good governance and the guideline of the corporations while the commitment to implement UNGPs should be reflected in the establishment and management of the SEZ and EEC</p>	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Ministry of Commerce - Ministry of Industry - Ministry of Interior (Department of Public Works and Town and Country Planning) 	2019–2022	<p>Guidelines and measures for the Special Economic Zones (SEZs), including the Eastern Economic Corridor (EEC) to comply with the highest standards of good governance and UNGPs</p>	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5, 7, 8, 10 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
5.	Management of natural resources and the environment	Enforcing administrative-related laws in managing natural resources and the environment with regard to protection of human rights and affected communities	<ul style="list-style-type: none"> - Office of the Attorney General - Ministry of Natural Resources and Environment 	2019–2022	Activities/projects on promotion of law enforcement in managing natural resources and the environment with efficiency	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14, 15 and 16 - UNGPs Articles 1, 2, 3, 4, 5, 7, 8 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<ul style="list-style-type: none"> Review and develop mechanisms to manage natural resources and the environment by focusing on participation of all sectors, including women and ethnic groups 	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior 	2019–2022	Reviewed and developed mechanisms to manage natural resources and the environment by focusing on participation of all sectors	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Supporting the role of communities in conservation and restoring natural resources and inspecting environmental quality	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior 	2019–2022	Activities/projects to support the role of communities in conservation and restoring natural resources and environment	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
6.	Community capacity development	Create knowledge, skills and academic knowledge to the community to increase production efficiency	- Ministry of Agriculture and Cooperatives	2019–2022	Activities/projects to create knowledge, skills and academic knowledge to the community to increase production efficiency	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 12, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Support community research on folk wisdom about agriculture	<ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives 	2019–2022	Activities/projects to support and promote community research on folk wisdom about agriculture	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 11, 12, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Enhancing career, household income, welfare arrangements, and community development, including strengthening of Highland communities along the border and developing sufficient economy villages</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Interior (Department of Community Development) 	2019–2022	<ul style="list-style-type: none"> - Highland people received potential development and good quality of life - Happiness of people in 52,680 villages 	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for National Competitiveness Enhancement - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7
		<p>Organize training and education on human rights for people and communities in order to have correct knowledge and understanding about basic human rights</p>	<ul style="list-style-type: none"> - Ministry of Justice 	2019–2022	<p>Organized training and education on human rights for people and communities in order to have correct knowledge and better understanding on basic human rights</p>	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - National Strategy for Good Governance - SDG 11, 16 and 17 - UNGPs Articles 1, 3, 5, 7, 8 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
7.	Minorities and ethnic groups	Ensure minorities and ethnic groups are given importance in the strategies on policy development and various programmes, including social development, to protect minorities and ethnic groups.	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Natural Resources and Environment - Ministry of Interior 	2019–2022	Strategies on policy development and various programmes for social welfare development and quality life for minorities and ethnic groups	<ul style="list-style-type: none"> - National Strategy for Social Cohesion and Just Society - SDG 10 and 11 - UNGPs Articles 1, 3, 4, 5 and 7
		Provide mechanisms for ongoing consultation with the community and open to the public to participate in making decisions which includes minorities and ethnic groups affected by the management of land, natural resources and preserving the forest	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Interior 	2019–2022	Mechanisms for consultation with the community includes minorities and ethnic groups affected by the management of land, natural resources and preserving the forest	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 10, 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
8.	Development of government operations	Carry out an investigation and prove the rights of ownership and land use and issuing documents certifying legal rights	- Ministry of Interior	2019–2022	Investigated and proved the rights of ownership and land use and legally issuing documents certifying legal rights	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8 and 10
		Consider determining measures to certify rural development and land policies with gender-based dimensions in mind. A person should not be forced to be evicted, if there is a need to act, there should be a Free Prior Informed Consent form and the evicted person must also be compensated	<ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment - Ministry of Interior 	2019–2022	<ul style="list-style-type: none"> - Measure to certify rural development and land policies that considered gender dimensions - Compensation paid to the evicted person 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 5, 10 and 11 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Establish a report on environmental assessment, critical business situations and cases of human rights violations that occurred, as well as specify protection measures of human rights of villagers in the area</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior 	2019–2022	<ul style="list-style-type: none"> - Established report on environmental assessment, critical business situations and cases of human rights violations that occurred - Measures to protect the human rights of local peoples 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 3, 4, 5 and 7
		<p>Consider the establishment of monitoring and evaluation mechanisms for human rights situations with every section involved</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Justice 	2019–2022	<ul style="list-style-type: none"> - Established monitoring and evaluation mechanisms for human rights situations, with representatives from all sectors involved participating 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11 - UNGPs Articles 1, 3, 4, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
9.	Business operations	Consider creating a mechanism to monitor businesses' actions that violate land rights, natural resources and the environment	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Industry - Ministry of Interior 	2019–2022	A mechanism established to monitor the actions of businesses that violate land rights, natural resources and the environment	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11, 13, 14 and 15 - UNGPs Articles 1, 2, 3, 4, 5, 7, 8 and 10
		Study guidelines to develop laws, regulations or policies to promote businesses to respect human rights	<ul style="list-style-type: none"> - Ministry of Justice 	2019–2022	A study on guidelines to develop laws, regulations or policies to promote businesses to respect human rights	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 2, 3, 4, 5, 7, 8 and 10

Pillar 2: Responsibilities of the business sector to respect human rights (Respect)

For Pillar 2, “Expectations for state enterprises and the business sector” will be determined to guide them as the key to their operations. The expectations will be the starting point and state enterprises as well as businesses of all sizes are encouraged to use them as a guideline, which is an important factor to reduce the adverse human rights impact of business operations.

2.1 Compliance with laws, standards and principles of human rights relating to the environment, natural resources, community and land

- State enterprises and the business sector must review the organization’s rules and regulations and improve them to comply with relevant laws, standards and principles of human rights related to the environment, natural resources, community and land, especially the UNGPs, to prevent human rights violations.
- State enterprises and the business sector must promote and monitor their subsidiaries, including their supply chain in respect to relevant laws, standards and human rights principles related to the environment, natural resources, community and land.
- State enterprises and the business sector must cooperate with the government and international organizations in the event of monitoring and review compliance with laws, standards and principles of human rights related to the environment, natural resources, community and land.
- The state enterprises should have appropriate measures and remedies provided in case of land expropriation from people, including coordinating with relevant government agencies to inform the public in advance.

2.2 Open to the participation of public and communities

- State enterprises and the business sector should provide information about businesses and projects to the public, especially the community and the people in the area before, during and after the project implementation to ensure transparency.
- State enterprises and the business sector should listen to all public comments and respect the process of stakeholder participation in accordance with the UNGPs.
- State enterprises and the business sector should work closely with the community to support a production process that is valuable and suitable for the community.
- State enterprises and the business sector should communicate with the public and nearby communities to facilitate their better understanding, as well as cooperate with relevant agencies in the event of preparing for how to deal with the impact of the project.

2.3 EIA/EHIA

- State enterprises and the business sector should conduct an EIA/EHIA assessment by an independent, credible and accredited expert.
- State enterprises and the business sector should conduct an EIA/EHIA assessment in accordance with the guidelines as specified in the relevant laws, regulations and measures.
- State enterprises and the business sector should build mutual understanding with the people and communities affected by operations in the surrounding areas and provide opportunities for those persons to participate in the EIA/EHIA process.
- State enterprises and the business sector should cooperate with the government and various departments in the event of investigation of the correctness and transparency in the making of the EIA/EHIA.

2.4 Complaint and remedy mechanisms

- State enterprises and the business sector should assess risks and conduct human rights due diligence, including preparing annual reports for public distribution.
- State enterprises and the business sector should provide a variety of complaint channels that can be forwarded to the other departments, including measures to protect complainants.
- State enterprises and the business sector should resolve disputes with the community by negotiating and discussing with the communities affected before bringing the case to justice, including coordinating with related agencies in the area to help mediate the dispute resolution.
- State enterprises and the business sector should identify measures to remedy people and communities affected by human rights abuses resulting from business operations.

