



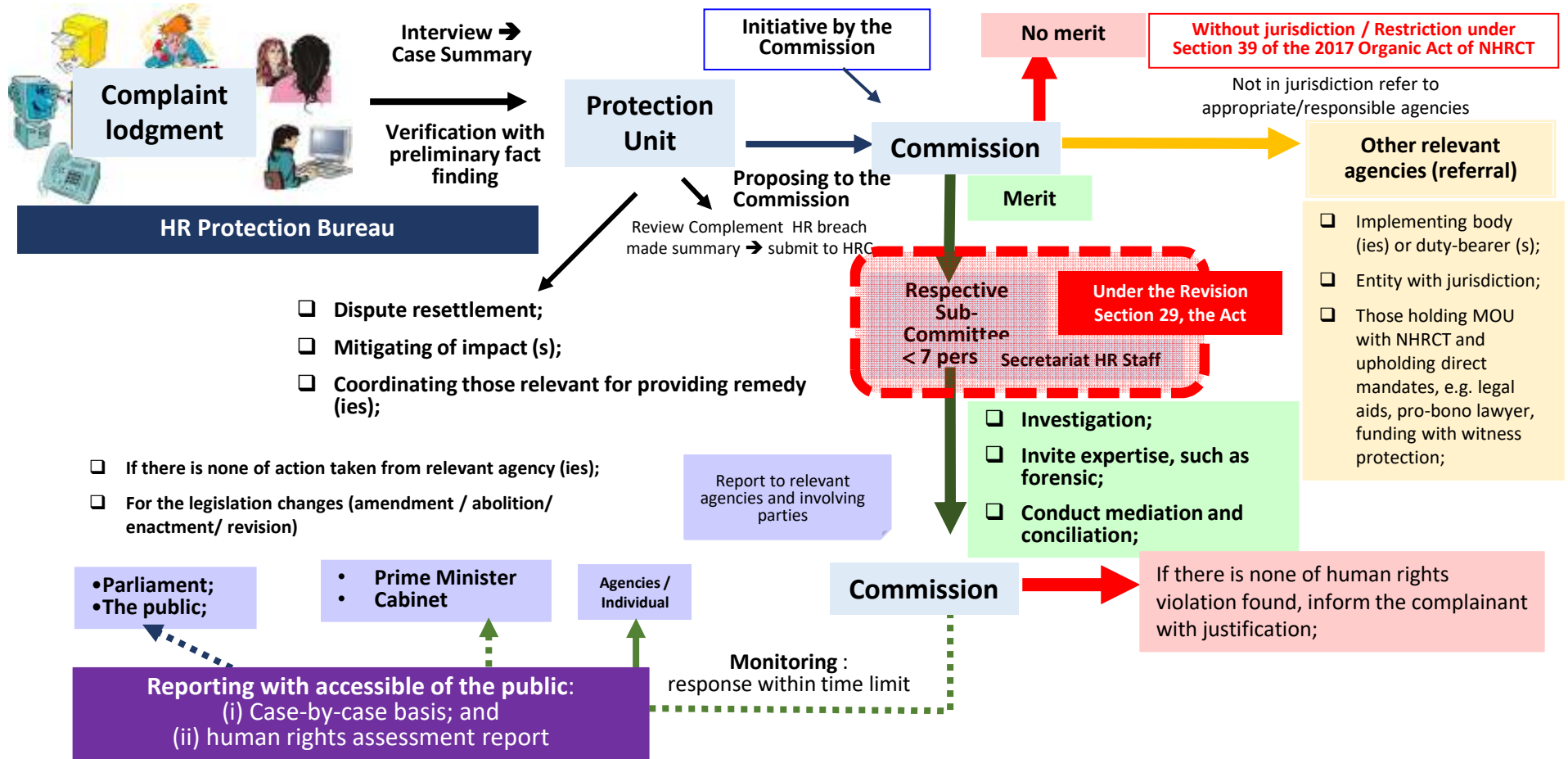
NHRCT AND UPDATES AND RESPONSES ON HUMAN RIGHTS AND BUSINESS : CASES SHARING

NHRCT's mandates and powers

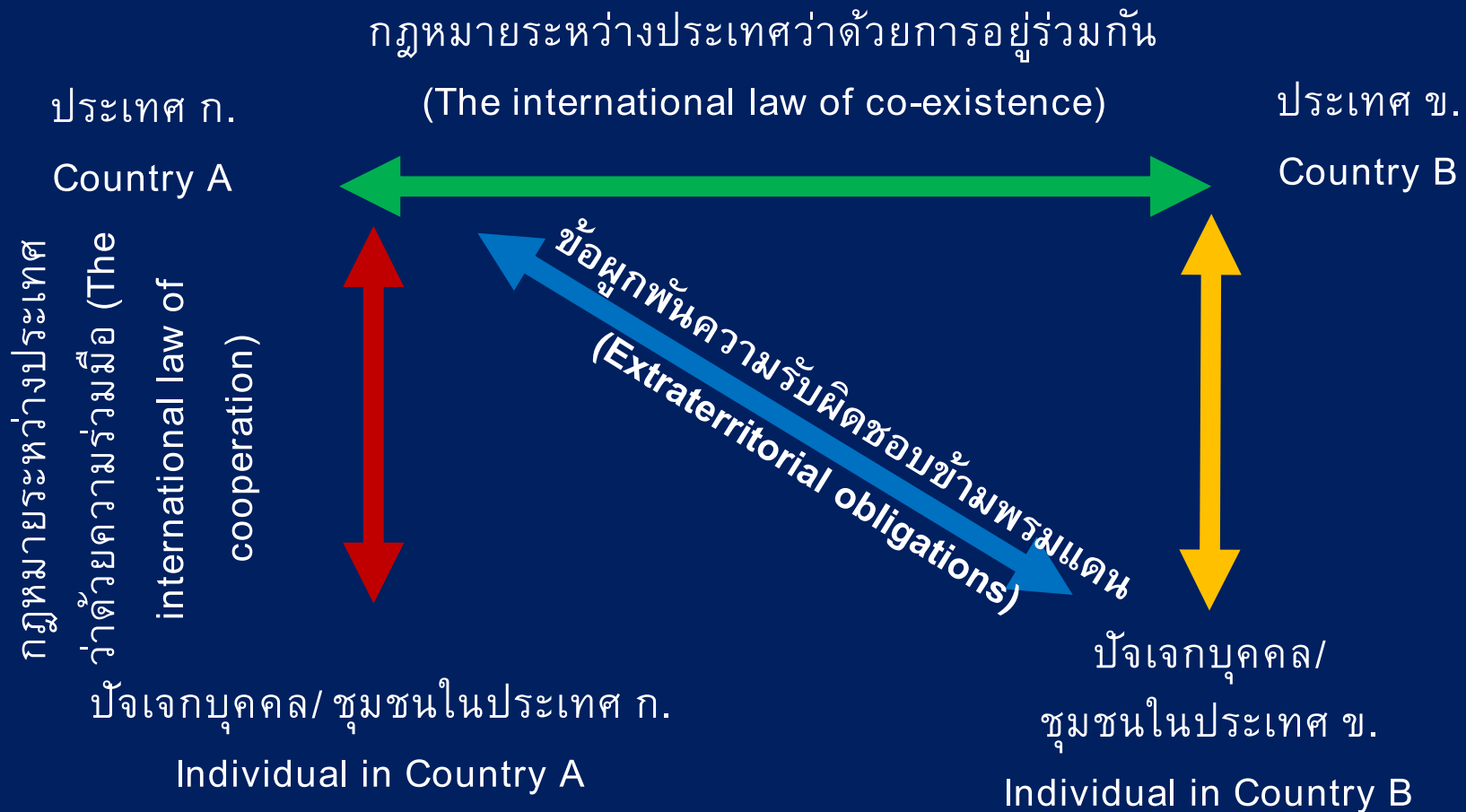
- **NHRCT, under the 2017 Constitution and the Organic Act on National Human Rights Commission 2018, is being a constitutional independent organization.**
- **The Commission is mandated for the rights promotion and protection in general, but with strict obligations for monitoring and reporting rights situations in three prongs as: (i) investigation report; (ii) human rights assessment report; and (iii) policy recommendation report, while the Government (Cabinet) and private sectors are obliged to respond to these reports without delay or negligence.**
- **NHRCT's jurisdiction is not restricted by geographical state, so NHRCT efforts to interpret its jurisdiction that shall cover all Thai national or juristic person.**

