

## **Summary report on the Situation of Human Rights in 2016 From the Participatory Seminar of NHRC and People in the North-Eastern Region (28<sup>th</sup> -30<sup>th</sup> March 2016) and in the Northern Region (25<sup>th</sup> -27<sup>th</sup> May 2016)**

The National Human Rights Commission of Thailand (NHRC) has organized the participatory seminar of NHRC and people in the North-Eastern region in Khon Kaen on 28<sup>th</sup> -30<sup>th</sup> March B.E. 2016 and in the Northern region in Chiang Mai on 25<sup>th</sup> -27<sup>th</sup> May B.E.2016.

The objectives are:

(1) To strengthen knowledge and understanding of the roles of the NHRC and the NHRC staff, as well as introducing the third batch of commissioners to the network.

(2) To get information on human rights situation which reflected from people and the network in the area. The information and suggestions from the public arena will be used for the preparation of reports assessing the human rights situation in the country, as well as discuss the ways and measures to solve problems on human rights violation,

(3) To cooperate with human rights networks on the promotion and protection of human rights, along with the establishment of the education and coordination of human rights Center and a mechanism for collaboration between NHRC, Civil society and education institute networks.

The situation of human rights in 2016 were summarized and gathered comments from 300 people of the forum in the Northeastern region and 450 people in the North region. They have reflected the need of human rights mechanisms and asked NHRC to solve the problems which were classified in each region.

The situation of human rights in the Northeastern region, there are 6 issues as follows:

### **Forest and Land Resource**

According to legislation, orders and Development Policy of the state such as the National Council for peace and Order no.64/2557 and 66/2557, the

Master Plan for the Protection of Forest Resources, the declaration of the national park area and the declaration of the forest reserves zone which have been operated all over the country.. As a result, people in the Northeast have experienced the problems in land rights such as the forced and eviction of housing, the arable land and forest encroachment, which are criminalization.

### **Issues of Water Resources, Dam Construction and Fishery.**

As a result of the Water Management project along the Khong, Chee and Mool river, which was operated since B.E. 2532, could not provide water as targeted by the government. It effected the water allocation to agriculture in public areas. The effects due to the governmental project, such as changing water level which is not natural, the distribution of saline soil and the imbalance of forest ecosystem..etc.

**Energy and Mining:** most of the development of projects in energy and mining had been operated without the participation process, the preparation of the environmental impact report on social and health care and the process of the community participation. So there is the objection of building a coal plant, potash mining and petroleum drilling projects because local people are concerned about the impacts that will occur, especially pollution and chemicals that affect health and the environment in the long term.

### **The Special Economic Zone Development Project, a Large-Scale Industrial and Urban Planning:**

The state determined the area of Nong Khai, Mukdahan and Nakhon Phanom are the special economic zone in the North-East. As a result, the villagers in the area faced the problem of rights in arable land due to expropriation and forced to leave the area with the creation of large projects such as power plants, airports, warehouses and industrial park to support the development of special economic zones.

The Villagers worry that the special economic zone project will effect both the arable environmental living conditions and lifestyle changes.

### **Civil Rights /Political Rights/ Rights of Various Groups** (children, women, labor) **and Trafficking Cases:**

Due to the state policy, the establishment of a special economic development zone may result in the expansion of the big city. The shift labor from rural to urban society will affect the management and relationships within the family which is the basic unit of society. As a result, the populations are at risk for human rights violations such as children, women, the elderly, disabled, Thai workers and migrant workers. They will face with threats, such as drugs, violence or sexual abuse and exploitation, as well as the access to basic utilities and problems of migrant workers etc.

### **The Rights of Farmers:**

The social context that is likely to change from agricultural society to industrial society. It makes the farmers' network worried about the lack of mechanisms to ensure the legal protection of the rights of farmers. They concern that the future generations will work in the industrial sector instead of agriculture. They also concerned about the problems for natural resources between agricultural and industrial sectors, the problem of being monopolized by the capitalist in production and marketing, including the contaminated chemicals into the natural resources.

Situation of human rights in Northern regions has been divided into 7 issues as follows:

**Civil Rights:** a fight between villagers (human rights defender) and capitalist on each issues, as a result of threats, intimidation in various forms, such as interfering with housing, assault and prosecuted case etc, which are all affect the right to life and the rights of the community. While the existing mechanisms of human rights protection and promotion are limitations to the operational capabilities, coverage, access and effectiveness such as the fair Fund, the Federation of lawyers, the Administrative Court and the NHRCT.

**Child Rights and Rights to Education:** having a variety of problems and it needs to be resolved appropriately such as premature pregnancy

(young mother), Vices, drugs, violence in the family, the condition of life in society for the vulnerable children, the undesirable behavior of children, the unsuitable media for young children, the sensitivity of stateless children, migrants and the sexual diversity of children

For present educational situation, there are the lack of quality schools in the community, lack of a budget for education of the community, school dropouts and inequality of education between city and rural areas, etc.