Pillar 3: Duties of the state and the business sector to provide remedy (Remedy)

Relevant government departments have jointly considered opinions and recommendations received from various sectors according to item 3.2.2 and set the duties of the State, state enterprises and business sector in remedying damage to persons affected or violated from business operations by connecting with the National Strategy, the SDGs and the UNGPs to provide guidelines for relevant agencies to understand and adhere to. This can be summarized as follows:

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2023)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Complaints	Set channels for complaints and petition in the case of witnessing or being affected from the business operation and inform the public, for example, establishing local complaints receipt mechanism	<ul style="list-style-type: none"> - Ministry of the Interior - Ministry of Justice - Office of the Attorney General (Office of Prosecutors Protection Rights) 	2019–2022	Government, state enterprises and businesses set up a channel to receive complaints and petitions from persons impacted by business operations; and inform the public	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
2.	Mediation	Determining policies or making laws to authorize local agencies to initially solve problems, or have a local committee being recognized from all parties, with local mediation power	<ul style="list-style-type: none"> - Ministry of the Interior - Ministry of Justice 	2019–2022	A mediation committee is established at the local and/or community level	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2023)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Consider the establishment of rights protection centres in areas of conflict	- Ministry of Justice	2019–2022	Set up a working group or centre to manage the violation of rights in areas of conflict	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
3.	Prosecution	Determine punitive measures for business organizations that violate human rights	- Ministry of Industry	2019–2022	Proceeded with or imposed punitive measures for business organizations that violate human rights	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Expand ways to request services from the Justice Fund	- Ministry of Justice	2019–2022	Consider adding channels to receive services from the Justice Fund	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2023)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Develop measures to provide legal assistance to people and communities, such as providing legal advice and assistance in litigation in order to be able to access justice easily, conveniently, thoroughly and fairly	- Ministry of Justice	2019–2022	Developed measures to provide legal assistance to people and communities, to be able to access justice	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Increasing efficiency in civil and criminal proceedings in cases related to the environment, natural resources and land rights	- Office of the Attorney General	2019–2022	Relevant law enforcement officer strictly proceeded with civil and criminal cases related to environmental, natural resources and land rights	- National Strategy for Public Sector Rebalancing and Development - SDG16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2023)	Indicators (wide frame)	Compliance with National Strategy/ SDGs/UNGPs
4.	Financial aid	Consider the establishment of a Land Bank managed by the community to help affected people	<ul style="list-style-type: none"> - The Land Bank Administration (Public Organization) 	2019–2022	A study of guidelines for establishing Land Banks to provide help to those affected	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Study the guidelines for establishing a Hedge Fund for people who suffer from business operations	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Industry 	2019–2022	Studied guidelines for establishing a Hedge Fund for people who suffered from business operations	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2023)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
5.	Remedies	Develop systematic measures to effectively remedy the affected persons from managing natural resources or conducting business that violates land rights, natural resources and the environment, covering physical and mental damage and in line with the needs of affected people and communities from business/government projects	<ul style="list-style-type: none"> - Ministry of Natural Resources and the Environment - Ministry of the Interior - Ministry of Justice - Ministry of Industry 	2019–2022	Government sectors, state enterprises, and businesses have measures to remedy the affected persons from managing natural resources or conducting business that violates land rights, natural resources and the environment	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Establish a systematically plan for land restoration, natural resources and the environment in places affected by business operations	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior 	2019–2022	Government, state enterprises and businesses with systematically plans for land restoration, natural resources and the environment in places affected by business	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - SDG 11, 13, 14, 15 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

3.3 Action plan for human rights defenders⁸

3.3.1 Overview of the situation

The human rights situation relating to the protection of human rights defenders is an issue that the United Nations has prioritized by adopting the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. The declaration has been accepted on the international level to provide guidance for governments to adopt, as well as connected with other international human rights laws, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, etc.

For Thailand, the issue of protection for human rights defenders is often raised at the international stage, such as the Universal Periodic Review in May 2016, the UN Human Rights Committee meeting in March 2017, and most recently the meeting of the UN Committee on Elimination of All Forms of Discrimination Against Women in July 2017, for example, in the case of the disappearance of human rights defenders such as Mr. Somchai Neelapaijit and Mr. Porlajee Rakchongcharoen, the charges were not proportional to the action in the case of prosecuting human rights defenders and harassment of human rights defenders, etc.

The Rights and Liberties Protection Department under the Ministry of Justice is aware of the importance to protect every human rights defender. Therefore, the processes, mechanisms and measures for protecting human rights defenders to be safe and able to fully use their rights and freedom to work and live. In the past, there have been many actions in this area, which can be summarized as follows:

1. Appointing a working group to develop measures to protect human rights defenders that are at risk of being violated (White List) The Ministry of Justice issued an order No. 412/2557 dated 28 October 2014 to appoint the working group chaired by the Director-General of the Rights and Liberties Protection Department with representatives from the government and the civil society sector to join as members of a working group. Their power and duties are to consider the criteria, guidelines and measures for the protection of human rights defenders and to consider the relevant rules, regulations and policies in order to establish guidelines for the protection of human

⁸ Currently Thailand does not have a definition for “Human Rights Defender”. However, the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms or UN Declaration on Human Rights Defenders has provided a broad definition for the word “Human Rights Defender” as a person or group of people who works to protect the rights, liberty and benefit of the community or the public.

rights defenders according to international standards and to perform other tasks as assigned. The working group meets continuously to determine the criteria and qualifications of human rights defenders, by decoding the action of human rights defenders and exchanging experiences.

2. Organizing a workshop to lay out guidelines for protecting human rights defenders
The Rights and Liberties Protection Department conducted a workshop to set up a guideline to protect human rights defenders on 1 September 2016 by listening to opinions and views on the establishment of the guideline and categorizing the degree of the safety of human rights defenders into four groups, which are:

1) The black group means the human rights defenders threatened with death in which case compensation for damages should be given. Follow-up should be done to see if the relatives or those involved in the case of these human rights defenders are still at risk.

2) The red group means a group of human rights defenders that have been threatened such as by phone calls, threats or assault but the threats are not life-endangering.

3) The orange group means a group of human rights defenders that have been prosecuted. By using the law as a tool to attack human rights defenders, this causes disruption to their work, as they have to fight these other cases.

4) The grey group means a group of human rights defenders that have started to be attacked. It is unclear that there will be violence, but possibility that violence may occur.

In addition, the meeting also proposed to divide a framework into three measures as follows:

Short-term	Medium-term	Long-term
<ol style="list-style-type: none"> 1. Raise awareness with government agencies to understand the issues of human rights defenders 2. Sign MOUs with various agencies 3. Develop a manual for human rights defenders 4. Field visits to the cases of human rights defenders to identify problems and obstacles to define suitable measures to protect human rights defenders 	<ol style="list-style-type: none"> 1. Appoint a working group to protect human rights defenders and appoint a representative from the Ministry of Interior to get involved 2. Trial operations in a pilot style 	<ol style="list-style-type: none"> 1. Enact laws or regulations of the Prime Minister’s office regarding measures to protect human rights defenders 2. Include human rights defenders in the National Human Rights Plan No. 4

3. Developing a manual for human rights defenders. The Rights and Liberties Protection Department has collaborated with various sectors in developing a manual for human rights defenders and distributing to human rights defenders in the area of field visits or coming into contact with the Rights and Liberties Protection Department.

4. Adjusting the request and fact inquiry form (Form Kor Por Sor-17-02) of the Rights and Liberties Protection Division The Rights and Liberties Protection Department has adjusted the request forms to increase channels of communication to request assistance or make complaints on issues relating to the operation of human rights defenders.

5. Field visit to monitor the situation of human rights defenders who are violated or are at risk of being violated. The Rights and Liberties Protection Department and the Office of High Commissioner for Human Rights (OHCHR) went to the field to monitor the situation of human rights defenders in Klong Sai Pattana Community, Surat Thani and had a meeting to conclude the results of the visit to consider measures to resolve problems with the Provincial Justice Office of Surat Thani, the Rights and Liberties Protection Offices in Area 4, OHCHR, Southern Farmers' Federation of Thailand (SFFT) and Protection International Organization, during 16–17 March 2017, including continuous coordination and follow-up.

6. Preparing a weekly report on the situation of violation against rights, liberties and human rights to the Prime Minister. The Rights and Liberties Protection Department was assigned by the Minister of Justice to prepare a weekly report on the situation of violations of rights, liberties and human rights to the Prime Minister. The Prime Minister has commanded⁹ all departments to inspect and solve problems to reach a conclusion which must be confirmed to the Ministry of Justice in all cases: "If the problem is not resolved, it is considered a defect". This confirms the political will of the government to seriously solve the problem of human rights violations.

7. Revising the Act on Witness Protection in Criminal Case B.E. 2546 (2003) The Rights and Liberties Protection Department is currently proposing to amend the bill to cover cases of intimidation that have not yet entered into the justice process, in order to increase protection channels for human rights defenders.

8. Include issue of human rights defenders. The Rights and Liberties Protection Department will include issues for human rights defenders as one of the main issues under the 4th National Human Rights Plan, which will be effective in 2019–2022. The National Human Rights Plan is a tool for all sectors to use to promote the protection of human rights for all people and to confirm the government's policies and strong intentions in protecting human rights defenders.

