



No. 52101/293

PERMANENT MISSION OF THAILAND  
GENEVA

19 November B.E. 2563 (2020)

Dear Sirs and Madams,

I wish to refer to your joint communication No. AL THA 3/2020 dated 10 March 2020 concerning the litigations by Thammakaset Co. Ltd. against human rights defenders, migrant workers, journalists, and academics for disseminating information on human rights abuses and exploitative working conditions.

I would like to inform you that the Royal Thai Government notes the observations expressed in the said communication with serious concern. The Government recognizes the role of human rights defenders and their rights in accordance with relevant international human rights instruments, and has taken concrete measures to promote and protect their rights, including jointly developing a human rights defenders' manual with the Office of the United Nations High Commissioner for Human Rights, Regional Office for South-East Asia. Furthermore, Thailand's National Action Plan (NAP) on Business and Human Rights (2019-2022) has incorporated strategies that address specific elements of business and human rights, including strategies on the protection of human rights defenders.

In this regard, I wish to transmit herewith the information in response to your concerns including the latest progress of all law suits filed by Thammakaset Co. Ltd. against individuals and human rights defenders, as received from Thai relevant agencies, for your perusal.

In reiterating Thailand's commitment to the promotion and protection of human rights for all, I remain,

Yours sincerely,

(Sek Wannamethee)

Ambassador and Permanent Representative

Ms. Anita Ramasastry,

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises;

Ms. Irene Khan,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

Ms. Mary Lawlor,

Special Rapporteur on the situation of human rights defenders;

Mr. Felipe González Morales;

Special Rapporteur on the human rights of migrants;

Mr. Tomoya Obokata,

Special Rapporteur on contemporary forms of slavery, including its causes and consequences;

Ms. Elizabeth Broderick,

Chair-Rapporteur of the Working Group on discrimination against women and girls,  
Office of the United Nations High Commissioner for Human Rights,

**GENEVA.**

**Thailand's response to the joint communication from HRC Special Procedures  
No. AL THA 3/2020 dated 10 March 2020**

1. The Royal Thai Government notes the concerns expressed in the Joint Communication and wishes to provide the following information in response thereto.

***Q1 Please provide any additional information and/or comment(s) that you may have to the mentioned allegations.***

2. The Government recognizes the role of human rights defenders and their rights in accordance with the United Nations Declaration on Human Rights Defenders as a target group requiring specific rights protection measures. The Ministry of Justice and other related agencies have therefore implemented a series of such measures relating to human rights defenders, including jointly developing a human rights defenders' manual with the Office of the United Nations High Commissioner for Human Rights, Regional Office for South-East Asia.

3. Human rights defenders, journalists, academics and migrant workers, who exercise their legitimate right to defend the human rights of workers are protected equally under the law, like all people in Thailand, in responding to any misuse of judicial processes or any retaliation and complaints against them.

4. Furthermore, as stipulated in our response to the Joint Communication from HRC Special Procedures No. AL THA 7/2019 dated 19 August 2019, Thailand acknowledges that people can be human rights defenders, regardless of their profession and qualifications, and contribute to the promotion and protection of human rights. Nevertheless, under certain circumstances, Thailand finds it necessary to give careful consideration regarding those who are or previously were parties to a dispute or any third party, whose interests shall be or were presented in a case.

***Q2 Please indicate what measures since the previous communications (May 2019) have been taken by your Excellency's Government to ensure that human rights defenders, including labour rights defenders, in Thailand are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, including from civil and criminal defamation charges.***

5. Thailand adopted a National Action Plan (NAP) on Business and Human Rights (2019-2022) in October 2019, committing to actively promote and uphold the UN Guiding Principles on Business and Human Rights (UNGPs) in 4 key priority areas, including human rights defenders. Businesses are strongly encouraged to apply the Guiding Principles on their operations in Thailand and abroad.

6. The duty of business to respect human rights is one of the key priorities of the Government's policy, therefore business must comply with laws and regulations, including those in place to implement our international human rights obligations. Besides a range of laws and regulations mentioned in our response to previous communications, Thailand has further amended the relevant laws, regulations and measures in order to ensure that human rights defenders can carry out their peaceful and legitimate work in enabling conditions. Several key draft laws are under the consideration of the Office of the Council of the State, including: (1) the draft

Prevention and Suppression of Torture and Enforced Disappearance Act, B.E.....; and (2) the draft amendment to the Witness Protection Act, B.E.....

