

## Appendix 3 :

### Comments from NGOs and experts in June 7th

#### **Mr Hironori Tsuboi, First Secretary, The Embassy of Japan in Thailand**

Mr Tsuboi stated that he was responsible for labour issues at the Embassy, and noted that questions of business and human rights had arisen in his work. Japanese companies had been requested to provide certificates that there was no child labour in their supply chains. Mr Tsuboi found that there was a department within the Thai Labour Ministry that actually did issue such certificates. In another example, Thai NGOs and labour unions had appealed to the Japanese OECD National Contact Point (NCP) regarding alleged violations of the OECD Multinational Guidelines. Mr Tsuboi stated that the cases that had been subject to appeal to the OECD NCP showed how important it was that businesses engaged in dialogue with stakeholders to advance common understanding of any issues.

Mr Tsuboi hoped that this SHE programme would lead to a more collaborative relationship between businesses and NGOs. He stated that, like Japan, labour relations in Thailand tended to be based on mutual trust and dialogue. He hoped that this programme would contribute to strengthening that sort of relationship.

#### **Imesh Pokharel, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights**

Mr Pokharel gave an outline of the UN Guiding Principles (UNGP), also known as the Ruggie Principles, and stressed that the UNGP were aimed at creating an environment in which business could thrive. The aim of the UNGP was to ensure that businesses could gain the trust of stakeholders across society through the adoption of a human rights policy, monitoring implementation of this policy and of the UNGP throughout their operations, and through conducting human rights due diligence in all their business activities.

Companies must also ensure that they are not complicit in human rights violations, through, for example, the activities of their business partners. It was vital that businesses conducted due diligence of their supply chain in this regard.

Mr Pokharel noted that there were human rights issues in Thailand that businesses needed to be particularly aware of, including the treatment of migrant labourers and the protection of human rights defenders. Consumers were more and more becoming cognizant of these

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## CAUX ROUND TABLE

issues in their purchasing decisions, electing to buy goods only from companies with good human rights records.

### **Mr Toshikuni Doi, Senior Advisor, Mekong Watch**

Mr Doi noted the three principles of the UNGP - protection, respect, and remedy – and noted that in many ways it was the last, remedy, that was both the most important. Some examples of grievance mechanisms included the formal justice system, appeals to national human rights institutions, and company procedures such as grievance hotlines. In many cases, it was the lack of speedy and meaningful response from the company that causes the case to drag on, leading to even more serious consequences. The case was then often reported on in the media, leading to damage to the brand image of the company.

The Japan Bank for International Cooperation (JBIC) has had an official appeals procedure since 2003, but it was not well known amongst stakeholders, and has only been used twice.

### **Ratjai Adjayutpokin and Naiyana Thanawattho, Save the Children**

Ms Adjayutpokin and Ms Thanawattho noted that though a law for child protection had been adopted in Thailand, it was not yet applied adequately, and problems remained in the protection of Thai children. For example, many Thai children were not issued birth certifies, despite having been born in the country.

There were several areas of concern for Save the Children in Thailand, including:

- Poor working conditions, including inadequate pay. This was particularly an issue with regard to the children of migrant labourers from Myanmar, Cambodia, and Laos.
- Child labour. Many children were unable to attend school and had no choice but to work. There were examples of children working on farms during harvest time being exposed to pesticides and other health risks. Children working as fishermen were at sea for months at a time, making it impossible to attend school. Other child labour issues included the shrimp peeling industry and the sex industry for foreign tourists.
- Environmental risks. There were increasing health risks caused by industrial waste and other problems related to factories.

### **Ms Sutharee Wannasiri, Thailand Human Rights Specialist, Fortify Rights**

Ms Wannasiri presented the case of Loei Province, where Tungkum, a subsidiary of the Australian-owned Tongkah Harbour company, had been involved in gold and copper mining

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## CAUX ROUND TABLE

since 2006. The mining had caused environmental destruction in the area, and the local residents suffered from numerous health problems, including a high level of lead, mercury, and cyanide poisoning in their bodies. In 2012 the protective barrier separating the mine from a nearby water source collapsed, resulting in contamination of the water. Residents brought civil and criminal lawsuits against the company, and were subsequently attacked by armed militia hired by the company, with numerous residents suffering injuries as a result.

Fortify Rights are calling for re-investigation into the violent incidents caused by armed militia and the prosecution of those responsible; the protection of the rights of freedom of expression and assembly of the residents; and immediate and meaningful addressing of the health and environmental concerns of the residents.

### **Ms Ekin Ober, Cross Cultural Foundation**

Ms Ober presented the issue of migrant labour, and the lack of protection of their rights, in particular their labour rights. Many migrant labourers were subject to pay lower than the legal minimum wage; physical abuse; confiscation of their documents (e.g. passports); denial of access to health care; forced labour; and human trafficking.

Ms Ober presented the case of Natural Fruit, where Burmese labourers were subject to discrimination and low pay. After Andy Hall, a human rights activist, brought the case to the attention of the international community, he was subject to numerous civil and criminal cases brought by the company. This case highlighted the need for protection of human rights defenders in Thailand.