9. Establishing a committee on managing complaints related to torture and enforced disappearance. The Prime Minister issued an order No. 131/2017, dated 23 May 2017, and Order 198/2017, dated 18 August 2017, to appoint a committee on managing complaints related to torture and enforced disappearance. The Minister of Justice was chairman of this Committee and

9 The Secretariat of the Prime Minister's Office No. 0403/8237, dated 4 August 2017

16 representatives from related agencies joined as committee members. Their power and duty is to set policies, plans and measures to prevent, oversee the complaints and give compensation, coordinate the operations, receive petitions, investigate, inquire, consider, decide, track, and provide remedy, as well as invite people to give information or to send information, prepare operation reports to the Cabinet, appoint sub-committees and working groups, and assign other people to perform the assigned duties. The committee has already started receiving complaints, verifying facts, investigating, and deciding on measures to assist and remedy family of victims; their work also includes measures to prevent torture and enforced disappearances.

In addition to the work of the Ministry of Justice, on 1 May 2018, the National Human Rights Commission has suggested measures or guidelines for the promotion and protection of human rights regarding human rights defenders. The Ministry of Justice, therefore, hosted the discussion and reported suggestions to various associated agencies. The meeting concluded with ideas to propose to the Cabinet as follows: (1) Human rights defenders are protected equally under the law, like all people in Thailand; (2) In the case of claims of various rights, there should be a balance between claims and the protection of public benefits, since both are sensitive issues that need to be repeatedly emphasized to government officials in order to understand the exercise of freedom of thought and freedom of expression of people. (3) In the case of false reports, which appear to be an exercise of dishonest or manipulative facts, the judicial process has measures to control these actions by penalizing persons who report false statements to officials under the Penal Code section 137 or section 172, etc. However, in case of exercising the right to express opinions in good faith, that person is protected in accordance with Section 329 of the Criminal Code. The Cabinet has passed a resolution on 2 October 2018, acknowledging the comments from relevant agencies.

The Office of the Court of Justice has attempted to amend the law to prevent the Anti-Strategic Lawsuit Against Public Participation (SLAPP) by proposing to amend the Criminal Procedure Code, Section 161/1, in order to allow the court to exercise discretion in the event that the people are plaintiffs (meaning the victim is a person or juristic person). The court has the power to dismiss or not accept the case, if the court considers that the prosecution has the intention to dishonestly or distort the facts or to bully or take advantage of the defendant. The plaintiff is not allowed to file the case again but this does not exclude the power of the prosecutor in filing the case. The amendment of the law is to end lawsuits to bully people, which includes the prosecution of human rights defenders. One reason given in the proposed amendment to the law is that at present, there is prosecution and criminal proceedings against the defendant in bad faith or distorting the facts in many cases, such as filing a lawsuit in courts in remote areas so that defendants have difficulty in traveling, or charging the defendant with heavier charges in order for the defendant to agree to act or not to act improperly, or suing with a threat to use the basic rights and freedoms of defendants in self-defence or to protect the public interest, etc. The National Legislative Assembly approved the bill on 4 December 2018. Currently, the Act on amendment of Criminal Procedure Code (No. 34) B.E. 2562 (2019) was announced in the Royal Gazette on 17 March 2019.

In addition, the Office of the Court of Justice has attempted to present the draft Criminal Procedure Code, Section 165/2 to be added in with Section 165, since originally under Section 165, paragraph 2, it stated that “The defendant has no authority to bring witnesses at the preliminary hearing.” But the newly drafted Section 165/2 specifies that the defendant may state facts to the court, or an important issue that the court should order the case to be unfounded and to specify in the statement to the person, document or material that will support the facts according to the declaration of the defendant, in which case, the court may call such persons, documents, or objects to be a court witness for consideration of the case as necessary and appropriate. The plaintiff and the defendant may ask the court witness when allowed by the court. So, the law amendment on the issue will be another measure to help protecting human rights defenders from being falsely prosecuted. The National Legislative Assembly approved the bill on 2 November 2018 and, at present, the Act on amendment of Criminal Procedure Code (No. 33) B.E. 2562 (2019) was announced in the Royal Gazette on 17 February 2019.

The Office of the Attorney General has applied Section 21 of the Public Prosecutor Organization and Public Prosecution Act B.E. 2553 (2010) in many cases. That section empowered the public prosecutor to consider the case and practise their duties in accordance with the constitution and the law in good faith and justice, that is to say, if the prosecutor considers that criminal prosecution will not benefit the public or will affect safety or national security or for the benefit of the country, the public prosecutor may present to the Attorney General for dismissal. According to the regulations of the Office of the Attorney General, with the approval of the Public Prosecutor Committee under the law on disciplinary of civil servant prosecution, this shall apply to cases where the public prosecutor does not file a complaint, submit an appeal or submit petition to the Court of Appeals, or withdraws a case filed, a petition or an appeal from the Supreme Court.

Currently, many agencies have worked to create an understanding with affiliated staff regarding the work of human rights defenders, for example, the Ministry of Interior issued a letter to the governor of every province to inform the guidelines for prevention and resolving unrest from objections to implementing various government agencies’ projects and the private sector in the area. The Ministry of Defence also disseminated an operation manual for military personnel and civilians to look after demonstrators. Also, the Ministry of Justice through the Rights and Liberties Protection Department enacted a Mediation Act B.E. 2562 (2019) in order to set up a central dispute resolution system by government agencies including mediation in criminal cases in the investigative level, giving more options for people to terminate or dispute resolution voluntarily to the satisfaction of both parties, which is to strengthen reconciliation in society. These measures are considered additional measures of protection for human rights defenders as well.

3.3.2 Challenges

Challenges identified in this section come from the information gathered during regional consultations and discussions with various sectors continuously during 2016–2019. It has been found that there are still many challenges that people expect the government to accelerate in

solving problems related to community, land, natural resources and environment issues. These can be summarized as follows:

- **Accession to an international human rights treaty.** The signing of the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED) should be expedited.

- **Collaboration with the UN Human Rights Mechanisms and regional human rights mechanisms.** The government should cooperate with United Nations human rights mechanisms and regional human rights mechanisms, including the UN Special Rapporteur on the Situation of HRDs.

- **Amendments to laws, regulations, policies and measures, relating to comply with obligations and international standards.** Laws, regulations and orders that restrict people's rights and freedoms, as well as stipulate conditions for refraining from punishing government officials should be reviewed and repealed. The Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. (draft) should be pushed rapidly and continually. The Amendment of the Witness Protection Act B.E. (draft) should be considered expeditiously. The Amendment of the Criminal Procedure Code, Section 161/1, should be implemented effectively to prevent Anti-Strategic Litigation Against Public Participation (Anti-SLAPP).

- **Protecting human rights defenders.** The definition of "human rights defenders" should be defined clearly. A study on the European Guidelines on Human Rights Defenders should be conducted to be used as a guideline for establishing measures and mechanisms for the protection of human rights defenders which includes witness protection measures. Maintaining confidentiality of human rights defenders, complainant's information and information of witness protection officers should be kept. Periodically, it is recommended to meet with human rights defenders to adjust the protection measures, including putting the issue of protecting of human rights defenders in the 4th National Human Rights Plan. Propose for the government and the business sector to issue circulars, letters, orders or internal regulations to improve understanding of their actions as "key partners" that will work together creatively to prevent, alleviate and compensate the adverse human rights impacts and avoid criminal cases against human rights defenders that are working honestly.

- **Women human rights defenders.** Take appropriate measures to protect women human rights defenders to work safely.

- **Knowledge enhancing.** Accelerate the enhancement of knowledge and understanding for all sectors, especially government officials and local government organizations regarding the performance of human rights defenders. Enhance the knowledge of law enforcement teams on how to handle rallies. Study a good practice of measures to promote freedom of speech to be adapted to the Thai context.

- **Developing the potential of human rights defenders.** Make a list of expert lawyers in the fight against human rights abuses, so that people can trust that they will be protected from their rights being abused. Give protection and assistance to lawyers or persons being prosecuted to protect the interests of the community. Arrange training to enhance the capacity of communities and human rights defenders regarding government services in aiding, bail processes and law enforcement, etc.

- **Development of state operations.** Discussion forum between government officials, human rights defenders, community organizations, politicians and the public should be organized to create mutual understanding, and reflect concerns about support budgets and resources for officials in rural areas that must do the duty of protecting human rights defenders. Provide opportunities for civil society to participate. Moreover, challenges also reflect on the issue of restriction of freedom of expression and public gatherings, prohibition of peaceful protests, attitude change and prosecuting human rights defenders who protect the interests of citizens and communities, etc.

