



# UNDP's Support on Business and Human Rights in Thailand

By UNDP Thailand  
8 September 2020



# Agenda

**Part I :** Introduction to UNDP 's Business and Human Rights (B+HR) Project

**Part II:** Key Areas of UNDP Support on B+HR in 2020

**Part III:** Updates on upcoming UNDP B+HR activities

- UNDP studies on Anti- Strategic Lawsuits Against Public Participation (SLAPP) measures and Protection of Human Rights Defenders

## BUSINESS AND HUMAN RIGHTS In Thailand



# Part I: Introduction to UNDP Business and Human Rights (B+HR) Project

# Introduction



- B+HR Asia Pacific project in six implementing locations

- **The Business and Human Rights (B+HR) project** is a regional program implemented in six countries in Asia - India, Indonesia, Malaysia, Myanmar, Sri Lanka, Thailand.
- Overall, B+HR project aims at **promoting the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs)** through advocacy, policy development, technical advisory support, capacity building, awareness raising, innovation platforms, and South-South cooperation.

# The B+HR Project in Thailand

**2019 - 2022**

UNDP's B+HR Project in Thailand



**2019 - 2022**  
Implementation of  
the 1<sup>st</sup> Thai NAP

**2019**

Thailand adopted  
National Action  
Plan on Business  
and Human Rights  
(NAP)



**2017**

The Prime Minister of  
Thailand affirms  
commitment to  
**'UN Guiding Principles  
on Business and  
Human Rights'**



# 2019 B+HR Activities in Thailand

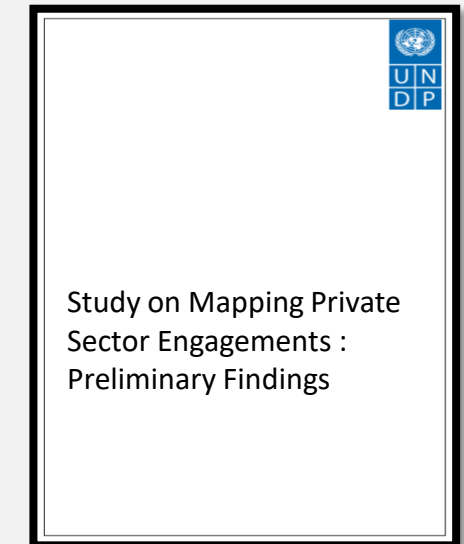
The following supported by  
the Government of Sweden:



**The 3<sup>rd</sup> National Dialogue on  
Business and Human Rights:  
Sustainable Financing**



**Translation of National Action Plan on  
Business and Human Rights and other  
communication materials on UNGPs**



**Study on Mapping Private  
Sector Engagement  
in Human Rights**

## BUSINESS AND HUMAN RIGHTS In Thailand



# Part II: Key Areas of UNDP Support on B+HR in 2020

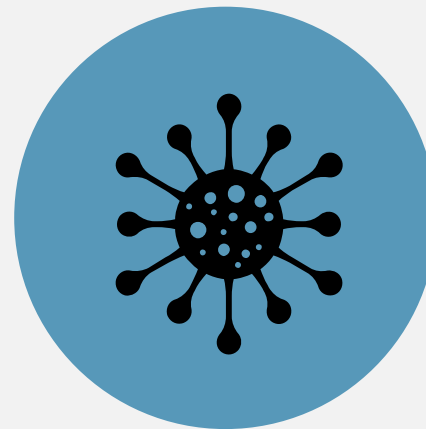
# Key areas of UNDP's Support on Business and Human Rights in 2020