***Q3 Please indicate the actions taken, or being planned, by your Government to implement the relevant provisions in the 2019 National Action Plan on Business and Human Rights (NAP) to protect human rights defenders. In particular, please provide detailed information on the steps taken, or being considered, to "push review, amendment and abolition of laws, as well as relevant mechanisms to facilitate the protection of human rights defenders". In addition, we would appreciate an update on the progress made regarding your Government's commitment in the NAP to "study the guidelines for development of laws, regulations or measures to prevent Strategic Litigation against Public Participation (SLAPP)".***

7. It must first be understood that the NAP has critically incorporated related government strategies that address specific elements of business and human rights, including strategies on the protection of human rights defenders which is reflected in the Action Plan for Human Rights Defenders (3.3.3).<sup>1</sup> This Action Plan is key, and consists of 3 pillars: ‘State duty to **Protect**’; ‘Business responsibility to **Respect**’; and ‘Victims access to **Remedy**’ with clearly designated responsible agencies, time frames and range of activities, summarized in **Annex I**.

8. Therefore, in pushing for implementation of the relevant provisions of the NAP and the UNGPs, the Royal Thai Government, together with partners, engages in critical advocacy, policy development, technical advisory support and capacity building activities.

9. At the national level, the National Human Rights Commission of Thailand, the United Nations Global Compact Network Thailand and the Securities and Exchange Commission of Thailand have worked closely with a number of businesses, academics, civil society and human rights defenders to address the involvement of businesses in adverse human rights impact in accordance with the ‘**Respect**’ and ‘**Remedy**’ pillars. For instance, with the close cooperation of private sector partners, the Ministry of Justice is now working on different projects, among them are establishment of a Business and Human Rights Academy and the development of a draft MOU between private companies on the non-application of SLAPP against human rights defenders.

10. At the international level, the Ministry of Justice has collaborated with the United Nations Development Programme Thailand (UNDP Thailand) to conduct studies on the protection of human rights defenders and Anti-SLAPP laws. This is important because the outcome of these studies will assist in raising awareness on the role of human rights defenders among different stakeholders, especially judges and prosecutors. It will also assist in developing much needed appropriate and feasible approaches on this issue in line with international standards.

***Q4 Please provide updated information on the current status of all law suits filed by Thammakaset against individuals and human rights defenders, including those***

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<sup>1</sup> See 3.3.3 Action Plan for Human Rights Defenders, the National Action Plan on Business and Human Rights (2019-2022) available at [http://www.rlpd.go.th/rlpdnew/images/rlpd\\_17/2562/Thailand\\_NAP\\_Eng\\_Full.pdf](http://www.rlpd.go.th/rlpdnew/images/rlpd_17/2562/Thailand_NAP_Eng_Full.pdf)

*cases which were raised with your Excellency's Government in this and in previous communications related to Thammakaset.*

11. The status of the cases concerning Thammakaset is summarized in the Annex II.

***Q5 Please provide detailed information on how courts so far applied the anti-SLAPP provision' under Section 161/1 of the Criminal Procedure Code, which was passed by the National Legislative Assembly (NLA) on 4 December 2018. In particular, please provide information about the number of cases where this provision has been used by courts to dismiss defamation law suits and in turn to protect human rights defenders.***

12. Statistical data on the application of the Sections of the Criminal Procedure Code are not yet available. However, besides the said Section 161/1, Section 329 of the Criminal Code B.E. 2499 (1956)<sup>2</sup> provides legal protection from defamation for those who, in good faith, express any opinion or statement by way of defense of a legitimate interest, or by way of making a fair comment on any person or thing subjected to public criticism. Section 329 has often been applied in relation to those who make statements on matters of public interest, especially journalists and human rights defenders against claims brought against them if they are able to show they have engaged in responsible journalism serving the public interest.

13. For instance, on 8 June 2020, the Criminal Court in Bangkok ruled that the information [REDACTED] gave in the interviews against Thammakaset was true and provided in good faith for the protection of a legitimate interest in accordance with Article 329 (1) of the Criminal Code. The Court therefore found [REDACTED] not guilty of defamation and dismissed a lawsuit against him. At the same time, in relation to [REDACTED] who had shared a link of [REDACTED] interview on her Twitter posts, the Court applied Section 329 (3) and ruled that her Twitter posts represented fair comments on the issues that were a subject of public criticism.