COMPLAINT HANDLING OF THE NHRCT

[Under the 2017 Constitution and the 2017 Organic Act of NHRCT]



ROLES AND RESPONSIBILITIES FOR TRANS-BORDER ISSUES



UPDATES AND RESPONSES : COAL POWER PLANT

- **Coal power plants have been propagated with energy security in provinces, while broad concerns with impacts to local communities, inaccessible to information and poor participation are found. The community rights defenders were abused.**
- **NHRCT is now making a report with recommendations for : (i) the making of development project with clear EIA/EHIA reports in prior; (ii) the consolidating of energy data countrywide with making of robust alternative and clean energy sources.**

UPDATES AND RESPONSES : MINING OPERATIONS

- **During 2005-2015, more than 48 complaints filed to the NHRCT, within 5 concerns, as: (i) participation; (ii) administrative process with approval; (iii) health and surroundings; (iv) land tenure and remedy; and (v) judicial harassment for rights defender.**
- **NHRCT recommended with Government responded for termination of mining operations countrywide since 31st December 2016, with the revision of 1967 Mining Act, as: (i) mindset changed (from sovereign right of the State to be common heritage of mankind); (ii) roadmap on mining made with trust-building; (iii) standard of control measures provided; (iv) broaden and detailed categories designed; (v) meaningful participation prepared; (vi) broad scope of responsibilities (not only concession areas); (vii) EIA made with restriction; and (viii) rehabilitation, remedies and funds provided.**

UPDATES AND RESPONSES : CONTRACT FARMING

- **Huge contract farming and agribusiness made countrywide with long rental of lands, consuming amount of underground water and contamination of chemical substances.**
- **NHRCT investigated, recommended and monitored the changes made as: (i) monitoring and precautionary mechanisms set-up with local partnership made; (ii) effective enforcement of the 1999 Alien Business Operation Act; and (iii) reforms and mechanisms set upon the 2017 Contract Farming Act e.g. administrative system; financial institution; tax structure; cooperative and credit unions; microfinance with financial literacy; health insurance with risk management and fair and balancing of power made with contract**