3.3.3 Action Plan (2019–2023)

Relevant agencies have jointly considered the recommendations received from various sectors in accordance with Section 3.3.2 and put them into groups by defining important issues including the activity plan which specifies the responsible agencies, time-frame of implementation of the Action Plan, indicators, and linkages with the national strategy, the SDGs and the UNGPs as a guideline for related agencies to follow. It also helps to follow up and evaluate the results. In this regard, the Action Plan has been divided into three pillars in accordance with the UNGPs as in the following tables.

Pillar 1: State duties in protecting (Protect)

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Becoming a party to international human rights treaties and cooperation with various human rights mechanisms	Clearly make a definition of “human rights defenders” by studying international standards	- Ministry of Justice	2019–2022	Meeting to discuss with related agencies a clear definition of human rights defender	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 3, 5 and 7
		Expedite ratification to relevant conventions such as the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	- Ministry of Justice	2019–2022	Becoming a party of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 11, 16 and 17 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Promote creative cooperation with United Nations human rights mechanisms and regional human rights mechanisms	- Every agency	2019–2022	An official visit to Thailand or a technical visit of the special procedures of the United Nations Human Rights Council	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 11, 16 and 17 - UNGPs Articles 1, 3, 5 and 7
2.	Amendments to laws, regulations, policies and related measures	Push for review, amendment and abolition of laws, as well as relevant mechanisms to facilitate the protection of human rights defenders, such as witness protection laws	- Ministry of Justice	2019–2022	Reviewed policies, laws and related mechanisms to facilitate the protection of human rights defenders	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Study the guidelines for development of laws, regulations or measures to prevent Strategic Litigation Against Public Participation: (SLAPP)	- Ministry of Justice	2019–2022	Studied development of guidelines for laws, regulations, or measures to prevent strategic litigation against public participation	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 1, 3, 5 and 7
3.	Protecting human rights defenders	Establish or review policies, mechanisms and protection measures to protect human rights defenders including female human rights defenders to work safely and train law enforcement agencies practically	<ul style="list-style-type: none"> - Ministry of Justice - Royal Thai Police - Office of the Attorney General 	2019–2022	<ul style="list-style-type: none"> - Reviewed or improvement of policies, mechanisms and protection measures to protect human rights defenders including females to work safely - Train law enforcement agencies about policy, mechanisms, processes and measures to protect human rights defenders 	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 5 and 16 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Include the issue of protection of human right defenders in the 4 th National Human Rights Plan	- Ministry of Justice	2019	The issue of human rights defenders being put into the 4 th National Human Rights Plan	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 1, 3, 5 and 7
		Organize discussions with human rights defenders by working creatively to prevent, alleviate and remedy adverse effects on human rights	- Ministry of Foreign Affairs - Ministry of Defence - Ministry of Justice - Other related agencies	2019–2022	Periodic consultation with human rights defenders	- National Strategy for National Security - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 3, 5 and 7
4.	Enhancing knowledge and understanding	Study and exchange good practices of measures to promote freedom of speech which can be adapted to use in the Thai context	- Ministry of Foreign Affairs - Ministry of Justice	2019–2022	Reviewed and exchanged good practice guidelines to promote freedom of speech of various countries and international organizations	- National Strategy for Public Sector Rebalancing and Development - SDG 11, 16 and 17 - UNGPs Articles 1, 3, 5, 7, 8 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Organize training for law enforcement officers to enhance their knowledge and understanding in enforcing laws on the protection of human rights, such as handling rallies, expressing human rights, preventing dishonest lawsuits that attack human rights defenders, etc., including improving gender-sensitivity	<ul style="list-style-type: none"> - Royal Thai Police - Office of the Attorney General - Office of Court of Justice - Ministry of Defence - Ministry of Justice - Ministry of Foreign Affairs 	2019–2022	<ul style="list-style-type: none"> - Trained law enforcement officers with better knowledge and understanding of law enforcement regarding the protection of human rights 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 11, 16 and 17 - UNGPs Articles 1, 3, 5, 7, 8 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Organize activities to enhance community potential and human rights defenders in the community	<ul style="list-style-type: none"> - Ministry of Interior (Department of Provincial Administration) - Ministry of Justice 	2019–2022	<ul style="list-style-type: none"> - Target people are knowledgeable and understanding, able to protect themselves and not victims of human rights violations in the 76 provinces and in 878 districts - Provided knowledge and practical guidelines regarding human rights to the Deputy District Chief and administrative staff - Surveillance and suppression of risk areas in the 76 provinces of not less than once a month, and in the 878 districts, not less than 2 times a month 	<ul style="list-style-type: none"> - National Strategy for National Security - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 3, 5 and 7

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/ SDGs/UNGPs
		Organize training and enhance potential development for lawyers as well as providing a list of lawyers and legal advisors with expertise in defending human rights cases	<ul style="list-style-type: none"> - Ministry of Justice - Office of the Attorney General 	2019–2022	<ul style="list-style-type: none"> - Activities and projects to train and develop capacity of human rights lawyers - A list of lawyers and legal counsel with expertise and understanding in defending human rights cases 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 1, 3, 5 and 7
		Providing correct education on human rights to the public, including on state services provided such as bail processes and law enforcement, etc.	<ul style="list-style-type: none"> - Office of the Attorney General - Ministry of Justice 	2019–2022	Activities to educate the public on human rights, including on state services, bail processes, law enforcement etc.	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 3, 5, 7, 8, 9 and 10

Pillar 2: Responsibilities of the business sector in respecting human rights (Respect)

For Pillar 2, “Expectations for state enterprises and the business sector” will be determined to guide them as the key to their operations. The expectations will be the starting point and state enterprises as well as businesses of all sizes are encouraged to use them as a guideline, which is an important factor to reduce the adverse human rights impact of business operations.

2.1 Compliance with laws, measures and principles of human rights relating to the protection of human rights defenders

- State enterprises and the business sector must comply with the law, measures and principles of human rights relating to the protection of human rights defenders.
- State enterprises and the business sector should provide channels which their personnel can access for disseminating knowledge and understanding about laws, measures and principles of human rights related to protection of human rights defenders.
- State enterprises and the business sector must cooperate with government agencies and international organizations to follow the monitoring and prosecution of human rights defenders.
- State enterprises and the business sector should understand the role of human rights defenders in their job to protect them and ensure that they will not be terminated or prosecuted just because of their work for protecting the human rights of others.

2.2 Enhancing knowledge and understanding about the work of human rights defenders

- State enterprises and the business sector should study and understanding the role of human right defenders’ work.
- State enterprises and the business sector must cooperate in participation with government agencies’ activities organized to educate about the work of human rights defenders.
- State enterprises and the business sector should provide a forum to discuss with human rights defenders in order to create an understanding of working together.
- State enterprises and the business sector should disseminate and publicize the duty of human rights defenders to their staff and networks.

2.3 Establishing measures to protect human rights defenders

- State enterprises and the business sector must provide an overview of the situation working with human rights defenders when requested by government agencies.
- State enterprises and the business sector should participate with government agencies in implementing measures to protect human rights defenders and understanding the roles of human rights defenders.
- State enterprises and the business sector and civil society should collaborate constructively in the prevention, mitigation and remedy of adverse human rights impacts.
- State enterprises and the business sector should clearly assign personnel or agencies to correctly enhance knowledge and understanding to their staff regarding the work of human rights defenders to prevent misunderstandings and harassment between each other.

2.4 Complaint and remedy mechanism

- State enterprises and the business sector should have a mechanism to consult with human rights defenders in order to deal with the violation of human rights.
- State enterprises and the business sector should provide clear channels and designated coordinators for complaints.
- State enterprises and the business sector should settle disputes with human rights defenders by fully negotiating and mediating disputes before bringing the case to justice which may involve coordination with relevant agencies in the area to help mediation to settle the disputes.
- State enterprises and the business sector should avoid litigation to prosecute human rights defenders simply because they are performing their duty to claim and protect the rights of others.