***Q6 Please provide information whether any steps have been taken to train judges and prosecutors about international standards concerning human rights defenders and whether they have been made aware of legislative intent behind anti-SLAPP provisions of the Criminal Procedure Code.***

14. Thailand recognizes that judges and prosecutors have an important oversight authority and role in promoting expertise and cultivating the correct understanding and appreciation of the international standards concerning human rights defenders and the commitment to promoting and protecting human rights to other law enforcement officers in different areas. Therefore, human rights are well integrated in the training modules of judges and prosecutors to ensure that they are aware and able to refer to relevant legal provisions, including anti-SLAPP provisions.

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## **2 Criminal Code B.E. 2499 (1956)**

**Section 329** Whoever, in good faith, expresses any opinion or statement:

- (1) By way of self-justification or defense, or for the protection of a legitimate interest;
- (2) In the status of being an official in the exercise of his functions;
- (3) By way of fair comment on any person or thing subjected to public criticism; or
- (4) By way of fair report of the open proceeding of any court or meeting,

shall not be guilty of defamation.

***Q7 Please outline any special measures that your Excellency's Government is considering to take to protect women human rights defenders, as they face additional risks and threat, as apparent even in the context of SLAPP cases filed by Thammakaset.***

15. The Royal Thai Government recognizes the valuable contribution of human rights defenders to the promotion, respect and protection of human rights and fundamental freedoms. The Government is fully aware of its duty to ensure that both men and women human rights defenders are not being targeted for intimidation. The training modules mentioned above in no. 14 address the gender dimension of human rights promotion and protection.

***Q8 Please provide information whether the Government has conducted, or is considering to conduct, any independent assessment of the effectiveness of the measures envisaged under the NAP to protect human rights defenders.***

16. The Sub-committee on the implementation of the NAP, composed of 42 members from the public and private sectors and experts<sup>3</sup>, is in charge of overseeing the implementation of the NAP; monitoring its challenges, obstacles and progress; and preparing the draft NAP for consecutive terms. Furthermore, the Ministry of Justice has convened inter-agency meetings with the responsible agencies and other stakeholders in order to follow up on progress in implementation and to revise activities indicated in the Action Plan as necessary.

***Q9 Please outline any additional steps your Excellency's Government is considering to take, as part of its duty to protect human rights and to ensure access to effective remedy, to set out clearly the expectation that all business enterprises respect human rights throughout their operations, including by conducting human rights due diligence and providing remediation in line with the UN Guiding Principles on Business and Human rights.***

17. Businesses in Thailand have a strong background in human rights and sustainability due diligence. They represent the largest number of companies in Asia that produce sustainability reports and participate in global sustainability benchmarks, i.e. the Dow Jones Sustainability Indices (DJSI), which promote human

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<sup>3</sup> The Sub-committee consists of representatives from Ministry of Defence; Ministry of Finance; Ministry of Foreign Affairs; Ministry of Tourism and Sports; Ministry of Social Development and Human Security; Ministry of Agriculture and Cooperatives; Ministry of Transport; Ministry of Digital Economy and Society; Ministry of Natural Resources and Environment; Ministry of Energy; Ministry of Commerce; Ministry of Interior; Ministry of Labour; Ministry of Education; Ministry of Public Health; Ministry of Industry, Securities and Exchange Commission; Eastern Economic Corridor Policy Committee; State Enterprise Policy Office; Board of Investment Office; Royal Thai Police Headquarters; Court of Justice; Office of Small and Medium Enterprises Promotion; Office of the National Economic and Social Development Council; Office of the Attorney General; National Human Rights Commission of Thailand; Neighbouring Countries Economic Development Cooperation Agency; Bank of Thailand; Export-Import Bank of Thailand; Stock Exchange of Thailand; Federation of Thai Industries; Global Compact Network Thailand; Thai Bankers' Association; Thai Listed Companies Association; Association of Thai Small and Medium Entrepreneurs; Joint Standing Committee on Commerce, Industry and Banking; Chamber of Commerce and Board of Trade of Thailand; Dr. Seree Nonthasoot; Head of International Human Rights Division of the Ministry of Justice and Rights and Liberties Protection Department Officer.

rights due diligence and remediation of human rights harm by business, as they form an important part of the reports and benchmarks.

