

**SUMMARY REPORT
REGIONAL EXPOSITION WITH OUTREACH ACTIVITIES
AND MEETING OF NHRCT AND PEOPLE**

CENTRAL, EASTERN AND WESTERN REGIONS

27th-29th JULY 2016

**Five Learning Areas and the Imperial Hotel,
Pattaya Municipality, Chonburi Province, Thailand**



**Compiled and summarized by
Working Group for the Development of Human Rights Situation
Monitoring and Assessment System
Research and Technical Support Bureau
Office of the National Human Rights Commission of Thailand**

16th August 2016

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BACKGROUND

The National Human Rights Commission of Thailand (NHRCT) is an organization created by Constitution of the Kingdom of Thailand, B.E. 2540 (1997) and Constitution of the Kingdom of Thailand, B.E. 2550 (2007) with authorities and responsibilities according to the National Human Rights Commission Act, B.E. 2542 (1999) to protect and promote human rights in Thai society. The implementation of these mandates would be more effectively achieved with cooperation from all sectors in the society. Section 15 of the Act authorizes the NHRCT to promote respect of, and practice according to, human rights principles at both national and international levels, to investigate and report the commission or omission of actions causing human rights violation or incompliance with international obligations on human rights in which Thailand is a state party. This Section also mandates the NHRCT to promote cooperation and coordination among human rights-responsive entities covering government agencies, non-governmental organizations and other organizations, through various means and efforts as the researches and studies undertaking, human rights education with building of knowledge and understandings, human rights monitoring and assessment, and proposal of appropriate corrective measures for persons or agencies with commission or omission of acts as mentioned above to implement, and in case that proposed measures are not implemented, the NHRCT would submit a report to the Parliament to take actions.

Therefore, in practice, the NHRCT has paid attention to build cooperation network with various sectors to promote, strengthen, and raise awareness on respect of, and practice in accordance to, human rights principles, considers it as an important strategy for its proactive operation to correct and prevent violation of human rights. In addition, it is a good opportunity for the current (third) Commission which began to take up their responsibilities on 20th November 2015¹ to learn to know and meet with networks in various sectors and people in local areas which would strengthen cooperation in the work for protection and promotion of human rights effective. Therefore, a public forum, “NHRCT Meets the People”, in the Central Region (including the Eastern Region and Western Region) was organized in Chonburi Province on July 27th-29th, 2016, with three main objectives, that are: (1) to promote knowledge and understanding about roles of the NHRCT and Office of the NHRCT, and to introduce the third Commission to networks in the area; (2) to listen to human rights situation as reflected by

¹The third National Human Rights Commission of Thailand (NHRCT) was appointed by His Majesty the King Rama IX on 20th November 2015 following a recommendation by the National Legislative Assembly (NLA) which acted as the Senate House. The third NHRCT took up their duty on 26th November 2015 with a six-year term from the day they were appointed. They could be in position for only one term and their term would come to an end on 19th November 2021.

people and networks in the area in order to bring information and suggestions from the public forum to use for compiling reports on assessment of human rights situation in the country, and discuss guidelines and measures to solve problems; and (3) to build cooperation with various networks for promotion and protection of human rights in the country, and establishment of a center for studies and cooperation on human rights and mechanism for working together between the NHRCT, networks of civil society organizations, and networks of education institutes. The public forum was participated by 453 persons consisting of leaders of networks of non-governmental and civil society organizations, representatives from the government and private sectors, representatives from education institutes where have Memorandum of Understanding (MOU) with Office of the NHRCT, and members of the public in general. The forum was organized by the NHRCT and Office of the NHRCT.

DETAILS OF THE FORUM

This public forum is designed to employ a process focusing on dynamic learning and reactions, that is to learn from real work or actions taken reflecting two important developments as:

(a) Two types of knowledge: (i) Tacit or abstract knowledge that each person gains from their experiences, gifts or instincts to understand incidents and phenomena. It is knowledge that cannot be easily transferred in verbal or written form, such as work skills, craftsmanship or ability to do analytical thinking; and (ii) Explicit or concrete knowledge that can be compiled and transferred through various means, such as recording in written form, theories and various handbooks, and;

(b) Network strengthening that has seven main activities, as: (i) Understanding ways to solve human rights violation problems in five main operation areas²; (ii) Brainstorming about “Expectation on directions of the NHRCT carrying-out its mandates”; (iii) Expression of NHRCT’s vision and views on human rights work; (iv) Sharing of “Human rights situation in Thailand’s Central, Eastern and Western Region” with compilation of facts and incidents for human rights assessment report; (v) Drawing up of facts, lessons-learned and recommendations with thematic group discussion on human rights problems in the Central, Eastern and Western Region; (vi) Preliminarily discussing and viewing human rights documentary films; and (vii) brainstorming about ways to work together between networks and the NHRCT.

Brief details of the Forum are as follows:

²(1) Community Charter and Ao Udom Village (community rights and industrial development); (2) Business and Human Rights in Thai Oil Refinery Plant, Thai Oil Company Limited (Public Organization), Sriracha District, Chonburi Province; (3) Friendly visit to the Chonburi Province Juvenile Observation and Protection Center; (4) Friendly visit to the Ban Beung Juvenile Observation and Protection Center, and; (5) Friendly Visit to Pattaya Special Prison.

DAY I (Wednesday 27th July 2016)

SECTION 1 Understanding ways to solve human rights violation problems in five main operation areas

CASE No.1 Community Constitution and Ao Udom Village: Community Rights and Industrial Development at Ao Udom village, Sriracha District, Chonburi Province

Mrs. Tuenjai Deetes, a Human Rights Commissioner, together with administrators and staff of Office of the Human Rights Commission of Thailand hold discussion with leaders of Ao Udom community at Wat [Temple] Mai Nern Payom. The briefing on history of Ao Udom Community and “Ao Udom Community Charter” is given by *Mr. Somyot Chiewsakul, a member of Laem Chabang Sub-District Municipal Council*, and the presentation on “Community Rights and Ao Udom Village (Community Rights and Industrial Development)” is given by *Mr. Somnuk Jongmeewasin, Ph.D., a human rights academic*, in further showing of “Ao Udom” documentary produced by the Thai Public Broadcasting Service (TPBS).

These all depict the conflicts in the local area among the community and industrial development that led to an effort to create a neutral zone, establishment of Ao Udom Village and Chonburi Province Community Council and then being raised to be a Citizen Council, to develop participation of local people. This Council was begun when all affected communities including fishermen groups by industrial development formed groups to look for ways to live with various industries and six deep sea ports which caused degradation of the environment and created conflicts between groups, communities and people in the area.

“At present, Ao Udom community area in Thung Suksala Sub-District, Sriracha District, Chonburi Province is a part of Laem Chabang Special Economic Zone. In this area, there are beautiful beaches rich with various species of animals and natural resources. When the government operated an Eastern Region Coastal Area Development Project, industries have encroached into area of Ao Udom community, resulting in the area being surrounded by factories and ports.

Large ships came to replace villagers’ fishing boats. In the early stage, Ao Udom community did not show any objection as they believed that industries would bring prosperity to the community, resulting in some villagers stopped fishing and turned to become employees in the industrial sector. Ao Udom bay, especially its richness of natural resources, then was much affected by the industries. Population of marine animals dwindled. Beaches that used to be beautiful are now full of garbage. Dust from transportation of coal and goods flew into the villagers’ houses, creating negative impacts on health caused by air pollution. When these problems emerged, in 2010 people in Ao Udom community then were drawn out with more public concerns. All villagers, especially folk fishermen, joined hands to restore population of marine animals by creating artificial reefs, and breeding and releasing shrimps and crab into the sea, for example, returning Ao Udom Bay to its richness once again. In the same year, a pile of coal caught fire caused bad

*odor all over the community while entrepreneur who ran a port prepared to expand the port. This became a cause for the community to oppose port expansion and to demand termination of coal transport. The community first brought this issue to petition the municipality which paid no attention to them. The community then lodged a petition to the Senate, but with failure again because there was none of support. The community itself faced unity challenges as companies “bought out” some groups of villagers with “divide and rule” scheme. Some leaders of the opposing groups began to give up. Remaining leaders then decided to change the way they fought from confrontation to demand their rights by using relevant laws to **trying to get the ports and the community to work with each other to look for solutions together by creating rules for co-existence**, creating space for dialogue, exchanges and sharing, and turning enemies into working partners (changing ME to become WE). This led to the creation of “Ao Udom Community Charter” to set out rules for co-existence between the ports and the community. The Charter was advocated further leading to a Memorandum of Understanding being signed between the ports, representatives of local administrative organization (municipality) and the community.*

Ao Udom Community Charter was the first step for the local people to negotiate, bargaining with big industrial companies, enabling the villagers to feel comfortable living in co-existence with the industry to an extent. The community then conducted research to gather evidence to support the efforts to safeguard its inherited area. The community held a view that any development work needed to look at local community first before looking at GDP.

Three companies that agreed to cooperate working with the community were JC Marine Service Co. Ltd., Siam Commercial Company and Siam Court Company. JC Marine cooperated with the community to construct a wall to keep away dust, to clean the area and to work together to design a plan for a closed port. If there was any problem or suggestion from the villagers, they could be submitted to managers/administrators of the company at local level and the managers/administrators could make decisions to solve the problems immediately.

Ao Udom community has tried to push for and develop a citizen council in the future, using “4 KNOW (know oneself, know the legacy, know way of life, and know the future), 5 TOGETHER (initiate together, learn to know together, open heart together, be creative together, and change together)” as its main principles to create changes.

There is a large company that do not cooperate with these companies and continue to create problems until today. This company has a 750-meter long pier and is in the process to seek permission to extend the pier for another 750 meters.”

Leaders of groups in the community then share their views and experiences from operating various development projects which can be summarized as follows:

Mrs. Sunan Siangdang, Chairperson of Ao Udom Community, reflects her views towards the development that, *“materialistic progress makes it harder for people to live because of degradation of (natural) resources in the area.”*

Mr. Amornsak Panyajaroensri, Chairperson of Ao Udom Coastal Fishing Club, reflects that, *“Frankly speaking, villagers could not relocate to anywhere because as a whole, economic development has created wealth. Our work therefore must create a way of thinking that enemies must be turned around to talk with us and create rules for co-existence in Ao Udom, resulting in an emergence of Citizen’s Politics and development of Citizen’s Political Assembly.”*

In addition, the folk fishermen reflect ways of life and modes of living in the area that, *“Basically our ancestors made their living mainly as folk fishermen. Nowadays their children change their occupations and modes of living to become employees in industries, but many also switch back to be fishermen again. Recently there are two square kilometers protected area with 18 islands of artificial reefs meandered through industrial area of the Petroleum Authority of Thailand (PTT). Some ‘fish houses’ had been destroyed while there are new ones built instead. These all are being in the process of coordinating with the Siam Cement Group (SCG) to provide assistance. The 15-kilometer long area has 6 companies operating 15 ports, some of which have become problems for the group of fisherfolks. A 750-meter long pier is being extended, affecting (natural) resources in the area of the community and the villagers. The extension enables more ships to moor in the area as much as 50-70 ships, some of which do harm to folk fishing areas. Dropping of anchors, each weighs 5-10 tons, unavoidably mars resources in the area. We make a living from area in front of a beach north of Ao Udom Bay (Silo Bridge) to PTT Bridge, covering area of 8 ports and 3 nautical miles out into the sea (according to the amended Fishery Act). There are over 70 fishing boats of less than 6 gross tonnage or 8 meter long in the group. They also have a connected occupation that is marine product processing.”*

Mr. Somyot Chiawsakul, a member of Laem Chabang Sub-District Municipality Council, reflects operation of groups in the area as follows: *“Ao Udom (Rich [of resources] Bay) is a name royally given by King Rama V, renaming it from Ao Phasi (Tax Bay), when he visited Sichang Island nearby, as the bay area was very rich of marine life, both (spider) crab and fish. Local people made a living from fruit orchards, rice paddy farming and folk fishing. In 1961, Thai Oil Company set up an oil refinery. In that period when ‘money-oriented development’ expanded into the area, villagers sold their lands. Many private companies moved into the area without any control or regulation and local communities began to be affected. Some villagers formed a conservation group to take care of their ways of life and their modes of living. Especially at present time when a Super Cluster is declared to cover the area. Many pieces of land are expropriated by the state for construction of ports – development that is opposed by the villagers. There are also conflicts between different groups in the community because of unfair trading (unfair payment for removal).”*

Mr. Song Roopkaew, a representative of village no.8 (Moo 8), says that, *“Area of Tham Krang village began to be expropriated for road construction in 1985 with laying down of poles demarcating expropriated trespassing to forest area. Villagers travelled to register their complaint at various government agencies. In 2009, another road was constructed affecting*

communities and people living there, since then any renovation or development of those existing buildings were forbidden within a period of four years. A number of complaints were gradually made while villagers experienced unfairness and uncertainty with shifting of demarcated areas. They therefore tried to seek assistance. On 29th June 2016, land prices were assessed and villagers were asked to sign documents accepting values of the land. The contract gave them only 10,000 Baht per rai (1 hectare = 6.25 rai) while the official assessed value was 2,000,000 Baht per rai and the market value is as much as 40,000,000 Baht per rai. This land expropriation affects 188 persons in 45 households. Some parts of land to be expropriated extend out of area of village no.8. Price assessment was different for each area.

