



Regional Office for South-East Asia

PRESS STATEMENT

United Nations Human Rights Office concerned by the situation of human rights in relation to land in Thailand

BANGKOK (11 March 2015) -The United Nations Human Rights Office for South East Asia (OHCHR) is concerned that the rights of poor communities in maintaining access to land and livelihood are not being upheld and urges the Government to comply with its international human rights obligations in pursuing its land policies.

OHCHR is particularly concerned that the push of the National Council of Peace and Order (NCPO) for quick solutions to complex land issues has led to violations of international human rights standards, including the failure to ensure free, prior and informed consent of communities, violence, intimidation and threats against those seeking to defend community rights and, at times, forced evictions. Under international human rights law, Thailand is obligated to respect rights of local communities when seeking to restrict their access to land.

The four murders and one disappearance of land rights activists by unknown actors in the last ten months in Thailand, including Mr. Chai Bunthonglek killed on 11 February in Surat Thani province, raises particular concern. OHCHR calls on the authorities to increase measures to ensure the protection of all human rights defenders in the country and particularly those working on land issues who face the most risk. Thailand has an obligation to promptly investigate and bring to justice those responsible for the abovementioned murders and disappearance as well as any other violence or threats targeted at land right activists.

Restrictions on freedom of expression and assembly imposed since May 2014, including through the ban on political gatherings of more than five people, have further impacted on the rights of communities and human rights defenders to participate in public affairs. It also limits them from raising the visibility of their issues, thereby increasing their vulnerability. The authorities have cancelled a number of events and forums on land and natural resources due to the restrictions. At the same time, OHCHR is concerned that the implementation of recent land policies has led to an increase in the number of prosecutions of farmers and villagers deemed to be land encroachers.

The implementation of the NCPO Orders No. 64/2557 and 66/2557 has led to the destructions of crops planted in disputed areas. In violation of international standards, some communities, including six villages in Buriram province, were also subjected to forced evictions without alternative land provided. These operations affected the enjoyment of a number of human rights, including the right to adequate housing and an adequate standard of living and do not appear to provide a sustainable solution for the problems at stake.

OHCHR recommends to the Royal Thai Government to halt or postpone the implementation of the NCPO Orders 64 and 66, as well as the "Master Plan on Solutions to Destruction of Forest Resources and Land Encroachment and Sustainable Forest Management", pending effective consultation with

affected communities and civil society. This was also a recommendation made by the National Human Rights Commission of Thailand. Further, OHCHR recommends that the Constitution Drafting Committee retain sections 57, 58, 66 and 67 of the 2007 Constitution that provided protection for key community rights, including participating in decision-making affecting them. Finally, OHCHR urges the Constitution Drafting Committee to strengthen the National Human Rights Commission of Thailand, which has played a key role in supporting a human rights approach to land related issues, particularly its selection process to ensure its independence, impartiality and strong human rights expertise.

In early June this year, Thailand will be reviewed under the International Covenant on Economic, Social and Cultural Rights. Many of the rights provided under the Covenant, including the rights to food, adequate housing and self-determination, have been affected by the current land policies and practices. These issues are likely to be raised during the review.

ENDS

The Regional Office for South-East Asia in Bangkok represents the High Commissioner for Human Rights within South East Asia. The High Commissioner for Human Rights is the principal human rights official of the United Nations and heads the Office of the United Nations High Commissioner for Human Rights, which spearheads the United Nations' human rights efforts .

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