**Economic, Social and Cultural Rights:** There are different problems on Thai workers and migrant workers. For Thai workers, we found that when the companies were closed, the rights of workers including various remedies are ignored. The workers do not receive training on labour law, failure to consider the minimum wage and lack to comply with the laws and practices regarding the employment of people with disability as stated in the Act to Promote and Improve the Quality of Life for People with Disabilities 2550 (2007) While the migrant workers still face the safety issues in the workplace, lack of interpretation in the government offices and the problem of non-compliance with the labour law of the employer.

There are also limits to the rights due to the pink card holder (tor ror 34) using as a passport (e.g. the restriction of the right to travel outside the area and not allow for driving license of cars and motorcycle). In addition, the workers who work at home, such as farming, fishing, and recipient of the work to do at home, also need to have the right of social welfare in the social security fund, as well as other workers.

There are the proposals on the State policy in the payment of pension to the elderly which are not consistent with economic conditions and not enough for living.

There are also issues on the announcement of special economic zones which are lack of public participation in the operation concerned, the race for work between Thai and migrant workers and the receiving of compensation from the land is unfair and unreasonable, etc.

**Community Rights:** the land resources and forests issues are similar to those found in the Northeast, they are affected by the legislation as well

as various development plan of the state which affected arable land rights.

Moreover, people are affected by dams and reservoirs, on the environment, the way of life in the community, and there are people who have not received compensation from the creation of a reservoir in some areas.

The issue of the personal status, ethnic group, and **indigenous peoples**: the human rights situation is quite obvious, due to the fact that the northern area has a diversity of ethnic groups. The ethnic groups have faced problems in various dimensions such as: problems of proving the citizenship, the right to education of stateless children, the right to travel outside the area of the stateless people, the rights to work of the people without registrative status, the right to obtain the basic services of the state, the lack of rights protection from the state and the problem of recognition of the identity of indigenous peoples.

**The Rights of Women and Transgender:** These are their problem

- (1) The structural problems, lack of knowledge and understanding the variety of Gender, Sexuality, Express, and Sexual Identities.
- (2) Legal structural problems. The current law provides protection to individuals on the basis of gender (Sex) but does not cover the transgender group
- (3) Social structural problems. On the value of a man or a patriarchy lead to behaviors that create injustice and discrimination. Both in work and daily life.

There was also a violation of human rights or sexual harassment in areas with limited or controlled (such as correctional facilities and prisons) and finally get sexually transmitted infection. In most of the women, it was found to have severe problems, especially among women in rural areas, where the risk of abuse and sexual violence arising from cultural traditions, such as the tradition of forcing woman to marry in Hmong's tradition, moreover the problem has been caused by the violation of the journalist, especially the photos of the sex workers who were presented in the news without their permission.

**The Right to Justice:** The labor rights is not protected by law. The right to receive by law is not practical on wages, welfare and working time. The announcement of the national peace keeping order No.115 /2557 which changes the recipient rhetoric investigation from the governor to the police officer as commander investigators, there are both parties to agree and disagree.

The problem of land disputes between villagers living in the area prior to the capitalist who have documented the inquiry that the land is not belong to the villagers. There are also the problem on the right to have a lawyer and the rights of prisoners.

In addition, the NHRC commissioners, the management and officers have learned the activity of self-management community, taking Care of Natural Resource as well as the promotion and protection of human rights in different ways, such as :

- Doi Inthanon Local Resource Management Learning Centers in Chiang Mai is a model of successful management of sharing resources between government officials and residents in the area by the "local ordinances." NHRC can apply a resource management by using Human Rights-based Approach to investigate and resolve complaints in other areas, including the application of resource management of Doi Inthanon to the recommendations of NHRC since November 2558.

NHRC received complaints about community rights and resource management in several areas, e.g. building storage gas in wetlands, Samut Songkhram province, so NHRC thought that it was important for the community to work together on the resource management in the area in order to promote and protect human rights in the long term. They should work through the mechanism of participation from both the public sector and civil society which will be sustainable management rather than working on case by case. NHRC may propose the policy suggestion to the government to issue a ministerial regulation or act for certification and protection of communities who are ready to manage resources in accordance with the Constitution of the Kingdom of Thailand B.E.2540 and 2550 which community rights has been placed in article 66 and 67, including in the National Human Rights Plans, vol. 3 (B.E.2557 – 2561) that the authorized agencies will need to take part in participatory resource management. NHRC, as Part of the Committee to coordinate the cooperation in the promotion and protection of the rights of the people, may ask other agencies to carry out the National

Human Rights Plans and bring together the resources management model of Doi Inthanon should be a model to resolve the conflict in various areas across the country, which will be the effective and sustainable solution