Mr. Sawit Jitprawat from Thai Oil Company says that, “work plan was adjusted to be consistent with realities and needs of communities.”

Mr. Phrom Phiphatthanadilok, an Ao Udom villager, says that, “Putting up a system enables villagers to be self-reliant. Various measures are employed to reduce impacts (of industries) in the area from dirt obstruction, cleaning and operating a closed port to prevent dirt from scattering around.”

A set of experiences clearly reflected from a case study on “Community Constitution and Ao Udom Village: Community Rights and Industrial Development at Ao Udom Village, Sriracha District, Chonburi Province” is solving problem by creating a neutral area as a model for problem solving and expanding impacts to provincial level, citizen building, using a neutral forum for discussion among people in the area as a connection between various parts for presentation, creating a space for dialogue at provincial and regional level, pushing for formation of a Citizen Council with clear definition, structure, authority and responsibilities, and measures for protection and promotion of citizenship rights with an assembly or council to act as a central mechanism to regulate, advocate and manage the actions.

In conclusion, **Mr. Somnuk Jongmeewasin, Ph.D.** summarized that:

“Doing information work for all the 4 KNOW: (1) **Knowing Oneself**: creating values of the area, coastal fishery, survey of marine animals that really exist in the area, mapping of (natural) resources, such as seashells and crabs on seabed, Indo-Pacific King Mackerel/Spotted Mackerel (*Scomberomorus*) which live near, not farther than 5 kilometers from, the shore, fishing boats in the area, fishing equipment, fishing sites, fishing occupation, fish net and shrimp net making, squid catching, crab net making, seashell raising (An impact from port construction is that fishermen have to travel a long way to seashell raising site, resulting in less seashell being raised.), local food cooking, occupations that are connected to fishing (peeling of crabs and seashells; their shells are used to make kytosan); incomes in each area are more than 5,000,000 Baht per year. (2) **Looking at intangible knowledge**: integrating wisdom with technology. (3) **Knowing problems/impacts**: both the 8 ports and area for port expansion, roles of port, property of port. (3) **Knowing problems/impacts**, including those about all the 8 ports, port expansion area, roles of port, type of port, property of port, impacts of the Eastern Region Special Economic Zone. From studies over more than six years, it was found that port construction would be done fast by private sector, while with the government there was competition at the same time, resulting in scrambling for land and adjustments by villagers and local communities. Discussions were not based on Polluter Pay Principle (PPP) or those who create impacts would have to pay, no finger pointing at any one, but involved taking information from the whole system into consideration and looking for solutions together,

*which brought into light that existing economic values cannot be compensated by industries. The concept that foes are to be changed into friends, THEY changed to be WE. Discussions took place with Thai Oil. Children and youth were used to work with ports that were used for transportation of mining resources, minerals, coal, fishing resource and other resources. There were resource competition in various forms both between animals in the local area and migrating ones (monkeys) and between local labour and migrant labour. Other knowledge/information to learn are: use of illegal fishing tools, control of project operation, preparation of environmental impacts reports, development of Thai Oil refinery to use clean technology, creation of safe zones, Clean Fuel Project (CFP), formation of community welfare fund (with money allocated by Thai Oil and other companies) by collecting environment tax, having regulations for using funds in the local area (illness, medication, death, welfare of elderly people), guidelines for security (use of closed circuit cameras), working to change the business sector's way of thinking, creating environmental awareness, creating way of thinking about how to look at the people together with development of GDP, creation of Ao Udom Community Constitution, and (4) **use of (technical) knowledge** together with knowledge of the community. Process for creating "Thai together", five together for changes – initiate together, learn to know together, open heart, be creative and change. Creation of a central area for negotiation is important."*

The participants then travelled to port area behind Thai Oil Refinery. **Mr. Somyot Chiawkul** explained that, *"This area was eroded. Villagers and the municipality filled the area with sand to solve the erosion problem and the villagers planted mangrove trees as a sea wall, making this area a resting place for people in the community and tourists."* They then travelled to visit JC Marine Service Company Limited to study and look at port area and discuss with operators examples of cooperation between companies and local people to solve problems and prevent environmental impacts from industries in the area.

Mr. Kamol Jiamthong, Business Relations Manager and representative of JC Marine Service Company Limited, suggested that:

"Industries and communities can co-exist. Previously problems in Ao Udom Bay area emerged because each of the parties stayed separately. After there was much pain, lessons were learned and brought up to solve the problems. In this area, there are 8 ports which are rather dense. There are also sites of industrial factories, refinery and communities. A request has been made for permission to expand a port for another 750 meters. It would become a large ship docking area. People in communities around this area make a living by fishing in their coastal area and would find it harder to do so. The reason that many ports have been constructed in this area is because it has the needed capacity. Area from Laem Chabang Cape, Sichang Island, Khai Island and others is suitable for mooring cargo ships. It has deep sea channel good for servicing cargo ships that need to transfer large volumes of goods and oil. Scrambling to use this area therefore has occurred. While industries make a lot of profit, local people cannot make a living. An idea about existing and solving problems together, especially 4 KNOW (that is knowing the community, heritage, problems and future) and 5 TOGETHER (that is initiate, learn to know, open heart, be creative and change together) was proposed and led to emergence of common agreements or a community constitution which is connected to health and other dimensions, especially creation of participation network with communities, transforming foes into friends, ME to WE, that is turning people who are our opponents to be ones that can work together. At present, 90 per cent of them have been turned to become "we"

and the remaining would change from time to time. Ao Udom Community Constitution is easy to read, easy to understand, different from other constitutions/charters that sometimes lack connections, do not reflect characters of people in the local area, and do not bind all parts into one whole body. The constitution was completed in 2014, modeling after the National Health Constitution Act. It creates: (1) A committee, whose members are appointed from the community and experts, to monitor and check environmental and health impacts caused by the ports; it meets monthly to consider solutions to problems caused by each port. (2) Ao Udom Community Fund. A part of incomes is allocated as contribution to a fund for helping people who get ill, family of the dead and old people in the community. (3) Cooperation to do activities in the community. Activities are not aimed to find fault, but are focused on trying to understand problems and look for ways to end or solve the problems together.

In order to solve problems, there is a need to have: (1) Sincerity to seriously solve problems that occur together, not just to create images that problems have been solved. Any business that wants to contact the community, it needs to adjust its steps of work and way of thinking. (2) there should be space for dialogue and exchanges of each side's views that must be accepted. (3) When THEY transform into WE, problems can be solved quickly.”

Moreover, **administrators of the Siam Commercial Port** added that, “*Operation without brawl makes working more easy and convenient. Now three companies have accepted this approach of working together with the community, while those which are public company are making adjustments because there is a restriction that any public company must seek permission from shareholders first before doing anything. This requirement makes it harder for them to manage any changes. On the other hand, it is still hard to discuss with commercial fishing business and other businesses as it has been done separately without good coordination. It was not focused on helping each other or creating concrete results as it should; burdens were passed from one to another. Activities have been carried out with specific business. At present coastal fisherfolks have their network covering 23 provinces; they make a living along their traditional way of life of which conservation is an integrated part. If government agencies understand and work to support local people to manage resources themselves, they could really help solve problems. Operations of these companies in terms of budget spending and risk prevention have been done separately, each had its own direction. Doing together would help cut costs (no cost duplication). Taking care or impact reduction or rehabilitation, on the other hand, would begin by reducing behaviours that cause damages.*

Finally, Mr. Kamol and those from business operators that attended the forum gave additional information about MOU between the businesses and the community that, “*Initially, only three companies of Thai nationality, that are JC Marine Service Company Limited, Siam Commercial Company and Siam Court Company, have signed MOU with the community. Time must be given to other business operators to prepare to be ready to work together with the community. Moreover, another limitation was found that related government agencies, such as the Harbour Department and Department of Fisheries, did not work together in an integrated manner, making it hard to negotiate with commercial fishing businesses. A*

subsequent problem is that the Department of Fisheries would not issue a license when a fishing boat was broken. Fisherfolks found another boat to show to officials to obtain registration, creating a new problem that registered number of the boat mismatched with that in the record. Amount of cash used to support the fund was rather high but it was considered a worthwhile investment when it was compared with what was got from the community and companies that had signed MOU with the community put Ao Udom Community Constitution in, or connect it with, their plan and policy. If several business operators joined hands, plan development would have low costs.

CASE NO.2 Business and Human Rights, and Business Operation with Corporate Social Responsibility (CSR) at Thai Oil Refinery, Thai Oil Company Limited (public organization) , Sriracha District, Chonburi Province.

Study visit “Thai Oil Company Limited (public organization) and Business Operation with Corporate Social Responsibility (CSR)” at Thai Oil Refinery, Thai Oil Company Limited (public organization) began at about 10.00 am. Until about 12.00 am. It began with video presentation introducing an overall picture of activities that showed the company’s corporate responsibilities toward society and community by Mr. Lerlert Amornsang, representative of Thai Oil Company Limited (public organization), and a visit to a health and learning center. In brief, important aspects of Thai Oil Company’s corporate responsibility towards society and communities around its refinery are as follows:

Thai Oil pcl specifies its responsibility towards society as one of its mission, focusing on good regulation of operation and commitment to social responsibility. The company makes its mission known to its employees and the public. It is like declaring to society that the company would operate according to its own mission. An organization management strategy was adopted, so that the organization would be sustainable. It consists of three pillars follows:

1. Economic Prosperity

- Supply Chain
- Risk and crisis management from management level down to operator level
- Ethics and anti-corruption, positive for promoting good images of the organization
- Good corporate governance is extremely important as Thai Oil Group of companies want to mobilize investment from foreign investors. Good corporate governance is an important factor foreign investors use to consider whether a company is trustworthy. Good corporate governance is therefore an asset that helps reduce a company’s financial costs.

2. Environmental Stewardship

- Strategies for dealing with climate change
- Increasing efficiency of energy use
- Environmental management system
- Environment impacts assessment reporting

For this pillar, the company commits to do better than standards set up by the government.

3. Social Responsibility

- Social responsibility
- Staff care

- Social impacts assessment reporting
- Management of impacts on the community
- Creating bonds with stakeholders
- Health and safety

Apart from Thai Oil Company which is the parent company, other companies that are affiliates in Thai Oil Group, such as LABIX Company, TCP Company and THAILUBE Company, also participated in activities to promote social responsibility.

Social Responsibility Strategy of the company is “to create common trust, acceptance and reliability between Thai Oil Group of Companies, communities and government agencies at local level, focusing on communication, outreach to the community and easy access for the community.