18. Regarding remediation and access to remedy, the NAP aims to resolve the disputes before they escalate, in other words before the court process, by establishing different mechanisms that provide appropriate assistance for the victims as well as alternative dispute resolutions (ADR). At the same time, victims' access to justice is not excluded.

19. During the judicial process, victims are protected from harassment and any form of violence. They are also assisted in receiving remedies in accordance with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

20. In addition, human rights defenders can also apply for legal aid provided by different institutions such as the Justice Fund and Centre of Justice for Happiness (Yuthitham Srang Sook Centre) under the Ministry of Justice. This guarantees equal access to justice for all, especially people in vulnerable situations or who do not have sufficient financial means.

21. With regard to advocacy, since 2019, the Ministry of Justice has launched, the annual Human Rights Award for model organizations with best practices in the implementation of UNGPs, in particular human rights due diligence. The applicant companies must possess an effective remediation mechanism for business-related human rights violations.

22. In conclusion, Thailand is committed to implementing concrete measures to address adverse business-related human rights impacts on human rights defenders in accordance with its obligations under international law. To that end, we will continue to push for consultation and dialogue among the interested parties.

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## Annex I

**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	Becoming a party to international human rights treaties and cooperation with various human rights mechanisms	Clearly make a definition of “human rights defenders” by Studying international standards	Ministry of Justice	2019-2022	Meeting to discuss with related agencies a clear definition of human rights defender	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11 and 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
		Expedite ratification to relevant conventions such as the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	Ministry of Justice	2019-2022	Becoming a party of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11, 16 and 17</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
		Promote creative cooperation with United Nations human rights mechanisms and regional human rights mechanisms	Every agency	2019-2022	An official visit to Thailand or a technical visit of the special procedures of the United Nations Human Rights Council	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11, 16 and 17</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
2	Amendments to laws, regulations, policies and related measures	Push for review, amendment and abolition of laws, as well as relevant mechanisms to facilitate the protection of human rights defenders, such as witness	Ministry of Justice	2019-2022	Reviewed policies, laws and related mechanisms to facilitate the protection of human rights defenders	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
		Study the guidelines for development of laws, regulations or measures to prevent Strategic Litigation Against Public Participation (SLAPP)	Ministry of Justice	2019-2022	Studied development of guidelines for laws, regulations, or measures to prevent strategic litigation against public participation	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>

No.	Issues	Activities	Responsible agencies	Time-frame (2019-2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
3	Protecting human rights defenders	Establish or review policies, mechanisms and protection rights defenders including female human rights defenders to work safely and train law enforcement agencies practically	<ul style="list-style-type: none"> <li>- Ministry of Justice</li> <li>- Royal Thai Police</li> <li>- Office of the Attorney General</li> </ul>	2019-2022	Reviewed or improvement of policies, mechanisms and protection measures to protect human right defenders including females to work safely -train law enforcement agencies about policy, mechanisms, processes and measures to protect human rights defenders	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 5 and 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
		Include the issue of protection of human right defenders in the 4th National Human Rights Plan	Ministry of Justice	2019	The issue of human rights defenders being put into the 4th National Human Rights Plan	<ul style="list-style-type: none"> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
		Organize discussions with human rights defenders by working creatively to prevent, alleviate and remedy adverse effects on human rights	<ul style="list-style-type: none"> <li>- Ministry of Foreign Affairs</li> <li>- Ministry of Defence</li> <li>- Ministry of Justice</li> <li>- Other related agencies</li> </ul>	2019-2022	Periodic consultation with human rights defenders	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11 and 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
4	Enhancing knowledge And understanding	Study and exchange good practices of measures to promote freedom of speech which can be adapted to use in the Thai context	<ul style="list-style-type: none"> <li>- Ministry of Foreign Affairs</li> <li>- Ministry of Justice</li> </ul>	2019-2022	Reviewed and exchanged good practice guidelines to promote freedom of speech of various countries and international organizations	<ul style="list-style-type: none"> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11, 16 and 17</li> <li>- UNGPs Articles 1, 3, 5, 7, 8 and 10</li> </ul>

