

Experiences of Thailand in developing and implementing the NAP

Nareeluc Pairchaiyapoom
Director of International Human Rights Division
Rights and Liberties Protection Department
Ministry of Justice
THAILAND



01

Thailand's NAP : the first NAP in Asia!



1st NAP : Key Priority Areas



Labour



Community, land, natural resources and environment



Human rights defenders



Cross border investment and multi-national enterprises



· Adopted by the Cabinet on 29 October 2019
(Smart mix between obligations for states and voluntary measures for businesses)

<https://qr.go.page.link/TiqcJ>

Example of Obligations for Government

Pillar 1: State duties in protecting (Protect)

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





What government **MUST** do!

Labour (MOL)

- Amend law and policy to promote and protect labour right
- Improve labour management system
- Ensure ethical recruitment
- Raising human rights awareness to labour
- Promote Anti-discrimination and sexual harassment in workplace
- Ensure Fair wage
- Promote work safety and good working condition
- Enhance access to healthcare service
- Ensure the rights of children of workers/migrant workers
- Tackle human trafficking and forced labour
- Encourage business to monitor labour protection in supply chain
- Find measures to address problem of job loss because of technology replacement
- Monitor businesses

Community, Land Natural Resource and Environment (MNRE)

- Amend law and policy to be in line with human rights principles
- Engage relevant stakeholders for environmental management
- EIA/EHIA
- Special Economic Zone
- Management of natural resource and environment
- Build up capacity of local community
- Include ethnic / minority at every process
- Monitor businesses

Human Rights Defender (MOJ)

- Ratify relevant international human rights treaties to protect human rights defenders
- Collaborate with human rights mechanisms
- Amend law and policy to promote and protect human rights defenders
- Develop concrete measures to protect human rights defenders
- Raising awareness on the role of human rights defenders to all stakeholders

Cross Border Investment and Multinational Enterprise (MFA+MOT+BOI)

- Amend law and policy to be in line with human rights principles
- Raising human rights awareness to foreign investors
- Promote responsible business conduct to business continually
- Prevent human rights violation by Thai investor invested abroad
- Monitor SOEs
- Monitor businesses
- Collaborate in pushing forward business and human rights agenda at regional and international community

Example of Voluntary Measures for Businesses

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

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

2.2 Open to the participation of public and communities

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



What SOEs and businesses SHOULD do!

Labour

- Adhere to the relevant laws/rules/regulations/human rights principles + raising awareness on human rights and relevant laws to labour
- Ensure rights and welfare of labour as stipulated in laws
- Promote anti-discrimination and sexual harassment in workplace
- Guarantee access to complaint mechanisms in the office

Human Rights Defender

- Adhere to the relevant laws/rules/regulations/human rights principles
- Raising awareness on the role of human rights defenders
- Collaborate with civil society sectors to prevent/alleviate/mitigate adverse impact on human rights arisen from business operations
- Communicate with human rights defenders to avoid/reduce conflict and human rights violation

Community, Land Natural Resource and Environment

- Adhere to the relevant laws/rules/regulations/human rights principles + monitor supply chain to do the same
- Involve + listen to the voices of ppl and community affected from the project
- Conduct human rights due diligence/ human rights impact assessment and disclose to the public
- Promote communication/mediation and ensure access to complaint mechanism + grievance mechanism

Cross Border Investment and Multinational Enterprise

- Raising awareness on human rights laws/principles esp. responsible business conduct to staff/ line agencies/ supply chain
- Monitor all supply chain + prevent and avoid human rights violation
- Conduct human rights due diligence/ human rights impact assessment and disclose to the public
- Promote communication/mediation with ppl and community affected from the project including provide remedy

02

NAP implementation: mechanisms & measures



NAP monitoring mechanism

National Committee on Driving Forward Human Rights Works in Thailand

(DPM,MOJ Minister,MOD,MFA,MSDHS,MOT,MNRE,MOI,MOJ,MOL,MOE,MOH,MOIn,NESDB,NHRCT,RTP,MOF,GCNT,SEPO,Human rights experts)



Sub-National Committee on implementation of the NAP

(MOJ,MOD,MOF,MFA,MOTS,MSDHS,MOA,MOT,DE,MNRE,MOE,MOTr,MOI,MOL,MOE,MOH,MOIn,SEC,SEPO,EEC,BOI,RTP,COJ,SMEPO,NESDB,OAG,NHRCT,NEDA,BOT,EXIMBank,SET, InA,BA,COC, TRBA, SMEA,etc.)