Pillar 3 Duties of state enterprises and the business sector (Remedy)

Relevant government departments have jointly considered opinions and recommendations received from various sectors according to item 3.3.2 and set the duties of the State, state enterprises and business sector in remedying damage to persons affected or violated from business operations by connecting with the National Strategy, the SDGs and the UNGPs to provide guidelines for relevant agencies to understand and adhere to. This can be summarized as follows:

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Complaints/petition for assistance	Establish a mechanism for petition and effective, appropriate and sufficient assistance to resolve violations of human rights that may arise from conducting business	<ul style="list-style-type: none"> - Ministry of Justice - Ministry of the Interior - Ministry of Commerce - Ministry of Industry 	2019–2022	A mechanism for petition and effective appropriate and sufficient assistance to resolve violations of human rights that may arise from conducting business	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
2.	Promotion of mediation systems	Promoting a mediation system at every level of the justice process, including the development of alternative dispute resolution mechanisms	<ul style="list-style-type: none"> - Office of the Attorney General - Ministry of Justice - Office of Court of Justice 	2019–2022	Activities/projects/measures organized to promote mediation at every level of the justice process, including developed alternative dispute resolution mechanisms	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
3.	The proceedings	Provide assistance to access to justice process for human rights defenders	<ul style="list-style-type: none"> - Office of the Attorney General - Ministry of Justice 	2019–2022	Channels/mechanisms/measures in helping human rights defenders to access justice	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Enhance knowledge and skills for persons responsible for the law, regulation, and correct policy with justification for offenses outside the Kingdom	- Office of the Attorney General	2019–2022	Activities to enhance knowledge for the persons responsible for the law, regulation, and correct policy with justification for offenses outside the Kingdom	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Develop the capacity of witness protection officers by supporting resources, budgets, personnel and enhancing knowledge, expertise and skills in witness protection	- Ministry of Justice	2019–2022	Activity to continually enhance the potential of witness protection officers	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
4.	Remedies	Remedies for victims as per the UN Declaration of Justice for Victims of Crime and Abuse of Power as appropriate and with gender-sensitivity	- Ministry of Justice	2019–2022	Improved the system and measures to remedy victims as per the UN Declaration of Basic Principles of Justice as appropriate and with gender-sensitivity	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Coordination to help victims in terms of physical, mental, social and professional issues, etc.</p>	<ul style="list-style-type: none"> - Ministry of Social Development and Human Security - Ministry of Justice - Ministry of Public Health - Office of the Royal Thai Police 	2019–2022	<ul style="list-style-type: none"> - Provided protection and taking care of victims of sexual discrimination and violence - Coordinated measures between various departments for the benefit of helping the victims physically, mentally, socially, professionally, etc. 	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 5, 11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		<p>Study and analyse the legal gap and obstacles to access justice for human rights defenders in order to improve reliable healing processes</p>	<ul style="list-style-type: none"> - Ministry of Justice 	2019–2022	<p>Legal gaps and obstacles to access justice for human rights defenders studied</p>	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

3.4 Action Plan on Cross Border Investment and Multinational Enterprises

3.4.1 Overview of the situation

Thai Direct Investment Abroad (TDI)¹⁰ is necessary for the strategy for Thailand's development, in terms of helping to adjust the country's economic structure to be able to compete and grow under the global economy. The research department of the Stock Exchange of Thailand has surveyed and found four important reasons for TDI, namely (1) To seek new markets or maintain the original market share in the country that has a large market or tend to grow (market seeking); (2) To search for natural resources and access to raw materials and cheaper labour in the country (resource and labour seeking); (3) To increase production efficiency including the search for new technologies (efficiency seeking); and (4) to help with the risk diversification of business.

In the past, the flow of foreign investment by the private sector has been steadily increasing. This is in line with development guidelines of developed countries, and can be seen from the value of accumulated investments of Thai Direct Investment Abroad (TDI). In 2005, TDI was only US\$8 billion, while in 2016, TDI increased to US\$94.3 billion, more than 10 times from the year 2005. The countries that Thailand invested heavily into in 2016 are ASEAN countries to an amount of US\$30.8 billion or equivalent to 30.2 percent of the total investment value of TDI, led by Singapore, Viet Nam and Myanmar. The businesses that Thailand invested in are food production and beverages, mining, financial services and wholesale and retail services, and more.

In 2017, the Thai private sector had outstanding foreign investment of more than US\$1.36 billion, or approximately THB 4.45 trillion, an increase of THB 9.68 billion more than 2016. That amount divided into Thai Direct Investment Abroad (TDI), totalling nearly US\$1.17 billion, or about THB 3.79 trillion, is an increase of about 23 percent from the previous year. The most direct capital that Thailand invested in 2017 was in the European Union. As for the direct investment value of Thai businesses in ASEAN in 2017, the outstanding balance was US\$33.99 million, an increase of 20 percent, most of which increased in Cambodia, Laos, Myanmar, and Viet Nam (CLMV). The businesses invested are accommodation and food services, real estate, manufacturing and more.

In 2018, there was investment in the public infrastructure of the government and the Eastern Economic Corridor (EEC) project, which helps build confidence for both Thai and foreign investors to return to invest more. However, TDI is becoming more active in the development and extension of the chain of production supply of Thailand in the future. In the past, Thailand had to face many problems such as rising wages, shortages of labour due to an aging society and the disqualification of Generalized Systems of Preferences (GSPs) from developed countries. These various factors are crucial in driving Thai investors, especially in industries that require labour, to go out to invest more abroad to maintain price competitiveness while some operators want to

¹⁰ Thai Direct Investment Abroad means an investment in which an investor who has residence in Thailand has business residing in another country that has affiliated companies. The investor can be investing in shares of an affiliated company or a subsidiary in 10% or more (Bank of Thailand).

expand the market and seek new opportunities for the purpose of developing potential business growth in the long-term. In the past 10 years, TDI has tended to increase continuously. Nevertheless, TDI is not only causing money to flow outside of the country, but if looking at the opposite side, foreign investment will help expand the supply chain and expand export channels for Thai investors in the form of an “Investment-Induced Trade” strategy by creating more value for the economy through investment in potential countries. In addition, in the future, it may be a way to convince small companies that are in the same supply chain to invest more, which will expand the regional supply chain of Thailand to be stronger.

Foreign Direct Investment (FDI)¹¹ is important for the economic development of developing countries due to insufficient domestic savings for investment needs. Foreign investment is beneficial to investors, because the investor expands investing or relocating production bases to other countries, allowing operators to utilize the resources available in that country to increase their competitiveness and profitability. The country receiving the investment is also gaining benefit from the increase in national income from new investments and the transfer of technology from the countries that invest in industrial development of their home countries.

FDI in Thailand in 2017 has continuously increased investment value. In the service sectors, investment mostly is in the retail and wholesale sectors, financial services and real estate. In the manufacturing sector, most investments are in machinery industry, computers, automotive, and rubber and plastic production, with the top five countries/regions investing in Thailand being Japan, ASEAN, the European Union, the United States and Hong Kong.

In the past, Thailand was considered a country with quite high FDI. However, one challenge today is that FDI value has decreased due to the rising labour wage rate, a shortage of labour from entering an aging society, various disasters, and political instability. All of these factors have affected the confidence of foreign investors. However, in the past, the Thailand Board of Investment (BOI) has implemented various measures to stimulate and encourage foreign investors to invest in Thailand, such as providing tax privileges to foreign businesses that invest in 10 categories of S-Curve Industries¹² and opportunities to participate in Public Private Partnerships (PPPs) in communications infrastructure, including the government policy to push for the Eastern Economic Corridor (EEC) project, all of which are crucial development projects that help building investor confidence which will attract more Foreign Direct Investment. The statistics of FDI in 2018, found that most of the investment value belongs to the category of metal products, machinery and transport equipment followed by services and utilities, with Japan, China, and Singapore being the countries with the highest amount of investment capital for investment promotion applications. In

11 Foreign direct investment means a company located in a foreign country or a source country that wishes to invest in Thailand or Host Countries to make profits and send back to the source company (Academic Office, Secretariat of the House of Representatives).

12 Target industries consist of five existing industries with potential, including Next-Generation Automotive; Smart Electronics; Affluent, Medical and Wellness Tourism; Agriculture and Biotechnology; and Food for the Future; and five future industries including robotics, aviation and logistics, biofuels and biochemical, digital, and medical hubs.

addition, World Bank's *Doing Business 2018* report ranked Thailand at 26th of all countries around the world that are convenient for running small and medium-sized businesses. However, Thailand must develop its capabilities in technology and innovation ability and competitiveness, including the quality of various productions to make Thailand still be in demand at all levels of investment.

Complaint situation The National Human Rights Commission of Thailand has received complaints regarding the impact of cross-border business operations of Thai entrepreneurs, such as a Thai private company that was granted a land concession for sugarcane cultivation and established a sugar factory in Cambodia and violated the human rights of the Cambodian people. The National Human Rights Commission of Thailand has investigated and has ruled that though the company is not the action maker, the impact is considered a part of their direct responsibility in the case of affecting human rights. In the case that a private company has entered into a Memorandum of Agreement with the Port Authority of the Union of Myanmar to operate a deep-sea port project in the Dawei Special Economic Zone Project in Myanmar, the National Human Rights Commission has investigated and found that the construction of infrastructure of the project caused human rights violation to the Myanmar people. The National Human Rights Commission of Thailand has recommendations for relevant government agencies to consider establishing mechanisms or defining the Investment Supervision to respect the basic principles of human rights by using The UNGPs as a framework.