UPDATES AND RESPONSES : ETOs/TOIs

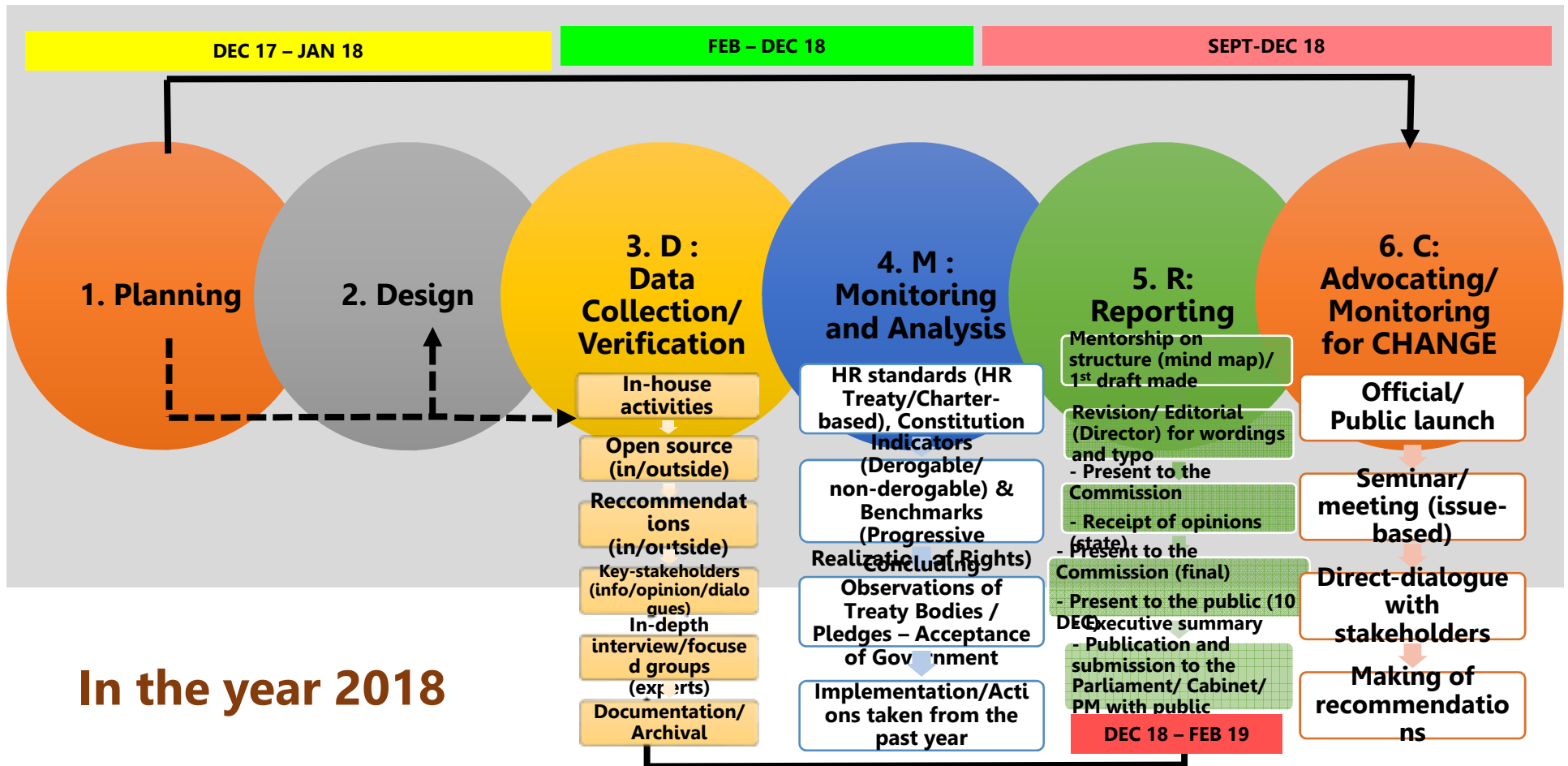
- **There are at least 12 Thai outbound investments documented with policy monitoring, while the NHRCT investigated 6 cases, covering those conducted in Cambodia (sugar cane with land concession), Myanmar (special economic zones and mining operations) and Laos (power generation with dam construction).**
- **The Government responded with adoption of two cabinet resolutions (2016 and 2017), highlighting the Extra-Territorial Obligations with interpreting of UNGPs on Business and Human Rights. There is a gap analysis with policy made and challenges found, especially for remedial measure and binding obligations.**

**UPDATES AND RESPONSES :
NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

• Key Priority Issues in the NAP of Thailand

- 1. Labour**
 - 2. Land, environment and natural resources**
 - 3. Human rights defenders**
 - 4. Cross border investment and multi-national enterprises**
- 
- A group of people, including men and women, are sitting on the ground in a circle. They appear to be in a community meeting or a protest. Some are wearing white shirts, and one person in the center has a shirt with 'KIM' visible. They are outdoors on a dirt ground.

HUMAN RIGHTS ASSESSMENT PROCESS





QUESTIONS AND ANSWERS

