

NOVEMBER 2019

# National Human Rights Commission of Thailand - Business and Human Rights Work

**This document highlights challenges following the publication of the National Action Plan, events on business and human rights, and progress on the pilot project to promote human rights in the tourist sector.**

## **NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

In 2017, the Thai Government took the initiative to begin developing a National Action Plan on Business and Human Rights (NAP) to implement the United Nations Guiding Principles on Business and Human Rights (UNGPs).<sup>1</sup> This effort was driven by international and national pressure on the Government to ensure that business enterprises adhere to human rights.

The National Human Rights Commission of Thailand (NHRCT) was the first to submit a proposal to the cabinet for the government to integrate measures into a national plan for ensuring the responsibility of Thai corporations to respect human rights, including in their overseas investment. This proposal stemmed from investigations conducted by the NHRCT of a number of allegations against Thai investors regarding

human rights abuses associated with Thai companies operating in neighbouring countries. On 13 May 2016, during the 2<sup>nd</sup> Universal Periodic Review (UPR) process of Thailand's human rights situation, the Permanent Secretary Ministry of Justice informed the UPR Working Group that Thailand supports the UNGPs.<sup>2</sup>

Furthermore, in considering the recommendation put forward by the NHRCT, the Ministry of Foreign Affairs and the Ministry of Commerce were assigned by the Cabinet to adopt the UNGPs as the operating framework for Dawei Deep Sea Port Project and Special Economic Zone in the Republic of the Union of Myanmar. To that end, the NHRCT is undertaking a national baseline assessment on the issue of trade & investment impact on human rights.

In view of the Thai Government's efforts to develop a NAP on business and human rights,

<sup>1</sup>Nonthasoot, S(2017), Thai Action Plan a Step to Rights Protection by Business. Bangkok Post. <https://www.bangkokpost.com/opinion/opinion/1188481/thai-action-plan-a-step-to-rights-protection-by-business>

<sup>2</sup> Bangkok Post Reporters(2016), Justice Official Defends Human Rights Record. Bangkok Post. <https://www.bangkokpost.com/news/politics/974225/justice-official-defends-human-rights-record>

the NHRCT put forward recommendations for its development, including guidelines for the promotion and protection of human rights and proposals on the amendment of legislation, regulation, and administrative orders to ensure that they accord with human rights. On 27 March 2018, the UN Working Group on human rights and transnational corporations and other business enterprises met with the NHRCT for a discussion on driving the UNGPs.

The first draft of the NAP was released by Thailand's Ministry of Justice's Rights and Liberties Protection Department (RLPD) in June 2018, with a revised version released in August 2018. Subsequently, on 23 August 2018, the NHRCT jointly with Thailand's Ministry of Justice, Ministry of Foreign Affairs, UN Development Program (UNDP) and the Office of the United Nations High Commissioner for Human Rights, organised a formal Non-Governmental Organisations (NGOs) consultation event to consider the draft NAP.

Since its release, the NAP process has faced challenges from civil society organisations (CSOs) raising concerns regarding inadequate participation. Several CSOs started raising concerns in August 2018 as they felt that they were not being given the opportunity to comment on the draft NAP scheduled to have been released in September 2018.<sup>3</sup> The NHRCT submitted the outcome document of the CSO consultation to the RLPD. The draft NAP was revised once again taking the CSOs' perspective in consideration.

<sup>3</sup>Danish Institute for Human Rights. (n.d.), National Action Plan on Business and Human Rights: Thailand. <https://globalnaps.org/country/thailand/>

<sup>4</sup>United Nations Global Compact Network Thailand (2017), Declaration on Cooperation to Drive Forward the United Nations

## EVENTS ON BUSINESS AND HUMAN RIGHTS

On 31 May 2017, the NHRCT organised a seminar at the United Nations Conference Centre in Bangkok to promote understanding of the UNGPs, especially among government agencies and businesses. At the event, the Declaration on Cooperation to Drive Forward the UNGPs in Thailand was established and signed by the NHRCT, along with key government agencies and business organisations.<sup>4</sup>



Photo: NHRCT

On 1 June 2018, a seminar was held to follow up on progress made by government agencies and businesses in implementing the Declaration.



Photo: NHRCT.