Meet every 3 months



Pushing forward the implementation of NAP (Policy Level)

High level dialogue
with relevant government
agencies at central
and local level



Selected 10 pilot provinces
to find best model
on implementing the NAP
at provincial level



Pushing forward the implementation of NAP (Practical Level)



**Circulate the NAP
to relevant stakeholders**



**Request every relevant
agency to appoint “Focal
Point” for coordination**

Pushing forward the implementation of NAP (Practical Level)



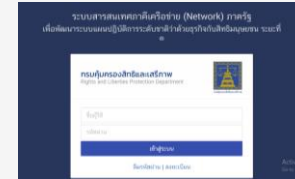
Regularly provide BHR training to all sectors throughout the year



Develop several forms of BHR friendly media

Evaluation of the NAP

NAP IT System



Mid-term Evaluation



Full term Evaluation
(under consideration of MOJ)







03

Taking stock of the 1st NAP: Achievements & Challenges



Key Achievements : Gov.

[130/142 activities were achieved the goals = 91.55%]

	<ul style="list-style-type: none">• Incentives for businesses (encourage the employment of released inmates) (MOJ+MOF)• Labour administration and management during COVID-19 (MOL)• Promote gender equality and non discrimination in workplaces (MSDHS)
	<ul style="list-style-type: none">• SEC to encourage listed companies to disclose the information on ESG (SEC)• Include Eco-friendly products into preferred list of vendors for public procurement (MOF)• Set up Mediation Center at the community level across the country (MOJ)
	<ul style="list-style-type: none">• Amending Witness Protection Act to broaden the protection to HRDs (MOJ)• Draft Anti- SLAPP Bill (for cases related to corruption and abuse of power) (NACC)• Study concrete measures to protect HRDs and Anti-SLAPP law (MOJ + UNDP)
	<ul style="list-style-type: none">• NEDA to include human rights evaluation in the contract before approving loan to CMLV projects (MOF)• Bank of Thailand to develop MOU to promote sustainable financing and ESG (BOT)• Include human rights condition in BIT model (MFA)

Key Achievements (Mid-term review) : Bus.

- | | | | |
|----------|--|-----------|--|
| 1 | Officially announce human rights policy | 6 | Provide remedy when human rights violation occurred |
| 2 | Adopt guideline to prevent human rights violation | 7 | Enhance complaint mechanism |
| 3 | Conduct human rights due diligence | 8 | Assign staff/division/unit to responsible for human rights implementation |
| 4 | Raising human rights awareness to staff | 9 | Communicate with staff and customers |
| 5 | Monitor Supply Chain Management | 10 | Achieve NAP Implementation |

Challenges

- COVID19 & new emerging issues
- Changing of staff/executives + Staff rotation
- Different needs among stakeholders
- Different level of resources
- Lack of understanding on responsible business conducts
- Political instability



Important observations on pushing forward the implementation of the NAP for business sectors

- As for business sectors, only big companies voluntarily reported their implementations on NAP
- **SO we have to work more with SMEs !**
Ex. More dialogue +
MOU with the Federation of Thai SMEs,
Industrial Association,
Chamber of Commerce,
Thai Bank Association,
Office of SMEs Promotion, etc.



Incentives for businesses

Human rights awards

- States
- SOEs
- Business (S/M/L)
- Social Enterprises
- Civil Society Sectors

BHR Label

(under consultation)



Include eco-friendly products/services

into preferred list of vendor for public procurement

Tax incentives

(under consultation)

Progress / Evaluation of “Access to Remedy” in the 1st NAP

- 1,767 community mediation centers have been set up across the country
- Witness Protection Act were amended in order to enhance protection to whistleblower / human rights defenders
- Criteria for payment of State Compensation were amended to cover migrant workers who become victims of human rights violation regardless of their entry status
- Study the National Contact Point (NCP) Model to find appropriate model for Thailand in addressing problems related to cross border impact
- Numbers of ad hoc committee have been set up to be a platform for dialogue between business and those affect from human rights violation
- Number of human rights training have been conducted for judges and public prosecutors in order to raise awareness of BHR related cases



04

Outline of Thailand's 2nd NAP and its progress





05

Expectation to the cooperation with Japanese legal technical assistances

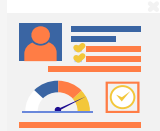
Possible Cooperations

Meeting to update & share experiences as well as progress on NAP and BHR regularly

Dialogue with Japan NCP to learn its structure & operations

Sharing useful material to raise awareness on BHR/HRDD

Joint seminar to raise awareness among stakeholders in each country as well as the region e.g. HRDD Guideline, BHR



Connect with Japanese business sectors working in Thailand and Thai business sectors working in Japan or as part of supply chain of Japanese companies

Conduct research on how to embed responsible business conduct in business operation of Japanese company in Japan & Thailand)

Joint research and exchange of information/ experiences to explore effective judicial/legal systems and methods to improve access to remedy in both countries



Thanks!