

Summary report on the Situation of Human Rights in 2016
From the participatory seminar of NHRC and people in the Northern Region
In Chiang Mai on 25th - 27th May 2016.

The national human rights Commission (NHRC) has organized the participatory seminar of NHRC and people in the Northern Region in Chiang Mai on 25 – May 27 to 2016. The objectives are

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

(2) To get information on human rights situation which reflected from people and NHRC 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 the participants of the forum in the North, 450 people have reflected and looked forward to the human rights mechanisms and NHRC to solve the problem which were classified in 7 issues as follows:

Civil Rights: a fight between the villagers (human rights defenders) and the investors in many issues that resulted in harassment, intimidation in various forms, such as interfering with housing, mayhem and litigation..etc. which are affecting the right to life and the protection of the community rights. While the mechanism for the promotion and protection of human rights are available, such as fair fund, the Council of lawyers, the administrative court and NHRC, but there are limitations to both operational capabilities, coverage, access, and effective mechanisms.

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 children

The existing educational situation are the lack of quality schools in the community, lack of a budget for education of the community, school dropouts and inequality of quality 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 company 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 (for 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. The proposals of the State policy on the payment of pension to the elderly 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 issues: 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 registration 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.

Women's Rights and Transgender: The problems are:

(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 are also violations 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 taking a 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 are 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(2014) which changes the recipient rhetoric investigation (in the case with orders not to charge and command that is not an order of the attorney general) 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 concrete ways of self-management community, taking Care of Resource Base 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 expand to resolve complaints in other areas. , including the application of resource management of Doi Inthanon to the recommendations of NHRC since November 2015.

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.