No.	Issues	Activities	Responsible agencies	Time-frame (2019-2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		<p>Organize training for law enforcement officers to enhance their knowledge and understanding in enforcing laws on the protection of human rights, such as handling rallies, expressing human rights, preventing dishonest lawsuits that attack human rights defenders, etc., including improving gender sensitivity</p>	<ul style="list-style-type: none"> <li>- Royal Thai Police</li> <li>- Office of the Attorney General</li> <li>- Office of Court of Justice</li> <li>- Ministry of Defence</li> <li>- Ministry of Justice</li> <li>- Ministry of Foreign Affairs</li> </ul>	2019-2022	<p>Trained law enforcement officers with better knowledge and understanding of law enforcement regarding the protection of human rights</p>	<p><b>National Strategy for Public Sector Rebalancing and Development</b></p> <ul style="list-style-type: none"> <li>- SDG 11, 16 and 17</li> <li>- UNGPs Articles 1, 3, 5, 7, 8 and 10</li> </ul>
		<p>Organize activities to enhance community potential and human rights defenders in the community</p>	<ul style="list-style-type: none"> <li>- Ministry of Interior (Department of Provincial Administration)</li> <li>- Ministry of Justice</li> </ul>	2019-2022	<ul style="list-style-type: none"> <li>- Target people are knowledgeable and understanding, able to protect themselves and not victims of human rights violations in the 76 provinces and in 878 districts</li> <li>- Provided knowledge and practical guidelines regarding human rights to the Deputy District Chief and administrative staff</li> <li>- Surveillance and suppression of risk areas in the 76 provinces of not less than once a month, and in the 878 districts, not less than 2 times a month</li> </ul>	<ul style="list-style-type: none"> <li>- National Strategy for National Security</li> <li>- National Strategy for Human Capital Development and Strengthening</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11 and 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>

No.	Issues	Activities	Responsible agencies	Time-frame (2019-2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
		Organize training and enhance potential development for lawyers as well as providing a list of lawyers and legal advisors with expertise in defending human rights cases	- Ministry of Justice - Office of the Attorney General	2019-2022	- Activities and projects to train and develop capacity of human rights lawyers - A list of lawyers and legal counsel with expertise and understanding in defending human rights cases	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 1, 3, 5 and 7
		Providing correct education on human rights to the public, including on state services provided such as bail processes and law enforcement, etc.	- Ministry of Justice - Office of the Attorney General	2019-2022	Activities to educate the public on human rights, including on state services, bail processes, law enforcement etc.	- National Strategy for Human Capital Development and Strengthening - National Strategy for Public Sector Rebalancing and Development - SDG 11 and 16 - UNGPs Articles 1, 3, 5 and 7

## **Pillar 2: Responsibilities of the business sector in respecting human rights (Respect)**

For Pillar 2, "Expectations for state enterprises and the business sector" will be determined to guide them as the key to their operations. The expectations will be the starting point and state enterprises as well as businesses of all sizes are encouraged to use them as a guideline, which is an important factor to reduce the adverse human rights impact of business operations.

### **2.1 Compliance with laws, measures and principles of human rights relating to the protection of human rights defenders**

- State enterprises and the business sector must comply with the law, measures and principles of human rights relating to the protection of human rights defenders
- State enterprises and the business sector should provide channels which their personnel can access for disseminating knowledge and understanding about laws, measures and principles of human rights related to protection of human rights defenders.
- State enterprises and the business sector must cooperate with government agencies and international organizations to follow the monitoring and prosecution of human rights defenders.
- State enterprises and the business sector should understand the role of human rights defenders in their job to protect them and ensure that they will not be terminated or prosecuted just because of their work for protecting the human rights of others.

### **2.2 Enhancing knowledge and understanding about the work of human rights defenders**

- State enterprises and the business sector should study and understand the role of human rights defenders' work.
- State enterprises and the business sector must cooperate in participation with government agencies' activities organized to educate about the work of human rights defenders.
- State enterprises and the business sector should provide a forum to discuss with human rights defenders in order to create an understanding of working together.
- State enterprises and the business sector should disseminate and publicize the duty of human rights defenders to their staff and networks.

### **2.3 Establishing measures to protect human rights defenders**

- State enterprises and the business sector must provide an overview of the situation working with human rights defenders when requested by government agencies
- State enterprises and the business sector should participate with government agencies in implementing measures to protect human rights defenders and understanding the roles of human rights defenders.
- State enterprises and the business sector and civil society should collaborate constructively in the prevention, mitigation and remedy of adverse human rights impacts.
- State enterprises and the business sector should clearly assign personnel or agencies to correctly enhance knowledge and understanding to their staff regarding the work of human rights defenders to prevent misunderstandings and harassment between each other.