Guiding Principles on Business and Human Rights in Thailand. <http://www.nhrc.or.th/SearchResult.aspx?searchtext=business+and+human+rights&searchmode=anyword>

On 7 November 2018, the NHRCT in partnership with the United Nations Development Programme (UNDP) organized the seminar on “Access to Effective Remedy under the United Nations Guiding Principles (UNGPs). The number of participants was approximately 300 from several agencies which have duties on State-based Judicial Mechanisms, State-based non-judicial Mechanisms and Operational-level grievance Mechanisms. Vice Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Mr. Surya Deva, was invited to give a special lecture on “Access to Effective Remedies under the Guiding Principles on Business and Human Rights: Implementing the UN Protect, Respect and Remedy Framework”.

Rights (UNGPs) as well as the MOU Signing Ceremony between Office of the NHRCT and Office of the SEC on driving and implementing the UNGPs.



Photo: NHRCT



Photo: NHRCT

On 31 May 2019, the NHRCT in collaboration with the Securities and Exchange Commission of Thailand (SEC) organized the National Conference on “Human Rights: Driven Factors of Listed Companies’ Sustainable Competitiveness in accordance with UN Guiding Principles on Business and Human

## PILOT PROJECT ON THE PROMOTION OF HUMAN RIGHTS IN THE TOURISM SECTOR

Considering that the hotel and tourism industry is one of the key business sectors in Thailand, the NHRCT launched a pilot project, starting in 2016, on the promotion of human rights due diligence in the tourism sector.<sup>5</sup> This project was also in response to a concerning report conducted by Schystresande and Fair Action in 2015, which examined the working conditions of Burmese migrants at hotels contracted by Sweden’s three major tour operators Apollo (REWE Group), Fritidsresor (TUI Group) and Ving (Thomas Cook Group) in Khao Lak and Phuket, as well as hotel suppliers.<sup>6</sup>

<sup>5</sup>Tingsamitr, W (2017), Keynote Address “Hotel and Tourism Business and Human Rights”. Retrieved from <http://www.nhrc.or.th/SearchResult.aspx?searchtext=business+and+human+rights&searchmode=anyword>

<sup>6</sup>SchystResande, & Fair Action (2015), No Holiday for the Burmese: A Follow Up Study of the Working Conditions for Burmese Migrants at Hotels and their Suppliers in Thailand. <file:///C:/Users/lida/Downloads/No%20holidays%20for%20the%20Burmese.pdf>

The report revealed that the contracted hotels and their suppliers did not comply with national labour law and did not conduct HRDD in line with the UNGPs beyond their first-tier suppliers.

The first phase of the pilot project was initiated in June 2016 with a seminar for hotel businesses in Phuket, which engaged key stakeholders to discuss how hotels can implement the UNGPs. Subsequently, the NHRCT commissioned a study on human rights due diligence focusing on the tourism industry and hotel operations. Through consultations with hotels, the NHRCT produced 'The Human Rights Due Diligence Handbook and Checklist for the Hotel Industry'.<sup>7</sup>

The content of the Handbook includes an explanation of human rights due diligence and its process, human rights issues in the hotel industry, the benefits of human rights due diligence for business, and a checklist to assist hotels with due diligence procedures.

In 2017, the NHRCT initiated the second phase of the pilot project to promote human rights due diligence for local hotel operators in the Phuket province. The NHRCT convened two meetings with the participating hotel operators to discuss the project and the UNGPs.

In 2018, the NHRCT hosted a workshop to introduce the Human Rights Due Diligence Handbook for the hotel industry. As a result, the Thai Southern Hotel Association and five chain hotels in Phuket made a voluntary

pledge to use the Handbook for their policy commitment and supplier management. The NHRCT, apart from the role of facilitator, monitored and evaluated the implementation of the Handbook. The pilot project ended in September 2018 with a seminar on lessons learned, in which certificates were given to participating hotels.



Photo: NHRCT

**FOR MORE INFORMATION, CONTACT:**

Mr. Warcharapong Wanglao, Human Rights Officer, Human Rights Protection Bureau of the Office of National Human Rights Commission of Thailand.

[watcharapong.nhrc@gmail.com](mailto:watcharapong.nhrc@gmail.com)

+66-2141-3970

<http://www.nhrc.or.th>

Mr. Jedsada Panyawong, Human Rights Officer, International Human Rights Affairs Bureau of the Office of National Human Rights Commission of Thailand.

[pongforwork@gmail.com](mailto:pongforwork@gmail.com)

+66-2141-1956

<http://www.nhrc.or.th>

<sup>7</sup> Office of the National Human Rights Commission of Thailand (n.d.), Business and Human Rights Information.

<http://www.nhrc.or.th/businessandhumanrights/Data.aspx>