Community work management is done through two main mechanisms, that are (1) community relations, and (2) health and learning center.

“**Community relations**” involves 10 communities that can be divided into three communities located near the refinery (Ao Udom, Talad Ao Udom and Baan Thung) and seven communities that are located further away (Laem Chabang, Khao Nam Sub, Sark Yai Jeen, Wat Manorom, Na Gao, Huay Lek and Laem Thong), using strategies to **coordinate three parties**, that are 1) Thai Oil Group 2) Communities, and 3) government agencies in the local area (especially Laem Chabang City Municipality) and five together, that are think together, act together, solve problems together, bear results together and develop together, to manage community relations. There are meetings every month and works are divided into four areas as follows:

1) **Religion, custom and culture**, such as spiritual development activity and Buddhist lent candle-molding activity to support local culture, for example.

2) **Quality of life (health)**. An outstanding project is, for example, dental clinic project to take care of the health of oral cavity of students in 10 communities, aiming to enable them to attend school regularly without having to stop going to school because health problems of their oral cavity and also to instill good image of Thai Oil Company in the mind of students who receive the dental service whenever they think about the health of their oral cavity. This project is considered to be successful because it receives good responses from both the students and their school and the students have changed their behaviours for better health of their oral cavity. Another project is FAB 1-6 Medical Project. Activities in this project include, for instance, Thalassemia detection service for community members, so that they know better about their health and can come up with correct family planning.

3) **Education**, such as supporting study visits of various groups in the community and activities to strengthen their knowledge and to learn through activities that libraries organize.

4) **Environment and natural resources**, such as marine animals releasing projects. Activities are aimed to promote and develop knowledge that people in the community can use to make a living as occupation.

In addition, there are company guidelines for receiving complaints from communities to ensure that it is carried out according to recognized standards, such as an action must be taken within 30 minutes after any community is affected by the refinery.

Mission in the part of staff caring. The company recognizes labour union management as an important matter. It do not see labour union as a burden and do not obstruct labour union's expression of its views. Strategy used by the company is to draw labour union to take part in personnel management, such as production of a handbook on personnel management. Reasoning is used in communication and communication is done frequently. Each staff is also recognized for their importance by thinking and doing together with them. Many activities are successful because of participation of labour union, such as the company was able to get through economic crisis in 1997 partly because labour union cooperated with the company to cut costs together.

CASE NO.3 Visit to Juvenile Observation and Protection Centre and a Juvenile Vocational Training Centre in Chonburi Province

Mrs. Chatsuda Jandeeying, a National Human Rights Commissioner, together with 8 staff from Office of the National Human Rights Commission of Thailand made a visit to Chonburi Province Juvenile Observation and Protection Centre and Ban Bung Juvenile Vocational Training Centre in Ban Beung District, Chonburi Province. The visit can be summarized as follows:

1. Chonburi Province Juvenile Observation and Protection Centre

The Juvenile Observation and Protection Centre is an agency with a main mission to take care, treat, correct, rehabilitate and provide welfare for juveniles with a process to accommodate juveniles from their admission into the judicial process to the stage before a court gives a verdict. At present, there are 82 juveniles, 13 girls and 69 boys, under its responsibility of which 13 are foreigners of Vietnamese, Chinese and Cambodian³

Cases of wrongdoing committed by the juveniles: offences related to property, offences related to life and physical body, sex offences, offences related to peace and order, liberty and reputation, offences related to narcotic drugs, offences related to weapons, and others. Most of the offences committed by these juveniles, however, are offences related to property and offences related to narcotic drugs.

Juvenile admission: Upon admission, concerned juveniles would have physical examination in privacy followed by an interview by the housemaster and an orientation to make them ready for and understand the situation.

Treatment, correction and rehabilitation process

1. Admitted juveniles would be divided into 5 groups according to their risks in order to come up with a plan for treatment, correction and rehabilitation as follows:

First Group: (1-7 days) Activities include sessions with adviser/teacher, orientation, assessment by professionals, preliminary treatment (15 sessions), ethical activity, and risk and need assessment.

³ Information dated 27th July 2016

Second Group: (8-24 days) This is the group of juveniles with low and medium risks. Activities include sessions with advisors/teachers, drug addiction treatment, division into groups, preliminary treatment (15 sessions), ethical activity, and specific treatment programme.

Third Group: (8-24 days) This is the group of juveniles with high risk. Activities include drug addiction treatment, preliminary treatment (15 sessions), sessions with advisors/teachers, and specific treatment programme

Fourth Group: (24+ days) This is the group of juveniles with low and medium risks. Activities include education (studying units), sessions with advisors/teachers, drug addiction treatment, preliminary treatment (15 sessions) and ethical activity.

Fifth Group: (24+ days) This is the group of juveniles with high risk. Activities include education (studying units), sessions with advisors/teachers, drug addiction treatment, preliminary treatment (15 sessions), ethical activity and specific treatment programme.

2. Studying units / curriculum are arranged for these juveniles according to their interest, that are artistic vocation unit, musical vocation unit, agricultural vocation unit, and civil work (electrical) vocation unit. There is also studying unit on education for illiterate juveniles, so that they would be literate.

3. Short vocational training courses. The Juvenile Observation and Protection Centre provides short vocational training courses because admitted juveniles would be under responsibility of the centre for 60-90 days, except those committed serious crimes, such as murder and drug offence. Vocational courses provided include artistic vocation (glass sculpture), hair-cutting, musical vocation, foot massage, baking and bakery, agriculture, and civil work (electrical/construction work).

4. Shock Therapy Programme is provided in certain cases. After a juvenile is admitted into judicial progress, the court would not permit a temporary release but would send him/her immediately to treatment process in the Shock Therapy Programme for a period of time as decided by the court (could be 7 days). Concerned juveniles would be arranged to do various activities until they are exhausted and want to return home. Psychologists and court personnel would join to make observation during the treatment process in order to assess whether or not concerned juveniles should be given temporary release.

5. Other activities, such as order and discipline training activity, exercise activity, ethical activity, public service activity, physical capacity activity, art therapy activity for mental assessment, scout activity, visits by relatives activity, volunteer activity with staff of the centre to provide knowledge and share experiences with juveniles in schools, volunteer activity for self-esteem building and social recognition.

Visits: Relatives of the juveniles can visit them three times a week on Monday, Wednesday and Friday for 25 minutes per visit. Special activities are organized on Thailand's Father Day (December 5) and Mother Day (August 12). In case that no relatives can make a visit on specified days, an arrangement can be made for juveniles and their relatives to have conversation through video conference method.

The Juvenile Observation and Protection Centre have received cooperation and assistance from many organizations, such as Mercy Foundation, Father Ray Foundation, Bang Lamung Boy Welfare Home, Huy Yai Boy Welfare Home, SWING, Tharn Chiwit Centre, Anti-Human

Trafficking and Abused Children Centre, A21 Foundation, Chonburi Province Children Committee, Chonburi Province Children Information Committee, Fasai Witthaya School and Chonburi Province Children Home, for example.

2. Ban Bung Juvenile Vocational Training Centre

Ban Bung Juvenile Vocational Training Centre (formerly known as Karuna Home 2) is a vocational training centre of which the Ministry of Justice has designated / given authority to admit juveniles in Chonburi Province since 30th November 2006 with a vision to provide education and vocation to juveniles who committed wrongdoings and return them as good citizens to society, and to be an organization that creates positive changes for juveniles through 4 main means: (1) treatment, correction and rehabilitation, (2) protection, (3) safeguard, and (4) information and communication technology.

Admission to Ban Bung Juvenile Vocational Training Centre

The centre has total of 116 juveniles under care at present. They are juveniles that committed wrongdoings related to property, narcotic drugs, life and body, sex, liberty, weapons and others. Most of them committed wrongdoings related to property and wrongdoings related to narcotic drugs.⁴ To admit a Juvenile into the centre, a court must have already given a verdict for the case involving him/her. Admitted juvenile can be divided into three groups – juveniles to receive rehabilitation, juveniles who are at risk to involve with narcotic drug or criminal case because their family or community is at risk (crime prevention), and juveniles who need protection from criminal case, family case, and juveniles who are damaged party or victims.

Process for treatment, correction and rehabilitation in the centre: In order to create safety and prevent violence against juveniles, the centre organizes treatment, correction and rehabilitation process that is effective and responsive to problems and causes of juveniles' wrongdoings, and is up to the same recognized standards. This process consists of the following components:

- Classification Juveniles in the centre are divided into three groups. Group 1 consists of juveniles who are newly admitted into the centre; they would be doing activities to adjust their behaviours, create order and discipline, and rehabilitate both their mind and through physical and art education. Group 2 consists of juveniles who are receiving education and vocational training. Group 3 is a group of juveniles who are preparing to return back to society, those who play a role to take care of juveniles who just enter the centre.

- Development of treatment plan Treatment plan is developed for each specific juvenile according to court verdict. This plan would be assessed and adjusted from time to time by a multidisciplinary team.

- Arrangement of adviser/teacher Each juvenile would be provided with an advisor/teacher who acts like his/her parents, friend and elder brother/sister in family atmosphere.

- Treatment, education and training Each juvenile would have education in standard curriculum recognized by Department of Non-Formal Education, and vocational education according to his/her interest in certain occupation, such as electrician, welder,

⁴ Information dated 27th July 2016.

computer mechanic and barber, for example. Juveniles who completed vocational education would be given a certificate for the occupation they were trained. Other forms of education provided include training in farming and management of business, such as coffee shop, orientation and post-training session.

- Assessment Juveniles would be assessed all the time while being trained in the centre. Assessment would be carried out every 2-3 months in order to develop a plan for specific treatment of each individual juvenile. If any juvenile violated the centre's rules and regulations, his/her individual plan would be adjusted as necessary and appropriate.

- Release and monitoring The centre is preparing to return any juvenile to society all the time by arranging its internal environment to be similar to outside society. Activities are focused on helping the juveniles to have discipline and order needed for living with other people, assistance to help them obtain needed official documents, such as registration paper and citizen's identity card, before returning back to society, including documents related to military service of which the centre would help search personal history and give assistance. In case that a juvenile has no father/mother or any parents to pick him/her up when he/she is released, the centre would coordinate with Bang Lamung Boy's Welfare Home, Huay Yai Village, Mercy Foundation, Father Ray Foundation, for example, to take care of them after being released, and look for job for him/her by coordinating with workplaces in Chonburi Province, such as Thai Watsadu Company (a company selling construction materials), hotels, petrol stations and industrial factories, for example. Behaviours of the released juveniles would be monitored. The centre would also coordinate with the Royal Thai Police to delete criminal records from registration of a juvenile who has completed treatment and rehabilitation process as planned and is released from the centre.

Prevention: Juveniles taken into the centre would be well taken care physically and mentally by building their positive attitudes. The centre would reduce use of authoritarian actions and abstain from using violence, create participation and sense of ownership and self-esteem, create space for them in society, and make them happy when they are doing any tasks. All these actions are aimed to create their immunity for repeated wrongdoings.

Guardianship: The centre provides guardianship for juveniles who used to use narcotic substances before receiving training; they would be examined to detect traces of narcotic substances in their urine or hair in order to provide appropriate treatment.

Information and communication technology: Parents who cannot visit their children by themselves can make long-distance visits through video conference at any juvenile observation and protection centre all over the country.

3. Activities that the NHRCT had observed while visiting Chonburi Province Juvenile Observation and Protection Centre and Ban Bung Juveniles Vocational Training Centre

3.1 Preliminary detection of eyes colour-blindness in both centres revealed that 3 juveniles in the observation and protection centre and 5 juveniles in the training centre show indications of an early stage of eyes colour-blindness.

3.2 Physical visits of the centres

Male dormitory It was found that at present, the building as a whole was not crowded, clean and well-equipped with mosquito preventing mesh and beddings, electric fans

for air ventilation electric fans, toilets, drinking water and clean water cups, televisions, and fire extinguisher tanks. However, there was no automatic fire extinguishing system. However, no materials that can easily catch fire, such as piles of paper and wooden furniture, were seen in the dormitory.

