



(Draft) Second National Action Plan on Business and Human Rights (2023 – 2027)

**Prepared by
Rights and Liberties Protection Department
and the National Institute of Development Administration**

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Preamble

The Second National Action Plan on Business and Human Rights (2023-2027) (NAP) is a national policy framework that provides guidelines for action to various sectors with the aim of protecting people and communities from human rights violations arising from the business sector, and the prevention, mitigation or provision of interventions for the negative impacts arising from the business sector. It also promotes responsible business practices and respect for human rights throughout the supply chain with the aim of sustainable economic growth.

The Second NAP was developed from the First National Action Plan on Business and Human Rights (2019-2022) using, as the basis, the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) to achieve concrete results. It also draws on the 20-year National Strategy (2018-2037), the Master Plan under the National Strategy; the National Reform Plan, the (Draft) 13th National Economic and Social Development Plan (2023–2027), the (Draft) 5th National Human Rights Plan (2023-2027), the Sustainable Development Goals (SDGs), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Universal Periodic Review mechanism, as well as takes into account the context of the changing global situation and conditions, such as the spread of COVID-19, climate change, economic change, and domestic and international conflict. In the process of preparing the NAP, participation from all sectors is emphasised – government, state enterprise, business, civil society, and stakeholders – by giving importance to opinions from the policy and operational levels at the central, regional, and local levels.

The Ministry of Justice, through the Rights and Liberties Protection Department, would like to express sincere gratitude to everyone involved in the preparation of the NAP process and sincerely hopes that all sectors will work together to implement the NAP and put it into effective practice, as well as achieve the goals and concrete results.

Ministry of Justice
Rights and Liberties Protection Department
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Executive Summary

Background

On 29 October 2019, Thailand's Cabinet officially approved the First National Action Plan on Business and Human Rights (2019-2022). Relevant agencies from all sectors cooperated in its implementation. However, because the First NAP is scheduled to expire in 2022, the Rights and Liberties Protection Department, Ministry of Justice, as the main agency responsible for developing and implementing the NAP, together with the Faculty of Law, National Institute of Development Administration, have prepared the Second National Action Plan on Business and Human Rights (2023-2027) with participation from all sectors so that Thailand's NAP is continuously implemented. This is being done in parallel with building knowledge and understanding of business and human rights issues amongst all concerned parties, which will play an important role in implementing the NAP as an effective and concrete practice.

The process of developing the Second National Action Plan on Business and Human Rights (2021-2027)

The Second NAP is prepared in accordance with the guidelines set forth in the Guidance on the National Action Plans on Business and Human Rights, the UN Working Group on Business and Human Rights, with a focus on the participatory process and on the basis of human rights principles, non-discrimination, transparency, and accountability. Earlier, the Rights and Liberties Protection Department under the Ministry of Justice and the Faculty of Law, National Institute of Development Administration, conducted a review of four key issues as stipulated in First NAP, namely 1) labour; 2) community, land, natural resources, and the environment; 3) human rights defenders; and 4) cross border investment and multinational enterprises, and these were used to formulate a conceptual framework for the preparation of the second NAP. In addition, studies, reviews, analyses of the data, opinions and recommendations have been obtained from various sectors, including the government, state

enterprises, businesses, civil society, academics, experts as well as stakeholders, both in the form of documents, questionnaires, interviews and participation in various meetings, taking into account the circumstances, limitations and contexts during the period of the implementation of the first NAP. These include the spread of COVID-19, as well as contemporary issues that are reflected in the opinions of various sectors such as wars, the pandemic, environmental problems and natural disasters, climate change, technological change, and the protection of vulnerable groups such as children, women, people with disabilities, LGBT+ people, ethnic groups and sex workers. All of the above information has been compiled into a draft of the Second NAP, with an opportunity for all sectors to participate in the review of the entire process of the action plan. The drafting of the Second NAP is under the supervision of the Sub-Committee on Driving Forward the National Business and Human Rights Action Plan under the Human Rights Action Committee of Thailand and presented to the Office of the National Economic and Social Development Council and the Cabinet for approval.

Key content of the Second National Action Plan on Business and Human Rights (2023-2027)

The Draft of the Second National Action Plan on Business and Human Rights (2023-2027) consists of four main chapters:

Chapter 1: The background to the drafting of the Second National Action Plan on Business and Human Rights (2023-2027), which consists of the foundation of the United Nations Guiding Principles on Business and Human Rights and the drafting of the Second National Action Plan on Business and Human Rights (2023-2027), the linkages and relevance between the NAP and other national plans and strategies and Sustainable Development Goals.

Chapter 2: The process of drafting the Second National Action Plan on Business and Human Rights (2023-2027), which consists of the conceptual framework for the drafting of the Second NAP, the time frame for implementing the Second NAP and the process of drafting the Second NAP.

Chapter 3: Key content of the Second National Action Plan on Business and Human Rights (2023-2027), 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; 4) Action Plan on Cross-Border Investments and Multinational Enterprises; and 5) other issues. The content of each of the action plans covers the overview of the situation, challenges, achievement, action plans and indicators. Other issues consist of three topics: business and human rights in conflict areas, rights of the elderly and rights to privacy and personal data protection.

Chapter 4: Mechanisms for the steering, monitoring, assessment and evaluation of the Second National Action Plan on Business and Human Rights (2023-2027), which consists of mechanisms for the steering of the Second National Action Plan on Business and Human Rights (2023-2027), monitoring and assessments of the outcome of the Second National Action Plan on Business and Human Rights (2023-2027), and the evaluation of the implementation of the Second National Action Plan on Business and Human Rights (2023-2027).

Mechanisms for the steering of the Second National Action Plan on Business and Human Rights (2023-2027)

The steering of the implementation of the Second National Action Plan on Business and Human Rights (2023-2027) will be conducted through the Sub-Committee on Driving Forward the National Action Plan on Business and Human Rights. The Sub-Committee comprises the Director General of the Rights and Liberties Department as Chair, and members comprising representatives of various stakeholders who are responsible for steering the implementation of the Second NAP. Meetings will be held at regular intervals throughout the year.

Monitoring and assessment of the outcome of the implementation of the Second National Action Plan on Business and Human Rights (2023-2027)

The Rights and Liberties Protection Department under the Ministry of Justice will continuously monitor the implementation of the Second NAP through three channels: (1) The designated Focal Point; (2) the Preparation of official documents requesting information on the results of the implementation of the Second NAP; and (3) Assessments of the implementation of the Second NAP through the system to assess the National Action Plan on Business and Human Rights (<http://nap.rlpd.go.th>). The Rights and Liberties

Protection Department will collect the results of the implementation of the Second NAP and present them to the Sub-Committee on Driving Forward the National Action Plan on Business and Human Rights to keep them updated on the progress of the implementation of the Second NAP. The results will be added to an evaluation report on the implementation of the Second NAP within half-cycle and full-cycle periods and later proposed to the Cabinet.

Assessments of the outcome of the implementation of the Second National Action Plan on Business and Human Rights (2023-2027)

The Rights and Liberties Protection Department under the Ministry of Justice will hire a consultant with expertise and neutrality to assess the outcome of the implementation of the Second NAP. The time period is divided into two cycles as follows: (1) the half-cycle phase (between 2023 - 2025) and (2) the full-cycle phase (between 2023 – 2027) to view the progress of the implementation of the Second NAP. The Rights and Liberties Protection Department under the Ministry of Justice will present a half-cycle and full-cycle performance evaluation report to the Sub-Committee on Driving Forward, the National Action Plan on Business and Human Rights and the Driving Committee of Thailand's Human Rights for consideration and approval. The report will then be presented to the Cabinet and disseminated to the public.

Chapter 1

Background of the Second National Action Plan on Business and Human Rights (2023-2027)

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

Over the past several decades, the issue of business and human rights has been a hot topic in the international arena. Professor John Ruggie was appointed as Special Representative of the UN Secretary-General on human rights and transnational corporations and other business enterprises to analyse the situation of the business and human rights. The results of the study were endorsed by the United Nations Human Rights Council, and a document was published as the United Nations Guiding Principles on Business and Human Rights (UNGPs).

Although the UNGPs are not a legally binding instrument, it is an important document that provides advice as well as assigns roles and duties between the state and private sector as well as sets guidelines on business and human rights and the relationship between the two in order to allow countries to apply the UNGPs to suit their country's context.

According to the study, the UNGPs comprise key principles consisting of three main pillars; in which each pillar contains basic principles and procedures 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 organisations 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 the duty to protect against human rights abuses by taking appropriate steps to prevent, punish and redress such abuse through various tools such as legislation, policies, guidance or adjudication that is effective in protecting human rights.

Furthermore, the State is responsible for setting out clearly the expectation that business enterprises respect human rights throughout their operations. This can be conducted in various forms, including enacting and enforcing laws, ensuring that laws and policies will not constrain but enable

businesses to respect human rights and providing concrete guidance on how to respect human rights amongst businesses and business enterprises that conduct commercial transactions with the State, both in general areas and conflict-affected areas. States must ensure that government departments, agencies, and other State-based institutions that shape business practices understand and are aware of the State's human rights obligations, including by providing them with relevant information and support.

The Second Pillar: Respect addresses the responsibilities **private and state enterprises have in respecting human rights (Principles 11 to 24)**, avoiding infringement and evaluating such adverse human rights impacts that may occur. The responsibilities of state enterprises and businesses in respecting human rights can be conducted by respecting and complying with all applicable laws, avoiding infringements, managing adverse human rights impacts which occur and having human rights due diligence (HRDD) adequate for the scale of the business to prevent risks and impacts that may result from the operations. Business enterprises may also enact a policy to respect human rights that is approved at the most senior level of the enterprise in order to stipulate the enterprise's human rights expectations of personnel, business partners and other relevant parties.

In conducting business with responsibility and respecting human rights, HRDD should be ongoing and communicated to the public. It should cover adverse human rights impacts that the business enterprise may cause or which may be directly linked to its operations, products or services by its business relationships, such as partners, contractors and suppliers. Business enterprises should identify adverse human rights impacts in which they may be involved that may have already occurred or are at risk of occurring. This process should draw on internal or independent external human rights expertise and involve meaningful consultation with relevant stakeholders. In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments, create indicators and show transparency in order to ensure that the problem has been remedied. Enterprises must cooperate with stakeholders in their remediation, regardless of whether the enterprise caused or contributed to adverse impacts.

The Third Pillar: Remedy (Principles 25 to 31). As part of their **duty to protect against business-related human rights abuse, state and business enterprises must take appropriate steps to remedy those affected by human rights violations from enterprises.** States should provide judicial mechanisms for the remedy of business-related human rights abuse and effective non-judicial mechanisms. States must also consider ways

to facilitate access to non-State-based grievance mechanisms, which must be transparent, fair, accessible, with clear and known procedures, in line with human rights principles and which are a source of continuous learning and based on engagement and dialogue with stakeholders. Enterprises should provide or participate in effective grievance mechanisms in order to solve the problem at the root and provide a direct remedy.

1.2 National Action Plan on Business and Human Rights: the international context

At present, 30 countries have included the issues of business and human rights as part of their policies at the national level. These have been contextualized according to their national situation, as follows

1.2.1 States that have their own stand-alone plan, a National Action Plan on Business and Human Rights, a total of 26: – the United Kingdom, the Netherlands, Finland, Lithuania, Sweden, Norway, Columbia, Switzerland, Italy, Germany, Poland, Belgium, Spain, Chile, the Czech Republic, Ireland, Luxembourg, Slovakia, Kenya, Thailand, Japan, Peru, Uganda and Pakistan. However, the content, details and key concepts of each of the NAPs differs according to their own context. Many states have 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 for which the State can be responsible. For some other States, such as France and Denmark, specific activities have been designed, and the focal agency has been designated as well.

1.2.2 States which have assigned Business and Human Rights as part of their National Human Rights Plan without having a separate National Action Plan are the Republic of Korea (South Korea), Georgia and Mexico.

1.2.3 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.

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.

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

The government recognises the importance of promoting responsible business practices, which is reflected through the Voluntary Pledge during the 2nd Cycle of the Universal Periodic Review (UPR) in 2016. The government is committed to implementing the UN Guiding Principles on Business and Human Rights (UNGPs), which is the origin of Thailand's National Action Plan on Business And Human Rights: NAP), with the aim of converting the UNGPs into practice, resulting in concrete results within the country. The NAP's objectives are to protect people and communities from human rights violations resulting from business operations; prevent, mitigate and solve problems or negative impacts arising from business operations; as well as promote responsible business practices and respect for human rights throughout the supply chain with the aim of achieving sustainable economic growth. The First NAP was developed with the collaboration of all sectors through collecting data on business and human rights at the local level and through the process of screening, critiquing as well as listening to recommendations from all concerned parties. The action plan was then proposed to the Cabinet, and on 29 October 2019, the Cabinet approved and promulgated the First National Action Plan on Business and Human Rights (2019-2022) as the first action plan in Thailand and Asia, which resulted in Thailand is widely appreciated by many countries.

Once the government announced the First National Action Plan on Business and Human Rights (2019-2022) on 29 October 2019, all sectors joined together to drive the NAP. However, since the First NAP (2019-2022) expires in 2022, the Department of Rights and Liberties Protection, Ministry of Justice, which is the focal agency for the preparation and driving of the NAP, has joined with the Faculty of Law, National Institute of Development Administration to develop the Second National Action Plan on Business and Human Rights (2023-2027), with participation from all sectors. This is being done in parallel with building knowledge and understanding of business and human rights issues for all concerned parties, with the aim of driving the concrete implementation of the NAP.

1.4 The linkages between the Second National Action Plan on Business and Human Rights (2023-2027) and plans and policies on the national level, the Sustainable Development Goals and international human rights standards

The Second National Action Plan on Business and Human Rights (2023-2027) has been developed on the basis of connecting UNGPs to the Thai context by considering the 20-year National Strategy (2018-2037), the Draft of the Master Plan under the National Strategy, the Draft of the National Reform Plan, the Draft of the Thirteenth National Economic and Social Development Plan (2023-2027), the Fifth National Human Rights Plan (2023-2027), Sustainable Development Goals (SDGs), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Universal Periodic Review and other relevant international standards, as follows:

The 20-year National Strategy. The NAP is consistent with the 20-year National Strategy in many dimensions, such as: **Creating social equality opportunities** by aiming to solve the problem of discrimination in labour rights and occupation by gender, physical disability, status or other reasons to create equality for people to access job opportunities; **Green growth which is environmentally friendly** emphasises the importance of sustainable development and is harmless to the environment so that any project that could do harm has to go through an environmental impact assessment (EIA) by focusing on the duties and responsibilities of the business sector, and 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 occurring, fair remedies must be implemented without delay; **Rebalancing public sector development** sets a goal of being “The public sector of the people for the people”. The action plan will emphasise the improvement of grievance procedures and remedy mechanisms to ensure they are 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.

The Master Plan under the National Strategy. The NAP is consistent with the Master Plan under the National Strategy on many issues, such as foreign affairs, industry and future services, smart cities, infrastructure, logistics and digital systems, entrepreneurs and small and medium enterprises in the new era, special economic zones, developing of lifelong human potential, promoting good health for Thai people, social power, grassroots economy, equality and social security, sustainable growth, water management, public service and government efficiency, anti-corruption and misconduct, law and the judicial process, innovation research and development, as well as an ad hoc Master Plan under the National Strategy as a result of the COVID-19 situation.

The Country Reform Plan. The NAP is consistent with the Country Reform Plan in many areas, such as the administration of state affairs, the law, the judicial process, the economy, natural resources and the environment, public health, society, energy, prevention, suppression of corruption and misconduct, education, culture, sports, labour and human resource development.

The Draft of the Thirteenth National Economic and Social Development Plan (2023-2027). The NAP is consistent with the Draft of the Thirteenth National Economic and Social Development Plan in many aspects, such as Strategy 5, which is the Strategy for Thailand as the key regional gateway for trade, investment and logistics; Strategy 7, which emphasises Thailand's strong and competitive small and medium enterprises with high potential; Strategy 8 which emphasises Thailand's smart cities that are liveable, safe and have sustainable growth; Strategy 9 which emphasises Thailand's reduced poverty across generations and adequate and appropriate social protection; Strategy 10 which emphasises Thailand's circular economy and low-carbon society; Strategy 11 which emphasises Thailand's ability to reduce risks and impacts from natural disasters and climate change; and Strategy 13 which emphasises Thailand's modern and effective government that responds to people's needs.

The Draft of the **Fifth National Human Rights Plan (2023-2027).** The NAP is consistent with the National Human Rights Plan in many areas, such as the judicial process, public health, business and the economy and human rights plans for vulnerable groups such as workers, the elderly, children and women, and human rights defenders, disabled people and LGBT+ people.

Sustainable Development Goals (SDGs). Many goals are aligned with the NAP, such as Goal 5, gender equality and 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 for change, to promote adaptation to a sustainable and thorough industry, and to support innovation. Goal 10 is to lower disparity, and Goal 16 is to promote a peaceful, fair, non-discriminatory society for sustainable development.

International Covenant on Economic, Social and Cultural Rights (ICESCR), which is consistent with rights and freedom under the Covenant, such as labour rights, health rights, community rights, etc.

The Universal Periodic Review (UPR). On 10 November 2021, Thailand underwent the third cycle of review of the human rights situation under the UPR process and provided information on the country's policy implementation in relation to the importance of human rights and sustainable development, as well as important developments in Thailand's human rights processes including procedures, development and success; challenges in terms of economic, social and cultural rights, civil and political rights and rights of various groups; as well as business and human rights. Thailand also made a voluntary pledge to promote respect for human rights in the business sector.

Other international standards such as labour standards of the International Labour Organization (ILO), to which Thailand is a party, the Responsible Business Conduct (RBC) of the Organization for Economic Cooperation and Development (OECD), etc.

Chapter 2

The process of drafting the Second National Action Plan on Business and Human Rights (2023-2027)

2.1 Conceptual framework for the development of the Second National Action Plan on Business and Human Rights (2023-2027)

The Second National Action Plan on Business and Human Rights (2023-2027) is developed in accordance with the guidelines set out in the Guidance on National Action Plans on Business and Human Rights, UN Working Group on Business and Human Rights, with a focus on participatory process on the basis of human rights, non-discrimination, transparency and accountability. Four key priority areas specified in the First NAP have been reviewed, namely 1) labour; 2) community, land, natural resources and environment; 3) human rights defenders; and 4) cross-border investment and multinational enterprise. In addition, a study, review and analysis of data on the performance of the First NAP in terms of development, problems, obstacles and challenges have been carried out and took into account opinions and recommendations from various sectors, including the government, state enterprises, businesses, civil society, academics, experts as well as stakeholders, obtained in the form of documents, questionnaires, interviews and participation in meetings, as well as considering various situations and contexts which include contemporary issues such as conflicts, the pandemic, environmental problems and natural disasters, climate change, technological change, protection of vulnerable groups such as children, women, disabled people, LGBT+ people, ethnic groups, sex workers, etc. All the above data were then collected, analysed, synthesised, and used as a conceptual framework for the preparation of the second NAP.

2.2 Time frame for enforcement of the Second National Action Plan on Business and Human Rights (2023-2027)

The Second National Action Plan on Business and Human Rights (2023-2027) has a five-year enforcement period, 2023–2027, in order to be consistent with the initial

period of enforcement of the National Strategy and other relevant plans. Such a time frame will make it easy to share and integrate information among relevant agencies.

2.3 The process of developing the Second National Action Plan on Business and Human Rights (2023-2027)

(1) Documentary Research

The Rights and Liberties Protection Department under the Ministry of Justice, together with the Faculty of Law, National Institute of Development Administration, conducted a study and researched documents related to business and human rights and the NAP to link information from the NAP and make it consistent with the plan and other national policies, such as the 20-year National Strategy, the Master Plan under the National Strategy, the Country Reform Plan, the Draft of the Thirteenth National Economic and Social Development Plan, the Draft of the Fifth National Human Rights Plan, the Sustainable Development Goals, the International Covenant on Economic, Social and Cultural Rights, recommendations derived from reporting on the situation of human rights under the UPR process, evaluation reports on the implementation of the First NAP and other relevant documents.

(2) Conceptual framework for the development of the Second National Action Plan on Business and Human Rights (2023-2027)

The Rights and Liberties Protection Department under the Ministry of Justice, together with the Faculty of Law, and the National Institute of Development Administration, prepared a framework for drafting the Second National Action Plan on Business and Human Rights (2023-2027) to submit to the Sub-Committee on Driving Forward the National Action Plan on Business and Human Rights for approval. The framework was conducted under that of the Guidance on National Action Plans on Business and Human Rights, UN Working Group on Business and Human Rights.