### **2.4 Complaint and remedy mechanism**

- State enterprises and the business sector should have a mechanism to consult with human rights defenders in order to deal with the violation of human rights.
- State enterprises and the business sector should provide clear channels and designated coordinators for complaints.
- State enterprises and the business sector should settle disputes with human rights defenders by fully negotiating and mediating disputes before bringing the case to justice which may involve coordination with relevant agencies in the area to help mediation to settle the disputes.
- State enterprises and the business sector should avoid litigation to prosecute human rights defenders simply because they are performing their duty to claim and protect the rights of others.

### **Pillar 3 Duties of state enterprises and the business sector (Remedy)**

Relevant government departments have jointly considered opinions and recommendations received from various sectors according to item 3.3.2 and set the duties of the State, state enterprises and business sector in remedying damage to persons affected or violated from business operations by connecting with the National Strategy, the SDGs and the UNGPs to provide guidelines for relevant agencies to understand and adhere to. This can be summarized as follows:

<b>No.</b>	<b>Issues</b>	<b>Activities</b>	<b>Responsible agencies</b>	<b>Time-frame (2019-2022)</b>	<b>Indicators (wide frame)</b>	<b>Compliance with National Strategy/SDGs/UNGPs</b>
1	Complaints/ petition for assistance	Establish a mechanism for petition and effective, appropriate and sufficient assistance to resolve violations of human rights that may arise from conducting business	<ul style="list-style-type: none"> <li>- Ministry of Justice</li> <li>- Ministry of the Interior</li> <li>- Ministry of Commerce</li> <li>- Ministry of Industry</li> </ul>	2019-2022	A mechanism for petition and effective appropriate and sufficient assistance to resolve violations of human rights that may arise from conducting business	<ul style="list-style-type: none"> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 16</li> <li>- UNGPs Articles 1, 3, 5 and 7</li> </ul>
2	Promotion of mediation systems	Promoting a mediation system at every level of the justice process, including the development of alternative dispute	<ul style="list-style-type: none"> <li>- Office of the Attorney General</li> <li>- Ministry of Justice</li> </ul>	2019-2022	Activities/projects/measures organized to promote mediation at every level of the justice process, including developed	<ul style="list-style-type: none"> <li>- National Strategy for Human Capital Development and Strengthening</li> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 11 and 16</li> </ul>

	resolution mechanisms	- Office of Court of Justice	Time-frame (2019-2022)	alternative dispute resolution mechanisms	- UNGPs Articles 1, 3, 5 and 7
<b>No.</b>	<b>Issues</b>	<b>Activities</b>	<b>Responsible agencies</b>	<b>Indicators (wide frame)</b>	<b>Compliance with National Strategy/SDGs/UNGPs</b>
3	The proceedings	Provide assistance to access to justice process for human rights defenders	- Office of the Attorney General - Ministry of Justice	Channels/mechanisms/measures in helping human rights defenders to access justice	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Enhance knowledge and skills for persons responsible for the law, regulation, and correct policy with justification for offenses outside the Kingdom	- Office of the Attorney General	Activities to enhance knowledge for the persons responsible for the law, regulation, and correct policy with justification for offenses outside the Kingdom	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Develop the capacity of witness protection officers by supporting resources, budgets, personnel and enhancing knowledge, expertise and skills in witness protection	- Ministry of Justice	Activity to continually enhance the potential of witness protection officers	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
4	Remedies	Remedies for victims as per the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power as appropriate and with gender sensitivity	- Ministry of Justice	Improved the system and measures to remedy victims as per the UN Declaration of Basic Principles of Justice as appropriate and with gender sensitivity	- National Strategy for Public Sector Rebalancing and Development - SDG 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31
		Coordination to help victims in terms of physical, mental, social and professional issues, etc.	- Ministry of Social Development and Human Security - Ministry of Justice	- Provided protection and taking care of victims of sexual discrimination and violence - Coordinated measures between various departments for the benefit	- National Strategy for Public Sector Rebalancing and Development - SDG 5,11 and 16 - UNGPs Articles 24, 25, 26, 27, 28, 29 and 31