**1. Human Rights  
Due Diligence  
(HRDD)**



**2. Human Rights  
Defenders**



**3. The impact of the  
COVID-19 pandemic  
on companies and  
rights holders**



**4. Public awareness on  
the NAP and  
the UNGPs**

# 1. Human Rights Due Diligence (HRDD)

## Example of drivers on HRDD for Thai companies



Reporting  
Framework

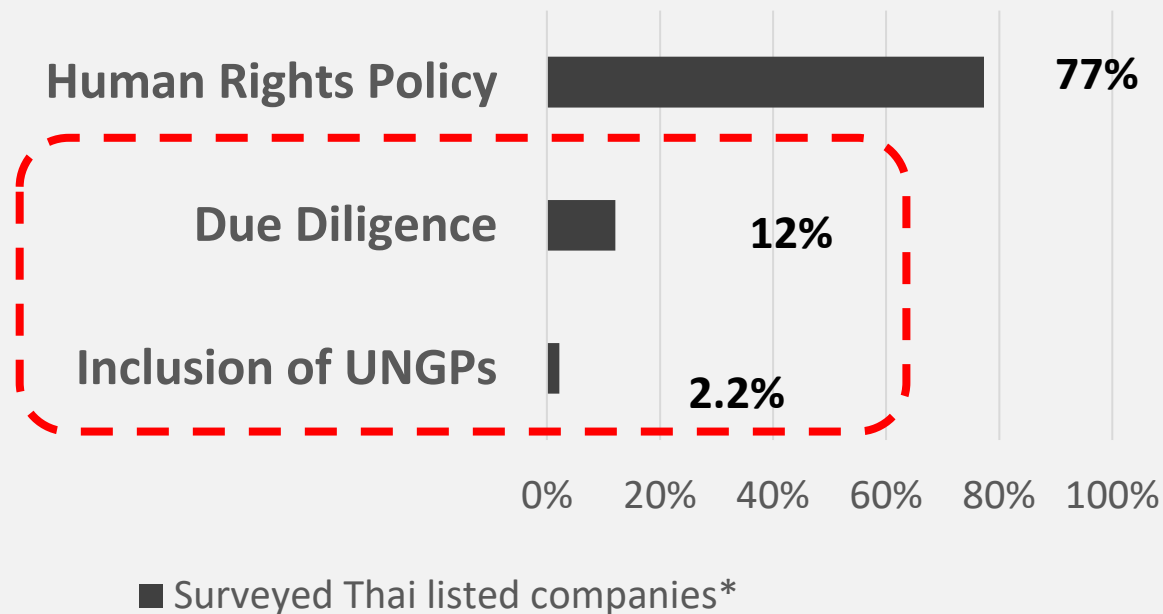


Sustainability  
Rating



- Currently, there are **strong drivers** for **major Thai companies** to **conduct human rights due diligence (HRDD)** as part of their sustainability initiatives.
- Thailand **has the highest number of companies in Asia** that **produce sustainability reports** and **participate in global sustainability benchmarks** i.e. Dow Jones Sustainability Indices (DJSI).
- This has an implication to **human rights due diligence** as it **forms part of these sustainability reports and benchmarks**.

# 1. Human Rights Due Diligence (HRDD)



- According to UNDP’s study on Mapping Private Sector Engagement in Human Rights 2019, **only 12% and 2.2% of surveyed Thai listed companies conducted due diligence and include UNGPs into their annual reports, respectively.**
- This indicates that **Thai companies, especially small and medium businesses should be encouraged to integrate HRDD process into their internal management.**

# 1. Human Rights Due Diligence (HRDD)



The screenshot displays a web-based assessment tool. At the top, it asks the user to "Please rate according to the severity of these issues". Below this, there are three main sections, each with a title and a set of radio buttons for industry selection. Each section also includes a table for rating different aspects of the issue.

**Human Rights Self-1**

Select your industry

- Agriculture
- Construction
- Finance
- Law
- Research & Dev
- Service
- Social Work
- Tourism
- Transport
- Other

**1. Contract not in the native language of the employee**

|               |   |   |   |
|---------------|---|---|---|
| Scope         | ⌵ | - | ⌶ |
| Scale         | ⌵ | - | ⌶ |
| Remediability | ⌵ | - | ⌶ |

**2. Workers are dismissed w/o compensation and w/o regard to procedural safeguards**

|               |   |   |   |
|---------------|---|---|---|
| Scope         | ⌵ | - | ⌶ |
| Scale         | ⌵ | - | ⌶ |
| Remediability | ⌵ | - | ⌶ |