(3) Gathering and processing of information

The Rights and Liberties Protection Department under the Ministry of Justice, together with the Faculty of Law, and the National Institute of Development Administration, collected data from various sectors through various channels to be used for the development of the Second NAP as follows:

(3.1) Preparation of official documents for enquiries and opinions from government agencies under the Ministry of Justice. The Rights and Liberties Protection Department issued letters asking relevant agencies for information about the results of the implementation of the First NAP, both periodically and annually. In addition, in order to prepare for the draft of the Second NAP, the Rights and Liberties Protection Department under the Ministry of Justice issued letters requesting assistance from all agencies to review the activities specified in the First NAP in order to determine the issues to be included in the Second NAP, taking into account compliance with the policies and action plans, as well as the practicalities.

(3.2) Preparation of questionnaires by determining the issues that require information from the survey respondents on four issues, namely general information of the respondents; business and human rights, implementation of the First NAP; and comments and suggestions for driving and developing the Second NAP. Questionnaires have been disseminated through various channels, including letters, the LINE Application website, and various meetings to provide opportunities for all sectors to participate in the development of the second NAP.

(3.3) Organisation of a workshop for the development of the Second National Action Plan on Business and Human Rights (2023-2027), which was jointly organised in an online format. It covered the target groups, namely representatives from all sectors, including the government, state enterprises, business, civil society, academics, experts, people, as well as stakeholders who have been affected by human rights violations by the business sector, in five regions: the Central region and Bangkok, the North, the Northeast, the East and the South.

(3.4) In-depth interviews on various issues (labour; community, land, natural resources and environment; human rights defenders; and cross-border investment and multinational enterprises) with direct stakeholders and operators who are responsible for driving the First NAP, including personnel from the government sector, state enterprises, businesses, civil society, academics, experts and other stakeholders. This is to gather information about the results of operations, problems, and obstacles, as well as to understand the operational challenges.

(4) Developing the Second National Action Plan on Business and Human Rights (2023-2027)

The Rights and Liberties Protection Department, together with the Faculty of Law National Institute of Development Administration, drafted the Second NAP by reviewing the results of the implementation of the First NAP, together with information, opinions and recommendations gathered in accordance with the guidelines mentioned in (3), both obtained from government documents, questionnaires, meetings, in-depth interviews and other channels, and taking into account the current situation and context. The data was then compiled, analysed, synthesised and developed into the Second NAP, consisting of four main issues which are consistent with the issues in the First NAP while adding new content from the study and hearings.

(5) Critique of the Second National Action Plan on Business and Human Rights (2023-2027)

The Rights and Liberties Protection Department under the Ministry of Justice, together with the Faculty of Law, and the National Institute of Development Administration, organised online workshops to critique the Second National Action Plan on Business and Human Rights (2023-2027), with various target groups such as the government, state enterprises, businesses, civil society, academics, experts, people and stakeholders affected by human rights violations from the business sector. This was conducted in five regions: the Central region and Bangkok, the North, the Northeast, the East and the South, in order to collect information, opinions and recommendations from the participants to further improve the Second NAP.

(6) Revision of the Second National Action Plan on Business and Human Rights (2023-2027)

The Rights and Liberties Protection Department under the Ministry of Justice, together with the Faculty of Law, and the National Institute of Development Administration, brought comments and suggestions gathered from participants of the meeting under (5), which were used to revise the Second NAP. The draft was then submitted to the Sub-Committee on Driving Forward the National Action Plan on Business and Human Rights for consideration and periodically revised until approved.

(7) Submission of the draft of the Second National Action Plan on Business and Human Rights (2023-2027) to the Office of the National Economic and Social Development Council and the Cabinet for approval and promulgation

The Rights and Liberties Protection Department under the Ministry of Justice submitted the draft of the Second National Action Plan on Business and Human Rights (2023-2027), which was approved by the Sub-Committee on Driving Forward the National Action Plan on Business and Human Rights, to be considered by the Office of the National Economic and Social Development Council and the Cabinet. It was approved on

Chapter 3

The core content of the National Action Plan on Business and Human Rights (2023-2027)

The core content of the Second National Action Plan on Business and Human Rights (2023-2027) consists of the following four key priority areas: (1) Action Plan on Labour, (2) Action Plan for Community, Land, Natural Resources and the Environment; (3) Action plan for Human Rights Defenders; and (4) Action Plan on Cross Border Investment and Multinational Enterprises. The content of each action plan comprises the overviews, challenges, factors affecting operational success, recommendations, an action plan that covers issues, and linkages with the pillars of the UNGPs, projects/activities, responsible agencies (primary/secondary), time frames and indicators.

3.1 Action plan on labour

3.1.1 Overview and challenges

The overall situation of labour protection, especially during the spread of the COVID-19 pandemic, remains an important challenge in Thailand because the pandemic directly affects all types of workers, especially vulnerable labour groups, and the business sector as a whole. Despite the challenges posed by the spread of the COVID -19 pandemic in implementing the Action Plan on labour, many activities have been completed, and some are in progress. There are, however, many activities that still pose operational challenges, and the key points can be summarised as follows:

For accession to international treaties/developments, Thailand participated in six out of the total eight basic labour conventions of the International Labour Organisation (ILO). The other two conventions are pending ratification, namely; The Freedom of Association and Protection of the Right to Organise Convention 1948 (ILO No. 87) and The Right to Organise and Collective Bargaining Convention 1949 (ILO No. 98). For ILO No. 98 Convention, the Ministry of Labour proposed amendments to the relevant laws, namely: the draft of the Labour Relations Act B.E. and the State Enterprise Labour Relations Act B.E..... and also

conducted feasibility studies on the ILO Convention No. 189 Decent Work for Domestic Workers. The ratifications of ILO No. 87 and ILO No. 98 remain challenging in ensuring confidence in labour protection, especially for migrant workers. Therefore, it is necessary to expedite the ratifications and assessment of the impacts on various economic, political, social and cultural dimensions.

In addition, the Ministry of Labour, represented by the Bureau of International Cooperation, together with related tripartite organisations -- the International Labour Organization (ILO), the Organisation for Economic Cooperation and Development and the European Union -- has carried out a project to develop Responsible Supply Chains in Asia and is studying the suitability of implementing an operational approach to promote the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of the ILO in the context of Thailand.

The outstanding result of international developments in the past is that the European Union has resolved to lift the yellow card for illegal, unreported and unregulated (IUU) fishing in Thailand, reflecting the successful measures taken in combatting illegal fishing, including addressing the problem of human trafficking and illegal labour in the fishing industry.

The Review of laws/rules/regulations, including domestic labour standards, is divided into important topics as follows:

Wages: The Ministry of Labour has given importance to developing relevant laws to effectively protect the fundamental rights of both Thai and migrant workers. In the past, various policies have repeatedly been put into place to protect workers' rights on the issue of wages. Meetings are ongoing to review workers' wages, working conditions, and current cost of living. However, there are challenges in regulating all employers and business operators to pay the minimum wage in accordance with the law, as well as the problem of unfair wages, salary deduction on maternity leave, wages and/or overtime pay not being paid and salary levels that are not enough to sustain life.

Social Security: The Social Security Office has proposed an amendment to the 2020 Royal Decree to determine the qualifications of those who may apply for the insurance (2nd edition) by increasing the insured's age to 65 and proposing a revision of relevant laws. The

hearing of proposals from relevant parties has now been completed, and the results of the hearing are currently being taken into account in preparation for the clarification and drafting of the law. Furthermore, the Social Security Office has upgraded the benefits for the insured, such as increased medical fees for one-day surgery, increased funeral grants, and influenza vaccination coverage for insured persons aged 50 and over to be included in the health promotion and disease prevention programmes. However, challenges remain, such as difficult access to social security benefits when employers do not comply with the law. Moreover, although Section 40 of the Social Security Act 1990 and its amendments state that an employee may apply for insurance under the Social Security Act 1990 and its amendments without being dependent on the employer, a person entitled under this section must be a Thai national. In addition, this type of coverage offers fewer benefits than social security insurance under normal circumstances.

Gender Equality: The Department of Labour Protection and Welfare, the Ministry of Labour has proposed the amendment to the 2019 Labour Protection Act (No. 7), Section 53 by stipulating gender equality measures to ensure female and male employees are entitled to equal remuneration and to prohibit employers, supervisors, or inspectors from committing sexual harassment or nuisance against employees. Moreover, the Department of Women's Affairs and Family Development, under the Ministry of Social Development and Human Security, shall act as a coordinating centre in preventing and resolving sexual harassment in the workplace. Its responsibilities include creating an understanding amongst government agencies and the private sector to ensure the measures are implemented properly and inclusively. It is also currently reviewing and amending the Gender Equality Act 2015, as well as producing media materials to raise awareness of the Gender Equality Act amongst various sectors, including government, state-owned enterprises, business sectors, civil society and the general public. In practice, however, inequality remains, and this includes refusing to hire an employee due to gender differences and sexual harassment and discrimination in the workplace.

Labour unions: The challenge reflected during the hearing amongst various sectors was the right to form a union under the Labour Relations Act 1975, which applies to Thai nationals only. The problem is that in some special economic zones, there are not many Thai

workers, and therefore a union cannot be formed. Moreover, subcontracted workers may not be able to join the union of their choice because under the Labour Relations Act 1975, those who have the right to form or join a union must be employed by the same employer. Subcontracted workers are regarded as subcontractor agents' employees, making it difficult to negotiate their working conditions with the company they work for.

The right to strike: Civil society has expressed concerns about cases where employees of state enterprises and government organisations have no right to cause or support a strike under the State Enterprise Labour Relations Act 2000, while international law states that government officials that are "not working in essential services " are entitled to strike.

Unjustified termination of employment: Civil society has expressed concern at the reported cases of unfair termination of employment or termination related to the organisation and operation of a labour union or unfair strikes, such as the dismissal of a union leader or union committee member under the pretext of layoffs or staff reduction.

Promoting employment and welfare for vulnerable groups: The important issues are as follows:

Migrant workers: In driving the policy, the Ministry of Interior has issued a cabinet resolution to open legal channels for illegal migrants to register. The Department of Labour Protection and Welfare under the Ministry of Labour has complied with the Labour Protection Act of 1998 and the Ministerial Regulation on Labour Protection in Agriculture 2014, which provide equal protection to workers without racial, religious and cultural discrimination, including migrant workers of all nationalities. In addition, the Ministry of Public Health promoted the issuance of universal health insurance cards to migrant workers and their families during the COVID -19 pandemic and gave them the same access to vaccines and medical care as Thai workers. However, in practice, there are still challenges in many areas, such as unequal allocation of rights, welfare and benefits to Thai and migrant workers, registration of migrant workers, communication, and non-compliance with the law by employers. This results in migrant workers being unable to claim their rights and social benefits under Thai law, including social security benefits and assistance under the Compensation Act and Compensation and Expenses for the Accused in Criminal Cases Act 2001 and its amendments in the second edition in 2016 etc.

Service workers: There is currently a proposal from civil society to recognise sex work as a legitimate occupation. The Department of Women's Affairs and Family Development under the Ministry of Social Development and Human Security has set up a drafting committee on preventing and suppressing prostitution. A meeting of the Board of Directors was held to establish a framework for improving the Prevention and Suppression of Prostitution Act 1996. Five measures and guidelines to protect the rights and improve the quality of life of service workers were established, namely: health and sanitation protection measures, welfare promotion and labour protection measures, career training and development measures, measures to reduce stigma and violation of rights, and measures to prevent the impact of risks. In addition, the Ministry of Public Health has provided healthcare assistance, knowledge, promotion, prevention, treatment and control of disease and distributed condoms according to individual health insurance rights. For some groups who can't afford health services, humanitarian assistance will be provided. However, challenges remain regarding discrimination, access to labour rights and lack of knowledge and understanding. Service workers are not yet recognised by law. They do not have access to labour rights, including an entitlement to the social security fund, which makes them victims of rights violations. These workers particularly need access to health care. For instance, they need check-ups for Sexually Transmitted diseases (STD) more frequently than usual, but under the current social security system, the check-up is available only once a year. In the case of HIV/AIDS workers, they often face discrimination in job applications, including compulsory HIV/AIDS testing, job denials, and unfair termination due to HIV/AIDS infection.

Group of inmates or ex-convicts: The Department of Corrections, Ministry of Justice has established the Centre For Assistance To Reintegration and Employment (CARE) to enable ex-convicts to work both as employees in an establishment and to have their own businesses. The centre provides vocational training for inmates taking into account their knowledge, requirements and aptitudes, including the needs of entrepreneurs in each area. For children and youth under the supervision of the Department of Juvenile Observation and Protection, the Ministry of Justice, career training projects are organised in such areas as industrial technicians, agriculture, and home economics.

Groups with disabilities: The Department of Empowerment of Person with Disabilities, the Ministry of Social Development and Human Security, has, through various stringent measures, implemented a project to promote persons with disabilities in the workplace and motivate them to work in government agencies in the ratio of 100:1 as designated by law. Moreover, the Informal Labour Protection Division, Department of Labour Protection and Welfare under the Ministry of Labour has driven the promotion and development of the quality of life of people with disabilities by empowering them to have a career, income and good quality of life through the Subcommittee of the Department of Empowerment of Person with Disabilities. An action plan has been implemented for workers with disabilities through projects to support employment and self-employment and to provide sources of funding. Meanwhile, business operators are encouraged to hire people with disabilities, and the construction of essential facilities to meet the various needs of persons with disabilities has been promoted.

Elderly Group: The Department of Employment and the Informal Labour Protection Division under the Ministry of Labour have developed measures and mechanisms to promote the employment of the elderly. An action plan has been prepared under the Strategic Plan of Work Promotion for Older Persons, Phase 1 (2016-2021). Moreover, the Department of Older Persons is currently planning and developing a draft Act on the Elderly...(edition...) to support the four pillars of the ageing Thai population, namely, business, environment, health and social, together with the preparation of Business Guidance on Older Persons.

Mothers and children: The Department of Children and Youth and the Ministry of Social Development and Human Security have encouraged business operators to set up and register childcare centres in their workplaces with an area designated as a breastfeeding corner. In addition, the department has worked to ensure that education is provided in construction areas for children of both Thai and migrant workers.

Subcontractors: In the Thai industrial zones, it was found that the proportion of subcontracted workers was very high compared to the total number of workers. The challenge is the disparity in wages and benefits between contract and subcontracted workers, including outsourced employees for government agencies. This is because most subcontracted workers receive low monthly wages and are not eligible for benefits enjoyed by full-time employees.

Furthermore, most migrant workers in Thailand are part of the labour force of subcontractors, which means they are vulnerable to risks of labour rights violations and other exploitation.

Seasonal labour: This category poses challenges in practice as Thai law allows migrant workers to cross the border with a border pass to work daily or seasonally. With this border pass, migrant workers can work in Thailand for three months per trip and stay in the "designated area" along the border for 30 days. Within 30 days to 3 months from the entry date, workers have to return to the border crossing in order to apply for a renewal of the border pass. Migrant workers who hold a border pass but leave the "designated area" are subject to a penalty of up to two years, a fine of up to 20,000 Baht, or both. These criminal penalties have been widely criticised for their disproportionality in law enforcement. Although the 1998 Labour Protection Act requires employers to pay severance to terminated employees if they have worked for 120 consecutive days or more, it was found that these workers were often not compensated upon the termination of employment. It has also been reported that some migrant workers holding temporary border passes have been laid off without severance pay, even though they were employed as full-time workers. Employers often use the term seasonal workers to avoid paying compensation upon termination. With regard to social security benefits, it was noted that although the Social Security Office has opened a channel for migrant workers who have entered the Kingdom with a border pass and have the right to register with the Social Security Office, in practice, these workers often face difficulties in obtaining benefits because employers do not comply with the law.

Informal Labour: In Thailand, there are a large number of informal labourers, especially self-employed workers, who are not protected by labour laws and are not insured under social security unless they register under Section 40, which provides fewer benefits than the social security under normal circumstances. The consideration for the status and coverage for informal labourers also includes workers referred to as gig workers, who were initially referred to as independent workers and had proprietorships. However, the COVID-19 pandemic brought several changes, with part-time workers becoming full-time workers causing misinterpretation in the classification of workers as formal or informal labour.

Internship: The challenges involve hiring interns with no compensation or work-related benefits.

Future challenges of the labour sector: Significant challenges that could arise in the future and for which an action plan should be formulated are the impacts of climate change on labour and access to labour rights, especially the risk of agricultural workers being affected by climate change. Future studies are therefore needed on risk assessment, the impact on the protection of rights and access to labour rights. To combat labour shortages or higher wages, machines or technologies will be used to replace human labour, or migrant workers will be imported. Given that information technology is replacing the labour force, the government should take measures to more concretely protect and promote the labour force potential so that workers, including the elderly, can adapt and have the knowledge and ways to earn a living in the future.

Occupational Safety and Health: The Department of Labour Protection and Welfare, the Ministry of Labour has consistently developed restrictions and regulations to guide enterprises in their operation, including the 2020 Ministerial Regulation on health checks for workers who work with risk factors; the 2021 Ministerial Regulation on administration and management standards and the process of occupational safety, health, and environment at the workplace in relation to machinery, cranes, and boilers; and the announcement by the Department of Labour Protection and Welfare on rules, methodology and curriculum, and safety training for work in confined spaces, etc. The Social Security Office, under the Ministry of Labour, has reviewed and improved the number of benefits under the 1994 Compensation Act, including medical expenses of employees until the end of their treatment, expenses for work rehabilitation and funeral expenses. Moreover, the Department of Disease Control under the Ministry of Public Health has taken proactive measures to explore the use of chemicals and illnesses caused by exposure to agricultural chemicals and to enhance the potential of the public health personnel network in the provision of public health services and personnel of the business operators. However, challenges still exist today as some business operators do not meet safety standards, and the working conditions and safety equipment are inappropriate.

Measures to assist workers and employers affected by the COVID-19 pandemic:

The government has provided equal protection without discrimination to all workers, Thai and migrants and has taken measures to address the growing inequality and income distribution, particularly to help those affected by the COVID-19 pandemic. The measures taken include the dissemination of labour market information, promotion of recruitment services, guidance to promote self-employment and vocational skills training in alignment with the current situation, the development of a network for informal workers' protection through civil society and labour volunteers, promotion of employment of new graduates by the public and private sectors, as well as financial compensation measures such as enhancing liquidity (loan and credit guarantee) for business operators and debt relief (repayment of debts). In practice, however, many challenges remain, and these were exacerbated during the COVID-19 pandemic. There are cases of workers being permanently laid off without receiving severance pay or benefits or having their working hours reduced, both in large business sectors and small and medium enterprises. There are reports of dismissals of employees infected with COVID -19.

Creating a database: The Information Communication Technology Center and the Ministry of Labour have established a central labour database to address labour shortages and the ratio of labour inspectors, and a database that can be considered for other labour-related problems.

Training to enhance knowledge and understanding among various sectors: The Department of Labour Protection and Welfare has promoted knowledge and understanding of Thai Labour Standards and social responsibility towards workers, as well as implemented a project to improve the protection of migrant workers' rights by sustainably strengthening the migrant workers' protection network through various activities. The Social Security Office has conducted a project to educate both Thai and migrant workers on social security as well as the benefits under the social security and compensation law. The Department of Employment has conducted pre-departure training for job seekers and assists workers travelling abroad for work. However, in practice, the challenge in disseminating knowledge to workers, mainly migrant workers, includes staff shortages and especially shortages of labour inspectors.

Human trafficking and forced labour: The Royal Thai Police conduct regular inspections in places with a risk of forced labour, including business establishments and the fishery sector that employ migrant workers of three nationalities. They also assist in preparing documents for training and disseminating knowledge and understanding of victims of human trafficking through broadcasting in 3 languages: Lao, Cambodia, and Myanmar.

