

Open Letter to Thai Prime Minister
On
“Key concerns over the rule of law, human rights as Thailand seeks to join OECD”

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Key concerns over the rule of law, human rights as Thailand seeks to join OECD

Mr. Prime Minister,

We are writing to you to express our concerns regarding the situation of the rule of law, human rights, including labor rights, and environmental rights in Thailand, as the government announced it would submit the Initial Memorandum as part of the country’s accession to the Organization for Economic Co-operation and Development (OECD) today.

The OECD Council has established a [Roadmap for the OECD Accession Process of Thailand](#) that sets out the terms, conditions and process for Thailand’s accession. Our assessment is that Thailand is presently far from achieving these terms. The Roadmap emphasizes the OECD’s focus on ensuring Thailand demonstrate adherence to the OECD’s core values, which include “democracy, the rule of law and the defense of human rights,” as well as “sustainable economic growth and employment, while protecting our planet.” Through technical reviews, OECD committees will evaluate Thailand’s tangible actions to ensure effective protection of the environment and biodiversity, achieve the objectives of the Paris Agreement on climate change, promote responsible business conduct, preserve human rights including of Indigenous Peoples and environmental defenders among other marginalized groups, and improve and strengthen regulatory policy and governance at all levels of government to promote regulations that respond to economic, social, and environmental challenges.

The governance concerns we raise below illustrate Thailand’s current failure to espouse the OECD’s values and meet its conditions for membership. To demonstrate like-mindedness with other OECD member states and adherence to the OECD’s standards, Thailand must resolve the matters presented below in fulfilment of its terms of accession.

Inadequate environment, land, and natural resource governance

Thailand's environmental governance challenges remain deeply structural, with widespread reports of land appropriation, resource extraction, and industrial expansion occurring under legal and policy frameworks that fail to protect community rights or safeguard ecological integrity.

Communities affected by mining, fossil-fuel projects, industrial agriculture, and Special Economic Zones (SEZs), report persistent violations rooted in outdated legislation—including decrees issued by the military junta that seized power in the May 2014 *coup d'état*, the 20-Year National Strategy, the current Minerals Act, and forest and land laws that enable forced evictions, criminalization, and the issuance of unlawful land documents.

The Environmental Impact Assessment (EIA) system is widely regarded as non-independent and ineffective, with manipulated public hearings, intimidation by private security forces, lack of transparency, and non-disclosure of raw environmental data. These weaknesses allow high-risk projects to be approved in sensitive areas, such as limestone karsts, watersheds, indigenous territories, and biodiversity hotspots. The absence of a legally binding Pollutant Release and Transfer Register (PRTR/TPTR) framework further prevents communities from accessing crucial information about toxic emissions, air pollution, and hazardous waste.

Addressing these systemic failures requires urgent legal reform. Thailand must overhaul the EIA/EHIA system to ensure independence, scientific integrity, and full data transparency; amend the Minerals Act to strengthen environmental protection, community oversight, and free, prior, and informed consent (FPIC); adopt a PRTR/TPTR law to guarantee public access to pollution information; and embed the Polluter Pays Principle and community-driven environmental rehabilitation mechanisms into national law.

Insufficient labor protections

Thailand continues to face acute and entrenched labor rights challenges that expose deep structural gaps in legal protection, enforcement, and corporate accountability.

For decades, trade unions in Thailand have been calling on successive governments to ratify key International Labor Organization (ILO) Core Conventions, particularly Conventions 87 and 98. Along the same lines, significant reforms are needed in crucial domestic labor laws, in particular the Labor Relations Act and the Labor Protection Act.

Labor rights violations are particularly acute in SEZs and in agriculture, seafood processing, mining, and manufacturing, where workers, including women, continue to experience widespread wage theft, unpaid overtime, forced labor conditions, discrimination, and arbitrary or retaliatory dismissal when raising concerns. Women workers face additional risks, including gender-based discrimination, unsafe working conditions, and barriers to reporting abuse.

Thai workers and unions remain subject to routine harassment, and labor court decisions favoring workers and unions can be ignored with impunity by domestic and international companies. Labor inspectors lack resources, independence, and capacity to monitor supply chains effectively, while labor court decisions favorable to workers are often ignored or delayed without consequence. Major cases of wage theft and mass termination—involving both domestic factories and multinational supply chains—have demonstrated the absence of binding obligations on lead firms, creating a climate where corporate actors can evade accountability for abuses occurring deep within value chains.

Migrant workers, who form a significant proportion of Thailand’s most vulnerable workforce and are often employed in dangerous occupations in Thailand, are openly denied freedom of association and, in many cases, the minimum protections under Thai domestic labor laws. They remain legally barred from forming or leading trade unions and are frequently subjected to excessive recruitment fees, debt bondage, document confiscation, and restrictions on mobility that undermine their ability to seek remedy. The registration and work permit system remains bureaucratic, costly, and inaccessible, increasing workers’ dependence on employers or brokers and exposing them to exploitation.

Thailand should enact a legal framework around worker rights and freedom of association that is reflective of international standards and provide a reporting mechanism to publicize and seek resolution to worker rights abuses within supply chains across a multitude of industries.