**3. Workers unable to terminate employment at will**

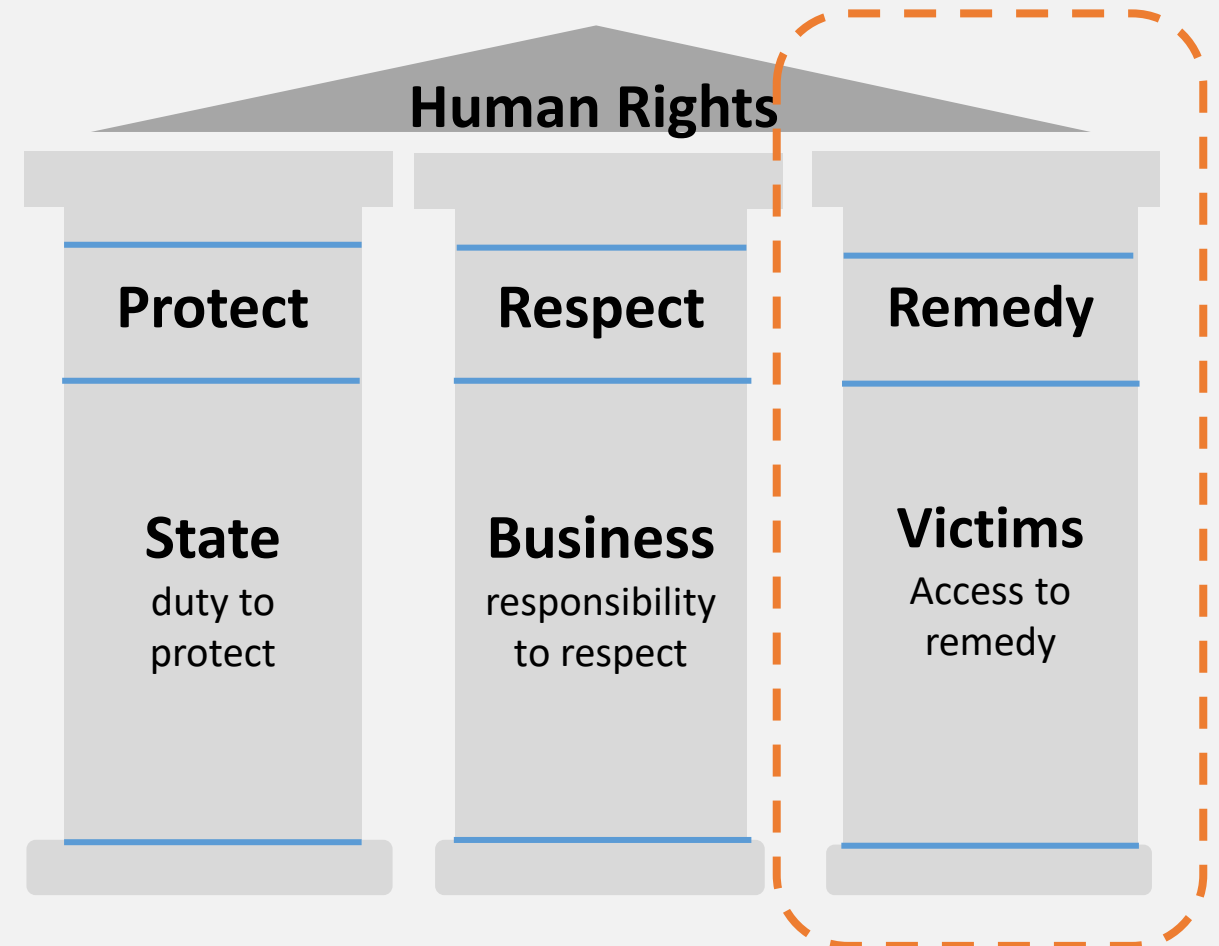
|               |   |   |   |
|---------------|---|---|---|
| Scope         | ⌵ | - | ⌶ |
| Scale         | ⌵ | - | ⌶ |
| Remediability | ⌵ | - | ⌶ |

Next

UNDP is developing **HRDD Training Facilitator's Guide** to inform businesses on how to conduct HRDD according to international standards set by the UNGPs. This Training Facilitator's Guide will be accompanied by a **Self-Human Rights Risk Assessment software**.

## 2. Human Rights Defenders (HRDs)

- Human rights defenders have been identified as **one of the four key priority areas in the National Action Plan on Business and Human Rights**.
- Human rights defenders play a crucial role in **promoting respect for human rights in the business sector and in strengthening corporate accountability**, and their protection is guaranteed by the UN Declaration on Human Rights Defenders and the UNGPs.



## 2. Human Rights Defenders (HRDs)

- Human rights defenders continue to be a target of violation in many forms.
- In Thailand, recent trends show that **judicial harassment, particularly, in the form of Strategic Lawsuits Against Public Participation (SLAPP)**, has increasingly been used to silence human rights defenders.