Business Operations: Large corporations endeavour to apply international principles or practices to their organisations. They have announced policies to respect human rights, by defining it as the core of corporate governance principles and business ethics in accordance with international standards policy. In the past, relevant agencies have collaborated with partners in the business sector to provide companies with ongoing knowledge about laws and labour rights. For example, to provide companies with a better understanding of human rights, the Securities and Exchange Commission (SEC) has issued internal circulars to issuing companies and capital market operators as guidance on the United Nations Guiding Principles (UNGPs) and the adoption of Human Rights Due Diligence (HRDD). The Rights and Liberties Protection Department has collaborated with the Global Compact Network Thailand and United Nations Development Programme (UNDP) to organise meetings/training/seminars to educate companies on labour rights. In practice, however, the challenge for the business sector is limited knowledge of labour rights. In some cases, employers retain workers' passports as a guarantee to prevent them from absconding without realising that such action constitutes a violation of human rights. Moreover, small and medium enterprises are not able to link entrepreneurship with the human rights perspective because, amongst other things, they have limited budgets. They are therefore unable to attach importance to human rights issues and are not driven to urgency, especially when business operators are affected by the economic impact of the COVID-19 pandemic.

Relief aid: There are currently channels for complaints and assistance for those affected by the violations of labour and human rights under the supervision of many agencies, such as the Damrongdhama Center, Ministry of Labour (1506) and Ministry of Justice (Dial 1111 ext. 77 or Application Justice Care), the Office of the National Human Rights Commission including civil society networks dealing with labour issues or complaint channels through the website <http://doe.go.th/helpme> where users can file complaints anonymously in 6 languages (Thai, English,

Myanmar, Lao, Cambodian and Vietnamese). The Office of The Court of Justice has sought to drive the mediation processes, particularly during the COVID-19 pandemic, where the President of the Supreme Court has encouraged the policy of mediation even for labour cases. This includes ongoing support from the Department of Rights and Liberties Protection and the Ministry of Justice in mediating disputes under the Dispute Medication Act, 2019.

3.1.2 Operational Success Factors

Based on the various challenges, the following points were identified as ones to be considered to address human rights violations related to labour successfully:

1. The work of government officials in various sectors needs to be integrated to make the action plan implementation more efficient, with emphasis placed on effective enforcement of laws to promote and protect workers and on creating awareness of grievance mechanisms and remedies for those affected.
2. Raise awareness and knowledge of labour rights issues among enterprises and the business sector to promote broader and greater respect for these rights.
3. Encourage cooperation with civil society and groups/organisations that provide aid and support to local workers as development partners so that groups/organisations can reflect on the facts and participate in solving the real problems.
4. Promote and create understanding to reduce prejudice and stigma towards certain groups of workers, such as migrant workers, service workers, HIV-infected workers, etc.

3.1.3 Recommendations from the public hearings

After listening to opinions and discussing with various sectors, the following recommendations for the implementation of the labour action plan were made:

1. To urgently implement activities not yet completed in the first National Action Plan (NAP) after the COVID-19 pandemic situation has been brought under control.
2. Consider supporting the business sector, especially small and medium-sized enterprises, particularly those affected by the economic impact of the COVID-19

pandemic, so that these business groups can resume their operations and also benefit their workers.

3. Consider allocating resources and budgets to the government service agencies that are responsible for workers, thus enabling mentoring.
4. Establish guidelines for integration between relevant departments to increase efficiency in the promotion and protection of labour rights.
5. Expand channels and solutions for labour rights violations such as termination of employment without compensation or benefits, unfair dismissal, termination of employment during pregnancy, salary deduction due to maternity leave, determination of holidays and leave that does not comply with the law, non-compliance with safety standards and/or not having the proper safety equipment, no payment or overtime compensation not paid in full, inability to access rights to medical treatment and social security rights, etc.
6. Consider ratifying the International Labour Organisation (ILO) Convention No. 87 on The Freedom of Association and Protection of the Right to Organise and No. 98 on The Right to Organise and Collective Bargaining Convention, plus amending local laws to be in line with international regulations and standards.
7. Consider and review laws, policies and guidelines to ensure the protection of informal workers, subcontracted workers, service workers, HIV-infected workers, and other vulnerable groups so that they are protected and have access to various benefits just like regular workers in the system. This is done through simple, straightforward, efficient and non-discriminatory steps and processes.
8. Streamline the migrant worker registration process to make it faster, less complicated, and more accessible.
9. Support resources and disseminate knowledge on labour laws and rights, including channels to file complaints, consultancy services and support to workers, including migrant and seasonal labour, on a larger scale.
10. Consider amending and improving the Labour Protection Act to remove obstacles to the protection of non-Thai workers and other groups of workers in forming unions and open a channel for subcontracted workers to join an existing union in

the companies where they work so that they can negotiate working conditions with that company.

11. Consider amending and improving social security laws to ensure that migrants and other workers have easy, timely, smooth and non-discriminatory access to social security benefits.
12. Consider amending and improving the State Enterprise Labour Relations Act to grant the right to strike to government officials who do not provide "essential services".
13. Consider amending and improving the Compensation Act to eliminate obstacles in the time limit for filing applications, including developing an advisory service system and assisting migrant workers in preparing information and filing a complaint.
14. Examine the risks and measures for labour protection and promote the labour potential, especially for the agricultural labourers who may be affected by climate change in the future, as well as cases where the technology may replace human labour, so that the workers can adapt, qualify and find other ways to pursue a career in the future.
15. Continuously expand areas of training provided to businesses and labourers to create relevant knowledge and understanding of business and human rights issues, labour issues, and labour rights issues, including equal access to rights, relief assistance and equal legal protection for all types of workers.
16. Prepare to deal with an ageing society by introducing technologies that encourage older people to work, creating jobs and careers for seniors who want to work in business and industries appropriate to their age, health condition and experience. Moreover, providing welfare for the elderly includes developing an effective plan to prepare for retirement and incentivising the business sectors to employ more older people.
17. Support the protection of workers in all aspects, including the strengthening and support of workers' family institutions, as these are considered the basis for the provision of workers.

18. In cases where complaints have been filed internally, companies should be encouraged to adhere to the principle of respect and confidentiality for those who have been harassed or violently abused in the workplace.
19. Promote understanding, reducing prejudice and stigma towards certain occupational groups, such as migrant workers, service workers and HIV-infected workers and consider measures to protect them from discrimination. This includes considering adapting some definitions to make them appropriate, such as the term "unskilled labour."
20. Support, promote and advance the actions of the business sector to better protect the workers.

3.1.4 Action plan and indicators

Duty of State

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
1	Becoming an international treaty party				1.1 Study the possibility of becoming a party to the ILO Conventions 87, 98 and 189*	- Main Agencies - Ministry of Labour	2023-2027	Hold meetings to study the possibility of becoming a party to the ILO Conventions 87, 98 and 189
					1.2 Study the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration) by assessing the situation and context of Thailand*	- Main Agencies - Ministry of Labour	2023-2027	Develop guidelines concerning the MNE Declaration

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
2	Amendments to laws, regulations, policies and related measures				2.1 Review the laws, regulations, policies and related measures on labour protection, social welfare, minimum wage and fair recruitment, in line with human rights principles*	- Main Agencies - Ministry of Social Development and Human Security - Ministry of Labour	2023-2027	- Review/amend the laws, regulations, policies and related measures
					2.2 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 and the ILO General Principles and Operational Guidelines on Fair Recruitment*	- Main Agencies - Ministry of Labour	2019-2022	- Review/amend the laws, regulations, policies and related measures
					2.3 Review the laws, regulations, policies and measures related to vulnerable labour groups such as forced labour, elderly workers, migrant workers, seasonal workers, subcontractors, informal workers, sex workers, trainees, workers living with HIV/AIDS, etc., to enable them to gain access to justice and have access to various benefits received by formal workers in line with international standards	- Main Agencies - Ministry of Labour	2023-2027	- Review/amend the laws, regulations, policies and related measures

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					2.4 Review border employment policy, including seasonal workers and the protection of family workers who are with them in order for them to access various benefits without discrimination. This is to be in accordance with the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers*	- Main Agencies - Ministry of Labour	2023-2027	- Review/amend the laws, regulations, policies and related measures
					2.5 Support the drafting of the Labour Relations Act ... and the State Enterprise Labour Relations Act ... in line with international laws and standards	- Main Agencies - Ministry of Labour	2023-2027	- Support the drafting of the Labour Relations Act ... and the State Enterprise Labour Relations Act ... in line with international laws and standards, which were passed into law

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					2.6 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*	- Main Agencies - Ministry of Labour	2023-2027	- Review/amend the laws, regulations, policies and related measures
					2.7 Review and revise the Compensation Act to be modern, transparent, fair and in line with international principles, and solve problems arising from the time frame*	- Main Agencies - Ministry of Labour	2023-2027	- Review/amend the laws, regulations, policies and related measures
					2.8 Consider the amending of the Prevention and Suppression of Prostitution Act 1996 and related laws, including the supervision of entertainment businesses to comply with the laws by protecting and improving the quality of life of sex workers	- Main Agencies - Ministry of Social Development and Human Security - Royal Thai Police	2023-2027	- Review/amend the Prevention and Suppression of Prostitution Act 1996 and related laws

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								- Supervise entertainment businesses to comply with the law
					2.9 Amend and enforce the Labour Relations Act to be consistent with the Gender Equality Act 2015*	- Main Agencies - Ministry of Labour	2023-2027	- Review/amend the Labour Relations Act to be consistent with the Gender Equality Act 2015*
3	Development of labour management system				Establish centralised systems for collecting and searching for information regarding labour in order to facilitate labour analysis and support integration between agencies*	- Main Agencies - Ministry of Labour	2023-2027	- Establish systems for collecting and searching for information regarding labour

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
4	Recruitment and labour registration				4.1 Develop control and checking measures for fair recruitment*	- Main Agencies - Ministry of Labour	2023-2027	- Check domestic and overseas recruitment agencies - Develop measures for the public to check the registration of the recruitment agency
					4.2 Develop measures to encourage and motivate workers to register under the law, as well as improve the process of migrant worker registration to be carried out with speed and continuity and be hassle-free and easily accessible	- Main Agencies - Ministry of Labour	2023-2027	- Encourage workers to register under the law - Improve the registration process for migrant workers

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
5	Labour protection				5.1 Training and providing knowledge about complaint channels, consultation, receiving support, rights and duties according to the Labour Protection law, labour rights (covering issues such as employment contracts, termination of employment, wages, overtime pay, holidays, leave, child labour, occupational safety, benefits, etc.), gender diversity, the Gender Equality Act 2015 and mechanisms within the act and guaranteed by domestic and international law, as well as UNGPs, to business operators and Thai and migrant workers. In addition, develop a manual to disseminate such knowledge in a language that such workers can easily understand*	- Main Agencies - Ministry of Social Development and Human Security - Ministry of Justice - Ministry of Labour	2023-2027	- Number of training sessions/trainees - Number of documents published - Assessment of knowledge and understanding after the training - Number of state enterprises/businesses announcing their human rights policies
					5.2 Provide assistance to workers who have been laid off by reviewing effective measures to support them and alleviate their hardship*	- Main Agencies - Ministry of Labour	2023-2027	- Number of workers receiving assistance

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								- Plans and measures put in place to assist workers who have been laid off
					5.3 Study the current situation of wage structure and develop mechanisms, measures or policies to adjust wages to be fair and suitable for the cost of living*	- Main Agencies - Ministry of Labour	2023-2027	5.3 Study and adjust wages to be fair and suitable for the cost of living
					5.4 Examine and inspect business licenses, employment contracts, working conditions and work permits (in the case of migrant workers) in entertainment venues and establishments to ensure that all laws, ministerial regulations, regulations and standards related to labour protection, employment and the management and operation of safety, occupational health and environmental health at work are enforced to the fullest	- Main Agencies - Ministry of Agriculture and Cooperatives - Ministry of Labour - Ministry of Industry - Royal Thai Police	2023-2027	- Number of establishment inspections, including the agriculture and construction sectors

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					extent, as well as consider the application of labour measures or laws applicable to the fisheries sector to monitor labour conditions in other industrial sectors such as agriculture and construction, where a large number of migrant workers are employed*			- Develop measures to inspect establishments to comply with laws, ministerial regulations, regulations and standards related to labour protection, employment, safety, occupational health and environmental health at work

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					5.5 Provide effective healthcare services to workers in disease prevention and control, health promotion, medical treatment and rehabilitation, as well as develop migrant worker-friendly health service centres and drive forward the settlement and operation of Wellness Centres both in public health service points and establishments*	- Main Agencies - Ministry of Labour - Ministry of Public Health	2023-2027	- Number of workers receiving medical services - Provide public health services to migrant workers - Number of hospitals and establishments that operate Wellness Centres in line with criteria set by the Department of Disease Control
					5.6 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	- Main Agencies - Ministry of Foreign Affairs	2023-2027	- Number of job seekers trained before travelling

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					mechanisms to protect labour rights in the country of destination, including protection given to Thai workers experiencing problems, and giving advice on health care	- Ministry of Labour - Ministry of Public Health		- Provide coordination and assistance to Thai workers abroad - Projects/activities giving advice and healthcare information to Thai workers
6	Eliminating discrimination, harassment and non-access to equal labour benefits				6.1 Develop a system for collecting data/collecting statistics on labour rights violations, as well as discrimination against vulnerable workers and non-access to equal benefits in the business sector, to facilitate policy analysis	- Main Agencies - Ministry of Labour	2023-2027	- Develop a system for collecting data/collecting statistics on labour rights violations

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								- Number of data, statistics, and annual reports
					6.2 Determine measures for the protection of rights of vulnerable workers that might face discrimination, such as female workers, ethnic groups, stateless persons, refugees, migrants, migrant workers, especially in the agricultural and fisheries sectors, seasonal workers, domestic workers, LGBT+ people, people living with HIV/AIDS, the elderly, former inmates/inmates; by using various measures such as promoting the employment of these workers, creating an understanding, reducing bias and stigma against certain occupations and the adoption of the National Guideline on the Prevention and Management of HIV/AIDS in the Workplace*	- Main Agencies - Ministry of Social Development and Human Security - Ministry of Labour - Office of the National Security Council Supporting Agencies - Ministry of Public Health	2023-2027	- Number of vulnerable workers receiving labour rights promotion/permission to work - Develop measures to protect vulnerable workers - Number of documents to promote equality

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					6.3 Promote jobs and employment for persons with disabilities in the workplace and in public sectors by having a coordinator between business operators and the disabled, providing a suitable working environment for persons with disabilities in terms of facilities, developing practitioners to have expertise in job coaching for persons with disabilities, as well as improving the efficiency of the Fund for Promotion and Development of Life Quality of Disabled Persons*	- Main Agencies - Ministry of Social Development and Human Security - Ministry of Labour	2023-2027	- Number of persons with disabilities who are employed - Number of establishments receiving the promotion - Measures encouraging establishments to provide facilities for persons with disabilities - Projects/activities to develop the potential of

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								practitioners who work with persons with disabilities - Promote jobs and freelance jobs for 10,000 people with disabilities per year
					6.4 Disseminate knowledge and understanding of gender equality and of preventing sexual harassment and violence at the workplace*	- Main Agencies - Ministry of Social Development and Human Security Supporting Agencies - Ministry of Justice - Ministry of Labour	2023-2027	- Number of documents promoting knowledge and understanding of gender equality and preventing sexual harassment and

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
						- Ministry of Education		violence at the workplace - Number of trainees - Number of business operators participating in Thai labour standards and being encouraged to make declarations, announcements and policies to prevent sexual harassment

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
7	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), as well as encouraging establishments to organise child service centres in the workplace with the Ministry of Social Development and Human Security*	- Main Agencies - Ministry of Social Development and Human Security - Ministry of Labour - Ministry of Education	2023-2027	- Number of children of migrant workers who received basic education - Number of establishments received a promotion of welfare other than those stated by law (place/persons) - Number of establishments registered as a child service

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								centre in the workplace
8	The workforce of the future				8.1 Organise training to increase knowledge and skills for workers in accessing and using technology	- Main Agencies - Ministry of Labour	2023-2027	- Projects/activities to enhance knowledge and develop the skills and potential of workers - Number of training sessions and trainees
					8.2 Study the risks and measures to protect and promote the potential of workers who may be affected by future events, such as the spread of various diseases, climate change, using technology to replace labour and international conflict	- Main Agencies - Ministry of Labour	2023-2027	Results of the study of the risks and measures to protect and promote the potential of

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								workers who may be affected
					8.3 Study and propose measures to prepare for the ageing society, such as the use of technology to help promote the work of elderly workers, create jobs and careers for seniors who want to work in the business and industrial sectors suitable for their age and set up incentives for the business sector to employ more elderly people, as well as promote and disseminate knowledge to business operators about business practices consistent with the Business Guidance on the Older Persons*	- Main Agencies - Ministry of Labour Supporting Agencies - Ministry of Social Development and Human Security	2023-2027	- Results of the study of measures to prepare for the ageing society - Projects/activities to publicise and disseminate knowledge to business operators about business practices consistent with the Business

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								Guidance on the Older Persons
9	Support various agencies to eliminate labour rights problems				Provide channels for the exchange of information and regular consultations between labour protection agencies in order to solve labour problems in an integrated and systematic way	- Main Agencies - Ministry of Labour	2023-2027	Number of discussions/integrated action plans
10	Promotion of business operations				10.1 Train and encourage establishments to apply Good Labour Practice (GLP) in their business management	- Main Agencies - Ministry of Labour	2023-2027	- Number of employers/business operators receiving training on GLP
					10.2 Provide knowledge and understanding and issue measures to encourage businesses to conduct Human Rights Due Diligence (HRDD) to protect workers in the supply chain*	- Main Agencies - Ministry of Justice -The Securities and Exchange Commission	2023-2027	- Number of employers/business operators receiving HRDD training - Number of establishments

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
						- Office of Small and Medium Enterprise Promotion		receiving support and conducting HRDD - Measures to encourage businesses to conduct HRDD
					10.3 Provide support to businesses and workers in the business sector, especially small and medium enterprises affected by COVID-19	- Main Agencies - Ministry of Finance - Ministry of Commerce - Office of Small and Medium Enterprise Promotion	2023-2027	Provide measures to support small and medium enterprises affected by COVID-19
					10.4 Encourage large enterprises and listed businesses that use migrant workers as their main production force to conduct Human Rights Due Diligence as a measure to prevent the exploitation of workers. The report must be	- Main Agencies - The Securities and Exchange Commission	2023-2027	Train and raise awareness about HRDD for companies whose

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					made public to create awareness and for review, while also placing emphasis on transparency and traceability according to good governance*			securities are listed on the Stock Exchange of Thailand
11	Complaints/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.*	- Main Agencies - Ministry of Social Development and Human Security - Ministry of Interior - Ministry of Justice - Ministry of Labour - Ministry of Public Health - Office of the Attorney General	2023-2027	- Number of channels/systems of complaints/petitions that can track and monitor the status of complaints/petitions - User satisfaction - Projects/activities to develop officers' potential

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								in receiving and handling complaints/petitions
					11.2 Arrange for informers of corruption cases related to job recruitment and labour rights violation to enter the witness protection programme*	- Main Agencies - Ministry of Justice - Royal Thai Police	2023-2027	Number of witnesses who entered the witness protection programme
12	Administration of justice				Develop dispute resolution mechanisms that are favourable to workers, as well as increase the number and enhance the capacity of staff in resolving labour disputes and language coordinators to facilitate workers who enter into the justice system*	- Main Agencies - Ministry of Labour - Ministry of Justice	2023-2027	- Develop dispute resolution mechanisms that are favourable to workers - Numbers of training to enhance the

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
								capacity of staff in resolving labour disputes - Increase in the number of interpreters and language coordinators
13	Remedies				13.1 Develop remedy mechanisms from both the government and private sectors at the national and local levels to be modern, transparent, fair, and in line with international human rights principles, the needs of affected people and communities, as well as mechanisms 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), the Workmen's Compensation Act B.E. 2537 (1994) and the Employee Welfare Fund	- Main Agencies - Ministry of Interior - Ministry of Justice - Ministry of Labour	2023-2027	- Develop remedy mechanisms under related laws - Number of affected people who have access to assistance and remedies

No.	Issues	Connections to UNGPs			Projects/Activities	Responsible agencies	Time-frame (2023-2027)	Indicators (wide frame)
		1	2	3				
					under the Labour Protection Act B.E. 2541 (1998), as well as develop the system to provide advice, assistance and remedy for migrant workers*			
					13.2 Study the feasibility of establishing a fund to help victims of workplace discrimination or harassment*	- Main Agencies - Ministry of Social Development and Human Security	2023-2027	- Study the possibility of establishing a fund to remedy victims of discrimination or sexual harassment in the workplace - Number of victims that the Commission of the Act identified and wish to receive remedies

- * The activity is one from the First NAP that requires further action or has been adapted from the First NAP after being fully or partially implemented.