Shower rooms and toilets (male) As a whole they were tidy, clean and had enough water for use.

Classrooms Art therapy room was tidy and clean. Music room had musical instruments, such as guitars and drums. Library and computer room had televisions, good air ventilation, mosquito prevention mesh and toilets.

Dining room Dining room was clear and clean, well equipped with electric fans, tables, chairs and food trays. Food was nutritious; menu for the day of visit included rice, soup, sauced fried noodle with meat and fruit (watermelon) in closed and clean utensils.

Outdoor sport field and indoor sport court Outdoor field and indoor court were used for both sports and other recreation activities.

First Entry Room Body examination of juveniles first entering the centre was done individually and privately in closed office of the centre's officials.

Security system The centre's security system consisted of closed-circuit televisions, walls and fences (electricity was not released in the fences). However, officials with keys stayed in the centre complex with juveniles although in separated rooms.

3.3 It was found from conversation with the juveniles that their living conditions were not hard. Their clothes were clean. Officials took care of them like their own children and did not use violence. Juveniles were given opportunities to express their thoughts and feelings and to participate in decision making, such as in giving marks on level of cleanliness. They could choose an occupation they wished to receive training according to their own interest. Juveniles washed their body twice a day and changed their clothes every day in the morning and before going to bed. They had time to rest after 17.30 hr. and could watch television from 19.00 to 22.00 hr., especially sport programmes.

4. Comments

As a whole, officials at both the centres understood human rights principle at a satisfactory level. Juveniles in the training centre took part in decision making as it was believed that this was a sustainable method for correction, treatment and rehabilitation. Juveniles had rights to choose without coercion or dictation within a framework of certain rules and regulations. However, works of the centres still faced many obstacles, especially in coordination with the Royal Thai Police in order to delete juveniles' criminal records after completion of treatment and rehabilitation, lack of medical personnel, and having not enough books in library.

CASE NO.4 Visit to Pattaya Special Prison

Persons joining the visit included 2 *National Human Rights Commissioners, Mr. Chartchai Suthiklom and Mr. Surachet Satitniramai*, and *staff from Office of the National Human Rights Commission of Thailand*.

In summary, the visit consisted of two parts that were listening to lecture/briefing by administrators and staff of the prison, and a survey/physical observation of certain areas of the prison – Zone 4: Male Dormitory, Zone 6: Male Nursing Unit, and Zone 10: Female Zone.

1. Commander of the prison gave a welcome speech and a lecture on basic information of Pattaya Special Prison with important contents as follows:

1.1 Information about the prison

Pattaya Special Prison was built to accommodate detainees convicted by Pattaya Court with juristic authority covering three districts of Chonburi Province, that are Bang Lamung, Sriracha and Sattahip (some parts). Its total land area was about 47 rai (7.52 ha.) of which 23 rai (3.68 ha.) were within the prison walls, and 23 rai and 29 square wa (3.7 ha.) were outside of the walls. Area inside the prison's walls was divided into 11 zones, such as Zone 2: Education, Zone 3: Vocational Training, Zone 4: Male Dormitory, Zone 6: Male Nursing Unit and Zone 10: Female Zone, for example.

Information about personnel: At present, there are 69 government officials, 11 government employees, 9 general employees and 2 drivers.

Information about prisoners: 4,447 in total - 3,794 male and 653 female⁵

LGBTI: There are 222 LGBTIs of which 170 are gay and transgender who have not yet done gender re-assignment, 41 are lesbian and 11 transgender who have already done gender re-assignment.

1.2 Handling of prisoners

1.2.1 Guidelines for handling of prisoners who are LGBT

Because Pattaya Special Prison is under jurisdiction of Pattaya Provincial Court where there are many diversities in terms of gender and race, and there are many tourist attractions, many prisoners in Pattaya Special Prison are people of gender diversity. Pattaya Special Prison have paid significant attention to people of gender diversity or LGBT and thus came up with measures and guidelines for handling this group of prisoners as follows:

(1) For prisoners who used to be male and have already had gender re-assignment, when they first entered into the prison and were detected to have gender re-assignment, a committee would examine their physical body and behaviours that had already changed, resulting in they cannot be put to live with male prisoners in the Male Prisoners Zone. The committee would suggest that they should be sent for detention in Female Prisoners Zone. Their detention would be carried out based on their physical conditions and behaviours in accordance with the committee's resolution.

(2) For male prisoners whose sexual preference indicate that they are gay, when they first entered into the prison, their behaviours would be examined and they would be sent to Zone 5 (Male Dormitory 2 for separated detention) for consideration in what appropriate zone they should be detained

⁵ Information dated 3rd July 2016

(3) Prisoners who were lesbian would be separated to be detained specifically in Room 1 of Dormitory 1 in Zone 10.

(4) Prisoners who were bisexual. (There is none in the prison right now.)

1.2.2 Nursing care

Pattaya Special Prison gave information about emergency illness of prisoners that in each month, no more than 10 prisoners suffered from emergency illness. This figure is not high and reflects that prisoners there received good health care. The prison has a department responsible for health care located in an Infirmary Zone or Zone 5 to take care of two types of patient – general patients and patients with contagious disease. Pattaya Special Prison, however, held training to provide knowledge to detainees, so that there would be health care volunteers in each dormitory. Staff from Bang Lamung Hospital were invited once a month for this training. Physicians from the hospital visited the prison twice a month to provide knowledge on health and nursing.

Concerning private properties of female prisoners, particularly sanitary napkin and underwear of which members of society often understood that the government did not allocate enough amount for female prisoners, Pattaya Special Prison allocated budget from the government and asked for donations from members of the public to acquire and provide enough sanitary napkins and underwear for female prisoners.

1.2.3 Communication

Pattaya Special Prison put in place a communication system to support detainees' right to be in contact with their relatives and solicitors, and to access information through various forms of communication, such as printed media and television, as seen to be appropriate by prison officials. In addition, as Pattaya Special Prison had a number of detainees who were foreigners, it also provided printed media in foreign languages, so that foreign detainees could conveniently access information that they understood.

1.2.4 Prevention of sexual abuse

Pattaya Special Prison has a policy to tolerate neither sexual abuse nor sexual relations between detainees. Ministry of Public Health also has a policy to prevent HIV infection by providing condoms to the prison. A clinic in this prison therefore has come up with an account recording names of detainees who request for condom.

1.2.5 Body search of detainees after returning from court

Pattaya Special Prison would conduct body search of detainees upon returning from court. If the prison was suspicious, or received information that a detainee had hidden anything inside his/her body, the detainee would be sent to have x-ray at a hospital.

2. Visit with a site survey

2.1 In general, Pattaya Special Prison had facilities, buildings and public utilities that were up to standards consistent with human rights protection principles. Buildings were designed to use space within the prison proportionally and appropriately for the need to control and take care of detainees, such as provisions of visit rooms, a clinic in each Male Zone and Female Zone, and training rooms.

2.2 Detainees' efficiency and life quality in a prison depends on number of detainees and area of the prison. It was found that area of female detainees was clean, wide and in proportion with number of female detainees. Area for male detainees, however, was very crowded, resulting in some detainees having to live under canvass outdoor. Consequently, this

affected detainees' efficiency and life quality, and created problems when each part of the space, such as bedroom and public utilities system, was used. This crowdedness also affected performance of prison officials, making their works arduous and risky.

2.3 Pattaya Special Prison provided vocational training, especially for female detainees, It was found that a diversity of training courses were provided and vocations detainees learned from this training, such as hair cutting, cooking, bakery and embroidering, were useful both during their time of detention and when they were released. As for education in the Female Zone, it was found that there was a library that detainees could use its service to gain knowledge, and printed media in foreign languages to service foreign detainees. Academic knowledge was also provided to detainees who were interested in such knowledge by detainees who were university graduates.

2.4 In both Male Detainees Zone and Female Detainees Zone, each as a clinic and medical personnel to take care of detainees who were ill four days in a week. Patients with infectious disease were separated from other patients in general. However, dental check was provided only once a year and could provide service to only 200 detainees at a time, not all detainees in the prison.

2.5 A room was allocated for rearing children born from female detainees in order to provide opportunities for female detainees to develop relationships and bondage with their children and new-born babies were being raised directly by their own mother as they should. This service was provided only to mothers of a baby up to one year old.

2.6 Dormitories of female detainees were found to be properly provided, clean, well ventilated and sufficiently lighted. Sleeping areas may be somewhat crowded but each bedroom had toilet facilities that block viewing of detainees' body lower than their neck and drinking water is provided so that it was not too hard to stay in bedroom. Moreover, the dormitory was equipped with washing machines and area where detainees could hang-dry their clothes for convenience.

PART 2 Meetings to discuss cooperation with the NHRCT

Mr. What Tingsamitr, Chairperson of the National Human Rights Commission of Thailand, greeted participants of the meeting. He said that *“the third commission began to perform its duties on 26th November 2015 and had to weather many storms. In early 2016, the NHRCT was downgraded from A Status to B Status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), and thus losing its speaking rights and seating at human rights treaty bodies and other UN organs and could only participate as observers. The NHRCT has tried to solve this problem in several ways, such as by pushing for amendment of related legal provisions, including a draft of the new Constitution of the Kingdom of Thailand to be voted in a national referendum on 7th August 2016, and National Human Rights Commission Act B.E.2542 (1999). In this aspect, NHRCT prepared its own draft of the Act that has to be promulgated to make the Constitution functional. On an issue of immunity of NHRCT under Thai laws, it was insisted that laws exist to protect an honest act. The ICC, however, still wanted clear legal provisions to protect operation of NHRCT. Another issue was the composition of the committee tasked to search for nominees to be selected as human rights commissioners that still lacked representatives from the civil society sector. This issue appeared in the draft Constitution in term of the committee composition and in draft related organic laws that define steps and methods to search for*

human rights commissioners. We hope that our advocacy would be successful. Concerning the delay in issuing human rights reports, a road map was developed and NHRCT set up a working group to develop a system for monitoring and evaluation of human rights situation, or MER team as it is called, as a mechanism to assess and prepare a report on human rights situation in Thailand. We cannot change the past, but we can try to do our best in the future.

As for NHRCT's authority and responsibilities in our works in the study area, there are five according to the Paris Principles, some of which may be related: (1) human rights promotion, (2) human rights protection, (3) giving advice on policies related to human rights promotion and protection, (4) staying alerted, monitoring, issuing various statements and producing recommendations for promotion and protection of human rights (so far NHRCT issued recommendations on the Mineral Act and other reports), and (5) building cooperation with stakeholders both inside and outside of Thailand, networks and international organisations.

Vision of NHRCT for the year 2011-2016 is to become an independent national institution to create a society that has a culture of respect towards human dignity and human rights promotion and protection. The National Human Rights Commission Act B.E. 2542 (1999) and draft Act complementary to the draft Constitution that would be voted in a national referendum on 7th August 2016 both contain definition of human rights. At present, a draft of NHRCT Vision from the year 2017 is being developed covering areas like pro-active actions, coordination with various sectors, building a society with Mission, and making people really and completely understand human rights. We have a right to expression and other rights. However, there are exceptions, such as in cases related to peace and order, or morality of the people, including state security. All these rights are universal principles, Constitution of the Kingdom of Thailand or other Thai laws do not make them up. To give the people access to human rights protection, their understanding of their roles and responsibilities, and their respect to other people's rights, must be taken into consideration. In Thailand so far, we have very much demanded our rights, but do not respect rights of other people. Not respecting rights of other people is neglecting principles one should follow. As for promotion and protection of rights, in the case of illness and physicians, it is not possible to produce enough physicians to take care of all patients. What is more important is then health promotion and prevention to reduce opportunities that one would fall ill. Apart from protection, the third NHRCT then put emphasis on promotion, reception of complaints and pro-active works to prevent human rights violation.