*“There were **over 200 SLAPP cases in Thailand** from 1997 to 2019.”*

*“**Physical, verbal, and judicial harassment cases against HRDs** have been reported. Such cases involve the act of threat, intimidation, arbitrary arrests, sexual harassment, torture and/or enforced disappearance.”*



## 2. Human Rights Defenders (HRDs)

- UNDP will continue to support the Thai Government on strengthening the protection of human rights defenders through **awareness raising of the role of human rights defenders** among different stakeholders and **two studies on the Protection of human rights defenders and Anti – SLAPP laws and measures**.
- Focus areas on this support will include but not limited to human rights defenders in vulnerable groups, environmental rights defenders, SLAPP practices, access to remedy, roles of state, business sector and civil society, etc.



## 3. The Impact of the COVID-19 Pandemic



- UNDP developed a **HRDD and COVID-19: RAPID Self-Assessment for Business** to help businesses consider and manage the human rights impacts of their operations in the specific context of COVID-19.
- UNDP will be facilitating and supporting a **number of dialogues between relevant stakeholders with a focus on the implication of COVID-19** on human rights, such as the 4th National Dialogue on Business and Human Rights.

# 3. The Impact of the COVID-19 Pandemic

**COVID-19 RAPID SELF-ASSESSMENT**

Occupational Health & Safety

Labour Rights

Environmental & Community Impacts

Safeguarding Privacy

Corporate Policy & Management Considerations

Preventing Stigma & Discrimination

| Actions   | Stages                   |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
|   | Prepare                  | Respond                  | Recover                  |
| Ensure that when employees are permitted to return to the workplace, they are not subject to discriminatory treatment or otherwise stigmatized <sup>UNDP</sup>  |                          |                          | <input type="checkbox"/> |
| Establish procedures to counter the spread of false or misleading information so as to prevent fear and prejudice towards marginalized groups in the workforce <sup>UNDP</sup>  | <input type="checkbox"/> |                          |                          |
| Ensure that employees are aware of responsible use of social media, to counter the spread of misinformation, fear, and prejudice in the workplace <sup>UNDP</sup>   | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| Ensure minorities, migrants or other vulnerable groups are not negatively affiliated with COVID-19 in advertising, marketing campaigns or corporate communications, to prevent the promotion of stereotypes, misinformation or stigma against marginalized groups <sup>UNDP</sup> |                          | <input type="checkbox"/> | <input type="checkbox"/> |