Corporate Responsibility

1. Compliance with labour laws, labour standards and the principles of human rights.

- 1.1 State enterprises and the business sector must review the rules and regulations of their organisations, provide an announcement or a statement on the human rights policy in their organisations, as well as promote, understand and support the amendment of rules, regulations, announcements or statements of subsidiaries and supply chains to ensure labour protection in line with international human rights laws and the UNGPs.
- 1.2 State enterprises and the business sector must disseminate laws, measures, rules, regulations and local and international human rights principles related to labour laws, labour standards and labour protection to staff within their subsidiaries and supply chains.*
- 1.3 State enterprises and the business sector must respect and strictly comply with local and international labour laws and regulations, as well as encourage their subsidiaries and supply chains to also respect such principles. This includes not forcing workers to work overtime, unfair dismissal, insurance for workers in the workplace, providing welfare according to the law, etc.

2. Labour rights and welfare

- 2.1 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 pays principle”.*

2.2 State enterprises and the business sector should establish measures to certify or insure healthcare for workers in the workplace, such as vacation, leave, negotiations, etc.

2.3 State enterprises and the business sector should provide welfare for workers and their families, such as childcare centres in the workplace.*

3. Elimination of discrimination in the workplace

3.1 State enterprises and the business sector should specify measures/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, regardless of gender, HIV/AIDS infection, disability, age, ethnicity, etc.

3.2 Increase the employment of women, ethnic groups, persons with disabilities, senior citizens, ex-convicts, etc., by considering them as appropriate, including requiring the establishments to have proper facilities set up.*

3.3 State enterprises and the business sector should establish measures and policies to prevent sexual harassment in the workplace.

3.4 State enterprises and the business sector should adopt local and international best practices, such as Good Labour Practice (GLP) in business management and conducting Human Rights Due Diligence for large businesses by conducting assessments within the organisation and workers within the supply chain to prevent labour exploitation.

4. Complaint and remedy mechanisms

4.1 State enterprises and the business sector should provide internal channels for operational grievance mechanisms (OMG) and keep confidential information. Many channels should be opened and must have convenient and fast access for tracking. such as on the website and via an application on mobile phones, etc.*

4.2 State enterprises and the business sector should consider holding discussions to mediate disputes to achieve resolutions between workers by giving the opportunity for workers to participate in negotiations.*

4.3 State enterprises and the business sector should cooperate with the government, international organisations and other independent mechanisms to check compliance with labour laws, labour standards and human rights principles.*

4.4 State enterprises and the business sector should agree on measures to remedy damage to workers in the event that workers' human rights are violated (including measures/mechanisms to support and solve problems related to dismissal). The remedies should cover physical and mental damage.*

* The activity is one from the First NAP that requires further action or has been adapted from the First NAP after being fully or partially implemented.

3.2 Community Rights, Land, Natural Resources and Environment

3.2.1 Overview and challenges

During the implementation of the first National Action Plan (NAP) (2019-2022), the Royal Thai Government (RTG) and the business sector attempted to drive forward many activities designated in the NAP using legal and policy advocacy to implement action plans involving communities, land, natural resources and the environment. However, many challenges to such joint implementation were faced in terms of the integration of cooperation from all sectors. This, coupled with the COVID-19 pandemic, resulted in certain activities not being achieved. They are thus to be continued in the second NAP as follows:

The development, improvement and amendment of laws, rules, regulations, policies and measures related to communities, land, natural resources and the environment. The focus should be on the following laws.

The draft Land Reform and Agricultural Area Protection Act, B.E.: The Agricultural Land Reform Office, Ministry of Agriculture and Cooperatives undertook a study to explore how to improve the law relating to Land Reform for Farmers and People. The needs of farmers, the people and relevant stakeholders were compiled and analysed. This helped to improve the law and the draft Land Reform and Agricultural Area Protection Act, B.E. and included a compilation of opinions acquired through platforms of the common legal system, the Office's website and online meetings with those involved.

Draft Land Bank Act, B.E. and the draft Act on Land Management and Distribution with Fairness and Sustainability, B.E.: The Land Bank Administration Institute (Public Organisation) undertook a study of guidelines for establishing a land bank to assist affected people and proposed a draft law related to the establishment of land banks and land management institutions to distribute access to and possession of land fairly and sustainably while ensuring appropriate use of the land.

Draft Climate Change Act, B.E.: The Office of Natural Resources and Environmental Policy and Planning (ONEP) is in the process of accelerating the enactment of the Climate Change Act as a tool to enhance climate change mitigation in Thailand. This draft Act was

recently approved by the National Climate Change Policy Committee and is now being proposed to relevant agencies for their comments and opinions before being submitted to the Cabinet for consideration.

Draft Biodiversity Act, B.E.: The Office of Natural Resources Policy and Environmental Policy and Planning (ONEP) is in the process of accelerating the enactment of the draft Biodiversity Act, B.E. This will serve as a tool or mechanism to support Thailand's development. The draft law was endorsed by the Cabinet on February 22, 2022, and is currently under review by the Council of State before being presented to Parliament for further consideration.

Law on the Preparation of Pollutant Release and Transfer Register (PRTR): The Department of Industrial Works issued Ministerial Regulation No. 27 (B.E. 2563) in pursuance of the Factory Act, B.E. 2535 (1992). This regulation obliges industrial operators to provide substantive information on pollutants or chemicals in the factory business to the Department of Industrial Works and to compile it in a PRTR inventory of industrial plants. Here a challenge was faced, as the PRTR system is under the Ministerial Regulation and not a law that obliges the reporting of information for building a database. In addition, the Pollution Control Department (PCD), the Ministry of Natural Resources and Environment has revised the Act on Enhancement and Conservation of National Environmental Quality, B.E.2535 (1992), stipulating PRTR covers other sources of pollution and not just industrial factories. Currently, the draft law is under consideration by the Office of the Council of State.

Regional Ecological Map:¹ The Office of Natural Resources Policy and Environmental Policy and Planning (ONEP) has formulated a conceptual framework for the preparation of an ecological landscape map of the northern region based on the boundary of the country's watershed area that is suitable for use in the specified ecological area. The work plans are designed so as to be continually implemented to achieve the development goals of urban, rural, agricultural, industrial and conservation areas in harmony with their potential and

¹ The ecological map is a strategic tool for urban development, contextualising its potential and ecological suitability. This tool creates a balance between and integration of conservation and development towards sustainability based on the ecosystem and participation of all parties.

geographical suitability. The countrywide regional ecological maps are to be completed by 2037.

Review of Other Laws: Several authorities conducted such reviews with the aim of abolishing and/or repealing outdated or irrelevant laws or amending them to allow for the use of technology in their application.

Public Participation and Hearings: The Ministry of Industry has scheduled public hearings on the legal procedures required for stakeholders in the pre-, in-between and post-business operations phases through to the completion of the project. The hearings cover the entire procedures starting with the request for permission to operate a factory and the expansion of the factory's operational areas in compliance with the law and related regulations. The Ministry obliges factories to conduct Environmental Impact Assessment/ Environmental and Health Impact Assessment (EIA/EHIA) reports following relevant laws and including mining. The public manual, according to the Facilitation of the Government Authorisation Act, B.E. 2558 (2015), is designed to enhance transparency in government operations with a reduction in personal discretion and reveal all steps and the timeframe. In addition, the Department of Industrial Works has established regulations and guidelines for hearings of stakeholders, the people and communities involved with projects or activities or taking any action that may seriously affect the community, covering quality, environment, natural resources and health. Discussions with stakeholders on methods and procedures have recently been held. As part of the consultations with various sectors, many civil society representatives expressed concerns about the ineffective participation process in the implementation of procedural rights, especially during the COVID-19 pandemic when a large number of stakeholder hearings were being conducted through online channels without onsite visits. In some cases where the local stakeholders are from ethnic minorities, language barriers cause a lack of understanding and inaccessibility of information.

For **the Environmental Impact Assessment**, there are significant points classified into various issues as follows:

The Environmental Impact Assessment/Environmental and Health Impact Assessment (EIA/EHIA): The Office of Natural Resources Policy and Environmental Policy and Planning (ONEP),

Ministry of Natural Resources and Environment initiated an Acceptance and Affirmation Survey of the Environmental Impact Assessment System in Thailand during the fiscal year, B.E. 2563 (2020). This aims to gather suggestions and guidelines for further development and improvement of the process. In the meantime, efforts are being made in law amendment and enactment, with Ministerial Regulation(s) issued to disclose the names of consulting companies that have been blacklisted. This law is currently under the consideration of the Office of the Council of State. In addition, an EIA Consulting Qualifications Notice for Professional Council Licensing has been published. For industrial estates, a draft has been issued of the regulations of the Board of Directors of the Industrial Estate Authority of Thailand on the rules, procedures and conditions for business operations in an industrial estate. This states clearly that the Industrial Estate Authority of Thailand or other relevant licensing agencies are obliged to hold public hearings on the projects carried out with EHIA. However, in consultations with various sectors, many civil society representatives expressed concerns over environmental impact assessments that are sometimes unacceptable to the local people, for example, the issue of lax reporting or the use of false information; the lack of meaningful public participation; the lack of transparency in the execution process; the impartiality of rapporteurs employed by the company; and the limitations on the ability of the state to monitor compliance with conditions under licenses. Key challenges were also identified in the enforcement of the Minerals Act B.E. 2560, such as the limited participation of public and local administrative organisations in planning strategies, policies and issuing licenses and concession certificates; the ambiguousness in defining the role of environmental rehabilitation, especially in contaminated areas outside the mining area; and the determination of rules and procedures for hearings in the community area, as well as the concession certificate being classified according to the type of concession based on distance. However, the impact of mining is not only limited to distance. The civil society representatives felt that the Community Health Impact Assessment (CHIA) undertaken by members of the community and civil society in the area would be an alternative tool to solving the problems mentioned above. Such a mechanism is not yet clearly stipulated in the law and has not received full support from the government.

Strategic Environmental Assessment (SEA): The Office of the National Economic and Social Development Council (NESDC) has published guidelines for environmental assessment at the strategic level (revised edition). The NESDC organised SEA Academic Training

countrywide and advanced SEA training for middle-level executives and created a video to provide knowledge and understanding of the SEA. In 2022, the NESDC implemented the SEA guidelines in Chana district, Songkhla province, for the settlement of an industrial land use dispute. However, this was challenged, and action was taken accordingly. The SEA is a voluntary mechanism, but there is a call for specific enforcement to be clearly stated, particularly in large projects.

For the Special Economic Zones, vital issues can be summarised as follows:

The Special Economic Zones (SEZ): Office of the National Economic and Social Development Council (NESDC) initiated the Office of the Prime Minister's Regulation on the Development of Special Economic Zones, B.E. 2564 (2021). This Regulation establishes the Committee on the Development of Special Economic Zones as a mechanism for supervising and driving the development of special economic zones. The Committee is authorised and mandated to formulate policies, operational guidance, administration and development of special economic zones. Room for hearings of relevant sectors would be made in the area to consider policy and guidelines. For the operations with city planning, the Department of Public Works and Town & Country Planning is preparing the draft plan and documents for drafting the Interior Ministerial Regulations for city/community planning in SEZ areas. For specific area plans, an Interior Ministerial Announcement has been issued to cover 10 provinces, while the NESDC has confirmed that the special economic development zone for the private sector / Industrial Estate Authority of Thailand to rent to carry out the project is now completed. The related agencies/provinces have discussed, negotiated and presented to the Cabinet for consideration the fair payment of compensation to those living there in pursuance of the relevant regulations. The 10 SEZs are occasionally visited and surveyed to monitor development progress, discuss with relevant agencies and collect opinions, comments, problems and challenges. However, in the dialogue session with various sectors, challenges and problems have been identified. Complaints included the selection of developed areas in the SEZs overlapping with areas used by large numbers of people and inhabitants; the declaration and demarcation of SEZ areas through special laws and without a proper consultation process; the relocation of residents from their land in many cases and without prior notice; and issues with compensation payments to affected people or

communities based on various standards depending on the outcome of the negotiations or resources that responsible agencies can procure. Many SEZ-designated areas have not yet progressed with investment, causing people in the area to surrender their advantages in the residential and arable areas used.

Eastern Economic Corridor (EEC) Special Development Zone: The EEC Policy Committee Office (EECO), together with the Department of Public Works and Town & Country Planning, have prepared a land utilisation plan and a plan for the development of infrastructure and public utilities in the Eastern Special Development Zone in the EEC according to city planning principles to prepare the support area for future development. Once the EEC land utilisation plan came into force, the EECO and the Department of Public Works and Town & Country Planning held a meeting to clarify details to relevant agencies and the public. These continue to be publicised through various channels of information where the EECO is considering the preparation of guidelines/measures governing the Special Economic Zones and the EEC that comply with the highest standards on good governance and operational guidelines of companies by striving for the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs). This is reflected in the means for establishing and managing the Special Economic Zones and the EEC set out in the 2023 Budget Plan. However, in this regard, the civil society sector raised concerns about the land use designation in town planning that does not meet its potential and the actual function of space with the expansion of industrial zones, commercial areas, urban and rural communities to agricultural areas and natural resource and environmental conservation areas. Moreover, there are other issues mentioned in the study report on land, natural resources and environment issues from the Special Economic Zone and the EEC prepared by the Committee on Land, Natural Resources and Environmental Issues, the House of Representatives, including (1) the processes of people's participation do not fully comply with the laws and most of hearings are not covering the people affected; (2) the impact and potential of water resources in the EEC, with an imbalance between water costs and the amount of water demanded; the water quality and saline water incursion and problems with water management both in and outside of the area; (3) the study on environmental impacts, potential and limitations of the area, and the effects of expropriation that are not complete

and do not cover problems arising; (4) the analysis of the economic, financial suitability and economic benefits that are not yet completed; and (5) the problems arising from the environmental situation of garbage and industrial waste in the EEC.

The Management of Land, Natural Resources and Environment: The Office of Natural Resources Policy and Environmental Policy and Planning (ONEP), Ministry of Natural Resources and Environment has prepared "the Conceptual Framework for Ecological Landscape Mapping of the Northern Region along with the appropriate Watershed Boundary for the use of Ecological Land Area" in the 9 northern provinces of Thailand and also conducted the Study on Inclusive, Gender-Responsive Climate Change Benefit Analysis (ICCBA) and action guidelines to drive sustainable green space management. The Office implemented environmental protection projects in environmentally protected provinces, such as Samut Prakan, Phetchaburi, Prachuap Khiri Khan, Chon Buri, Surat Thani, Phuket, Krabi and Phang Nga. However, challenges arose, including complaints lodged by civil society over the changing of rural and agricultural communities to be more industrial in nature. On the other hand, cases occurred where urban communities expanded until they were closer to the industrial areas previously established, inevitably leading to such communities being affected by such industries. Other concerns were also raised about the amendment to the Factory Act B.E. 2562 (2019) with the downgrading of the standard for small factory controls, as the revision of the word "factory" has made it possible for smaller businesses to have high environmental impacts but not be subject to the Act and to reduce the control power of the Department of Industrial Works. In addition, on the issue of water management, there were some observations on the imbalance of water quantity during the rainy season along with flooding and drought, the water shortages in both the agricultural and industrial sectors, and the problem of saline intrusion. Moreover, issues with PM 2.5 have been raised, especially the problem of burning crops and waste after the harvest. This needs to be solved through an integrative approach, including supporting appropriate tools for farmers and agricultural investors such as the sugar cane industry. Some civil society representatives have expressed great concern over the proposal to cancel the Announcement of the Rayong Pollution Control Area and called for urgent action to tackle pollution in the area, including proposing that the authorities responsible for enforcing measures to control pollution from

industrial sources take action to improve emission standards and expedite the issuance of specific laws in the pollution control zone including the issue of climate change, which they feel should be included in the NAP. This addresses solutions to the problems of the illegal dumping of industrial and community waste, the increase in the amount of waste due to the expansion of the industrial sector; the shortage of hazardous waste disposal plants; the limited efficiency of community solid waste management and community wastewater; and the Announcement by the Ministry of Natural Resources and Environment of the exemption of a waste power plant with a capacity of at least 10 megawatts from the obligation to make an EIA report. Currently, the law requires the implementation of the Code of Practice (CoP) of the Energy Regulatory Commission.

Capacity Building for Communities: The Department of Agriculture has conducted a project to organise a training course to provide knowledge of the plant protection law and working guidelines of the Plant Protection Fund for farmers. The Department of Social Development and Welfare, Ministry of Social Development and Human Security has set up a mobile unit to work with network partners who are community leaders to encourage people in the highlands to help each other; build an understanding of rights and duties as Thai citizens; respect laws and regulations, and promote model(s) of social welfare by the community. In addition, the Rights and Liberties Protection Department, Ministry of Justice has also organised training and human rights education activities for people and communities to provide them with real knowledge and understanding of fundamental human rights, with a greater focus on the process of participation between government officials and the public sector. Challenges reflected during the discussions with various sectors included that the cultural identity of the area is being overshadowed by various tourism projects, the exclusion of local communities by these projects, and the lack of participation in the development of tourism in the area. This is also the case for people who depend on natural resources, such as the Sea Gypsies (Chao Lay), an ethnic group living in the Andaman coastal area whose culture and lifestyle have traditionally relied on the sea and who are now suffering the impact of tourism policies, such as the declaration and demarcation of a national park area for conserving marine life and promoting tourism in the areas where they live. As a result,

the sea gypsies are unable to access the fishing grounds for their livelihood and earnings and are being forced to move out of the area.

Survey on the Rights of Residents of Conservation Areas: This aims to solve disputes between the state and people, including ethnic groups residing or relying on areas overlapping with conservation areas. The Department of National Parks, Wildlife and Plant Conservation has conducted activities to check the qualifications and rights of people living in conservation areas based on the concept of people's empowerment with integrity. This helps those who are at present illegally earning from the forest to reside and spend their lives there legally. The legislation has now been amended to accommodate that idea. In addition, the Ministry of Natural Resources and Environment has set a policy to solve land problems by requiring a review of the process for allocating arable land to the community covering all types of land and compiling opinions on ways to improve the process of land management for the community. The Ministry has also taken urgent action to address the issue of land use overlaps, especially in residential, arable and spiritual areas, and increase efficiency in conflict management at the local level by peaceful means and by supporting the principles of recognition and protection of "community rights " under the Constitution. In this regard, a Cabinet resolution on the issuance of guidelines for solving problems of the People's Movement for a Fair Society (P-Move) was passed on February 1, 2022, under which the Ministry of Natural Resources and Environment was assigned to review the appropriateness of all 3 Acts, namely the Community Forest Act, B.E. 2562 (2019); the National Park Act, B.E. 2562 (2019), and the Wildlife Preservation and Protection Act, B.E. 2562 (2019), and to study the impact of legislation issued under these three Acts. These editions are:

Name of Law	Published in the Government Gazette	In process
The Community Forest Act, B.E. 2562 (2019)	16 editions	10 editions
The National Park Act, B.E. 2562 (2019)	15 editions	6 editions
The Wild Animal Conservation and Protection Act, B.E. 2562 (2019)	11 editions	43 editions

Business Section Operations: State Enterprises and business sectors have continually implemented new guidelines and regulations, such as Social Responsibility (ISO 26000) and the adoption of Corporate Governance Policy and the Business Code of Conduct Manual. Efforts are also being made to conduct an EIA/EHIA assessment following the guidelines outlined in relevant laws/regulations. They are also creating channels or complaint mechanisms where there has been a cover-up of information about the complainant and handling, which calls upon the relevant parties to participate in the review process. The challenges identified are the lack of human rights knowledge and the lack of motivation and incentive to perform duties in respect of human rights, especially among small and medium enterprises and entrepreneurs who have been economically impacted by the COVID-19 pandemic. All business sector representatives are supporting the incentive measures for the sectors to improve respect for human rights. They feel that many activities are undertaken for the purposes of awareness raising on environmental issues, for example, the use of green labels, are not well received by consumers as this results in the price of such goods being higher than other products in the market.