The implementation of government operations The government emphasized and was aware of the impact of Thailand doing business as abroad, as can be seen in many cases from the approval of agencies to proceed in accordance with the policy recommended by the National Human Rights Commission of Thailand, for example, pushing the private sector to take measures that directly and intensify promotion of human rights in various areas, using policy tools such as the development of an action plan by government agencies is necessary to cooperate with the private sector to push for concrete results, establishing a mechanism or defining the mission of supervising foreign investment of Thai investors to respect the fundamental principles of human rights by using the UNGPs as a framework for the operation of investment in foreign countries by Thai investors.

3.4.2 Challenges

Challenges identified in this section come from the information gathered during regional consultations and discussions with various sectors continuously during 2016–2019. It has been found that there are still many challenges that people expect the government to accelerate in solving problems related to community, land, natural resources and environment issues. These can be summarized as follows:

- **Amending related laws, regulations, policies and measures.** Concrete laws or policies should be enacted as well as mechanisms to detect human rights violations outside the territory should be established in order to provide protection, remedy and cross-border responsibility. The abused can use the process of justice in Thailand for protection and remedy, such as the National

Environmental Quality Promotion and Conservation Act B.E. 2535 (1992), the Amendment of the Securities and Exchange Act B.E. 2535 (1992), to govern, supervise and punish, regarding the investment of Thai investors in foreign countries, regardless of whether the form of investment is in a subsidiary company or joint venture and developing the principles of a Corporate Governance Code (CG code) to be in compliance with the law. Laws and regulations relating to the supervision of the Eastern Economic Corridor Project (EEC) should be enacted and having clear sanctions. Information about all projects under the EEC should be disclosed and disseminated to the public in advance. There should also be a public hearing of local communities before the approval from the Securities and Exchange Commission (SEC) and obtaining loans from banks.

- **Raising investor awareness.** Encourage the use of the principles of the UNGPs to publicize them in the business sector and with business operators by establishing a formal working channel with the Securities and Exchange Commission.

- **Investment promotion.** Government should consider human rights impacts before signing international trade or investment agreements and treaties. Review provisions for a stabilization clause in the investment agreement that will not affect government policies to promote the UNGPs. Measures for business organizations located in the territory or jurisdiction of the sovereignty of Thailand must comply with The UNGPs. The determination of measures to initiate or develop any project must consider the public interest, rights of public participation, and the impact on the people in the project area before deciding to implement the project. Establish foreign country investment supervision measures of Thai investors to respect human rights principles. Establish measures for businesses that receive investment support and ensure business investment respects human rights. Conduct a study of risks of human rights impacts in providing public services by independent academics to be accepted by people in the area and society. Determine measures and mechanisms to supervise the resolution of the impact. Propose the use of human rights risk assessment principles and human rights surveillance in the preparation of public service and joint venture agreement (in the case of the government authorizing the private sector to act). Consider cancelling assignments of the private sector to proceed with the construction of projects related to the infrastructure and public services through joint venture agreements (public-private partnerships).

- **Prevention of violations of international human rights.** Define clear guidelines to control businesses and corporations in foreign countries. Consider measures to establish the impact analysis report of the cross-border environment (Trans boundary EIA) and monitor measures for cross-border impacts on health, agriculture and the environment. Determine measures to prevent human rights violations in investment projects of state enterprises and the Thai business sector abroad. Support organizations to conduct human rights due diligence.

- **Development of government operations.** Establish a central unit to oversee cases of an impact on the international environment. Define the role of the Securities and Exchange Commission (SEC) to regulate public companies in respecting and complying with the UNGPs. Establish mechanisms to examine cross-border human rights impacts. Promote the role of the National Human Rights Commission in examining human rights abuses in foreign countries by the Thai business sector where the parent company is registered or has its head office in Thailand. Require the Bank of Thailand to issue a Bank's Environmental and Social Safeguards Policies, especially in releasing loans to large investment businesses in Thailand and neighbouring countries, whereby the Equator Principle (an international standard for credit approval) may be implemented.

- **State enterprises.** Develop regulations to require state enterprises to act as an example of the respect of human rights, which may have concrete guidelines and incentives such as performance indicators for the action of state enterprises in prevention and alleviation of human rights risks and impacts, including the case of overseas operations by subsidiaries, contractors or joint ventures.

- **Supply chain.** Encourage large companies to regulate the supply chain of the company, branch and franchise, including outsourced services and subcontracting companies to respect human rights.

- **Actions for the business sector.** Establish measures or mechanisms for managing problems in the case of Thai state enterprises and the business sector abusing human rights in foreign countries. Introduce voluntary or semi-compulsory disclosure measures by the Securities and Exchange Commission. Establish mechanisms or oversight of transnational corporations by allowing the National Human Rights Commission to do the management. Encourage banks to assess social and environmental risks before approving loans for investment, by encouraging private companies to respect human rights through government procurement and economic diplomacy, as well as the promotion of due diligence on human rights by a Thai company involved in large-scale projects in the ASEAN region. Require businesses of all sizes related to cross-border investment to incorporate a review of overall human rights impacts in operating projects, especially large ones. Encourage all departments to accelerate the proceedings according to the cabinet resolution that addresses policy recommendations of the National Human Rights Commission on solving various problems.

3.4.3 Action Plan (2019–2022)

Relevant agencies have jointly considered the recommendations received from various sectors in accordance with Section 3.4.2 and put them into groups by defining important issues including the activity plan which specifies the responsible agencies, time-frame of implementation of the Action Plan, indicators, and linkages with the national strategy, the SDGs and the UNGPs as a guideline for related agencies to follow. It also helps to follow up and evaluate the results. In this regard, the Action Plan has been divided into three pillars in accordance with the UNGPs as in the following tables.

Pillar 1: State duties in protecting (Protect)