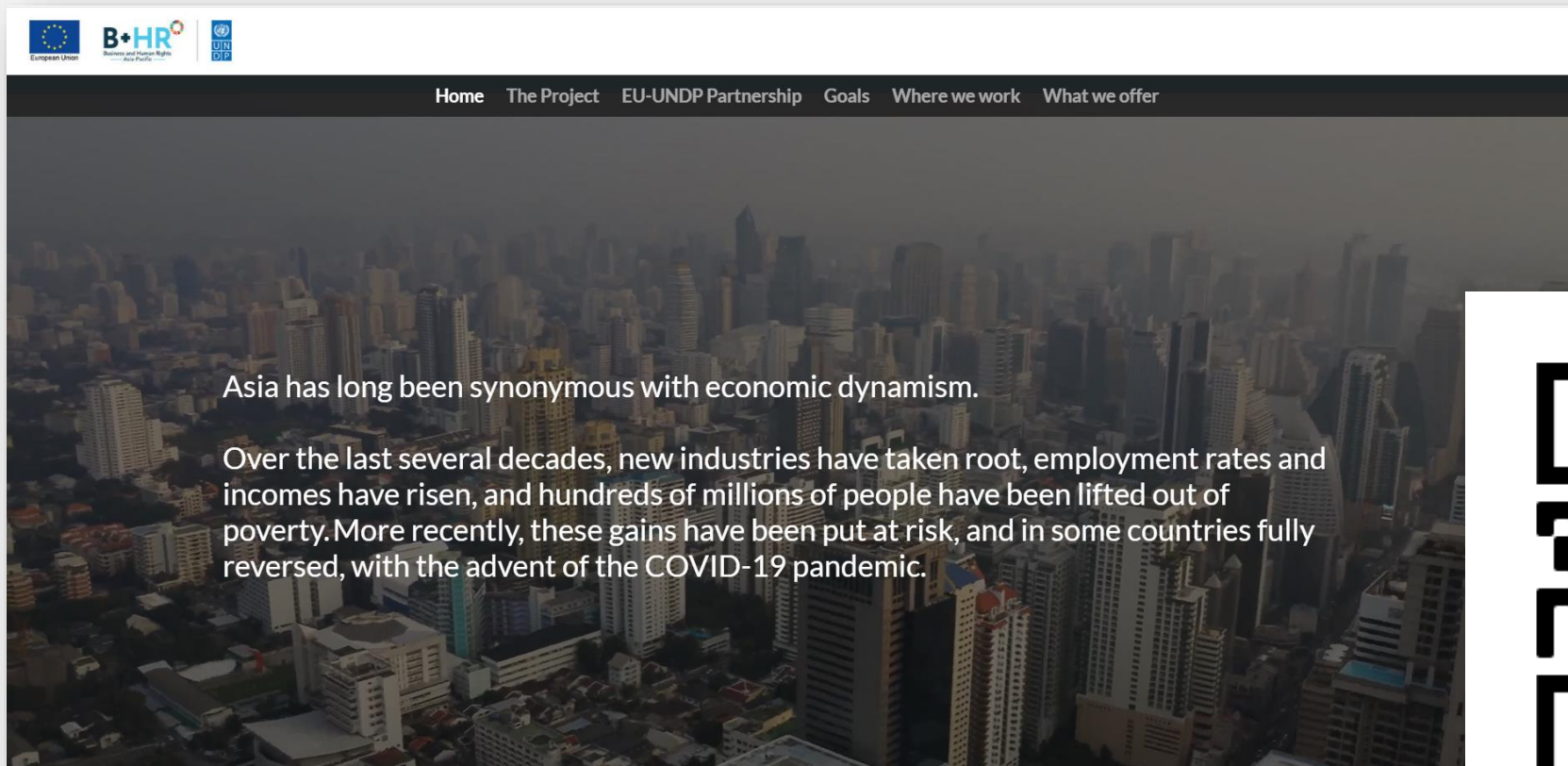


# 4. Public Awareness of the NAP and the UNGPs

UNDP has continued to provide support to the Thai Government on enhancing public awareness of the NAP and the UNGPs through dialogues, workshop and communication products at national and provincial levels.



# New Online B+HR Asia Platform



## BUSINESS AND HUMAN RIGHTS In Thailand



# Part III: Updates on upcoming UNDP B+HR activities

# UNDP's Studies on Protection of HRDs and Anti – SLAPP Laws and Measures

## Objectives

- To **gain a better understanding of the situation for HRDs** in Thailand and the challenges they face
- To **promote awareness related to the access to remedies for HRDs** to all relevant stakeholders
- To **enhance good practices on protection measures for HRDs among** private sectors and other actors
- To **propose recommendations** on the best model of anti-SLAPP laws and measures and protection of human rights defenders for the Thai Government and other stakeholders.



# Studies' Activity Timeline



Jul – Aug 2020

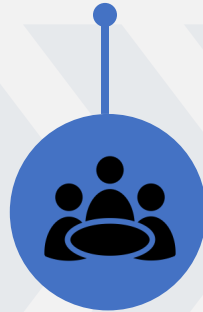


**Development of Terms of Reference**

- Discussions with experts from more than 10 organizations to ensure that elements important to all stakeholders are included in the studies.



Sept 2020



**Organization of the 1<sup>st</sup> Reference Group Meeting**

- Finalization of Terms of Reference
- At least two meetings of the Reference Groups will be organized to prepare and finalize inputs of the studies.

Nov – Dec 2020



**Sub-national consultations**

- Discussion on challenges facing HRDs, potential solutions and best practices

Jan 2021



**National consultations**

- Sharing preliminary findings from the studies, discussions and collection of inputs for finalization

Feb 2021



**Finalization of the two studies**

- The Reference Groups will give inputs to finalize the studies.

# The First Reference Group Meetings



# Example of Focused Topics in the Studies

- **Overview of the situation** of human rights defenders and SLAPP in Thailand
- **Current protection mechanisms and assistance** for HRDs, including relevant policies, laws, regulations, administrative procedures, and measures in Thailand ) and **gap analysis** of these protection mechanisms and assistance
- **Roles and awareness of stakeholders** on the role of HRDs and SLAPP issues
- **Impact on victims** of SLAPP and HRDs
- **Proposed definition and criteria** for HRDs and SLAPP cases in Thailand
- **The implications of the Covid-19 pandemic** on the protection of HRD and SLAPP cases in Thailand



# Discussion/ Q&A

# Thank you for your attention

BUSINESS AND HUMAN RIGHTS

*in Asia*