Remedial Mechanisms: Apart from the remedies provided by the Office of the Permanent Secretary, Ministry of Justice through the Justice Fund Office and the Rights and Liberties Protection Department through the Office of Financial Aid for Victims and

Defendants in criminal cases, the Office of the Permanent Secretary, Ministry of Industry through the Provincial Industrial Office also oversees the funds set up by mining operators. Disputes have arisen in the form of remedies. These usually provide compensation for immovable and/or movable properties, including crops and trees or the cost of moving and demolishing assets, but do not give compensation for business damage and loss of wages/income by the affected persons or for the impacts in cases where lifestyles have to change. The result is that those affected perceive the fund as unjust. In addition, remedies are often under consideration, and it is only later, when concerns are raised, that they are taken into account from the project planning stage with a budget allocation from the original project. Another problem is related to the relocation of housing as, in many cases, the new locations are not suitable for normal living. In addition, no attention is given to working in an integrated manner with the responsible agencies, and there is a lack of standardised remedies. All these are barriers to accessing effective remedies. In addition, there are many occasions where judgement cannot be carried out effectively, as the disputed company has declared bankruptcy and been liquidated. As a result, those affected are left without any remedial action.

3.2.2 Operational Success Factors

From the above challenges, it was found that to succeed in solving the human rights violations in the context of community, land, natural resources and environment, the following need to be considered.

1. To scope out the powers of the relevant agencies for supervision appropriately and sufficiently and align that scope with activities to achieve the goals of the NAP with adequate and appropriate allocation of resources;
2. To accelerate the issuance and endorsement of tools that shall be used to motivate the business sectors to strictly comply with the NAP and consider voluntary and compulsory measures that are necessary for the implementation of the NAP;
3. To initiate public relations and disseminate the NAP to all sectors, especially those at the local level, namely the operators and business sectors;
4. To raise awareness on human rights principles related to issues of community, land, natural resources and environment.

3.2.3 Recommendations from Public Hearings

The recommendations arising from the compilation of opinions and discussion with various sectors on issues of community, land, natural resources and environment can be summarised as follows:

1. To implement activities not yet completed in the first NAP with urgent action once the COVID-19 pandemic is under control;
2. To support the business sector, especially small and medium enterprises (SMEs), whose economy has been affected by the COVID-19 pandemic, and help them effectively implement the NAP;
3. To conduct public hearings on issues under various laws both online and onsite so that the stakeholders, especially marginalised populations who don't have access to online information, can be reached and truly participate in the process;
4. To supervise the environmental impact assessment in line with transparency, legality, codes of conduct and best practices. The appraisal report provider shall be independent, proficient and able to disseminate relevant information before providing stakeholders with sufficient time to reach an understanding of the proposals and prepare their recommendations. In cases where the stakeholders are representing ethnic groups, translation into local dialects shall be provided with appropriate communications to promote meaningful participation;
5. To promote and support the Community Health Impact Assessment Report (CHIA);
6. To empower officials involved in the monitoring process to enable them to oversee the implementation of recommendations made by the environmental impact assessment with the adequate budget allocated to support monitoring and ensure that recommendations are vigorously implemented;
7. To review laws and regulations such as the Minerals Act, B.E. 2560 (2017) to allow the public sector to vigorously participate in strategic plans, policies and issuance of licenses and concession certificates and to designate the

areas where community public hearings are required to truly reflect the impact of the business without limiting the area by distance;

8. To concretely apply the Strategic Environmental Impact Assessment (SEA), possibly as a mandatory measure for large projects that may affect the wide community and environment, not just conduct an Initial Environmental Examination (IEE);

9. To supervise the formulation of land use in town planning in line with the potential and role of the area, both in the context of special economic zones and in other areas and with meaningful participation of stakeholders;

10. To encourage consideration of rights and land use to cover the social and cultural dimensions and spiritual, economic, environmental and political aspects of the area, including in the context of various forms of tourism promotion;

11. To promptly act to solve pollution problems in various areas and to expedite the responsible agencies to enforce the measures to control pollution from industrial sources and improve emission standards to the environment and expedite the issuance of specific laws in the pollution control zone;

12. To solve PM 2.5 problems in an integrated and urgent manner, including supporting appropriate knowledge and tools to prevent and resolve such problems;

13. To clearly define the issue of climate change in the NAP with substantive indicators;

14. To consider reviewing the announcement of the Ministry of Natural Resources and Environment requiring all types and sizes of waste power plants to perform environmental and health impact assessments;

15. To check out the waste separation and recycling business, including the disposal of various industrial wastes currently operated, to promote waste segregation from the outset, and to jointly develop a surveillance system for robust investigations and prosecutions in cases of illegal smuggling and transport of waste;

16. To consider allocating water to the agricultural sector fairly and sufficiently before diverting water to industrial areas, including increasing the efficiency of irrigation in the agricultural sector;

17. To set a standard for remedial measures for people affected by development projects. The compensation shall take into account business losses and lost or reduced wages/income or the impact on lifestyle changes. In cases where a new residence is provided, it shall be a suitable space for living according to the original lifestyle, and there shall be a remedial plan in place from the project planning stage to determine the remedial budget for the initial project by allowing stakeholders to participate in the process;

18. To review appropriate remedial measures for residents or reliance on developed areas in the SEZs to be appropriate, taking into account the damage to the livelihoods of people forcibly relocated, the cost of opportunity loss and considering the revocation or review of areas that have not undergone appropriate consultation, including promoting integration among relevant agencies for effective remedies. In the context of the EEC, deem it appropriate to make compensation principles in accordance with the appropriate guidelines of the EEC Development Fund in the treatment of those negatively affected by the development of the EEC area on the principle of equality, equity, participation and taking market price into account;

19. To support people affected to be able to smoothly execute judgments;

20. To determine measures, benefits and incentives for business sectors implementing the NAP.

3.2.4 Action plan and indicators

Duty of State

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
1	Developing, improving and amending laws, rules, regulations, and policies and related measures				1.1 Review, improve, amend and propose draft laws, rules, regulations and measures relating to the promotion of genuine public participation in the management of land, water resources, climate, natural resources and the environment affected by business operations.*	- Main Organisations - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment - Ministry of Industry	2023-2027	Reviewed, improved, proposed and amended laws, regulations and related measures.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					<p>1.2 Review, improve, amend and propose draft laws, rules, regulations, and measures related to land management, including those concerning the conservation and allocation of land, tourism policies and urban planning and special economic zoning policies in accordance with human rights principles. This involves considering the rights and use of land to cover the social, cultural, spiritual, economic, environmental and political dimensions of the area.</p>	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Industry -The Land Bank Administration Institute (Public organisation) Eastern Economic Corridor Thailand 	2023-2027	Reviewed, improved, proposed and amended laws, regulations and related measures.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						Office of the National Economic and Social Development Council		
					<p>1.3 Review, improve, amend and propose draft laws, rules, regulations and measures related to eviction, which should be the last resort. Should there be a need for an action, it must comply with the principles of universal human rights. These include consulting the general opinion of the Economic, Social and Cultural Rights Committee, considering the use of Free Prior Informed Consent forms, receiving appropriate compensation and enforcing the</p>	<p>- Main Organisations</p> <ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment <p>Supporting Organisations</p> <ul style="list-style-type: none"> - Ministry of Interior 	2023-2027	Reviewed, improved, proposed and amended laws, regulations and related measures.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					assessment report "Eviction impact" (eviction impact assessments) prior to formulating policy.*			
					1.4 Review, improve, amend and propose draft laws, rules, regulations, and measures relating to the management of mineral resources, including license issuance and zoning of mining areas to facilitate public participation and determine areas where community feedback reflecting the impact of the business is required.*	- Main Organisations - Ministry of Industry	2023-2027	Reviewed, improved, proposed and amended laws, regulations and related measures.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					1.5 Review, revise, amend and propose draft laws, rules, regulations, and measures related to food rights, fair allocation of land for agricultural purposes, and administer contract farming. This also involves pushing forward laws that are currently being considered, such as the Land Reform Act and the Protection of Agricultural Areas, Draft Act on Establishment of Land Bank and Draft Act on Establishment of Land Management Institute and distributing land holdings fairly and sustainably.*	- Main Organisations - Ministry of Agriculture and Cooperatives -The Land Bank Administration Institute (Public organisation)	2023-2027	Reviewed, improved, proposed and amended laws, regulations and related measures.
					1.6 Review, improve, amend and propose draft laws, rules, regulations and measures related to environmental protection, clean air and control	- Main Organisations	2023-2027	Reviewed, improved, proposed and

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					<p>of all types of pollution. This includes considering the introduction of legislation calling for the establishment of a directory on the release and removal of pollution (PRTR), of industrial and non-industrial factories, instead of applying ministerial regulations. Promote clean air laws, and advance the improvement of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 to align with international human rights principles.</p> <p>Review and amend the Factory Act to remove any loopholes in factory supervision, especially in small factories, and expedite the enactment of specific laws in the pollution control zone. *</p>	<p>- Ministry of Natural Resources and Environment</p> <p>Supporting Organisations</p> <p>- Ministry of Industry</p>		amended laws, regulations and related measures.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					1.7 Review, improve, amend and propose draft laws, rules, regulations and measures to enhance the efficiency of environmental/health impact assessments. Increase transparency and independence as well as encourage the Community Health Impact Assessment Report (CHIA) mechanism.	- Main Organisations - Ministry of Natural Resources and Environment	2023-2027	Reviewed, improved, proposed and amended laws, regulations and related measures.
					1.8 Study and develop laws on climate change.	- Main Organisations - Ministry of Natural Resources and Environment	2023-2027	-Study results -Developed draft laws.
					1.9 Review, improve, amend and propose draft laws, rules, regulations and measures relating to waste and industrial waste management. This	- Main Organisations	2023-2027	Reviewed, improved, proposed and

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					includes reviewing the announcement of the Ministry of Natural Resources and Environment and requiring all waste power plants, regardless of type and size, to perform environmental and health impact assessments.	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry 		amended laws, regulations and related measures.
					1.10 Review, develop and amend the secondary law relating to the establishment of a land bank or other organisations with similar objectives as the land bank.	- Main Organisations The Land Bank Administration Institute (Public Organisation)	2023-2027	-Number of laws, rules, and regulations relating to the establishment of a land bank or other organisations with similar

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								objectives as the land bank
2	Public Participation and Development of Community Potential Processes				2.1 Arrange for public consultations and public hearings with all parties involved, including the ethnic groups. The hearing must ensure genuine participation of those affected and guarantee access to comprehensive information in an understandable language, both online and in affected areas. The consultations and hearings must be organised prior to the operation of any project to encourage the participation of the public and communities in determining the forms of land utilisation and management of natural resources and the environment. This includes	- Main Organisations -Ministry of Social Development and Human Security- Ministry of Social Development and Human Security - Ministry of Agriculture and Cooperatives	2023-2027	Projects/activities organised for public opinions

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					considering the appointment of local government organisations to launch projects for local participation in hearing processes under environmental and other laws.	-Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Interior - Ministry of Industry		
					2.2 Promote community forest management to solve the problem of coexistence between the forest and the community, including expediting the preparation of a law issued under the Community Forest Act.*	- Main Organisations -Ministry of Natural Resources and Environment	2023-2027	- Projects/activities/measures organised to promote or solve

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								community forest management problems -Issuing legislation
					2.3 Disclose the information about the implementation of large projects which may affect the areas and communities wherein operated, before, during and after the project by allowing complete access of information, both offline and online, to the public*.	Main organisations -Ministry of Transport - Ministry of Energy - Ministry of Industry	2023-2027	- Number of channels for disseminating information about the project to the public,

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								especially the stakeholders
					2.4 Jointly prepare a handbook that promotes public awareness regarding the rights to genuine participation in accordance with international human rights standards, as well as provides knowledge about the channels for obtaining services and remediation by integrating the knowledge of all sectors. The handbook should always be updated to keep up with legislation changes and disseminated widely. *	- Main Organisations - Ministry of Natural Resources and Environment - Ministry of Energy Supporting Organisations - Ministry of Agriculture and Cooperatives	2023-2027	Explanation of Public Rights to Participate in Government Projects Handbook -Dissemination Channels

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					2.5 Promote knowledge, skills and academic knowledge among the community to increase production efficiency.	- Main Organisations Ministry of Agriculture and Cooperatives	2023-2027	Projects/activities for promoting knowledge, skills and academic knowledge among the community
					2.6 Support and promote careers among community enterprises.	- Main Organisations - Ministry of Agriculture and Cooperatives	2023-2027	-Number of farmers and the poor that have received

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						-The Land Bank Administration Institute (Public Organisation)		employment support
3	Environmental and Health Impact Assessment				3.1 Review and develop the environmental/health impact assessment system and public hearing process in the environmental /health impact assessment procedure in a transparent manner, strictly complying with the law, code of conduct and good practice guidelines. This should engage the participation of people from all sectors involved. The appraisal report provider must be independent, proficient as well as disseminate	- Main Organisations - Ministry of Natural Resources and Environment - Ministry of Energy	2023-2027	-Reviewed and developed environmental and health impact assessment system . -Managing grievances

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					relevant information in advance to provide stakeholders with sufficient time to understand the proposals and prepare their recommendations. Impact assessment reports and cases of human rights violations that occurred should be conveniently and easily accessible. In the event that stakeholders are ethnic groups, localizations should be made and communicated in an appropriate manner to encourage genuine participation.*			related to projects and providing solutions -Information dissemination channels
					3.2 Call for post-environmental impact assessment tracking and inspection to prohibit business sectors from violating the rights after the project is approved/ authorised. This can be	- Main Organisations - Ministry of Natural Resources and Environment	2023-2027	-Developed a process to monitor the project

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					done by considering the increase of powers among the officials involved in the tracking and inspection process and by allocating adequate budgets so that the staff can ensure the actual implementation of the recommendations.	Supporting Organisations - Ministry of Industry		periodically and constantly. -Determined the scope of power and provided support in terms of resources in the operations of the staff.
					3.3 Offer knowledge on Strategic Environment Assessment (SEA), and encourage the	- Main Organisations	2023-2027	-Promoting and disseminating

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					enforcement of SEA for large projects that may potentially harm the community and the environment on a broad scale.	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Office of the National Economic and Social Development Council 		strategic environmental assessment (SEA) guidelines to be adopted by various agencies, including the business sector
					3.4 Strengthen the current environmental impact and safety assessment process, especially in the context of large-scale development projects	<ul style="list-style-type: none"> - Main Organisations - Ministry of Transport 	2023-2027	-Enforced EIA/EHIA procedures,

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					such as infrastructure, mining and energy projects.	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry 		<p>especially on major projects.</p> <p>-Introduced safety standards and supervision measures, as well as support plans, reports, and solutions to problems in the event an accident,</p>

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								occurs in the project.
					3.5 Track and monitor the implementation of measures set out in the Environmental Impact Assessment Report to precisely and promptly prevent and correct the expected impacts from the project implementation and to serve as a database of the project to prevent and correct expected impacts in the future.	- Main Organisations - Ministry of Transport - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Industry	2023-2027	-Tracked and monitored the implementation of measures set out in the EIA/EHIA assessment report to prevent and correct potential

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								impacts in the future.
4	Special Economic Zones				4.1 Disclose information about the areas affected by the project implementation and the urban planning in the Special Economic Zones area, including the Eastern Economic Corridor (EEC). Land allocation in such areas must be considered based on the potential and role of the area as well as ensuring the participation of the people, especially the stakeholders and communities that may be affected.	- Main Organisations - Ministry of Transport Eastern Economic Corridor Thailand Office of the National Economic and Social Development Council Supporting Organisations - Ministry of Interior	2023-2027	-Called for an advertisement /public relations/project information disclosure before, during and after the project wherein the public can thoroughly

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								<p>access information, including that regarding the allocation of land use patterns.</p> <p>- Added channels for disseminating information about the project to keep the public,</p>

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								<p>especially the stakeholders, aware.</p> <p>- Organised meetings to hear people's opinions in all areas affected by the project, and arranged for discussions to resolve current disputes.</p>

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					4.2 Consider appropriate measures for land expropriation. This includes reviewing or revoking areas that have not undergone proper consultation and consideration of fair and appropriate compensation for those affected in disputed areas taking into account the damage to the livelihoods of people forced to relocate and the opportunity cost incurred regardless of the holder of land rights in any form.*	- Main Organisations - Ministry of Transport - Ministry of Interior - Eastern Economic Corridor Thailand	2023-2027	-Reviewed the appropriate measures for the expropriation of land. -Determined the criteria for compensation and fair remedy by consulting with those affected.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								-Launched solution measures for grievances that have occurred.
					-Initiate measures urging the Special Economic Zones (SEZs) as well as the Eastern Economic Corridor (EEC) to observe the highest standards on good governance and UNGPs and appoint specific agencies to be responsible for solving the problem of human rights violations occurring in the area.*	- Main Organisations -Eastern Economic Corridor Thailand -Office of the National Economic and Social Development Council	2023-2027	-Developed guidelines/measures/policy statements urging the Special Economic Zones (SEZs) as well as the

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								<p>Eastern Economic Corridor (EEC) to observe the highest standards of governance and UNGPs.</p> <p>-Appointed responsible agencies to coordinate and resolve issues on human</p>

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								rights violations.
5	Good weather and climate change				5.1 Prompt and immediate actions in solving pollution problems in various areas and expedite enforcement of pollution control measures from industrial sources. (This includes encouraging the industrial sector to establish in-house carbon reporting departments to create greenhouse gas accounts and exchange data with government agencies), as well as improve emissions.	- Ministry of Natural Resources and Environment - Ministry of Industry	2023-2027	-Launched pollution-solving measures - Reviewed / updated / amended emissions standards
					5.2 Determine climate change preparedness measures for businesses taking into account the principles of human rights and the context of	- Ministry of Natural Resources and Environment	2023-2027	-Launched measures to support

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					Thai society, as well as educating the business sector on such issues.	Supporting Organisations - Ministry of Justice		climate change for the business sector. -Established projects/activities to educate the business sector on climate change.
6	Industrial waste and residues				6.1 Monitor the waste separation and recycling activities and ensure the disposal of various	- Main Organisations - Ministry of Industry	2023-2027	-Monitored waste separation and

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					industrial wastes is efficient and in accordance with international standards.			recycling activities, including industrial residues.
					6.2 Develop a monitoring system with the public, and conduct serious investigation and prosecution in the event of smuggling and illegal transport of waste.	- Main Organisations - Ministry of Industry Supporting Agencies - Ministry of Interior - National Police Office	2023-2027	-Developed monitoring system -Number of cases entering the judicial process

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
7.	Community-based land, natural resources and environment management				7.1 Consider implementing surveillance, monitoring, tracking and investigation mechanism in case of violations of rights in land, natural resources and the environment by the business sector, with the engagement of community participation.	- Main Organisations - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment Supporting Agencies - Ministry of Interior	2023-2027	7.1 Implemented surveillance, monitoring, tracking and investigation mechanism in case of violations of rights in land, natural resources and the environment by the

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								business sector, with the engagement of community participation.
					7.2 Promote the enforcement of laws and policies related to land management, natural resources and the environment while taking into account the protection of rights of individuals and communities affected, such as rights to housing, rights to food, rights of access to land, rights to reasonable standards of living and gender, and ethnic dimensions. This involves the	- Main Organisations - Ministry of Natural Resources and Environment - Office of the Attorney General	2023-2027	- Projects/activities promoting the enforcement of the law regarding natural

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					<p>participation of such people, including supporting the community's role in conserving and restoring natural resources and monitoring environmental quality.*</p>	<p>Supporting Organisations</p> <ul style="list-style-type: none"> - Ministry of Interior - Ministry of Justice 		<p>resources and environment management</p> <p>- Projects/activities encourage community roles in the management of natural resources and the environment.</p>

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					7.3 Promote careers, and household income, improve communities as well, and build knowledge, skills and academic knowledge among the community to increase production efficiency.	- Main Organisations -Ministry of Social Development and Human Security- Ministry of Social Development and Human Security - Ministry of Agriculture and Cooperatives - Ministry of Interior	2023-2027	- Projects/activities for Community Potential Building and Skills Promotion
					7.4 Promote community research on local wisdom on farming and approaches to conserve,	- Main Organisations	2023-2027	- Projects/activities promoting

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					utilise and restore land, natural resources and the environment.	<ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment 		local wisdom in farming and approaches to conserve, utilise and restore land, natural resources and the environment
8	Land and water management				8.1 Conduct investigations and prove the rights of occupiers and users of land and issuing of a document certifying legal rights.*	<ul style="list-style-type: none"> - Main Organisations - Ministry of Interior 	2023-2027	Issuing documents certifying rights