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Amendments of laws, regulations, policies and related measures	Establish guidelines and procedures to provide comments to the government that has with transnational corporations, considering the Human Rights Assessment	- Office of the Attorney General	2019–2022	Established guidelines and process to provide comments to the contract that the government has with transnational corporations, considering the Human Rights Assessment	- National Strategy for National Competitiveness Enhancement - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
		Study and discuss with various relevant sectors to consider guidelines for developing laws, policies or concrete mechanisms to investigate human rights violations outside the territory to provide protection and remedy and take cross-border responsibility that complies with international standards such as the OECD Guidelines for Multinational Enterprises	- Ministry of Foreign Affairs - Ministry of Justice	2019–2022	Improved legislation, policies or mechanisms to investigate human rights violations outside the territory to provide protection and remedy and take cross-border responsibility that complies with international standards, such as the OECD Guidelines for Multinational Enterprises	- National Strategy for National Competitiveness Enhancement - National Strategy for Public Sector Rebalancing and Development - SDG 8, 16 and 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Review laws and regulations related to the Eastern Economic Corridor (EEC) project in order to supervise the operations of the business sector and investors with a clear penalty for cases that violate human rights.	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Neighbouring Countries' Economic Development Corporation Agency (Public Organization) - Board of Eastern Economic Corridor (EEC) 	2019–2022	Meetings to review laws and regulations related to Eastern Economic Corridor (EEC) Projects	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
		Create channel to disclose information about the Eastern Economic Corridor (EEC) project, including all borders, economic zones and mechanisms to discuss with affected communities	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Neighbouring Countries' Economic Development Corporation Agency (Public Organization) - Ministry of Interior - Ministry of Industry - Board of Eastern Economic Corridor (EEC) 	2019–2022	Created channel to disclose information about Eastern Economic Corridor (EEC) project, including all borders, economic zones and mechanisms to discuss with affected communities	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/ SDGs/UNGPs
2.	Creating investor awareness	Disseminate the UNGPs to businesses or entrepreneurs by establishing communication channels with the Securities and Exchange Commission (SEC) and the Stock Exchange of Thailand	<ul style="list-style-type: none"> - The Office of the Securities and Exchange Commission - The Stock Exchange of Thailand - The Board of Investment of Thailand (BOI) - The Joint Standing Committee on Commerce, Industry and Banking (JSCCIB) - Ministry of Justice - Ministry of Commerce (Department of Business Development) 	2019–2022	Training and conferences are organized to disseminate UNGPs	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Encourage the business sector to focus on the relationship between large companies and the company's supply chain, including outsourced services and subcontracting that may have adverse effects on human rights</p>	<ul style="list-style-type: none"> - The Office of the Securities and Exchange Commission - The Stock Exchange of Thailand 	2019–2022	<p>Training for the business sector to focus on the relationship between large companies and the company's supply chain, including outsourced services and subcontracting that may have adverse effects on human rights</p>	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Human Capital Development and Strengthening - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8
		<p>Encourage commercial banks to focus on the business operations that affect society and the environment by promoting Sustainable Banking Guidelines, which define guidelines for commercial banks consistent with the principles of Environment, Social and Governance (ESG) criteria or other practices that are accepted internationally</p>	<ul style="list-style-type: none"> - Bank of Thailand 	2019–2022	<p>Common guidelines for Sustainable Banking Guidelines in order to set business standards. Finance in accordance with the principles of Environment, Social and Governance (ESG) criteria or other guidelines that are accepted internationally</p>	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Human Capital Development and Strengthening - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5 and 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/ SDGs/UNGPs
3.	Promotion of Investment	Certify that the government emphasizes the promotion and support of investors and business organizations located in Thailand that respect and comply with domestic laws and regulations, which reflect the policy of Thailand in the management and protection of public interests including protecting basic human rights, environment and public health, etc.	<ul style="list-style-type: none"> - Ministry of Foreign Affairs - Ministry of Commerce (Department of International Trade Negotiations) 	2019–2022	<p>Agreement negotiated to promote and protect investment and investment clauses in the Free Trade Agreement upholding the principles of protecting and respecting human rights and avoiding negative effects</p>	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Human Capital Development and Strengthening - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Consider measures to encourage business organizations which are located in the territory or jurisdiction of Thailand's sovereignty to abide by the UNGPs.</p> <p>In initiating or developing projects, consideration must be given to public benefits, rights of public participation and impact on people in the area before deciding to proceed with the project</p>	<ul style="list-style-type: none"> - Office of the Securities and Exchange Commission 	2019–2022	<p>Training for business organizations that are located in the territory or jurisdiction of Thailand's sovereignty to abide by the UNGPs</p>	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Human Capital Development and Strengthening - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
		<p>Create awareness, promote and facilitate business for Thai investors going to foreign countries to respect the principles of human rights as well as comply with various rules including regulations regarding human rights of the host country by consider making guidelines for investment in each country</p>	<ul style="list-style-type: none"> - Office of the Board of Investment - Bank for Export and Import of Thailand - Office of the Securities and Exchange Commission - Ministry of Commerce (Department of Trade Promotion International) 	2019–2022	<p>Entrepreneurs who are going to invest in foreign countries trained and educated to respect human rights principles</p>	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Human Capital Development and Strengthening - SDG 8, 16 and 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Require studies and assessments of the risk and impact on human rights (human rights due diligence) before undertaking large-scale projects or projects related to public services, including in the case of joint investment between the government and private sectors to prepare conducting projects relating to infrastructure and public services that are a duty of the state, including in the case that the government has assigned the private sector to do the project instead</p>	<ul style="list-style-type: none"> - Office of the Economic and Social Development Council - Ministry of Natural Resources and Environment (Bureau of Policy and Environmental Plan) - Ministry of Transport - Ministry of Finance (Office of the State Enterprise Policy Office) - Ministry of Energy - Ministry of Industry (Office of Economic Cooperation and Neighbouring Countries (Public Organization)) 	2019–2022	A study to assess the risk and human rights impact (human rights due diligence) before the implementation of large-scale projects	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9, 10, 17, 18 and 19

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/ SDGs/UNGPs
4.	Preventing human rights violations abroad	Require Thai businesses abroad to respect human rights	- Ministry of Foreign Affairs	2019–2022	A handbook for Thai businesses in foreign operations to respect human rights according to the UNGPs	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 8, 16 and 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
		Organize training on business and human rights for personnel of the Ministry of Foreign Affairs to be able to give advice to the Thai business sector that invests in foreign countries	- Ministry of Foreign Affairs	2019–2022	Personnel of Ministry of Foreign Affairs trained on business and human rights	<ul style="list-style-type: none"> - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 8, 16 and 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Consider the possibility of establishing guidelines or agreements on trans-boundary EIA and surveillance on cross-border effects in health, agriculture, society, land, natural resources and environment</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment (Office of Policy and Environmental Plans) 	<p>2019–2022</p>	<ul style="list-style-type: none"> - Possibility discussed or studied of establishing guidelines or agreements on trans-boundary EIA - Measurement discussed and selected to monitor the impact of cross-border work on health, agriculture, society and environment 	<ul style="list-style-type: none"> - National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 8, 13, 14, 15, 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
		<p>Establish measures to prevent violations of human rights in investment projects of state-owned enterprises (and Thai businesses abroad) including complaint mechanisms</p>	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - Ministry of Finance (Office of the State Enterprise Policy Office) 	<p>2019–2022</p>	<p>Preventive measures and mechanisms for complaints of infringement discussed and defined in relation to human rights in the projects invested by state-owned enterprises (and Thai businesses abroad)</p>	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8, 16 and 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
5.	Development of government operations	Require a central agency to supervise and inspect in the event of international environmental impact	- Ministry of Natural Resources and Environment	2019–2022	Central agency responsible for supervision and inspection in the event of international environmental impact considered and determined	- National Strategy for Eco-Friendly Development and Growth - National Strategy for Public Sector Rebalancing and Development - SDG 8, 13, 14, 15, 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
6.	State enterprises	Require state enterprises to have measures to prevent and mitigate human rights risks and impacts including those carried out overseas by subsidiaries, contractors and joint ventures	- Ministry of Finance (Office of the State Enterprise Policy Office)	2019–2022	State enterprises have projects/activities to implement the UNGPs and HRDD assessments and share good and concrete practices with other business sectors	- National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
7.	Business operations	Study and consider imposing incentive measures consistent with the activities of the business sector in accordance with the Thai context of many small establishments, by directly determining incentives for entrepreneurs and labour, such as creating support programmes. Organize human rights protection activities in small establishments.	<ul style="list-style-type: none"> - Office of the National Economic and Social Development Council - SME Bank - Office of the Promotion of Small and Medium Enterprise 	2019–2022	An incentive studied and determined for businesses, entrepreneurs, and labour considering the situation in Thailand of many small establishments	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10
8.	Promoting cooperation in driving business issues and human rights at regional and international levels	Exchange and disseminate good practices to drive international and regional business and human rights issues	<ul style="list-style-type: none"> - Ministry of Foreign Affairs - Ministry of Justice 	2019–2022	Good practices exchanged and disseminated in implementation of the UNGPs, such as periodically preparing courses or workshop for staff in related countries of interest	<ul style="list-style-type: none"> - National Strategy for National Competitiveness Enhancement - National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 8, 16 and 17 - UNGPs Articles 1, 3, 4, 5, 7, 8, 9 and 10

Pillar 2: Responsibilities of the business sector in respecting of human rights.

For Pillar 2, “Expectations for state enterprises and the business sector” will be determined to guide them as the key to their operations. The expectations will be the starting point and state enterprises as well as businesses of all sizes are encouraged to use them as a guideline, which is an important factor to reduce the adverse human rights impact of business operations.

2.1 Compliance with laws, standards and principles of human rights relating to cross border investment and multinational enterprises

- State enterprises and the business sector must review the rules and regulations of their organizations and amend them to comply with laws, standards and principles of human rights related to the environment, natural resources, communities and land, especially the UNGPs, in order to prevent human rights violations.
- State enterprises and the business sector must comply with laws, regulations and standards regarding human rights in the management of business and investment in the country, in the case of investing in Thailand and in foreign countries in the case of cross border investment.
- State enterprises and the business sector should encourage and monitor their subsidiaries including their supply chain to respect the laws, regulations and standards regarding human rights, business governance and investment in Thailand in the case of investing in Thailand and in foreign countries in the case of cross border investment.
- State enterprises and the business sector should cooperate with the government and international organizations in the event of tracking and reviewing compliance with laws, regulations and standards regarding human rights, business governance and investment in Thailand in the case of investing in Thailand and in foreign countries in the case of cross border investment.

2.2 Promoting awareness of international principles and standards regarding human rights and business conduct

- State enterprises and the business sector should provide training to improve knowledge about international principles and standards regarding human rights and responsible business conduct for their affiliates and staff.
- To be transparent, state enterprises and the business sector, both for domestic investment and cross border investment, must disclose information about their projects to the public, especially the community and people in the affected areas both before, during and after the project implementation.

- State enterprises and the business sector should study the UNGPs and the OECD Guidelines on Multinational Enterprises, including communicating with their affiliates and agencies.
- State enterprises and the business sector must keep an eye on their companies' supply chain operations including outsourcing services and subcontracting that may create adverse effects on human rights as specified in the UNGPs.