This forum is the third one, combining the Central Region together with the Eastern Region and Western Region. Organising a forum based on region is an attempt to get to know problems and issues of concern more closely, learn best practices and then expand or duplicate them. In many cases, this body of knowledge can be transferred to people in all regions. By dividing into several groups, these groups would be helped to set up coordinating centers in the regions which would help them get better access to NHRCT and help make NHRCT works more effective and more efficient in advocating solutions to problems faced by the country, making human rights a culture in Thai society.

DAY 2: Thursday 27th July 2016

PART 3 Opening Ceremony of the NHRCT Meets the People Forum and expression of vision/views on human rights works

Juveniles from Meuang Pattaya 6 School presented a traditional artistic performance of ‘*Klong Yao Thoerd Thoeng*’ (a dance with long drum) to make the seminar delightful. It was assumed that this dance used to be popular among people in Myanmar. When Myanmar (Burma) army invaded Siam (old name of Thailand) during the time when Thonburi was capital of the Kingdom and in the early period of Bangkok, its soldiers would enjoy themselves with various plays, one of which was *Klong Yao* (Long Drum). Thais liked it and then adopted it as one of their plays as well. There is also a song which has been called from the beginning as ‘*Pleng Phama Klong Yao*’ (Long Drum Burmese Song) with melody in a style of Myanmar song. Later the song was adapted as a dance song of which dancers were required to wear checker sarong and colourful headscarf, and to dance wielding an axe in tune with the song. This song thus has another name, “*Pleng Phama Rum Khwan*” (Axe Wielding Burmese Song). On the other hand, there is also a view that this long drum dance just arrived in this country in the reign of King Rama IV of Bangkok when a group of people from Myanmar brought this play to this country with singing and dancing depicting Burmese Army on the march. When Thais saw that it was joyful and easy to play, they adopted it and it has become a popular play until today. A band of *Klong Yao* would have several performers/drummers who hang the long drum diagonally from a shoulder. This drumming-dancing play is called *Thoerd Thoeng Thoeng Bong* to mimic sounds that Thais hear coming out from the drum, “*Thoerd-Thoeng-Bong-Thoeng-Bong*”, making it different from other plays.

Mr. Chaicharn Iamjaroen, Deputy Provincial Governor of Chonburi, gave a speech welcoming NHRCT delegates and participants of the seminar. In summary, he said that:

“This NHRCT Meets the People Forum gives us an opportunity to welcome people and representatives from various sectors. Composition of NHRCT itself is diverse and professionally, its Chairperson (Mr. Wat Tingsamitr) used to be a judge in Chonburi Province during 1986-1988 and a lecturer of laws in several institutions. He therefore feels attached and connected to the area and communities. Chonburi Province is outstanding in many ways. It is located on the route to the Eastern Region and is one of the three provinces in the Eastern Economic Corridor (EEC). The province is designated to accommodate growth with investment in infrastructure, development of Utapao Airport to become the third commercial airport to accommodate expansion of commercial aviation, and large sea port at Juk Samed, Chong Samaesarn Sub-district, Sattahip District. Apart from industry, tourism and agriculture, all eleven districts are diverse with various products. Growth occurs in both transport and logistics at Laem Chabang Sea Port, Project 1 and 2, while Project 3 is under construction. Budget is allocated for investment in construction of a linkage road from motorway to Utapao Airport. Land in the land reform zone connecting Highway no.7 and the airport is also being restored to the state. There are more than 4,300 factories in the area. While factories in four industrial estates and an industrial park have been well regulated, those outside of the estates create so much

pollution. Chonburi Province has two world-class tourist destinations – Pattaya and Bangsaen, with economy worth over 63 billion Baht and an average income of 522,000 Baht per person per year, the third highest in the country, generated by more than 10 million foreign tourists.

Mrs. Pirom Sriprasert, Secretary-General of the National Human Rights Commission, addresses the forum and explained objectives of the NHRCT Meets the People Forum that can be summarized as follows:

“Office of the NHRCT has a plan to organize NHRCT Meets the People Forum in four regions of the country in the 2016 fiscal year with objectives to create a forum to present information, roles and responsibilities of NHRCT in human rights protection, to listen to views from networks of the people about human rights situations and their suggestions which would be used to prepare reports on human right situations, to build cooperation for establishment of local mechanisms in form of human rights coordinating centre and for working together with the NHRCT. This forum was participated by 453 persons consisting of representatives from the People Sector, Civil Society Sector, Government Sector, education networks, members of the public, and mass media. Office of the NHRCT would use viewpoints and information from this forum to help prepare a report on human rights situation and to determine directions for development of cooperation between NHRCT and related partners, composition of a forum, including plenary, small group discussion, presentation of information, exhibition, legal advice, seminar and human rights films showing.

Mr. What Tingsamitr, Chairperson of the National Human Rights Commission, gave a speech to open NHRCT Meets the People Forum that can be summarized as follows:

“A visit to Pattaya enabled us to see an area where business is greatly expanding and has certain phenomenon that we need to look for ways to work together with others, including a national referendum on a draft Constitution of the Kingdom of Thailand. NHRCT has tried to create mechanisms for working to promote and protect human rights in local areas and regions. Our work here today is to introduce the third batch of the National Human Rights Commission of Thailand which was appointed on 20th November 2015. NHRCT is required to perform according to the National Human Rights Commission Act B.E.2542 (1999) in two main areas, that are to protect and to promote human rights. NHRCT has to examine and report acts of human rights violation or those which do not comply with the country's international human rights obligations and propose remedial measures to individuals or organizations concerned. As for human rights promotion, activities involve dissemination of news, information and knowledge about human rights situation. Human rights promotion is pro-active work that leads to creation of human rights culture with a goal to create a livable and sustainable society of virtue, generosity, mutual caring and sharing. Human rights principles are used to connect people together, preventing conflicts. Multidisciplinary

approach is used to solve problems. Two NHRCT Meets the People Forum were organized. This one is the third one which gives us information about diverse kinds of situations/problems that cover wide range of important areas from industries to business, natural resources, urban growth, legal status and rights of persons and others. This information would be collected and compiled for assessment of overall situation and development of concrete and continuous cooperation with partners. Your participation in this NHRCT forum has already shown your cooperation with us to solve problems.

Then it was a session of which ***each commissioner was given an opportunity to express his/her vision/views on human rights works.*** The session was moderated by ***Ms. Naiyana Supapung, Director of Teeranart Kanjana-uksorn Foundation.***

Ms. Naiyana Supapung, Director of Teeranart Kanjana-uksorn Foundation, began the session on NHRCT's vision/views on human rights works by greeting audience both in the forum and those who listened to live radio broadcast. She explained a rule that in order to make optimum use of limited time available, commissioners were given a total of 45 minutes for presentation of their vision/views on human rights works by NHRCT.

Mr. What Tingsamitr, Chairperson of the National Human Rights Commission, made his presentation in summary that, *“According to operation principles adopted by national human rights commissions all around the world, a national human rights commission has responsibilities to promote, protect, advice, stay alerted (through presentation to the public) and relationships with stakeholders both within the country and at international level. NHRCT uses its authority according to the National Human Rights Commissioner Act B.E.2542 (1999) which is being transformed into an Act in compliment to the Constitution if the Constitution is approved by the public in a national referendum on 7th August 2016. Vision of NHRCT is to foster a society that respects human dignity, rights and liberty, while its Mission is taking a proactive approach to promote human rights and receive complaints. Actually NHRCT has been working in many areas/issues but outcomes may not be seen much. We must apologize for doing not much public relations, but we would develop it to become an pro-active work and work more with networks. NHRCT has only 200 staff, but operation areas cover the whole country. For its work to be successful, cooperation with networks is essential and this cooperation has to go down to implementation level. Goals of NHRCT in summary are to make the people understand human rights correctly and completely, and to enable the people to access protection and knowledge that is simple, but covers everything. To make people respect rights of other people, they must be made to be responsible as well, otherwise society would be chaotic, not peaceful. NHRCT would focus on promotion work that is pro-active to reduce human rights violation.*

Mrs. Tuenjai Deetes, a National Human Rights Commissioner, made her presentation in summary that, *“the third batch of National Human Rights Commissioner has four ladies and three gentlemen. This indicates capacity of women in both human rights promotion and human rights examination. In the past seven months, NHRCT received many complaints from all over the country, especially those concerning community right from coastal erosion to coastal management, land issue in Samaesarn and returning land to the state, status of people, displaced Thai people, and investment by business people of Chinese nationality in agricultural*

business. Women play a role in various survey/data collection and data providing. In many areas, participation of community is used quite well as a model for working together, such as in the case of Ao Udom. In Eastern Region, there are many tourism and service businesses and it can be seen that there are also a lot of foreign workers and their dependents. What people need is basic rights and access to knowledge and information about their local area, such as fishermen in wetlands of international importance as designated by the Ramsar Convention. Moreover, local people encounter opportunities or risks caused by intense implementation of development plan or policy without consideration of sustainable Development.”

Mr. Chartchai Suthiklom, a National Human Rights Commissioner, made his presentation in summary that, *“Concerning responsibilities about rights in the judicial process, NHRCT’s focus points are at the beginning and the end of the process, that are what is done by police/wrongdoing suppression officers in the early stage of judicial process, and by correction officers in the last stage. The middle section of judicial process, which is actions by court, is not under NHRCT’s responsibility. In our work, NHRCT looks at the practice of justice delivery whether it is corresponding to the principles of human rights and human dignity. In monitoring actions from orders in relation to principles laid down in, recognized by, the Constitution, it is found that violation of rights is committed most by government agencies because they take actions not in accordance with, or beyond, the authority given to them by law; they violate human dignity of people who have views or way of thinking different from them. In the (second) part about complaint, affected people or people who wish to complain about any acts of right violation, please quickly inform, tell, cry out because the third batch of NHRCT has a direction of work to quickly look at cases of complaint, especially those related to rights in the judicial process, in order to see clearly what should be done. NHRCT has received cases of complaints related to rights in the judicial process as many as cases concerning community rights or resource base. Development in this area clearly related to legal provisions and human rights. NHRCT would perform its duties in a straightforward manner, asking for cooperation to sought after truth and facts in order to reach conclusions and come up with recommendations.”*

Mrs. Chatsuda Chandeeying, a National Human Rights Commissioner, suggested that, *“As for our works on children’s rights and education, negotiation in the past seven months with General Daopong Ratanasuwana, Minister of Education, has reached conclusions as follows: (1) color blindness check of all students by teachers with tool from a Japanese doctor, Dr. Ichihara, to help make other works, such as driving license issuance more properly done; (2) development of human rights education course of which NHRC has prepared documents and suggestions for Ministry of Education to cover teaching and learning in formal school from kindergarten to upper secondary education level, so children would have overall development mentally, emotionally, socially and intellectually to enable them to live with others in society, and (3) taking care of children in the observation place and training centre. Problems existing in the two sites are deletion of children’s criminal record, an act which is required by law after they receive training. However, in practice, there are still some obstacles and such record remains in their registration, becoming their stigma. In addition, it is known that several organizations or associations have given attention to carry out alternative activities, both vocational training, sports skill training and building security in career life. Children’s rights and education are therefore connected to other issues.”*

Mr. Surachet Satitniramai, a National Human Rights Commissioner, said that, *“Most human rights violators are the state and capitalists who do not have good governance. Evil*

capital is business without good governance which has impacts on rights related to health and violation of rights of several groups of disadvantaged people - sex workers, persons with disability, transgender, and persons who are intellectual impair by birth or after birth. They become disadvantaged persons. Society has to take care of them similar to other normal people without discrimination because of these differences. Therefore, moving forward both to create understandings, give access and others are necessary. Our society is going to become a full-fledged aging society where people are getting old before getting rich. Thai society is also one that recognizes only a few dimensions of gender, not differences and diversity. No enforcement of just laws. No respect of human rights. Necessary legal reform. Lack of community or policy participation. Having laws or policies that are connected to other dimensions – human rights, democracy and environment, which are global agenda, to become foundations that are edible and tangible.