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								in accordance with the law
					8.2 Appropriate measures for water resource management by ensuring fair and adequate water allocation to the agricultural sector before proceeding with diversion of water to industrial areas, including areas in the eastern region of the EEC.	- Main Organisations - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment -Eastern Economic Corridor Thailand	2023-2027	-Initiated measures for water resources management.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					8.3 Develop mechanisms for conservation and restoration of public water resources with public participation.	- Main Organisations - Ministry of Natural Resources and Environment	2023-2027	-Number of communities participating in the conservation of water resources
9	Grievances				Publicise to the general public the channels/mechanisms for grievances and complaints in the event of witnessing or being affected by business operations, especially in terms of communities, land, natural resources and environment, both nationally and internationally. Such channels must maintain	- Main Organisations - Ministry of Agriculture and Cooperatives - Ministry of Transport	2023-2027	- Public relations channels to raise public awareness regarding grievance

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					confidentiality and be available in multiple languages or offer linguistic coordinators to assist those affected, including the ethnic groups. It should also involve integration between relevant agencies as well as constant tracking of progress.	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Ministry of Interior - Ministry of Justice - Ministry of Industry - Office of the Attorney General 		channels for those affected by business operations in terms of land, natural resources and environment
10	Mediation/Litigation				10.1 Promote dispute mediation mechanisms, including the resolution of disputes through the civil mediation centre located in all provinces.	<ul style="list-style-type: none"> - Main Organisations - Ministry of Justice 	2023-2027	-Number of land, natural resources and environmental dispute cases that enter the

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								mediation mechanism -Number of settled cases -Satisfaction of service users
					10.2 Strengthen the competence and technical expertise of officials in the judicial process in conducting civil, criminal and administrative cases related to the environment, natural resources and land. *	- Main Organisations -Office of the Court of Justice - Office of the Attorney General Supporting Organisations - Ministry of Justice	2023-2027	- Projects/activities to enhance officers' potential in the justice process in terms of

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								environment, natural resources and land
11	Remediation				11.1 Identify channels and measures of remediation for those affected by development projects by providing prompt and fair compensation that aligns with international human rights standards and is in accordance with the needs of the people and communities affected. In the event that new housing is to be provided, the location should be advantageous for livelihoods according to the principles of	- Main Organisations - Ministry of Agriculture and Cooperatives - Ministry of Transport - Ministry of Natural Resources and Environment	2023-2027	Developed remedial channels and measures for those affected by the development of various projects.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					General Comment No. 4 of the UN Commission on Economic, Social and Cultural Rights*	Supporting Organisations - Ministry of Interior - Ministry of Justice		
					11.2 Prepare a remedial plan from the project planning stage to determine the remedial budget for the project from the outset by allowing stakeholders to participate in the process.	- Main Organisations - Ministry of Agriculture and Cooperatives - Ministry of Transport - Ministry of Natural Resources and Environment - Ministry of Energy	2023-2027	The number of projects in which remedial initiatives are planned from the outset with stakeholder participation.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					11.3 Establish plans for the rehabilitation of land, natural resources and the environment affected by systematic and efficient business operations. Appoint a responsible agency and strengthen the expertise of the personnel in the agency in preparing, developing and enforcing the plan*	- Main Organisations - Ministry of Natural Resources and Environment Supporting Organisations - Ministry of Interior	2023-2027	-Appointed responsible agencies. -Potential and Expertise Building Project/Activity for individuals in agencies
					11.4 Establish a risk insurance fund for people affected by human rights violations by the business sector, covering more business sectors and ensuring its effective enforcement. In terms	- Main Organisations	2023-2027	-Results of the study on the approach of

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					of the EEC, consideration should be given to expanding the scope of the “Eastern Special Development Zone Development Fund” to include remedies for those affected by the land acquisition process and other human rights impacts.*	<ul style="list-style-type: none"> - Ministry of Natural Resources and Environment - Eastern Economic Corridor Thailand 		expanding the EEC fund
					Consider establishing a land bank to provide assistance to those affected with community management involved.	<ul style="list-style-type: none"> - Main Organisations - The Land Bank Administration Institute (Public Organisation) 	2023-2027	-Results of studies on the establishment of a land bank to assist those affected are present.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								- Proposed a draft of the Land Bank Establishment Act or other organisations with similar objectives as the Land Bank to the Cabinet, House of Representatives and Senate.

* The activity is one from the First National Action Plan on Business and Human Rights that requires further action or has been adapted from the First National Action Plan on Business and Human Rights after being fully or partially implemented.

Corporate Responsibility

1. Compliance with laws, standards and human rights principles governing the environment, natural resources and land

1.1 Enterprises and businesses must review the rules and regulations of the organisation and provide a declaration/policy statement on respect for the human rights of the organisation. They should promote, understand and support amendments to rules, regulations, regulations, notices/policy statements of subsidiaries, affiliates as well as supply chains to ensure the protection of human rights related to the environment, natural resources, communities and land in accordance with international human rights laws and standards, especially the UNGPs*.

1.2 State enterprises and businesses must disseminate laws, measures, rules, regulations, and human rights principles both within and between countries relating to human rights in terms of environment, natural resources, communities and land among their personnel, including those in subsidiaries, affiliates and supply chains in a way that is accessible to everyone.

1.3 State enterprises and businesses must respect and abide by the laws, standards and human rights principles related to the environment, natural resources, communities and lands that are strictly protected under national and international law. They should encourage and monitor the subsidiaries, affiliates and supply chains to respect the aforementioned laws, standards and principles as well.*

1.4 Enterprises and businesses should consider preparing an annual Human Rights Impact Assessment (HRDD) report for dissemination to the public.*

2. Allowing participation from communities and public

2.1 Enterprises and businesses should disseminate information about their businesses, projects, and the assessed environmental/health impact reports to the public, especially the community and people in the area before, during and after the implementation of the project for transparency. This includes encouraging and monitoring the subsidiaries, affiliates and supply chains to disseminate such information as well. *

2.2 State enterprises and businesses should communicate with people and nearby communities to create shared understanding. Opinions of the public from all sectors must be heard, and the participatory process of stakeholders must be respected. *

2.3 State enterprises and businesses should work closely with communities to support valuable and community-appropriate production processes.*

3. Environmental/Health Impact Assessment (EIA/EHIA)

3.1 Enterprises and businesses should conduct a transparent EIA/EHIA assessment in strict compliance with the law, code of conduct and practice guidelines through the participation of all sectors involved. The appraisal report provider must be independent, proficient as well as able to disseminate relevant information in advance in order to provide stakeholders with sufficient time to understand the proposals and prepare their recommendations. In the event that stakeholders are ethnic groups, localizations should be prepared and communicated in an appropriate manner to promote genuine participation. *

3.2 State enterprises and businesses should cooperate with the government and various agencies/mechanisms in validating accuracy and transparency in the preparation of EIA/EHIA. This also includes a rehearsal of dealing with the impact of the project implementation. *

3.3 State enterprises and businesses should cooperate with the government and various agencies in validating the authenticity and transparency in conducting EIA/EHIA. *

4. Grievance Mechanism and Remediation

4.1 State enterprises and businesses should establish complaint channels/grievance mechanisms within the organisation (Operational Grievance Mechanism: OGM). They should ensure that confidential information is protected and various channels for complaints are provided, noting that the channels are easily and quickly accessible, the complaint results are traceable, and can be coordinated with other agencies. Examples include a complaint system on the website, a complaint system via mobile phone, etc.*

4.2 State enterprises and businesses should consider settling disputes regarding lands, natural resources and the environment with the community through mutual dialogue and conversation. In this regard, relevant agencies in the area may be coordinated to help mediate and settle disputes.*

4.3 State enterprises and businesses should cooperate with the government sector, international organisations and other independent mechanisms in the event of operational monitoring in accordance with laws, standards and human rights principles related to the environment, natural resources, communities and land. *

4.4 State enterprises and businesses should be equipped with remedial measures to compensate for individuals and communities affected by human rights violations as a result of business covering physical, mental, economic and social damage.*

* The activity is one from the First National Action Plan on Business and Human Rights that requires further action or has been adapted from the First National Action Plan on Business and Human Rights after being fully or partially implemented.

3.3. Action Plan for Human rights defenders

3.3.1 Overview and Challenges

Over the course of the first NAP (2019-2022), government and businesses implemented activities of the Action Plan and made the following achievements and progress. The first was the development of legislation for the protection of human rights defenders. However, several challenges were faced, including but not limited to the Coronavirus 2019 pandemic (COVID-19), which resulted in certain activities not being organised as planned. For example, because of COVID-19, it was not possible to extend an official invitation to Human Rights Council experts under the United Nations High Commissioner for Human Rights Special Mechanism to make a technical visit. As on-site community capacity-building activities, which require in-person meetings, were postponed to avoid COVID-19 spreading during the first NAP, these will be carried over to the second phase. The following sections provide a summary of the development and challenges.

Identify the issues facing human rights defenders in the fourth National Human Rights Master Plan. This ensures that human rights defenders' issues will be included in the fourth National Human Rights Master Plan (2019-2023). The Cabinet approved and promulgated the National Human Rights Master Plan on 30 June 2020. In this regard, the Ministry of Justice has identified several recommendations, including the acceleration of the enactment and enforcement of relevant draft Bills, including the Draft Bill on Criminal Witness Protection Act (No....) B.E. The Act should comply with applicable international standards, and ensure protection for human rights defenders. Furthermore, the Act should enable the guarantees of investigations and elevate the importance of human rights defenders' roles in the country.

Research into Strategic Lawsuits against Public Participation Prevention Measures for human rights defenders through the Development of Legislation, Regulations, or Protective Measures During 2020-2022, the Department of Rights and Liberties Protection under the Ministry of Justice and the United Nations Development Programme conducted two research projects, the human rights defenders Protection Research Project and the legislation

and preventive measures for Strategic Lawsuits against Public Participation (SLAPP). Details of the projects are given below.

The human rights defenders Protection Research Project studies the challenges Thai human rights defenders are facing. It documents the historical information and patterns of intimidation against human rights defenders and gives a coherent definition of a Human Rights Defender by referring to relevant international standards. The research also reviews existing policies, laws, measures, and mechanisms intended to facilitate the protection available to human rights defenders. Also presented is an overview of the present mechanisms, the relevant situations, and an analysis of the effectiveness of the mechanisms. Finally, it looked at access to remedies and additional measures for intervention in the situations facing human rights defenders.

Legislation and Measures to Prevent Strategic Lawsuits against Public Participation. This examined the legislation, regulations, and measures to deter Strategic Lawsuits against Public Participation. The research provides a comparative overview of the situation of Strategic Lawsuits against Public Participation internationally and governments' preventive measures in other countries. Finally, it provides statistics on Strategic Lawsuits against Public Participation in Thailand.

A group of researchers with specific expertise were commissioned to conduct the research projects in consultation with the research project steering committee. The steering committee members consist of representatives from civil society organisations, human rights defenders, government agencies, and the private sector. The initial findings from the two studies were presented at several meetings, including small group discussions, regional meetings, and the National Consultation.

Amend existing laws, and enact laws to bolster the protection of human rights defenders. Legislation is in the process of development, along with the amendment of existing laws, such as the Draft Bill on Damages for the Injured Person and Compensation and Expenses for the Accused in the Criminal Case Act (No. ...) B.E. ... These are designed to improve effective compensation for injured persons and provide compensation and expenses to the defendants in criminal cases. Another legislative development is the Draft Bill on Measures to

Prevent Strategic Lawsuits against Public Participation in Corruption and Malfeasance Cases B.E. The Cabinet has approved the draft bill as proposed by the National Anti-Corruption Commission (NACC) in principle, and it is currently under consideration by the Office of the Council of State. Finally, the Ministry of Justice proposed an amendment to the Draft Criminal Cases Witnesses Protection Act (No. ..) B.E. from the version in 2003.

However, several challenges have been observed. A large number of representatives of civil society and human rights defenders consider that the enforcement of the Criminal Procedure Code, Sections 161/1 and Section 165/2, along with Section 21 of the 2010 Public Prosecutor and Public Prosecutor Organisation Act and the Office of the Attorney General's Regulation on Issuing Prosecution Orders for Criminal Cases without Public Interest, and Cases that may Impact National Safety, National Security, or National Interest of 2011, which are key laws that can be applied to terminate the Strategic Lawsuits against Public Participation, as insufficient to terminate Strategic Lawsuits against Public Participation. They reason that these laws do not explicitly protect the exercising of human rights and fundamental liberties. The laws use ambiguous and vague terms. They do not come with clear operational guidelines, so officials are reluctant to exercise statutory powers. Additionally, the legislation does not contain any mechanisms for officials to refuse a prosecution order when litigation is considered under Strategic Lawsuits against Public Participation. In addition, the existing state mechanisms ranging from the police enquiry to the prosecution order by the public prosecutor, do not have any screening processes to prevent bad faith Strategic Lawsuits against Public Participation. That said, the NACC has attempted to enact the Draft Bill on Measures to Prevent Strategic Lawsuits against Public Participation in Corruption and Malfeasance Cases B.E., which clearly defines “gag lawsuits” as a guide for judges, enquiry officials, and public prosecutors to dismiss any litigation characterised as a "gag lawsuit". However, the application of the Draft Bill is limited to litigation involving corruption and malfeasance in the official authority.

Grievance Mechanisms and Assistance At present, there are several grievance mechanisms and interventions for people suffering from human rights violations. These grievance procedures are available from the Office of the National Human Rights Commission, Office of the Ombudsman, Damrong Dharma Centres, the Rights and Liberties Protection

Department of the Ministry of Justice, the MOJ Service Centres, Provincial Justice Offices, Community Justice Offices, and public prosecutor grievance centres under the public prosecutors' offices in various areas. Complainants can also utilise the network of civil society organisations for grievance procedures.

Promotion of mediation systems Mediation channels is available at multiple levels. The mediation process can be applied before, during, or after litigation. For example, the dispute mediation processes under the Mediation Act B.E. 2562 involve mediation processes at the public prosecutor level and the court of justice. The mediation systems ensure efficient administering of justice and reduce the number of court cases.

Remedies for injured person Remedies assist persons injured as a result of human rights violations and Strategic Lawsuits against Public Participation. Currently, the “Justice Fund”, established under the 2015 Justice Fund Act, provides financial aid for litigation. The Fund also assists defendants and the accused with the surety for provisional release. It also provides legal knowledge to the general public.

However, in discussion with stakeholders, it was found that human rights defenders have been facing Strategic Lawsuits against Public Participation because they engage in an activity or they voice opinions to support and protect human rights. Human rights defenders shared a number of concerns, including an absence of support and assistance in the litigation process and shortcomings in accessing the Justice Fund as a result of the Fund Committee using discretionary powers to approve applications. Also, despite the court awarding compensation after litigation, they have not been able to receive any funds should a company go bankrupt. Human rights defenders have also experienced issues arising from officials' attitudes, which can be an additional challenge to accessing remediation.

Capacity-building training activities The Rights and Liberties Protection Department, Ministry of Justice has been providing training activities and thus an insight into human rights defenders' roles and responsibilities. Furthermore, the Department has organised training activities for law enforcement officers to increase their knowledge and understanding of law enforcement and the protection of human rights. The training activities involve the protection of freedom of expression and peaceful assembly, with reference to the UN Human Rights

Committee General Comment No. 37. The Department organised human rights knowledge training workshops and education for the public and communities, including human rights defenders. The educational sessions and activities aspire to complement the knowledge of human rights principles, human rights laws, available government services, and assistance packages. Moreover, the Royal Thai Police Headquarters has prepared an operational manual under the Public Assembly Act B.E. 2558 (2015) (Revised Edition B.E. 2563 (2020)) and distributed copies to the police, affiliated agencies, and the general public. The Office of the Attorney General has provided training activities to equip participants with proper and fair use of relevant legislation, regulations, and policies on offences committed both inside and outside the Kingdom.

Private Sector Surveys and information from the private sector indicated that numerous state-owned enterprises and businesses had undertaken activities to foster respect for human rights principles. They also encourage employees to attend training sessions and seminars to receive a proper and correct understanding of human rights in many issues. However, it is necessary to accelerate the private sector's understanding of the roles and duties of human rights defenders. Consequently, state-owned enterprises and business sectors will be equipped with accurate knowledge and understanding of the definition, roles, and duties of human rights defenders. It is expected that this will lead to collaboration in the future.

3.3.2 Operational Success Factors

Given the above-mentioned challenges, success factors in addressing the issues and promoting the roles of human rights defenders in the context of business and human rights must be mindful of the following issues.

1. Identify and integrate lessons learned with all relevant stakeholders so as to ensure that activities involving human rights defenders will be delivered effectively. Consolidate the law enforcement effort to promote and protect the work of human rights defenders. Provide access to support services and grievance mechanisms. Promote the mediation process and remedies for affected persons.

2. Identify focal points for each agency to efficiently monitor progress under the National Action Plan. Identify coordinated directions for activities and raise awareness of the roles and responsibilities of human rights defenders to achieve the objectives of the National Action Plan.
3. Support and improve the enterprises' understanding of the roles of human rights defenders in the business sector. Enable the private sector, especially Small and Medium Enterprises, to comply with the National Action Plan.
4. Foster proper understanding and positive attitudes among government agencies, state-owned enterprises, and enterprises toward the roles of human rights defenders as development partners. Support dialogue space for cultivating understanding and collaboration.

3.3.3 Recommendations from Public Hearings

Following consultations and discussions with relevant stakeholders, recommendations on human rights defenders can be summarised as follows:

1. Urgently implement activities that have not been completed during the first National Action Plan (NAP) because of the limitations imposed by COVID-19;
2. Identify issues of human rights defenders in the 5th National Human Rights Master Plan (2023-2027);
3. Promote a proper understanding of human rights defenders' definitions, roles, and responsibilities among all relevant stakeholders. Ensure mutual trust and promote any missions regarding the systematic protection of human rights defenders in the judiciary process, especially concerning children, minors, and gender-sensitive cases;
4. Encourage effective implementation of recommendations from research projects, including reviewing, amending, and repealing relevant laws, measures, and mechanisms. This can be achieved by engaging stakeholders from all sectors to foster effective protection for human rights defenders, including preventing Strategic Lawsuits against Public Participation and using effective and comprehensive legal mechanisms;

5. Encourage and push for reviews and amendments of relevant laws on assistance and remedies for human rights defenders and those affected by Strategic Lawsuits against Public Participation through, for example, the Justice Fund. Ensure comprehensive and more efficient assistance for human rights defenders;
6. Accelerate the legislative process aiming to protect human rights defenders, including the Draft Bill on safeguarding human rights defenders from Strategic Lawsuits against Public Participation in Corruption and Malfeasance Cases. B.E. The pending consideration for such laws from relevant agencies should be expedited promptly;
7. Raise public awareness and increase awareness among judiciary officials on the roles and responsibilities of human rights defenders, Public Interest Litigation, Strategic Lawsuits against Public Participation, and issues arising from such litigation;
8. Review the delegation of responsibilities under the National Action Plan among relevant implementing agencies. Ensure effectiveness and clarity in the assignment of activities;
9. Use measures and mechanisms to promote and protect human rights defenders and their functioning. These measures include supporting the work of human rights defenders through enhancing knowledge and understanding of the government's existing protection mechanisms, access to these, and operational methods of such mechanisms. Address operational challenges and support human rights defenders to have safe and secure online and off-line operations; and
10. Identify lessons learned with the purpose of deriving a body of practical knowledge from human rights defenders. Promote understanding of practices and guidelines for the protection of fundamental rights among government agencies and create an exchange platform for administering the issues and problems in the performance.

