



**41<sup>st</sup> Regular Session of the UN Human Rights Council**  
**Item 3: General Debate Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Oral Statement Delivered by Ahmed Adam**  
**On behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA)**

**Monday, 1 July 2019**

Madame Vice President, we are concerned at the serious adverse impact of business activities on human rights and the environment. In this regard, we refer to the report of the Working Group on Business and Human Rights on its mission to Thailand in 2018.

We echo the concerns of the Working Group on the negative human rights and environmental impact of Thai companies operating abroad. Recent examples of these include the collapse of a Xe Pian Xe Nemnoi hydropower dam in Laos in 2018 resulting in the deaths and displacement of thousands of people<sup>1</sup>, and forcible displacement of hundreds of families in Oddar Meanchey province in Cambodia to make way for a sugar cane plantation operated by Thai companies<sup>2</sup>. Similarly, Thai state enterprise that buy electricity from Xayaburi hydropower dam has ignored environmental impact of the dam on Thailand, Laos, Cambodia and Vietnam. The Thai government must ensure that Thai businesses operating abroad uphold their obligations to conduct genuine human rights and environmental impact assessments and meaningful consultations with all affected communities, with greater attention to the rights of ethnic minorities who are disproportionately affected by large-scale development projects.

Furthermore, increasing use of strategic lawsuit against public participation (SLAPP) against communities and human rights defenders exposing harmful business practices by Thai companies has added further restrictions and a chilling effect on legitimate exercise of freedom of expression and dissent in Thailand. These include judicial harassment of local community in Thepa for protesting against a coal fired power plant in Songkhla province<sup>3</sup>; and a series of 14 civil and criminal lawsuits against migrant workers, human rights defenders<sup>4</sup> and journalists by a poultry company in Lopburi Province.

Efforts to stop the use of SLAPP lawsuits should be complemented with comprehensive anti-SLAPP legislation to protect communities and HRDs, and repeal or review of all repressive laws such as criminal defamation, the Computer Crime Act, and the Public Assembly Act in line with international standards.

We call on the Thai Government to implement the recommendations of the Working Group, including through adoption of a National Action Plan on Business and Human Rights in line with the UN Guiding Principles on BHR and with genuine participation of civil society. The government and corporations must comply with the Guiding Principles to protect and respect human rights and redress any harm, paying special attention to its extraterritorial obligations and protection of human rights defenders. Thank you.

<sup>1</sup> Allegation Letter on Xe-Pian Xe-Namnoy Hydropower Dam Collapse, <https://www.peoplepower21.org/English/1609025>

<sup>2</sup> Thai Outbound Investments in ASEAN: Human Rights Violations, Extra-Territorial Obligations and Accountability, <https://www.forum-asia.org/uploads/wp/2018/03/FORUM-ASIA-Working-Paper-Series-No.-3-Online.pdf>

<sup>3</sup> Defending in Numbers: Resistance in the Face of Repression 2017-2018, <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE.pdf>

<sup>4</sup> Joint Open Letter: New Lawsuits Brought by Thammakaset Company Limited Against Human Rights Defenders, <https://www.forum-asia.org/?p=28196>