Mrs. Prakairatana Thontiravong, a National Human Rights Commissioner, said that, “Apart from the Court of Justice, NHRCT is like a last place of refuge for Thai people or society. Human rights need to be promoted and protected. These rights have been with us since we were born and would be with us till we die. Human rights are human dignity, covering as aspects of good living with fundamental quality. The state plays important roles to take care that people under its authority have their rights respected, protected and materialized. If these rights are affected by business sector, remedial measures should be used. The current batch of NHRCT has tried to bring in mediation process to use in our operation, monitoring work, examination work, inviting various agencies to work together, summarizing and issuing related recommendations. Matters related to economic, social and cultural rights are unavoidably connected to business operation, especially those related to people’s state of consumption. Human rights must be ‘edible’.

As for works responsible by Mrs. Angkhana Neelapaijit, a National Human Rights Commissioner, which are about civil rights, women’s rights and right to fairness in the Southern border provinces, an important question is how would NHRCT set up mechanisms to work on both legal rights and human rights and where in the judicial process, at the beginning, in the middle or at the end. NHRCT would involve in two main stages, the beginning and the ending stage, by working as a bridge to connect and oversee that various operations are in line with human right standards that Thailand is obliged to respect. We can see that NHRCT is different from other agencies in the judicial process, especially in the court system. Human rights must be ‘edible’ and related to everyday life of the people.

Part 4 Panel Discussion on Human Rights Situation in the Central Region, Eastern Region and Western Region.

Panel Discussion on Human Rights Situation in the Central Region, Eastern Region and Western Region was moderated by *Ms. Naiyana Supapung, Director of Teeranart Kanjana-uksorn Foundation.*

The moderator began by explaining procedure for the discussion. As the panel was given one hour, panelists should present their stories how human rights were important for civil society movement in the area, their findings and suggestions to NHRC.

Mr. Sampan Srirattanakoon, Chairperson of Community Protection Assembly in Srakaew Province, a retired civil servant who was representative of civil society sector there, gave his presentation which can be summarized as follows:

“In my thirty-five year experience working as a civil servant, I never heard the word ‘human rights’ clearly from the government sector, but might hear it through the media or by reading about shortcomings of Thailand and what state officials did to the people. As I did not really understand about it, what I told the people was that they should act according to their roles and duties as citizen, rules or laws. Therefore after retirement to live in a community (Nong Phra Bath village in Mae Jode Sub-District), I saw that local people had not yet understood what is human rights violation as could be seen from the fact that industrial wastes were dumped in the area but there was no channel to make a complaint from human right angle and there was no progress from submitting complaints to existing mechanisms.

Therefore it is important that NHRC must have activities to create correct knowledge and understanding among the people, develop a body of knowledge, and make connections with existing networks. People were abused because they did not know their rights. State officials also did not know and just gave order to suppress or exploit the people, resulting in human rights violation. Local communities must be able to manage themselves. Therefore if NHRC is going to work with networks or set up any coordinating centre, it must take into consideration that management of such centre must be by the people who can systematically access it, while supporting partners or academics can help acting as secretary of the movement.”

Mr. Kan Tattiyakul from Eastern Changing Agenda Network as a representative of non-governmental organizations gave presentation that can be summarized as follows:

“What happened in the past created changes which can be divided into three periods: (1) implementation of the National Economic and Social Development Plan that changed production from production for household consumption to production for commercial purpose, (2) discovery of sources of natural resources for energy production, and (3) establishment of industrial estate. These changes had negative impacts on communities or caused their decays. Various groups took actions in response and formed the Eastern Changing Agenda Network. Economic structure of the country changed from 30 per cent coming from agricultural sector down to 5 per cent in 1981, while 65 per cent coming from industrial sector. There were pollution problems caused by both industrial production and industrial waste. At a forum to review situation in the Eastern Region in the past thirty years, participants, of which there were more than 200, reached an agreement to create Regional Agenda for Changes of the East. Since 2011, there have been a number of actions taken together by more than 60 organizations.

Those who determined development in the area were changed to be local people. Indicator used to measure success of development is changed from Gross Domestic Product (GDP) and other incomes that are not related to local people in the area to sustainability. Works after 2011 use three strategies:

a) **Scenario Planning** which creates an image of expectations that people in society want to see together in situation where there is no clarity. (An example is works in South Africa of which an image used is that of flying Flamingo which reflects respect to allies and peace.) This part is important as to create future images of the Eastern Region, one must consider many things from global trends, politics, policies, economy, society, technology, law, nature and environment by showing various ways in three important aspects:

(1) **Way of Chimney Mouth Capital** which is to follow and compete with the global trend. Politics is centralized without quality. Representative democracy is ineffective. Government policies are bias toward economy with large corporations in control and foreign capital plays key role. Society is geared towards 'consumerism society' and high carbon based on low capital technology. Systems facilitate investment. Natural resources are in decline and environment is getting worse.

(2) **Way of Advanced Capital** of which an image is that of European countries where communities and business exist together.

(3) **Way of Creative Thai** which focuses on knowing global trends thoroughly, decentralization of power and effective political system with direct democracy. Policies are geared toward quality of life, revolution of education to create persons who proclaim promotion-based health policy. Economy is diverse with small-scale, medium-scale and large-scale businesses. Local capital is important and increase of entrepreneurs is a goal.

b) **Sustainable Development Goals (SDGs)**

c) **Strategic Environmental Assessment (SEA)** SEA is an assessment to find out how to use resources or environment properly to drive actions in order to regulate directions of development together.

Here guidelines for actions following the concept of One-Straw Revolution are emphasized. It is explained that with this concept, we do not have to worry much about goals. What should be considered is that are we in the right process as this would lead us to achieve expected goals.

Mr. Veeravit Viwatthanavanich, Chairperson of Klong Luang Water Management Council, Judge in the Administrative Court (a former Advisor to Amata Corporation Public Company Limited and a former provincial governor) made a presentation which can be summarized as follows:

"I join the NHRC Meets the People Forum today in capacity of Klong Luang Water Management Council which has background tracing back to my time working as a government official in Ban Chang District where I saw impacts of pollution. I was then moved to Panas Nikhom District and later promoted to be in administrative position responsible for overseeing areas in the province where there was an industrial estate. I then became a deputy provincial governor and provincial governor in several provinces from Nan to Chonburi, Yasothorn and Chachoengsao where my work had to involve with labours, both foreign labour and Thai labour who still lacked knowledge and understanding about their rights and had no access to mechanisms that promote and protect human rights. This situation resulted in when one tried

to solve problems, many issues need to be considered, including ways to solve day-to-day livelihood problems, coordination/work to create fairness between communities, businesses and related agencies, creation of process for negotiation and joint management, such as Klong Luang Basin Management Council. The council organized process to brainstorm about problems/situation, solutions to the problems, and monitor problem solving actions. Importantly, trust needs to be built and solutions to problems need to be found out together.

While working with the National Children and Youth Council in the Central Region, Eastern Region and Western Region on anti-corruption issue, I saw some important elements – organizing communities/practitioners that have consciousness in their works, being good citizen, having open mind, and creating participation in efforts to achieve various goals.

Mr. Somnuk Jongmeewasin, Ph.D., Chairperson of Civil Society Sector Network in Chonburi Province, a lecturer at International College, Silpakorn University, academic on community right and a representative of education institutes, made a presentation which can be summarized as follows:

“What I am going to present is about rights of urban communities because the country has been developed and changed from traditional agricultural communities to become semi-urban or urban communities. Changes occurred both physically and in way of life, resulting in changes in land use. National development was focused on creation of Gross Domestic Product (GDP) which is the measurement of total incomes or cash of the country’s population as a whole. This direction of development began in 1961 under the regime of Prime Minister Field Marshall Sarit Thanarat. It professed in the development of monoculture cash crop cultivation, expansion of intensive, special and specific economic zones where large areas of land were returned to the state, development of logistics and others. Urban development can be in several forms, but in Thailand, it was focused on industry-oriented urban development and related service businesses. As a consequence, local people had their access to various resources restricted or fiercely contested.

Working in the civil society sector allows me to see that many times in many situations, great pressure from such development put a squeeze on the people to an extent that their rights or human rights are forgotten. Urban development, such as construction of wide/large road, highway or motorway, causes changes in social relation structure, common cultural way of living is torn apart, accidents and other disasters are on the rise, and various expenses increase. If an industrial estate is taken into consideration, such as in the case of Amata which covers a total area of 22,383 rai (about 3,580 hectare), development has not happened all over the area as both appropriateness and capacity to accommodate development need to be considered.

Therefore several measures, such as the Strategic Environmental Assessment, which is an assessment of suitability to find out how to use resources or environment properly to drive actions in order to regulate directions of development together, must be applied at the same time while listening to local people there as well. Development to create macro-economy, both GDP and investment figures which were created by foreign investment, is vertically-managed, top-down development that suck up or take away resources from local people, causing human rights violation as a whole.”

Comments from participants in the forum are as follows:

- Most problems originated from the government's implementation of its policies. Scrambling for land in areas targeted for development often occurred when officials in responsible agencies released information to someone in the business sector, resulting in changes of landownership. Process that the government used to manage development projects or plan them often turned eyes from, or overlooked the people's sector and their process of work. As a person from a network in the people's sector, I do not expect seven human rights commissioners to work like Buddhist saint. Emphasis should be importantly put on works done by the people's sector ourselves. If NHRC would give any support, it should consider to make such support thoroughly covering all related process of other sectors, not biasing towards either industry or labour. Development of the people in both labour and other sectors must be supported, strengthened. Laws enacted by any social class would be for benefits of that class, while government mechanisms would only follow the laws. (*Ms. Thanaporn Vijarn representing groups of labour in Chonburi and other provinces, and the Solidarity Labour Network*)

- Comments are as follows: (1) Operation of NHRC or all networks have no goals or strategies to be achieved in their term of work; (2) Works by NHRC on the eleven issues still do not cover what is really happening in the area; and (3) NHRC's works should emphasize continuity and have a clear identity or standpoint in taking actions. Importantly, NHRC must work mainly with issue groups. (*Mr. Somporn Netkwan, Secretary General of the Eastern Labour and Solidarity Labour Network.*)

- Comments are as follows: (1) Referring to NHRC's operation process, if a case of human rights violation is investigated and a report compiled and problems are still not successfully solved, the case should be brought to the judicial process. When the case reaches that point, NHRC should work with concerned people to think over to see whether the people should take the case to court, and if so, is there anything – environment/circumstance, problems, obstacles or actions – that NHRC should provide supports to deal with, such as solicitor or legal aid; (2) Needs for development or reform of operators, both operators in private sector and operators in government sector (policy makers, state authority users and the bureaucratic system), by seeing what should be done to development plan that violates rights of the people; and (3) apart from knowledge about rights, there is still an issue of fear. There should be discussion on how to get rid of fear. (*Ms. Nisanart Yothasamut, Chao Phraya Network*)

- Working in Pattaya, human rights of gender diverse people is an issue. Since the first batch of human rights commission, there were trainings and discussion about human rights understanding and negotiation techniques. It was proposed that attitude towards transgender should be adjusted from being identified as 'coconut ghost' to be 'angel'. Because of previous image/identity, transgender have been suppressed, stigmatized and looked down upon, raising a question whether or not they are accepted as population in the area. They are suppressed not to express their gender identity. They are forbidden not to use services in hotels or places of entertainment. They have to encounter insecurity or even dangers, subject to arrest and body search when they are charged of prostitution (in case that they were found to have a condom with them). It should be seen that like everyone, they all have dreams; they want to look for solutions for their life and their family. Members of the group have knowledge, understand about rights, but they are afraid to engage in argument because after having

argument, they are often charged with more serious wrongdoing. (*Somkuan Thongdee, Sisters Center Foundation*)

- Wish that situation concerning identity of various ethnic groups is understood. (*Mr. Sitthipol Boonchooched, Western Region - Tanaosri Karen Network*)

- I want to ask about implementation of the government 4.0 policy on development of special economic zones especially in the Eastern Region (Dr.Somkid Jatusripitak, a Deputy Prime Minister, chaired a meeting of the Government Cabinet that passed a resolution assigning Office of the National Economic and Social Development Board to work on the issue of special economic zone. (*Mr. Krisda, Prachathai Press*)

- NHRC's policy still does not recognize importance of labour issues, lack mechanisms to deal with them, and does not show seriousness and sincerity to work with networks of those whose rights are violated. It is therefore suggested that NHRC's works must cover issues that are really existing and must be clear about human rights framework. (*Mrs. Sombun Srikhamdokkae, Network of Patients Whose illness is work-Related*)

- It is suggested that NHRC uses sincere process to work together with others, does not lie and falsely creates faith or respect. (*Mr. Bunkeng Lekawiwa, Paedriew District, Chachoengsao Province*)

Ms. Naiyana Supapung, Director of Teeranart Kanjana-uksorn Foundation then summarized the session.