3.3.4 Action Plan and Indicators

Duty of State

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
1	Becoming an international human rights treaty party and cooperating with various human rights mechanisms				1.1 Encourage the country to be an international human rights treaty party to International Conventions, e.g. the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED)*	Main Agencies -Ministry of Justice	2023-2027	Projects/activities/consideration to be a treaty party

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					1.2 Promote cooperation with UN and regional human rights mechanisms*	Main Agencies - Ministry of Foreign Affairs -Ministry of Social Development and Human Security -Ministry of Justice -The Securities and Exchange Commission	2023-2027	- Conduct international cooperation with various agencies and organisations -An official visit or a Technical Visit to Thailand from the United Nations Human Rights Council's

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								special mechanism
2	Amendments to laws, regulations, policies and related measures				2.1 Consider, formulate, review, improve or amend laws, measures, mechanisms, and processes to enable the protection of human rights defenders, including women human rights defenders (WHRDs), to work safely both off-line and online. This includes reviewing human rights defender protection legislation or measures by offering a clear definition of human rights defenders, enabling processes to protect them, so they can safely work off-line and online in alignment with international human rights laws and standards*	Main Agencies -Ministry of Justice -Office of the Attorney General	2023-2027	- Consider/ develop/ review/improve/ amend laws, measures, mechanisms, and processes for the protection of human rights defenders.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					2.2 Implement preventive measures for effective safeguards against Strategic Lawsuits Against Public Participation (SLAPP) *.	Main Agencies -Ministry of Justice -Office of the Court of Justice -Office of the Attorney General	2023-2027	- Measures are in place to enhance the prevention of Strategic Lawsuits Against Public Participation
					2.3 Identify lessons learned, exchange knowledge, development of knowledge, and consult human rights defenders both nationally and internationally for constructive operation.*	Main Agencies - Ministry of Foreign Affairs - Ministry of Justice Supporting Agencies	2023-2027	- Projects/activities for identifying lessons learned,

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
						- Ministry of Defence -Royal Thai Police		knowledge exchanges, knowledge development, and national and international human rights defenders consultations
					Identify issues facing Human Rights Defenders in the 5th National Human Rights Master Plan (2023-2027)*	Main Agencies -Ministry of Justice	2023-2027	Human rights defender issues are

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								included in the 5th National Human Rights Plan (2023 – 2027)*
3	Create understanding				3.1 Create knowledge and understanding of the role of human rights defenders among all stakeholders	Main Agencies -Ministry of Justice	2023-2027	-Projects/ activities/media to raise awareness on the roles of human rights defenders -Participants' level of

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								knowledge and understanding of the projects/activities/lessons from the media
					3.2 Share good practice guidelines on measures to promote freedom of expression and freedom of assembly and adapt to the Thai context. Specifically, develop guidelines under the framework of the international human rights treaties and mechanisms to which Thailand is a	Main Agencies -Ministry of Justice Supporting Agencies - Ministry of Defence	2023-2027	- Projects/activities to raise awareness on measures for the promotion

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					party, such as the United Nations Human Rights Commission General Comments No. 34 and No. 37. This includes protecting the rights and freedoms of children, minors, and gender-sensitive cases.*	<ul style="list-style-type: none"> - Ministry of Foreign Affairs -Royal Thai Police -Office of the Court of Justice -Office of the Attorney General 		of freedom of expression and freedom of assembly in compliance with international human rights standards -Good Practice/Guidelines on the measures to promote

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								freedom of expression and freedom of assembly
					3.3 Provide knowledge and understanding and establish measures and mechanisms to monitor illegal websites and input misinformation and fake news. Take action against businesses that commit such crimes	Main Agencies -Ministry of Digital Economy and Society -Royal Thai Police -Office of the Court of Justice -Office of the Attorney General	2023-2027	- Projects/activities to create an understanding of illegal websites, inputting fake news, and misinformation to the internet

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								<ul style="list-style-type: none"> - Take measures and mechanisms to monitor illegal websites, misinformation, and fake news - Prosecute offences involving illegal websites, misinformation, and fake news

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					3.4 Provide knowledge and understanding and establish measures and surveillance mechanisms, including taking legal action against exploitative online media or technologies	Main Agencies -Ministry of Digital Economy and Society -Royal Thai Police -Office of the Court of Justice -Office of the Attorney General	2023-2027	- Projects/activities to provide knowledge and understanding of exploitative online media or technologies - Implement measures and mechanisms to monitor exploitative

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								online media or technologies - Take legal actions against exploitative online media or technologies
					3.5 Provide training activities for officials in the justice processes and law enforcement officials, including witness protection officials. Create understanding and increase the capacity to	Main Agencies -Ministry of Justice Supporting Agencies - Ministry of Defence	2023-2027	Projects/activities to build an understanding of human rights

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					effectively implement human rights defender protection laws, measures, and mechanisms*	-Royal Thai Police -Office of the Court of Justice -Office of the Attorney General		defenders' protection measures/mechanisms to officials in the judicial processes
					3.6 Organise capacity-building training activities for lawyers and prepare a list of lawyers/legal advisors who have the expertise and understand the human rights case legal representations*	Main Agencies -Ministry of Justice -Office of the Attorney General	2023-2027	Capacity building projects/activities/training activities for human rights lawyers

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								-List of attorney-at-law/legal advisors specialising in human rights
					3.7 Outreach to communities and human rights defenders to inform them about their rights, various state assistance services, access channels, and methods of implementation. The information focuses on the rights in the justice processes, the bail process, jaw enforcement, etc.*	Main Agencies -Ministry of Justice Supporting Agencies -Office of the Court of Justice -Office of the Attorney General	2023-2027	- Knowledge provision channel to human rights defenders on human rights, state services,

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								and other assistance
4	Complaints, Grievance, and Seeking Assistance				Integrate timely, effective, and ease-of-access grievance, assistance, and support mechanisms to resolve human rights violations that may arise from business operations. Provide information for the public on the above-mentioned mechanisms. Regularly update complainants on the progress of relevant complaints	Main Agencies <ul style="list-style-type: none"> -Ministry of Social Development and Human Security -Ministry of Agriculture and Cooperatives -Ministry of Natural Resources and Environment -Ministry of Commerce 	2023-2027	<ul style="list-style-type: none"> -Number of resolved complaints -Complainant satisfaction assessment -Action points/ coordination points in providing

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
						-Ministry of Interior -Ministry of Justice -Ministry of Industry -Royal Thai Police -Office of the Court of Justice -Office of the Attorney General		protection, assistance, and care for complainants
5	Mediation/Prosecution Mechanisms				5.1 Integrate, promote, and publicise the mediation system available at every level of	Main Agencies -Ministry of Justice	2023-2027	- Projects/activities to promote

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					the justice system. Develop alternative dispute resolution mechanisms*	-Office of the Court of Justice -Office of the Attorney General		mediation and alternative dispute resolution measures -Public communication channels for mediation at every justice system level -Number of mediation measures/cent

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								res for dispute resolution -Number of mediation cases
					5.2 Train and increase the capacity of mediators and equip them with knowledge and understanding of human rights protection and human rights defenders. Enhance understanding of gender-sensitive cases among children and youth.	Main Agencies -Ministry of Justice	2023-2027	-Mediator training projects/activities -Number of trained mediators

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					5.3 Assist human rights defenders in accessing justice	Main Agencies -Ministry of Justice -Office of the Court of Justice -Office of the Attorney General	2023-2027	-Available channels/mechanisms/measures to assist human rights defenders in accessing the justice system
6	Remediation				6.1 Remediation for victims/ injured persons in accordance with the relevant laws. Develop appropriate and gender-sensitive remediation measures in compliance with international human rights standards, including the UN	Main Agencies -Ministry of Justice	2023-2027	- Improve remedial measures and systems for victims/injured persons to

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
					Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*			meet international human rights standards
					6.2 Resolve legal gaps and barriers to access effective remedial processes, including expanding access to remedies and assistance under the Justice Fund	Main Agencies -Ministry of Justice	2023-2027	- A study/ consideration/ review/ amendments/ improvement of relevant laws, rules, or regulations to increase access channels for

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible agencies	Time-frame (2023-2027)	Indicators
		1	2	3				
								remedies and assistance from the Justice Fund.

* The activity is one of the activities from the First NAP that requires further action or has been adapted from the First NAP after being fully or partially implemented.

Corporate Responsibility

1. Compliance with laws, measures, and human rights principles on the protection of human rights defenders

1.1 State-owned enterprises and businesses shall review the rules, regulations, and regulations in their organisations for compliance. They should promote subsidiaries, affiliates, and supply chains to do the same and seek to understand and support the amendment of rules and regulations for the protection of human rights defenders. They should collaborate with and ensure human rights defenders will not be unfairly dismissed/ prosecuted for demanding human rights for themselves/ for other individuals/ or for public interest*

1.2 State-owned enterprises and businesses shall make relevant laws, measures, rules, regulations, and human rights principles applicable to the protection of human rights defenders internally accessible to their personnel*

2. Provide knowledge and understanding of the duties of human rights defenders

2.1 State-owned enterprises and businesses should study and assign specific staff or an entity in their respective business organisations to provide information, organise training activities, publicise, and foster an accurate understanding of the roles of human rights defenders to their staff and affiliated entities, including their connections and network. They should participate in activities organised by government agencies on the above topics*

2.2 State-owned enterprises and businesses should set up a platform to dialogue with human rights defenders to foster an understanding of their collaboration.

3. Establish measures to protect human rights defenders

3.1 State-owned enterprises and businesses should engage with government agencies in developing measures to protect human rights defenders and strengthen understanding of the roles of human rights defenders.

3.2 State-owned enterprises, businesses, and civil society should cooperate with the government and international organisations as and when required to supply information on actions/lawsuits against human rights defenders. This includes providing information on the overall situation of the disputes and working with human rights defenders.*

4. Grievance Mechanism and Remediation

4.1 State-owned enterprises and businesses should establish a channel or a platform to consult with human rights defenders for understanding and constructive engagement. The platform may involve grievance handling to prevent, mitigate, and remedy adverse human rights impacts.*

4.2 State-owned enterprises and businesses should provide clear channels for receiving complaints and assign specific complaint procedures coordinators. They may consider dialogues and consultations with human rights defenders as methods for dispute resolution. Additionally, they may contact applicable local state agencies when using mediation and conciliations for dispute resolution. State-owned enterprises and businesses should avoid taking any legal actions against any human rights defenders who protect their rights/ other individuals' rights/ or public interests*

- * The activity is one of the activities from the First NAP that requires further action or has been adapted from the First NAP after being fully or partially implemented.

3.4 Action Plan on Cross Border Investment and Multinational Enterprises

3.4.1 Overview and Challenges

In implementing the First Action Plan (2019-2022) with regard to the Action Plan for International Investment and Multinational Corporations, progress has been made in various sectors. Activities outlined in the Action Plan have driven principles and mechanisms to promote and strengthen respect for human rights in the context of international investment and corporations. However, several challenges require further practical resolution. As a consequence of the spread of COVID-19, some activities did not reach their goals and must be driven further in the Second Action Plan. Key progress and challenges can be summarised as follows:

The mechanism for complaints on transboundary human rights violations The Human Rights Action Committee of Thailand appointed a sub-committee to drive the National Action Plan On Business and Human Rights, which has several roles and functions, including reviewing feedback and proposals. They are tasked with resolving complaints and accusations regarding business operations which may be at risk of human rights violations, both in the case of local investment and investment by Thai investors abroad. In addition, many human rights violations involving Thai companies abroad were examined by the National Human Rights Commission (NHRC). In 2020, the NHRC made recommendations for the promotion and protection of human rights on the topic "Community rights in the case where the people of the Republic of the Union of Myanmar are affected by mining conducted by private companies" to various agencies to process and later, to present these recommendations to the Cabinet. The Neighbouring Countries Economic Development Cooperation Agency (NEDA) has added channels for receiving complaints and listening to opinions under the specific topic, "Human Rights Complaints". It was created specifically for people to directly, through the agency's website, share suggestions or complaints related to the operations of the Neighbouring Countries Economic Development Cooperation Agency (NEDA).

However, the understanding of all parties regarding Thailand's obligations to human rights violations committed by persons under their jurisdiction in other countries, which binds

all the legislative, executive and judicial branches, is still limited. Although knowledge of *Principles of Extraterritorial Obligations* provides states with jurisdiction over any acts performed by the state and has impacts on the human rights of persons residing outside its territory, it is not prevalent in Thailand. These problems affect legislation, policies and guidelines and prevent some groups of people affected by human rights violations outside Thailand from accessing aid and remedy mechanisms in Thailand.

In addition, there are still legal and practical problems regarding the measures to receive and review complaints in case of violations of human rights from investments of Thais abroad, such as complaints to the NHRC, because the scope of powers of NHRC has not been set clearly under related laws. Although the NHRC has tried to investigate human rights violations committed by multinational corporations and provided numerous suggestions, there have been limitations to and delays in putting those suggestions into practice. The sub-committee driving the National Action Plan On Business and Human Rights has the power to review complaints regarding businesses in Thailand or Thai multinational corporations abroad. However, there are limitations in the scope of investigation powers, including holding the offenders liable or meting out punishment.

In addition, Thailand currently faces problems and challenges in terms of practices and laws. It is still problematic whether the law can guarantee that victims of the business operators, especially transboundary ones, will be able to effectively access justice and remedies in Thailand. Some of the important issues are the scope of power of the court, conflicting legal principles, and statutes unfavourable for cross-border litigation. The legal status where the entity is separate from its shareholders is also problematic as the parent company's liability for the operations of its affiliates is limited. Such issues, therefore, need to be revised and improved.

Examination of the current mechanisms shows that these focus on reviewing the complaints after human rights violations have occurred. There is a lack of proactive mechanisms to insure, assess, and monitor transboundary impacts or human rights violations committed by Thai multinational corporations abroad or by companies that have transboundary impacts on Thailand. For instance, the Environmental Impact Assessment

(EIA) is a mechanism that assesses the potential environmental impact of a project before the project implementation can be decided. In 2018, the Mekong River Commission for Sustainable Development, of which Thailand is a member, presented Guidelines For Trans-boundary Environmental Impact Assessment in the Lower Mekong Basin (Working Document) to the public with the objective of “supporting the national environmental impact assessment system for various projects which could have trans-boundary impacts”. Cross-border communication and coordination were enhanced. However, the practice did not have a legally binding effect on any member states.

Disclosure of human rights information of Thai listed companies In 2020, the Capital Market Supervisory Board of the Securities and Exchange Commission (SEC) determined that all Thai listed companies must report human rights issues in their annual reports (Archived Annual Report, Annual Report Form 56-1 or One Report). It became effective from the fiscal year of December 31, 2021, and the beginning of 2022. Companies issuing marketing securities to the public for the first time (IPO) will begin to disclose human rights issues in the filing. The objective is to enhance discipline from practitioners coupled with market-driven measures rather than legal measures. They encourage the disclosure of the goals and overview of sustainability management policies, impact management for stakeholders in the business value chain, and sustainability management in social and environmental dimensions. In addition, the Securities and Exchange Commission (SEC) and the Stock Exchange of Thailand have promoted the disclosure of information on the performance of Thai listed companies. These companies are encouraged to cover issues of respect for human rights in accordance with the UNGPs and to conduct a sustainability assessment, including the evaluation of human rights practices for both the company and its partners starting from the policy level through implementation policy compliance tracking, and disclosure.

Promoting a comprehensive application of human rights examining principles In addition to publishing the handbook called Human Rights Due Diligence (HRDD) by agencies such as the Department of Rights and Liberties Protection and the Office of the National Human Rights Commission, there is also an example of comprehensive human rights monitoring by the Office of Economic Development Cooperation with Neighbouring Countries under the declaration on human rights policy focusing on assisting neighbouring countries. It

was enacted on June 29, 2021, and requires a study, review, and comprehensive assessment of the risks of human rights violations before executing large-scale projects or projects related to public service, including any joint investment between the public and private sectors. Channels to disclose information and mechanisms to assist and discuss matters with affected communities in neighbouring countries have also been established. HRDD studies are required for all projects by the Neighbouring Countries Economic Development Cooperation Agency (NEDA) to provide academic assistance in the future. NEDA is still in the process of considering financial assistance to Myanmar. It is to support the framework of economic cooperation in the Greater Mekong Sub-region, which will be used to improve rules, guidelines, and further operations in the relevant sections. In addition, the Department of Water Resources under the Ministry of Natural Resources and Environment stated that the department has studied and planned a comprehensive Human Rights Risk and Impact Assessment (HRIA) prior to implementing large-scale water development projects.

In November 2021, at the third round of the human rights review in Thailand under the mechanism called Universal Periodic Review (UPR) by the United Nations Human Rights Council, Thailand accepted the recommendations from UN member states. It also signed a voluntary pledge to “continue to support Human Rights Due Diligence (HRDD)” and to “consider proposing compulsory measures for businesses to undertake Human Rights Due Diligence (HRDD)”.

Implementing various approaches to promote sustainable business operations

Many agencies have adopted standards that promote investment and sustainable business operations to promote greater respect for human rights in business sectors. Examples are as follows:

Sustainable Banking Guidelines, The Bank of Thailand has continually disseminated information regarding various international standards, including Sustainable Banking. They require commercial banks to conduct a self-assessment of their compliance by using the Sustainable Banking Guidelines to emphasise that commercial banks need to remain true to their public commitments. The Bank of Thailand will collect information from the assessment to set the standard for commercial banks. In addition, the Bank of Thailand also supports the

Thai Bankers' Association in developing the Sustainable Banking Guidelines on Responsible Lending. It is to encourage commercial banks to take the factors of Environment, Social, and Governance (ESG Criteria) into consideration as they formulate policies and strategies for environmentally and socially responsible lending.

Environmental and Social Safeguards Guidelines The Neighbouring Countries Economic Development Cooperation Agency has determined that in the process of providing Financial Assistance (FA), the Environmental And Social Safeguards Guidelines (ESS) will be applied. They have specified in the loan agreements for every project involving neighbouring countries to submit evidence regarding the social and environmental impact reduction before the start of construction. Measures to monitor social and environmental impacts before, during, and after construction are also required. Additionally, complaint channels need to be established so that problems can be resolved. In addition, Myanmar's environmental guidelines have been studied and considered by preparing the Initial Environmental Examination (IEE) report or an environmental analysis report. Depending on the circumstances, the report was based on the relevant environmental laws of Myanmar and covered 4 dimensions, namely physical resources, biological resources, values to humans, and lifetime value.

State Enterprise Assessment Model The State Enterprise Policy Office introduced the State Enterprise Assessment Model (SE-AM), which is a system for assessing the performance of state enterprises, in 2020. The system can assess many aspects of state enterprises, including "good governance and organisational leadership". In this assessment, enterprises must have a strategic, operational policy and follow up on the performance of social and environmental responsibility (CSR In Process). This requires taking respect for human rights principles into consideration. Moreover, it also requires state enterprises to formulate stakeholder strategies, including setting objectives and the scope of their stakeholders and building relationships.

Global Reporting Initiative (GRI) The Stock Exchange of Thailand has encouraged companies to register for publishing sustainability reports according to the Global Reporting

Initiative (GRI) framework. The purpose of the report is to provide information to stakeholders about the concept, goals, developments and results of their operations regarding environmental, social and corporate governance. Financial performance and non-financial performance related to social and environmental performance have been adopted. In 2020, 20.14% of Thai listed companies produced sustainability reports that comply with international standards and GRI's Sustainability Reporting Guidelines.

Revision of the Standard Investment Promotion and Protection Agreement The Ministry of Foreign Affairs has revised an agreement called the Bilateral Investment Treaty Model (BIT Model), which underscores the state's right to regulate matters such as public health, environment, morals of the people, and labour rights. This will increase the policy space and enable states to protect human rights without worrying about being sued by foreign investors. The agreement also adds clauses that encourage investors to implement Corporate Social Responsibility (CSR) programmes in the countries in which they invest. This will be used as a basis when negotiating BIT agreements with various countries in the future.

Organising training to educate various sectors The Department of Rights and Liberties Protection, the Ministry of Justice, the Securities and Exchange Commission (SEC), the Stock Exchange of Thailand Office, the Board of Investment (BOI), and the Ministry of Commerce have organised training courses, meetings, and seminars on various topics such as conducting business with respect for human rights and the UNGPs, applying HRDD principles in corporate risk management, and monitoring, formulating and driving the action plan in a concrete manner. Other topics include conducting business that respects human rights and the environment, promoting responsible and sustainable business, developing business to enter the international market with respect to human rights principles, and promoting labour recruitment and ethical employment of migrant workers. The courses aim to train representatives from various sectors, including the government sector, state enterprises, business sector, Thai listed companies, both in the Stock Exchange of Thailand (SET) and the Market for Alternative Investment (MAI), and Thai investors abroad.

In addition, the Securities and Exchange Commission (SEC) has also signed a Memorandum of Understanding (MOU) with the Office of the National Human Rights

Commission to promote and support listed companies and entrepreneurs in the capital market to operate the business with good governance, responsibility to society and environment, and respect for human rights. The agreement aims to disseminate knowledge and understanding of the UNGPs so that each business can apply them to their context. Moreover, SEC also cooperated with the Faculty of Law, Chulalongkorn University, in providing a standardised business and human rights training course aligned with the UNGPs, for the business sector.