These systemic deficiencies highlight the urgent need for Thailand to modernize its labor legislation, ratify ILO Conventions 87 and 98, enforce employer-paid recruitment, ensure year-round migrant registration and access to social protection, establish a living-wage standard, and adopt a mandatory and enforceable Human Rights and Environmental Due Diligence (HREDD) law to ensure that both domestic and multinational companies bear full responsibility for preventing, mitigating, and remedying labor rights violations across their entire supply chains.

Negative transboundary impacts, overseas investments, and extraterritorial liability

Thailand’s cross-border investments and regional economic activities continue to generate significant environmental and human rights impacts in neighboring countries and within Thai

border communities, revealing substantial gaps in oversight, transparency, and extraterritorial accountability.

Hydropower projects on the Salween and Mekong rivers, supported by Thai corporations and financial institutions, have resulted in altered river flows, ecosystem degradation, loss of fisheries, and destruction of cultural and livelihood systems—yet affected Thai communities have received no information and have not been involved in any consultation or participation in decision-making. Rare-earth extraction and processing in Myanmar have created toxic runoff and chemical pollution that flow directly into Thailand’s river basins, affecting water sources, agricultural land, and public health in northern provinces. Despite the magnitude of these impacts, Thailand lacks any binding legal framework requiring companies or financiers to conduct human rights and environmental due diligence abroad, to disclose supply-chain risks, or to provide remedies for affected foreign communities. There is no system for independent transboundary EIA, no legal mechanism to trigger cross-border accountability, and no extraterritorial liability law to hold corporations accountable for harms occurring outside Thailand’s borders.

To address this, Thailand must urgently adopt a mandatory HREDD law covering domestic and overseas operations; establish legally binding frameworks for transboundary EIA; implement rigorous supply-chain traceability for high-risk sectors, such as mining, hydropower, and agribusiness; impose clear obligations on Thai financial institutions to assess and disclose cross-border environmental and social risks; and enact an Extraterritorial Liability Law to ensure that Thai corporations, investors, and state-linked financial actors can be held accountable for human rights and environmental harms occurring beyond national borders.

Repressive legal provisions used against civil society, political office holders

Several laws, such as Articles 112 (*lèse-majesté* or royal defamation) and 116 (sedition) of Thailand’s Criminal Code and the Computer Crimes Act, are inconsistent with international human rights law. For many years, these laws have been frequently used to repress civil society and individuals and infringe on the right to freedom of opinion and expression.

For example, over the past five years, over 285 individuals, including human rights defenders, have been charged under Article 112 and over 180 of them have been sentenced to prison terms of up to 54 years. Thirty individuals are currently incarcerated pending trial or appeal or serving prison sentences under such charges. In recent years, United Nations (UN) human rights monitoring mechanisms have repeatedly declared that Article 112 is inconsistent with international law and called for its amendment or repeal.

The weaponization of Article 112 by Thailand's judiciary has also resulted in the dissolution by the Constitutional Court of the main opposition Move Forward Party (MFP), which won the largest number of votes (14.4 million) and parliamentary seats (151) in the May 2023 general election, and a ban on holding political office for 10 years for the MFP's leader and executive members. At least 44 former members of Parliament from the MFP who sponsored a bill to amend Article 112 now face the risk of a lifetime ban on holding any political office.

SLAPPs used to silence, harass human rights defenders

Other defamation provisions in the Criminal Code (Articles 326 and 328) have been often used by state and non-state actors to pursue Strategic Lawsuits Against Public Participation (SLAPPs) to intimidate, silence, and harass human rights defenders, particularly those working on environmental, land, and community rights issues, journalists, and anti-corruption activists in reprisal for their legitimate and peaceful expression.

Communities resisting harmful development projects have frequently reported SLAPP lawsuits filed by corporations and state actors, using criminal defamation, civil claims seeking exorbitant damages, and jurisdictional manipulation to drain financial resources and silence public participation.

In addition, human rights defenders and community leaders have documented intimidation at their homes, surveillance, disruptions to phone and network signals near industrial sites, and the presence of unidentified security personnel during public hearings and EIA processes. Women human rights defenders, elderly activists, and local leaders face gendered and age-specific risks that remain unacknowledged in existing legal protections. Police have routinely refused to record complaints or investigate threats, and courts have often accepted cases that lack territorial jurisdiction or genuine legal merit, reinforcing a climate of fear.

These patterns highlight the urgency of structural reform. Thailand must adopt a robust Human Rights Defender Protection Act; repeal criminal defamation; implement early-dismissal procedures and sanctions for bad-faith SLAPP cases; establish an independent emergency fund for human rights defenders; and create specialized environmental courts capable of handling complex public-interest litigation with technical expertise. Mandatory Human Rights and Environmental Due Diligence (HREDD) legislation is essential—not only to prevent abuses by corporations and supply-chain actors, but also to reduce the structural conditions that make human rights defenders vulnerable to retaliation.

We urge you to consider addressing the above-referenced issues as a matter of priority to ensure Thailand's smooth OECD accession process and compliance with the OECD's standards

on sustainable investment, responsible business conduct, democracy, rule of law, and good governance.

Thank you for your attention to this important matter.

Sincerely yours,

Community and Civil Society Coalition for Business and Human Rights Watch Network (CCBHR)

Community Resource Centre (CRC)

Extra-Territorial Obligations Watch Coalition (ETOs Watch Coalition)

International Federation for Human Rights (FIDH)

OECD Watch

Rivers and Rights (R&R)

Solidarity Center Thailand

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