“An important thing that one must overcome and try to clarify is to check whether knowledge we have is factual, appropriate and really connect to human rights. This dimension of work begins at individual level where each individual needs to attentively review and clarify. When we work together and join into network, each network has a duty to check and monitor suggestions, processes and policies related to development which would make directions of work even clearer.”

PART 5 Brainstorming information about human rights situations in the Central Region, Eastern Region and Western Region

In order to brainstorm information about human rights situations in the Central Region, Eastern Region and Western Region, participants in the seminar were divided into 5 groups on 5 issues – industry, labour, urban community, fishery and agriculture, and personal status and Thai displaced persons. The plenary was moderated by *Assistant Professor Dr. Olarn Thinbangtiaw, Deputy Dean, Faculty of Political Science and Law, Burapa University*.

Assistant Professor Olarn Thinbangtiaw, Ph.D. Deputy Dean, Faculty of Political Science and Law, Burapa University, introduced this brainstorming session by saying that all of us faced human rights problem in daily life of which we take different actions, including behaviours and expressions in giving out suggestions, advocacy and campaign.

Presentation of outcomes from each of the five brainstorming groups can be summarized as follows:

GROUP 1 Industries (both new and old industries) moderated by Ms. Penchom Sae Tang

Acting Second Lieutenant Thaweesak Thinkwang, a community leader in Prathumthani Province who opposed a project to construct a waste-burning power plant in the area made a presentation about new and old industries that can be summarized as follows:

“We have seen diverse views from the government which uses industry to lead development of Thailand while our way of life is still that of farmers. Therefore if farmers are weak, national security is affected. Farmers are now threatened by capitalist groups, convenience stores, etc. that have impacts on way of life in the community. When industry-led policy is linked with administrative mechanisms, human resource development and academic indoctrination, development tends to lead to use of community areas for industrial waste dumping without effective management and straightforward enforcement of law. Instead such management and law enforcement are likely to be in favour of capitalist groups rather than local people. Construction works are allowed to block waterways, create pollution that affects community and the environment. We have faith in EIA as a measure to check impacts of industries on communities. However, how much can we trust academics who sell themselves to perform EIA as outcomes often incline to benefit the government and capitalist groups, pushing people out of their area. Laws are also amended in favour of capitalist groups. We agree with construction of waste-burning power plants as described in the Road Map, but context and appropriateness of the community area must be considered first. Laws should not be amended in favour of capitalist groups or the government. However, Order no.4/2558 was issued to allow construction of waste-burning power plant to be anywhere in town without having to consider whether it is appropriate according to town plan. In the past, construction of any power plant that generates more than 10MW of electricity needs EIA. At present, this requirement has been abolished. It used to be provided that only investment of less than 1,000 million Baht would not be regulated by the Joint Investment Act. Now the government is going to amend this Act allowing investment of up to 5,000 million Baht not to be subject to this Act, giving even more favour to capitalists.

Moreover, there are impacts on labour. Large companies often use sub-contractors which in turn use slave or forced labour. As there is no effective measure for caring and rehabilitating these labours, there are many negative impacts. There are ways to solve these problems. We demand that related laws are enforced straightforwardly and effectively. There should be no excuse that there is not enough personnel or knowledge to control industrial areas and to manage those industries, preventing them from destroying forest and polluting the areas. Problems must be solved urgently at their causes. This can be done because the country's administration is very much top down; the top level can determine directions, make decisions and give orders down, implementing units cannot resist this centralized power.

In terms of making complaints and taking cases to court, in Thailand there are so many mechanisms to take care of complaints. However, what agencies can work effectively? There is much delay in solving any problem and no rehabilitation. For example, a complaint was submitted concerning a case in Pathumthani Province in 2004, but so far there has been no progress. We then see that NHRC should be one that gives assistance to the people before they have to enter judicial process to seek justice from court because they do not see it useful to fight in court for a long time like in the cases of Klity (where Karen people fell ill because water in a creek they used was contaminated by lead from a tin mine) and Mae Moh (where local villagers fell ill because of air pollution from lignite power plant) of which many people were affected. Remedies they received were not worth what they had endured. Even until today impacts from contamination are still lingering on. Thus there must be a clear timeframe for justice to be delivered to affected people; it should not be more than one year. We don't want to see people falling ill and die today. We believe that everyone comes with a belief, a spirit, a feeling that we have equal rights. We then would use existing knowledge, tools or mechanisms, including NHRC, to fight together against dark power whether from capitalists or the state to protect our rights.

Mr. Suchart Narknok, a leader of Praeksa Community, talked about pollution caused by toxic waste, and about communities located in the dump site area, which can be summarized as follows:

“When the dump site caught fire, we took the case to court which gave a verdict that affected villagers were to be paid 3,000 Baht each. Even if the sum was not high, that act created a process where the villagers' rights and justness were confirmed. The court also set up a working group to rehabilitate the dump site. At present the working group is collecting data from the dump site to be used for rehabilitation. This is a boost of morale for everyone who would fight in the future to fight with all their might. Problems that I heard in this NHRCT Meets the People Forum are problems caused by industrial sector, but this sector can't be denied because it is a source of employment. Good industry would have good governance - honest, transparent and can be examined. There should be clear mechanisms for checking information and receiving complaints, allowing the people to participate in solving problems, treatment system, giving back to community and cooperation between government agencies, business operators and communities to reduce/mitigate problems.

Large factories that may have impacts on the people would have to produce EIA reports regulated by Ministry of Natural Resources and Environment. Problems come from not making people have true understanding. It is then suggested that a channel must be opened for the

people to learn about it and NHRCT plays a role to assist or support presentation of, or access to, such information.

Experiences from the case of waste-burning power plant and dump site at Praeksa show that there was power imbalance between the state, community and capitalist groups. Power lied with the state and capitalist groups violated community rights. So the people do not trust persons from education institute who go to do EIA in their area. Having industries in an area creates employment, but it also creates righteous exploitation, followed by complaints/petitions for a long time. What has to be clearly discussed is decentralization of power based on resource and community that would have right to deal with problems, and building of good governance to create circumstance where those involved can check each other.”

GROUP 2 Rights of labour

Moderated by Ms. Thanaporn Vichan, Secretary-General of the Thai Labour Solidarity Committee

Issue concerning rights of labour covers labour in both formal sector and informal sector. Situations they face include their legal rights are not respected; their group formation and their right to assembly (according to the Public Gathering Act B.E. 2558 [2015]) are not protected by law; policies and operation of the government; regulations in workplace are strangulating; differences in terms of work, employment conditions, wages and welfare; lack of law enforcement; use of child labour; laws do not promote negotiation system and labour relations; labour leaders are abused of their rights, dismissed or treated badly; contracted labour do not have access to legal rights; recruitment or contract that creates inequality; forced health check (od sex workers) without their consent; sexual harassment; sexual discrimination; sexual abuse; hiring of apprentices to do dangerous work or to work under various risks; labour laws that are not consistent with universal principles; employers use existing legal gaps for labour management; use of modern technology that causes decreases in employment; deprivation of labour union formation; struggles in the judicial process takes a long time and consequently weakens them; attitude to make assumption without evidence; age or sex restrictions in job application.

At present, no success has been achieved from empirical work with labour groups, while there are problems and obstacles in laws related to community, compensation money (in case of accident or work-related illness), lack of people’s participation in various actions, government policies that affect the people and laws that restrict rights. NHRC needs to have measures to strengthen people. Welfare and health care system need to be adjusted to be consistent with each other or to have the same standards.

Suggestions for works with NHRC are (1) forming a committee with representatives from related networks; if law is not fair, mechanism for participatory management is needed, (2) setting up centers to receive complaints, using networks that really exist, and (3) adjusting structure of NHRC to allow various networks to involve, so that problems would be solved at specific point with involvement of academics.

In case of dispute, since the Public Gathering Act was enacted in 2015, when employers closed work down, gathering was forbidden. Use of various areas faced obstacles that a big rally was needed until the Labour Ministry took up their case. Problems occurred when people exercise their rights. To get supports from education institutes, government agencies and others, it is necessary to have human rights course to create changes. A demand from the Eastern Region is that the Labour Ministry set up a Labour Relations Promotion Committee in the Eastern Region to do activities to create labour relations system and to hold meetings to discuss solutions to labour problems. It would work similar to a tripartite committee, but focus mainly on works between organisations of workers and those of employers.

Plan for actions in the Eastern Region in 2017 are: (1) NHRCT creates forum for negotiation and discussion to look for solutions to problems together; (2) NHRCT organizes training for representatives from all issue groups, so that they could provide knowledge about human rights to other people in their groups; (3) (issue groups) should take part in determining NHRCT's action plans, so that they are clear and covering all aspects (not only limited to 11 issues as framed by the state); (4) the labour movement demands the Thai government to sign Convention no.87 and 98 of the International Labour Organization (ILO) which underlie foundation for negotiation, and also Convention no.155 and 183; (5) NHRC is to increase effectiveness and efficiency of its operation from examining cases of human rights violation to making policy recommendations, creating balance and advocacy for a role in sending a human rights cases for trial in court.

Ms. Somkuan Kongdee, Sisters Center Foundation, presented information about problems faced by gender diverse people in Chonburi Province, especially in Pattaya, which was caused by sexual prejudice. This prejudice was reflected or appeared in all groups of people from the general public to people around gender diverse people and law enforcement officers/agencies. They were often charged by police officers in the local area for violating certain legal provision, or specific law in that administrative area, or municipal law.

GROUP 3 Urban community issues

Moderated by MR. Somnuk Jongmeewasin, Ph.D. an academic specialized on environment issues in the Eastern Region

Mr. Adul Yothasamut from a community on the bank of Chao Phraya River in Bangkok: Discussions on problems in 8 provinces in the Central Region of which Chao Phraya River runs through indicates a need to share responsibilities for taking care of the river. After a big flood in 2011, the government tried to come up with a plan called 'Chao Phraya for All', spending only seven months for studies. This plan supports an idea that slopes would be built on both banks of the river with a seven meter-wide, 54 kilometer-long road for running and cycling on each side. This totally 108 km. long road would cost 108,000 million Baht. This plan affects people who have been living in the concerned areas, making use of them, participating in their development, and where there are many communities and places of religious practices. Feasibility study and public hearings of this Chao Phraya River Project over a period of only seven months could not come up with a careful conclusion as it lacked serious consultation. Stakeholders who are emotional bound to the river consist of more than 100

communities and many religious places that would be affected. Moreover, there are also canals linked with Chao Phraya River. Having constructions on the river banks would create unsightly images and affect way of life of people who have been living with the waterway. King Mongkut Institute of Technology Ladkrabang does not have the expertise for management of the river, while communities that have been existing with the river learn how to co-exist, to live, with the river. The government only do public relations, not providing information. Development of any project on the banks of the river therefore needs to answer a question about its worthiness. “Chao Phraya River is a Lifeline, taking care of communities’ way of life.”