The Rights and Liberties Protection Department has organised training, meetings, and seminars to disseminate knowledge and understanding of the UNGPs and the Action Plan, as well as how to conduct business with responsibility and respect for human rights. These events are for state enterprises and businesses and have been continuing throughout the year in the form of self-organised and co-organised activities. In addition, activities have been directly organised with state enterprises and businesses where speakers were invited to share their knowledge about the national, regional and international levels. The Department of Rights and Liberties Protection has produced a variety of media to disseminate knowledge about the UNGPs and the Action Plan and to cultivate knowledge and understanding regarding good business practices with responsibility and respect for human rights. Future plans include the establishment of a Business and Human Rights Academy with cooperation from the Rights and Liberties Protection Department under the Ministry of Justice, the Global Compact Network Thailand (GCNT), the Securities and Exchange Commission (SEC), the Office of the National Human Rights Commission and the United Nations Development Programme (UNDP).

However, due to the spread of COVID-19, many activities under the Action Plan could not proceed as planned, especially projects requiring travel or large gatherings.

Increasing incentives for respecting human rights in business The Rights and Liberties Protection Department under the Ministry of Justice has prepared a study report on measures and mechanisms to motivate businesses and state enterprises to respect human rights. They have worked with relevant agencies in formulating business and human rights standards and the BHR Label. Upon completion, the report will be shared with various business sectors. Moreover, the Revenue Department under the Ministry of Finance has

continuously promoted tax reduction measures for entrepreneurs who employ former convicts. In addition, the Comptroller General's Department has designated environmentally friendly materials and encouraged their procurement by government agencies. These are measures that help motivate businesses to conduct business with respect for human rights.

Business Operations It is found that many state enterprises and businesses have carried out a number of activities and initiatives to promote respect for human rights principles in the context of international investment and multinational corporations. This included reviewing corporate rules and regulations and issuing human rights policies based on international frameworks, such as the Universal Declaration of Human Rights, collective agreements and treaties related to labour practices, and the UNGPs. Several companies have implemented HRDD as an input for decision-making on investment, mergers, and operations with foreign businesses or in the supply chain. They have disclosed information about the company's operations through various channels. However, educating international investors and entrepreneurs remains an important matter and needs to be conducted continuously, especially now that the trend in a global society is moving towards requiring comprehensive human rights monitoring as a compulsory measure.

3.4.2 Operational Success Factors

From the above challenges, it was found that in order to succeed in dealing with the human rights violations in the context of international investment and multinational corporations, the following matters need to be considered.

1. Scoping the powers of the relevant agencies for supervision in an appropriate and sufficient manner and aligning the scope with the activities in order to achieve the goals of the Action Plan
2. Considering tools that will be used to motivate the business sectors to strictly comply with the Action Plan and considering voluntary and compulsory measures that are necessary for the implementation of the Action Plan
3. Educating and promoting knowledge and understanding about Extraterritorial Obligation to both government and business sectors
4. Promoting knowledge and understanding of human rights issues to Thai investors who invest internationally and foreign investors who invest in Thailand

3.4.3 Recommendations from Public Hearings

Suggestions related to the issue of international investment and multinational corporations have been raised during the ongoing discussions with various sectors. The key points can be summarised as follows:

1. Unfinished activities related to the Action Plan should be carried out urgently after the pandemic as the spread of COVID-19 is now at a controllable level for activities requiring large group gatherings.
2. Awareness of human rights legal principles should be raised to promote the respect and protection of human rights for individuals. People inside and outside of the territory of the state (Extraterritorial Obligation) are included.
3. The capability of the subcommittee should be promoted in order to drive the national action plan on business and human rights or other mechanisms that are responsible for reviewing complaints from business operations both in the case of domestic investment and international investment conducted by Thai investors. More promotion of the capability to support resources and expand the scope of legal authority is also needed so that they can review complaints, coordinate and support litigation and the remedial process in an efficient, quick, impartial and independent manner.
4. There should be opportunities for the National Human Rights Commission to cooperate with national human rights institutions abroad in investigating transboundary human rights violations and victims in other countries to gain access to judicial and non-judicial remedies in Thailand and abroad.
5. Proactive mechanisms to ensure, assess, and monitor transboundary impacts or human rights violations committed by Thai multinational corporations abroad should be reviewed and created. Also, there should be effective enforcement of transboundary environmental impact assessment mechanisms.
6. Access to justice and effective compensation should be assured, not only in the territory of the country's borders but also in the affected communities in the vicinity where the Thai company or state enterprise operates. This includes

considering, reviewing, and studying regulations in order to amend Thai laws and regulations that impede access to justice for those affected.

7. There should be cooperation with the courts and law enforcement agencies in other countries to promote transboundary information sharing and transparency. This is also to prevent victims of human rights violations from being denied access to justice.
8. A law or measures that require business sectors that invest in Thailand and Thai business sectors that invest abroad to conduct Human Rights Due Diligence (HRDD) should be enacted.

3.4.4 Action Plans and Indicators

Duty of State

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
1	Amendments to laws, rules, regulations, policies and measures				1.1 Study and prepare guidelines and processes for giving opinions on contracts in cases where government and state enterprises do business with multinational corporations. The guidelines cover the UNGPs and other international legal obligations. They are also in line with the Standard Investment Promotion and Protection Agreement that has	- Main Agencies - Ministry of Foreign Affairs - Office of the Attorney General	2023-2027	- Guidelines and process of giving opinions on contracts in cases where governments and state enterprises do business with

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					been revised by the Ministry of Foreign Affairs.*			multinational corporations
					1.2 Study the guidelines for the provision of laws or a measure forcing businesses that invest in Thailand and Thai businesses abroad to conduct comprehensive Human Rights Due Diligence (HRDD)*	- Main Agencies - Ministry of Justice	2023-2027	Results from studying the appropriate HRDD guidelines and model Bill or measure for HRDD implementation

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					1.3 Study and recommend amendments to the laws or measures to ensure access to the justice system and effective civil, criminal and administrative compensation. Local and overseas communities within the areas where companies or Thai state enterprises operate and are affected by such operations are covered.	- Main Agencies - Ministry of Justice Supporting Agencies - Ministry of Foreign Affairs -Office of the Court of Justice	2023-2027	- Study results and recommendations for amendments of laws or measures to ensure access to the justice system and remedies for those affected by Thai business

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						- Office of the Attorney General		operations abroad
					1.4 Study guidelines for fostering cooperation with foreign countries in order to receive complaints, inspect, and investigate business operations affecting the communities. This includes promoting cooperation in transboundary information sharing and access to human rights violations evidence. Also, a review of the agility, transparency, and	- Main Agencies - Ministry of Foreign Affairs - Ministry of Justice	2023-2027	- The results of the study on the guidelines, suggested solutions, and challenges for developing international

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					efficiency of the current system needs to be made, resolved and disclosed to the public.	-Office of the Court of Justice - Office of the Attorney General		cooperation to receive complaints, inspect, and investigate business operations affecting local and overseas communities
					1.5 Study, review, and examine approaches to amend laws, regulations, and policies that ensure protection and remedies for those	- Main Agencies	2023-2027	- Results of a study on approaches to

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					residing in Thailand who are violated by multinational corporations online	- Ministry of Justice Supporting Agencies - Ministry of Foreign Affairs -Office of the Court of Justice - Office of the Attorney General		amend laws, regulations, and policies to ensure protection and remedies for those residing in Thailand and violated by multinational corporations online

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					1.6 Examine the feasibility of establishing guidelines and agreements for transboundary environmental impact assessment and impact inspection systems regarding health, agriculture, society, land, natural resources, and the environment through multiple tools. Community Health Impact Assessment (CHIA) is included.	- Main Agencies - Ministry of Natural Resources and Environment Supporting Agencies - Ministry of Justice	2023-2027	The results of a feasibility study for establishing guidelines or agreements for transboundary Environmental Impact Assessment (EIA) and the establishment of a

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								transboundary impact inspection system.
2	Awareness of Thailand's obligations to protect human rights across borders				2.1 Organise training to disseminate human rights knowledge, especially the UNGPs and HRDD principles, to business sectors and provide communication channels for related business sectors such as business operators in the Thai capital market, small and medium enterprises, and Thai companies looking to invest abroad.	- Main Agencies - Ministry of Justice -The Stock Exchange of Thailand	2023-2027	- Organising projects, meetings, and human rights workshops focusing on UNGPs and HRDD principles

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						-The Securities and Exchange Commission Supporting Agencies - Ministry of Commerce - Joint Committee of 3 Private Institutes		- Assessment of participants' knowledge and understanding of project/activity

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						- Office of the Board of Investment		
					2.2 Encourage companies marketing securities to the public and companies with securities listed on the Stock Exchange of Thailand to focus on the relationship between large companies and their supply chains, including outsourcing of services and subcontracting that may cause adverse effects on human rights	- Main Agencies -The Securities and Exchange Commission	2023-2027	Provide training for companies marketing securities to the public and companies with securities listed on the Stock Exchange of Thailand. They

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								can gain knowledge and understanding regarding human rights and the connections between large companies and their supply chains, including outsourcing of services and

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
								subcontracting, which may cause adverse effects on human rights.
					<p>2.3 Raise awareness among Thai business operators who plan to invest abroad.</p> <p>Promote respect for human rights principles and compliance with the laws, rules, and regulations of the host country</p>	<p>- Main Agencies</p> <p>- Ministry of Commerce</p> <p>- Ministry of Justice</p>	2023-2027	<p>-Human Rights Awareness Building Handbook</p> <p>- Investment handbooks in each country</p>

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						- Export-Import Bank of Thailand -The Stock Exchange of Thailand - Office of the Board of Investment		- Human rights principles projects or workshops to train and educate business operators who plan to invest abroad
					2.4 Gather information according to the Sustainable Banking Guidelines on Responsible Lending to regulate good	- Main Agencies	2023-2027	Set good standards for banks to apply

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					standards for commercial banks to apply and to promote adopting ESG principles and other guidelines for responsible lending to investors*	- Bank of Thailand		for responsible credit approval
					2.5 Create channels to disclose information about the Eastern Economic Corridor (EEC) project, including all border economic zones, and a mechanism to discuss matters with affected communities	- Main Agencies - Office of the Eastern Economic Corridor Thailand - Neighbouring Countries	2023-2027	A platform for information disclosure has been established for the Eastern Economic Corridor (EEC) project,

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						Economic Development Cooperation Agency (Public Organisation) -Office of the National Economic and Social Development Council		including all border economic zones and a mechanism to discuss matters with the affected communities.

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
3	Developing proactive mechanisms to detect, improve, prevent, assess, and monitor transboundary and overseas impacts				3.1 Develop measures to monitor Thai investors who invest in foreign countries to respect human rights, UNGPs, and BCG Model	- Main Agencies - Ministry of Foreign Affairs - Ministry of Commerce - Ministry of Justice	2023-2027	Measures/mechanisms to regulate transboundary investments
					3.2 Review and consider amending the scope of power of the Subcommittee for National Action Plan on Business and the National Human Rights Commission of Thailand and	- Main Agencies - Ministry of Foreign Affairs	2023-2027	Results of the study, review, and improvement

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					other sectors which are responsible for reviewing complaints from business operators that invest locally and internationally. This will enable effective, prompt, fair, and independent investigation, coordination, litigation, and remedial processes. It will also facilitate negotiations and resolutions.	- Ministry of Justice		of the system for monitoring, examining, managing, coordinating, executing, and remedying cases of business operations for both local and overseas investment

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					3.3 Establish or assign a human rights consulting agency for Thai companies, multinational corporations, Thai investors, and other business operators	- Main Agencies - Ministry of Foreign Affairs - Ministry of Commerce - Ministry of Justice	2023-2027	Establish or assign a Human Rights consulting agency for Thai companies, multinational corporations, Thai investors, and other business operators

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
4	Measures to prevent and encourage business operations that respect human rights				4.1 Provide guidelines for state enterprises to prevent and mitigate risks from human rights violations, including overseas operations both by the organisation itself, its subsidiary, affiliated companies, contractor or joint venture	- Main Agencies - Ministry of Finance	2023-2027	- Apply the State Enterprise Assessment Model (SE-AM) to assess the performance of state enterprises - Apply and regulate good governance principles

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					4.2 Establish, develop, implement and publicize incentive measures to promote respect for human rights, aligning with the situation of Thailand, in which there are many small establishments *	- Main Agencies - Ministry of Finance - Ministry of Commerce - Ministry of Justice - Office of Small and Medium	2023-2027	- Establish incentive measures for businesses/entrepreneurs to promote respect for human rights in business operations

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						Enterprise Promotion		
5	Regional and international cooperation				5.1 Study and consider joining the Organisation for Economic Co-operation and Development (OECD) and establishing the National Contact Point*	- Main Agencies - Ministry of Foreign Affairs - Ministry of Justice	2023-2027	Study Report
					5.2 Share and disseminate good practices in promoting the concept of business and human rights at regional and international levels*	- Main Agencies - Ministry of	2023-2027	Organise activities to exchange/disseminate good

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						Foreign Affairs - Ministry of Justice		practices to officials of interested countries
6.	Investment Promotion				6.1 Ensure that the negotiations to promote and protect investment and investment clauses in free trade agreements adhere to the human rights principles of protection and respect and hinder negative consequences. Review the Standard Investment Promotion and Protection Agreement regularly to keep	- Main Agencies - Ministry of Foreign Affairs - Ministry of Commerce	2023-2027	- Review the Standard Investment Promotion and Protection Agreement

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					up with the current ways of human rights violations.			
					6.2 Call for studying and assessing risks and comprehensive impacts on human rights (Human Rights Due Diligence) before the implementation of a large project or projects related to public services, including cases where joint investments between the public and private sectors involve infrastructure and public services and where the private sector is assigned the project by the government.	- Main Agencies - Ministry of Transport - Ministry of Natural Resources and Environment - Ministry of Energy	2023-2027	- Follow principles or guidelines in studying and assessing risks and human rights impacts comprehensively (Human Rights Due Diligence)

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						<ul style="list-style-type: none"> - Ministry of Industry - Neighbouring Countries Economic Development Cooperation Agency (Public Organisation) 		before implementing the project.
7	Preventive Measures				Develop measures to cope with possible impacts from the transboundary business. For instance, have plans to discuss and draw attention to certain matters with the	- Main Agencies	2023-2027	- Develop measures to cope with possible

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
					<p>communities or have effective warning and protection systems when business operations cause any damage to the air and water or any chemical spills, etc.*</p>	<ul style="list-style-type: none"> - Ministry of Agriculture and Cooperatives - Ministry of Natural Resources and Environment - Ministry of Energy - Ministry of Interior 		impacts from transboundary business operations

No.	Issues	Connections to UNGPs			Project/Activity Suggestions	Responsible Agencies	Time Frame (2023-2027)	Indicators
		1	2	3				
						- Ministry of Industry		

* The activity is one from the First National Action Plan on Business and Human Rights that requires further action or has been adapted from the First National Action Plan on Business and Human Rights after being fully or partially implemented.

Corporate Responsibility

1. Comply with laws, standards, and human rights principles related to international investment and multinational corporations

1.1 State enterprises and business sectors must review, promote and understand the rules and regulations of their organisation. Amendments to rules and regulations of the organisations and their subsidiaries, affiliates, and supply chain are encouraged so that they are improved and aligned with the laws of the country in which the activities are implemented. Alignment with laws, standards, the UNGPs, and human rights principles regarding the environment, natural resources, communities, and land are included to prevent human rights violations.*

1.2 State enterprises and businesses must comply with laws, rules, regulations, and standards regarding human rights, business supervision, and investment both in Thailand and in the country in which the investment is made, as for international investment.*

1.3 State enterprises and businesses should monitor, inspect, and encourage their subsidiaries, affiliates, supply chain, and outsourced and subcontracting companies to respect the laws, rules, regulations, and standards on human rights, business supervision, and investment both in Thailand and in the country in which the investment is made, as for international investment.*

1.4 State enterprises and businesses should cooperate with the government, international organisations, and other independent organisations in cases where their compliance with laws, rules, regulations, standards on human rights, business supervision, the UNGPs*, and investment both locally and internationally, is being tracked or monitored.

2. Raise awareness of international principles or standards on human rights and legitimate business operations

2.1 Enterprises and businesses should provide training on international principles or standards related to globally recognised human rights under the UNGPs, OECD guidelines and legitimate business principles such as the BCG Model for corporate officers, subsidiaries, affiliates, and their supply chain.*

2.2 Human Rights Due Diligence risk assessment should be conducted by state enterprises, businesses operating in Thailand and businesses operating in foreign countries in which Thai entrepreneurs have invested. The results of the assessment should be disclosed to the public, especially the community and people in the vicinity, before, during and after the implementation of the project for transparency purposes.*

2.3 State enterprises and businesses investing locally and internationally must disclose information about their ongoing projects both directly and through agents. The information should be accessible to the public locally and internationally and should especially include its impact on human rights in terms of land, environment, and health.

3. Complaint and Remedy Mechanism

3.1 State enterprises and businesses should provide channels or mechanisms for receiving complaints about violations caused by business operations. Confidentiality should be applied. Also, the information should be forwarded to related departments, and the progress should be trackable. (Operational Grievance Mechanism) (OGM)*

3.2 State enterprises and businesses should create a good practices handbook on establishing and implementing a channel or mechanism for receiving complaints about violations caused by their business operations. (Operational Grievance Mechanism) (OGM).

3.3 State enterprises and businesses operating in Thailand and abroad where Thai entrepreneurs are investing in foreign countries should assess and set remedial measures for individuals and communities affected by human rights violations resulting from their business operations. The remedy must be based on international human rights principles. It should be fair, appropriate, and effective. They should also ensure the participation of those affected.*

3.4 State enterprises and businesses operating in Thailand and abroad, where Thai entrepreneurs are investing in foreign countries, should settle any disputes in the affected community through negotiations and discussions. Relevant agencies in the area may help mediate the disputes.

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Chapter 4

Mechanisms for monitoring, follow-up and evaluation of the Second National Action Plans On Business and Human Rights (2023-2027)

Implementing the promoting the National Action Plan on Business and Human Rights is the duty of all relevant agencies. They are to follow the guidelines set forth in the Action Plan, which was prepared with the participation, review and approval of all the relevant agencies. The Second Action Plan has a mechanism to oversee, monitor, keep track, and evaluate the implementation of the Action Plan as follows:

4.1 Mechanisms for monitoring the Second National Action Plan on Business and Human Rights (2023-2027)

The Sub-committee for Driving the National Action Plan on Business and Human Rights was appointed according to the Order of the Human Rights Commission of Thailand No. 2/2020 dated February 21, 2020. The Director-General of the Rights and Liberties Protection Department is the chairman of the sub-committee, and representatives of relevant agencies serve as members. They will be the main mechanism for overseeing the implementation of the Second Action Plan. Sub-committee meetings will be held regularly throughout the year.

4.2 Follow-up and evaluation of the Second Action Plan on Business and Human Rights (2023-2027) The Right and Liberties Protection Department under the Ministry of Justice will continuously monitor the implementation of the Second Action Plan through 3 channels: (1) The main coordinator of the unit (Focal Point); (2) Preparation of official documents requesting information on the results of the Second Action Plan implementation; and (3) Reports on the implementation of the Second Action Plan through the National Action Plan Action Reporting System on business and human rights (<http://nap.rlpd.go.th>). The Right and Liberties Protection Department will collect the results of the implementation of the Second Action Plan and present them to the Sub-committee for Driving the National Action Plan on Business

and Human Rights to notify them about the progress of the implementation of the plan. The results will be added to an evaluation report on the implementation within half-cycle and full-cycle periods and will later be proposed to the Cabinet.

4.3 Evaluation of the implementation of the Second Action Plan (2023-2027)

To view the progress of the implementation of the Second Action Plan, the Rights and Liberties Protection Department under the Ministry of Justice will hire a consultant with expertise and neutrality to assess the implementation of the Second Action Plan. The time period is divided into 2 cycles as follows: (1) the half-cycle phase (between 2023 - 2025) and (2) the full-cycle phase (between 2023 – 2027). The Department will present half-cycle, and full-cycle performance evaluation reports to the Sub-committee for Driving the National Action Plan on Business and Human Rights and the Committee of Thailand's Human Rights for consideration and approval. The report will be presented to the Cabinet and disseminated to the public.