2.3 Complaint and remedy mechanism

- State enterprises and the business sector operating in Thailand and Thai entrepreneurs investing in foreign countries should conduct a risk assessment and surveillance of human rights due diligence, including disclosure of information to the public.
- State enterprises and the business sector should have a channel or mechanism to receive complaints about human rights violations resulting from business operations and coordinate to forward the relevant information to the related department.
- State enterprises and the business sector operating in Thailand and Thai entrepreneurs investing in foreign countries should resolve disputes with the community by negotiation and discussion with the affected communities to give full compensation for damages before bringing the case into the judicial system. They should coordinate with relevant local agencies in the area to help in mediating disputes.
- State enterprises and the business sector operating in Thailand and Thai entrepreneurs investing in foreign countries should have a measure to give remedy to the people and communities where human rights have been abused or negatively impacted resulting from business operations.

Pillar 3 Duties of state enterprises and the business sector (Remedy)

Relevant government departments have jointly considered opinions and recommendations received from various sectors according to item 3.4.2 and set the duties of the State, state enterprises and business sector in remedying damage to persons affected or violated from business operations by connecting with the National Strategy, the SDGs and the UNGPs to provide guidelines for relevant agencies to understand and adhere to. This can be summarized as follows:

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
1.	Complaint mechanism	Collaborating with other countries to establish an international mechanism to receive complaints and to inspect and conduct business investigations that affect communities	- Ministry of Foreign Affairs	2019–2022	Discussions with countries to establish an international mechanism to receive complaints and to inspect and conduct business investigations that affect communities	- National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
2.	Negotiation and mediation	Consider establishing the process of discussion and negotiation to solve international problems which are a result of business operations	- Ministry of Foreign Affairs	2019–2022	The process discussion and negotiation to solve international problems which are a result of business operations	- National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
3.	Financial assistance and remedies	Consider the possibility of establishing a fund to help in a timely manner for the healing and rehabilitation of victims in relation to impacts on careers, way of life, society, culture, health, environment and natural resources	- Ministry of Natural Resources and Environment	2019–2022	Meeting convened to consider the establishment of a fund for the healing and rehabilitation of victims in relation to impacts on careers, way of life, society, culture, health, environment and natural resources	- National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019–2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/JNGPs
4.	Impact prevention	Prepare measures such as regular training plans to rehearse for better understanding of villagers or drills and warning signs against adverse impacts, for example, prevention of chemical leakages, etc.	<ul style="list-style-type: none"> - Ministry of Interior - Ministry of Industry 	2019–2022	Measures to prepare for adverse impacts that may occur from business operations	<ul style="list-style-type: none"> - National Strategy for Public Sector Rebalancing and Development - SDG 8 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

Chapter 4

The promotion of implementation of the National Action Plan on Business and Human Rights and mechanisms for monitoring, follow-up and evaluation of the National Action Plan on Business and Human Rights

The implementation of the National Action Plan on Business and Human Rights is the responsibility of agencies under different sectors, for which they must comply to the directions assigned in the National Action Plan on Business and Human Rights (NAP) – which has been drafted with the participation from all sectors, and has gone through the consideration and approval of the responsible agencies. The implementation of the NAP has been divided into short-term and long-term periods. The short-term implementation has a time-frame of two years with emphasis on the projects and urgent activities that can achieve outcomes in a timely manner. The long-term implementation has a time-frame of four years for projects and activities that require time to be implemented or are continuous. The projects and activities under each agency can be adjusted in alignment with each agency’s mission; however, they still need to comply with the implementation as described in the NAP. This chapter proposes an example of activities for which the Ministry of Justice through the Rights and Liberties Protection Department, will be responsible as the focal agency of the implementation of the NAP. The chapter also describes the mechanisms for monitoring, follow up and evaluation of the NAP.

4.1 Examples of short-term activities (2019–2020)

No.	Example of Activities	Responsible agencies	Time-frame
1	Launch event of the NAP	Ministry of Justice	2019
2	Develop various forms of media to communicate about the NAP and UNGPs	Ministry of Justice	2019–2020
3	Promote the implementation of the NAP and UNGPs among large-scale businesses under GCNT and state enterprises, to set examples for others	Ministry of Justice	2019–2020
4	Select pilot model from business/state enterprise as a role model for the NAP and UNGPs implementation.	Ministry of Justice	2019–2020
5	Draft guidelines for the implementation of the NAP and UNGPs	Ministry of Justice	2019–2020

4.2 Examples of long-term activities (4 years)

No.	Activity	Responsible agencies	Time-frame
1.	Dissemination of the NAP and UNGPs through various channels of communications	All relevant agencies under the NAP	2019–2022
2.	Organize annual ASEAN conference to disseminate the NAP and UNGPs across different sectors	Ministry of Justice	2019–2022
3.	Exchange good practices of NAP development and implementation between countries in the ASEAN region	Ministry of Justice Ministry of Foreign Affairs	2019–2022
4.	Establish Training of Trainers curriculum and dissemination of knowledge in business and human rights which covers the subject of the NAP and UNGPs	Ministry of Justice	2019–2022
5.	Conduct Training of Trainers on business and human rights to various sectors	Ministry of Justice	2019–2022
6.	Develop e-learning materials on business and human rights which covers the content of the NAP and UNGPs	Ministry of Justice	2019–2022
7.	Develop application to receive complaints in the cases related to business and human rights, including coordination with other relevant agencies	Ministry of Justice	2019–2022
8.	Promote the implementation of the NAP and UNGPs among Small and Medium Enterprises (SMEs)	Ministry of Justice	2019–2022
9.	Conduct consultations with other agencies on the issues that have not yet been achieved according to the NAP, and advocate for the implementation of NAP among agencies	Ministry of Justice	2019–2022
10.	Consider a study incentive for business such as tax incentives and other benefits as a way to encourage the business sector/state enterprises to follow the UNGPs and the NAP	Ministry of Justice	2019–2022
11.	Consider creating measures to task the business sector and state enterprises to conduct HRDD reporting	Ministry of Justice	2019–2022

The information presented in the tables are examples of activities that the Ministry of Justice through the Rights and Liberties Protection Department intends to implement. However, the activities and projects are not limited to the above mentioned, and are subject to adaptation, adjustment and revision according to the situation, resources and context as appropriate.

4.3 Mechanisms for monitoring, follow-up and evaluation of the National Action Plan

Initially, the objectives of setting up the NAP National Committee were for it to serve as the main mechanism to oversee, monitor and evaluate the implementation of the NAP, because the Committee consists of representatives from various relevant agencies under the NAP. However, the Ministry of Justice has established the National Committee to Drive Forward the Implementation of Human Rights Affairs which the Deputy Prime Minister (who oversees the Ministry of Justice) as the chairperson. The committee's objectives are to oversee human rights-related works in the Kingdom. On 11 February 2019, the committee had their first session 1/2019 with the consensus to establish the Sub-Committee on Driving Forward the Implementation of Human Rights Affairs in Thailand. The Sub-Committee has the responsibilities to implement the action plan of Thailand and to monitor, evaluate and be alert on human rights violation issues, as well as to coordinate with relevant agencies, including the collecting of information related to human rights violations; to promote; raise awareness; and communicate on matters related to human rights, etc. Therefore, the Sub-Committee shall act as the centre to monitor, evaluate, follow up and oversee the implementation of the NAP and ensure it is in alignment with the national human rights agenda.

4.4 Evaluation of the National Action Plan on Business and Human Rights

The Ministry of Justice through the Rights and Liberties Protection Department will procure external experts, who are impartial, to evaluate the results of the first NAP. The evaluation phases will be divided into two as follows: the first phase for the duration of two years (2019–2020) and the second phase (2021–2022). The expected outcome of this evaluation is to show the progress of the implementation of the NAP, and to propose to the cabinet for consideration and to raise awareness among the public. As such, the findings of the NAP evaluation, including information, recommendations and feedback gathered from across different sectors, will be used to revise the NAP in order to prevent and address human rights abuses by business operations, and ensure that it is relevant to the national situation and context.

4.5 Future direction of the National Action Plan on Business and Human Rights

The development of the NAP relies on the findings from the implementation progress evaluation, and the national context. If appropriate, it might be combined with the National Human Rights Plan to create one mechanism which will manage the process to implement, follow-up and evaluate, and the process will be simplified and increase its feasibility and accessibility for the benefit of implementation, follow-up and monitoring.

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Name of publication: **First National Action Plan on Business and Human Rights
(2019 – 2022)**

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Edition 1

Publication Year 2019

Number of copies 300

Design and Printing Scand-Media Co., Ltd.