Mrs. Somsri Saithong from a community in Rama 3 Road area of Bangkok made her presentation which can be summarized as follows: Calling an urban settlement ‘slum’, which is a foreign word, even by its residence, carries an image of being a degraded place, a place of prostitutes. Although the word slum was changed to ‘chumchon (air-ud)’, a Thai word for (crowded) community, seems to signify a change of discourse, but there is still no physical development. These communities are still affected by various projects. When a road is planned to be constructed over patches of land then occupied by such communities, they would be urgently evicted, even by force, affecting many lives. As land in city is highly priced, competition for land ensues and people in communities, especially those on private land, are accused of being trespassers, and evicted. They, on the other hand, said that they were pioneers as they had come to use the land area for a long time without someone claiming ownership. Currently, various project areas overlapped areas used by more than 50 communities. There are attempts to present these communities with information. They were helped to set up groups for self-management, learning to know various tools for self-defense. They then joined to form a network of rail-side communities, a four-region slum network and a homestead network. In conclusion, slum people are affected by all projects, whether they are big or small, residence projects or others, legally and by physical violence. We fight against fear to an extent that we are accustomed to it. Assistance can come with all forms of techniques, including those from NHRCT.

Mr.Noppadon Pornboriboon from Samaesarn Community in Chonburi Province said that Sattahip Naval Base and the Treasury Department have demarcated the area and tackle the problem of land encroachment in Samaesarn Sub-district. This problem-solving action, however, did not reveal any information. Local communities did not participate in expressing or arguing concretely about their rights. There is no process to prove one’s rights and recognize identity in Samaesarn Sub-District area. We want to make people see that human resource is as valuable as natural resources and the environment. NHRCT is a central agency that should intervene to coordinate protection and reduce their battle with government agencies. It should be speedily down.

Mr. Somyot Khiewkul from Ban Ao Udom community made a presentation that can be summarized as follows: Actions were taken by members of the community who join hands to take care / protect their homeland, way of life and occupations from 6 companies, 8 piers. Ao Udom (rich bay) is the name given by King Rama V because of richness of the area. Struggle began with only seven persons and expanded to more than 1,000 persons now with allies.

Mrs. Nisanart Rattananakin from Meuang Chao Phraya Community presented ways that communities can work with NHRCT: (1) looking at risks a government policy can create that result in various kinds of rights violation and then preventing impacts from appearing; (2)

studying economic development plans that have risks to cause right violation, affecting people's livelihood and way of living, administration of justice, and others; (3) Coordinating networks and creating networks with independent academics; (4) conducting HIA/EIA; (5) creating NHRCT's volunteers to assist in doing pro-active works together; and (6) production of media, working in-depth and pro-actively on any contract or policy that are at risk of causing violation of human rights.

GROUP 4 Fishery and agriculture issues

Moderated by Mr. Sanit Yensabai, Manager of Srakaew Sikhiaw Foundation

Mrs. Pikul Kaewthong from local fisherfolk community in Mae Klong River Basin, Samut Sakhon Province, made her presentation about disputes in the area, *phongphang* fishing equipment, group formation of fisherfolks, use of mechanism in court cases, fisherfolks being treated with special law, including Article 44 of the interim constitution B.E.2557 (2014), encroachment into areas, areas not being allocated, process to create people's participation, unfair return of land (in Mabtaphud) to the state where affected people were not correctly compensated and not properly taken care of, increase of piers, construction of plants for oil refinery or heavy industry that affected local people in the area, various networks encountered similar problems, destruction of local fishing equipment, people in some communities have no alternative occupations.

Problems and obstacles they faced included limited knowledge and understanding. NHRCT tried to help, but there were still problems in term of coordination and others.

Successes in actions taken came from works with supports from academic sector, struggle to demand for and protect rights, learning from people who were affected, any petition letter should have a response, people's efforts in negotiation having a mediating agency to help settle matters. It is therefore proposed that NHRCT should have authority to take cases to court, have operation to enhance actions taken in local areas, advocate for having human rights course for juveniles, have reports summarizing results of its various operations produced and shared with related agencies and communities, organize forum to meet with various groups and organizations, create learning activities with network mechanisms, create volunteers to work with NHRC to deal with community groups, related laws, network building, lesson learning and others.

GROUP 5 Personal status / Thai displaced persons issues

Moderated by Mrs. Yindee Huayhongthong, Program Manager of Claiming for Nationality and Personal Legal Status, the Foundation for Better Life of Children

Ms. Wansiri Chumchonchai presented summary of human rights situation faced by groups of people who had personal status problems in the Central Region, Eastern Region and Western Region. There were 30 participants in the meeting who can be divided into group of people whose status was not included in the official citizen registration / rootless children, ethnic groups and Thai displaced persons. Details of the situation, problems, suggestions and guidelines for actions are as follows:

1. Definitions

Terms	Meaning
Thai persons whose status was missing from the official citizen registration	Persons legally born from father or mother who has Thai nationality, and persons born from father and mother who are alien that receive permission to have residence in the Kingdom of Thailand (having a residence document or alien ID document but their birth was not reported or included in the household registration) [Definition of persons without status in various registration and related laws, Secretariat of an Extraordinary Commission to study problems related to law enforcement and rights of people in Thailand, Senate House]
Ethnic groups	There are totally 18 groups as defined by the government and other groups outside of this designation, and groups whose validity of their identity card expired and requested for its extension but the request was denied by officials.
Thai displaced persons	Thai persons with Thai nationality who lost their Thai nationality because of territorial demarcation in the reign of King Rama V between Thailand and Myanmar in areas around Marid, Tawai and Tanaosri (names used by Thais) and between Thailand and Cambodia in area around Koh Kong Province. At present, this group of people have returned to live in Thailand in the province of Trad, Prachuab Khirikhan, Chumporn, Ranong and Phang-nga but Thai state sees that they are people of Cambodia or Myanmar while Cambodia and Myanmar see them as being Thais. They therefore form a network to advocate solutions to the problems until the Nationality Act (Fifth Edition) was enacted in 2012.

The problem as a whole is no access to various rights, such as rights to travel, medical care and education. They cannot continue their education to the higher level, cannot obtain professional license, which limit their employment opportunities, create chances for corruption by officials whose responsibility is to confirm their status or other related works. They are demanded fees higher than required by law. Another problem is issuing ID cards under the same name to be used by more than one person.

Suggested solution to the problems as a whole is for concerned individuals or non-governmental organizations and officials jointly survey target groups to account their number and types of persons without status, disseminate related knowledge to the target groups and related officials, appointment of district-level committee whose members consist of representatives from all sectors involved from government agencies to civil society sector and concerned persons, so that there would be coordination among them to do fieldwork in the area, campaign or dissemination of related legal provisions and guidelines as being ordered, so that both target groups and officials at field action level would know directions and steps of works to solve the problems.

Suggestions to NHRCT are that NHRCT should come up with policy recommendations to related agencies to solve problems related to rights and status of persons, appointment of sub-committee or working groups at field level, such as at district level, so that there would be concrete forms and steps to work, expansion of MOU on solutions to rights and personal status problems to include more agencies or interested education institutes to support compilation of information about persons who have rights and personal status problems.

“No matter how much external assistance they receive, if there is no success or strength from inside, they cannot move to a correct process to solve the problems.”

Additional exchanges of opinion

- Local people in Samaesarn Sub-District area were threatened by a group of strong armed men dressed in official uniform. Families of villagers were taken away from home to intimidate and threaten. These local people understand that they have occupied and used the area, and need tools or mechanisms to prove their rights which they perceive they should have. This effort should be given opportunities. NHRCT should also perform its duty to maintain human rights standards as there should be. What is seen is different from behaviours or practices that are believed to be legal but do not respect human rights. NHRCT needs to have commitment and courage to express its correct standpoints. It should be clear in making its views to the public based on human rights principles. (local people from Samaesarn Sub-District)

- I support the proposal that NHRC is able to sue on behalf of damaged party or people whose rights are violated. (Mr. Montri Pekan, a member of a NHRCT Sub-Committee on ESCR under the first batch of NHRCT)

- NHRCT must work for rightness, not neutrality, because genuine neutrality on the matter of human right violation does not exist in real world. Owners of problems must rise up and NHRC plays a role to support. NHRCT is like a large gun with small bullets. If community action groups are mixed together as bullets, they could be shot to a longer distance. (Thai displaced persons from Prachuab Khirikhan Province)

- People have a high hope with NHRCT. We, however, must see how much can NHRC do. We are all connected. Our rights are repeatedly abused but do not normally form groups, no matter how many batch of NHRCT are or how many persons in a NHRCT. “Whatever class write a law, it is for that class.” NHRC therefore needs to create true process of participation and representation of the people. (Mr. Paithoon Wanglong, Chairperson of a labour union in the Eastern Region)

- I have worked with NHRCT since 2004 on the issue of the right to group formation which still have problems until today. There are issues that must be connected to human trafficking (in the form that is not labour in fishery business). (Mr. Vinij Buawong, Chairperson of a labour union in the Eastern Region)

Mr. What Tingsamitr, Chairperson of the National Human Rights Commission, summarizes and closes the NHRCT Meets the People Forum in the Central Region (including the Eastern Region and Western Region) as follows:

“To end this NHRCT forum, I wish to inform you that information in the given CD is a preliminary attempt to develop such media to ask for comments from everyone of you who participate in this three-day meeting and sharing of information. NHRCT tried to attentively listen to what is said. Summarized conclusions are as follows:

a. *In the morning of 27th July 2016, participants were divided into 4 groups to do field studies: (1) Ao Udom and development of Ao Udom Community Constitution; (2) Studies of Thai Oil’s Corporate Social Responsibility which is expressed in forms of various services to society or communities , such as dental care service, library and common area of the community. These services are adapted according to nature of the area and population; (3) Discussions on operation of the juvenile training center and juvenile observation and protection center; and (4) Discussions on operation with detainees who are gender diverse persons in Pattaya Central Prison (Nong Pla Lai).*

b. *In the afternoon of 27th July 2016, a meeting was convened with various local groups in form of consultation to look for cooperation or creation of mechanisms to solve problems.*

c. *In the morning of 28th July 2016, there was an official opening ceremony of the forum. Vision, experiences and successes of NHRCT operation were shared with the participants. In the afternoon, participants were divided into groups to listen to their views, information and working direction of NHRCT on various issues which was connected to the listening and reflection session on 29th July 2016.*

NHRCT wish to inform the participants that in our operation, we try to set up study and coordinating centers, focusing on works with education institutes in various areas, such as Khon Kaen University (North-Eastern Region), Chiang Mai University (Northern Region) and Burapha University (Eastern Region). We wish to emphasize that NHRCT realizes the significance of multi-faceted cooperation with diversities of networks and opines that (1) for any work to have serious coordination and cooperation, it must be carried out on basis of precise, correct and factual information and human rights principles with impartiality that comes from really looking at information from various parts; (2) different employment systems including sub-contraction and hiring of foreign labour with wholesome payment, and understanding about rights to various funds where NHRCT would act as coordinating mechanism; (3) For case of people with rights and personal status problems, NHRCT would expand cooperation to related agencies and set up operational mechanisms in the field; (4) Studying pros and cons of development projects. NHRCT can operate much better by supporting formation of human rights guardian volunteer network in the concerned areas; (5) Impacts from implementing Article 44 of the interim constitution to return private land to the

state affects land right and right to residence; this is an issue that NHRCT would importantly take into consideration.

NHRCT has a few requests to all of you, that are (1) try to understand human rights correctly and completely in details, so that living together can be a reality; (2) the state or NHRCT must make it easy for the people to quickly access human rights protection, that is to have mechanisms, channels or tools to access the state or NHRCT; and (3) human rights would become a reality not only by knowing one's own rights, but also by respecting rights of other people. Those who have rights have a duty to respect rights of others. In conclusion, it is useful to create understanding, knowledge and recognition of one's duties. We need to have networks of rights guardian volunteers, to receive information from all people to get an overall picture of the country and trying to connect this big picture to small areas as much as possible."