No.	Issues	Activities	Responsible agencies	Time-frame (2019-2022)	Indicators (wide frame)	Compliance with National Strategy/SDGs/UNGPs
			<ul style="list-style-type: none"> <li>- Ministry of Public Health</li> <li>- Office of the Royal Thai Police</li> </ul>		physically, mentally, socially, professionally, etc.	
		Study and analyse the legal gap and obstacles to access justice for human rights defenders in order to improve reliable healing processes.	- Ministry of Justice	2019-2022	Legal gaps and obstacles to access justice for human rights defenders studied	<ul style="list-style-type: none"> <li>- National Strategy for Public Sector Rebalancing and Development</li> <li>- SDG 16</li> <li>- UNGPs Articles 24, 25, 26, 27, 28, 29 and 31</li> </ul>

## Annex II

Black Case No.	Red Case No.	Plaintiff	Defendant	Claim	Information/ Status of the case
<b>Criminal Cases</b>					
1133/62	2427/62	Thammakaset Co. Ltd	[REDACTED]	Defamation	<ul style="list-style-type: none"> <li>- The court of first instance dismissed the complaint.</li> <li>- The plaintiff appealed the case.</li> <li>- The court of appeal reaffirmed the judgement of the court of first instance.</li> </ul>
3011/61		Thammakaset Co. Ltd	[REDACTED]	Defamation	<ul style="list-style-type: none"> <li>- The defendants expressed opinion or statement in good faith.</li> <li>- The court of first instance dismissed the complaint.</li> </ul>
3054/61			[REDACTED]	Defamation by publication	This case was considered jointly with the black case no. 3011/61.
3644/59	120/63	Thammakaset Co. Ltd	[REDACTED]	Defamation, Computer-Related Crime Act	<ul style="list-style-type: none"> <li>- The court of first instance temporarily disposed of the case because the plaintiff did not translate the complaint into English.</li> <li>- The date of new preliminary hearing is scheduled for 30 April 2021.</li> </ul>
556/59	18/60	Thammakaset Co. Ltd	[REDACTED]	Defamation, Computer-Related Crime Act	<ul style="list-style-type: none"> <li>- The mediation failed.</li> </ul>
2492/62		Thammakaset Co. Ltd	[REDACTED]	Defamation by publication	<ul style="list-style-type: none"> <li>- The date of preliminary hearing is scheduled for February and March 2021.</li> <li>- The complaint for mediation was separated into the black case no. 444/62.</li> <li>- The mediation failed.</li> </ul>
740/63		Thammakaset Co. Ltd	[REDACTED]	Defamation by publication	<ul style="list-style-type: none"> <li>- The preliminary hearing was held on 14 September 2020.</li> <li>- The mediation was held on 5 August 2020.</li> </ul>
2876/62		Thammakaset Co. Ltd	[REDACTED]	Defamation by publication	<ul style="list-style-type: none"> <li>- The date of preliminary hearing is scheduled for November 2020 and January 2021.</li> </ul>

Black	Red	Plaintiff	Defendant	Claim	Information/ Status of the case
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Case No.	Case No.					
741/63	Thammakaset Co. Ltd			Defamation by publication		- The preliminary hearing was held on 14 September 2020. - The mediation was held on 5 August 2020.
739/63	Thammakaset Co. Ltd			Defamation by publication		- The preliminary hearing was held on 17 September 2020. - The mediation was held on 5 August 2020.
2045/60	Thammakaset Co. Ltd			Theft from employer or Receiving stolen property, Making away document of the other person in the manner likely to cause injury to another person or the public		- The court of first instance dismissed the complaint. - The plaintiff appealed the case. - The court of appeal reaffirmed the judgement of the court of first instance.
118/62	Thammakaset Co. Ltd			Defamation by publication		- The court of first instance sentenced the defendant to 2-year imprisonment for the reason that defendant shared information about the plaintiff on social media without checking accuracy of the information. - The court of appeal reversed the judgement of the court of first instance and dismissed the complaint. - The defendant, as a journalist and citizen, has the right to express any opinion or statement in good faith by way of fair comment on any person or thing subjected to public criticism. The defendant shall not be guilty of defamation according to section 329 (3).
2769/59	Thammakaset Co. Ltd			Offences against officials, Defamation		- The court of first instance dismissed the complaint. - The court of appeal reaffirmed judgement of the court of first instance.
<b>Civil cases</b>						
6237/61	Thammakaset Co. Ltd			Defamation, torture		- The court of first instance dismissed the complaint. - The complaint for mediation was separated into the black case no. 1596/61. - The case was withdrawn.

(as of 18 November 2020)