**Submission to the United Nations Special Rapporteur on the Right to Health**

**Purpose:** Seeking discussion and dialogue during the upcoming country visit to Thailand (February 18-28, 2025)

**Submitted by:** EarthRights International

Mine projects impact marginalized communities and the Indigenous Peoples living in remote areas of Thailand. Due to communities' reliance on land, forests, and water to sustain their health and livelihoods, the adverse environmental impacts from these projects negatively impact the population's health and are a violation of human rights. Furthermore, environmental degradation and natural resource depletion pose a significant threat to their food security, and the increased nutritional risks further jeopardize the population's health.

These projects often lead to significant environmental degradation, affecting vital natural resources such as land, forests, and water, which these communities rely on for their livelihoods and sustenance. The depletion of these resources disrupts traditional ways of life, compromises food security, and exacerbates social and economic vulnerabilities.

Coal mines damage the environment and threaten the health of the people who live there. Pollution from mines can lead to respiratory problems, waterborne diseases, and other health issues. The lack of access to clean water and air significantly impacts the well-being of these communities. Indigenous Lua communities and Karen Indigenous living in the northern part of Thailand are affected by the coal projects. **Drawing from the cases of the Hongsa coal mine and power plant, the Omkoi coal mine, and the Mae La Noi fluorite mine projects in the northern part of Thailand, the communities' health is at the front line.** The operation of the mines causes pollution in the air and river, as well as illness and other health concerns among the communities.

The U.N. Committee on Economic, Social, and Cultural Rights has stated that health rights are closely related to and dependent upon the realization of several human rights, including the right to a standard of living, access to adequate food, and the right to live in a healthy environment. **In this submission, we draw the connection between the right to health and development projects in the context of natural resources and food security in Southeast Asia, especially the livelihood of the Indigenous communities living in the northern part of Thailand, who are also impacted by the mine and power plant projects.**

EarthRights is a non-governmental, non-profit organization that combines the power of law with the power of people to defend human rights and the environment, which we define as "earth rights." We take legal action against perpetrators of earth rights abuses, train activists, and work with communities to demand meaningful and lasting change.

EarthRights combines the power of law with the force of local participation in defending human rights and the environment. We hold corporations, financial institutions, and governments accountable for social and environmental practices.

EarthRights works with communities across Southeast Asia to demand corporate accountability and promote the right to live in a clean and healthy environment. We demand corporate justice and ensure that the right to health and the rights of the Indigenous Peoples are respected.

EarthRights works with the Indigenous communities in the northern part of Thailand to fight against ill and destructive mine projects that cause detrimental effects on community livelihoods.

The right to health is an inclusive right that extends not only to timely and appropriate healthcare but also to the underlying determinants of health. These include access to food, nutrition, housing, drinkable water, sanitation, education, and information.

**In this submission, we demonstrate how the right to health and development is interconnected. The community's right to food, health, and live in a clean and healthy environment is violated.**

As extrapolated from the core components of the right to health, which extend to the underlying determinants of health, such as ensuring safe and clean drinking water and sanitation, this submission demonstrated the interconnectedness of the right to health that is violated by the operation of the coal mine and power plant, which causes illness for the Indigenous communities.

In the past few years, EarthRights has worked with Indigenous communities in the remote provinces of Thailand to document health impacts, evidence of environmental and social effects, and illnesses caused by the operation of mine and power plant projects. Through the lens of the right-based approach and gender perspective, EarthRights uses the community health impact assessment (CHIA) and its processes to establish the rights of the community to health and food security and to live in a clean and healthy environment. Establishing these rights aspects in the domestic law of Thailand remains a challenge to date.

Through several submissions to the Special Rapporteurs, such as Rights in Development and Toxics and Human Rights, and the Working Group on Businesses and Human Rights, we realized the opportunity to have dialogue and generate greater understanding about the rights of Indigenous Peoples juxtaposed with the right to health and the right to live in a healthy environment. We demonstrate through this submission that mine and power plant projects in remote provinces of Thailand cause destructive health impacts to the indigenous communities.

**Hongsa coal mine and power plant in Laos**

The Indigenous Lua communities living in Nan Province, near the Thai and Lao border, are impacted by the Hongsa coal mine and power plant project. The emission from the power plant affects the community's health, causing illnesses such as respiratory syndrome, asthma, skin irritation, and cancer. The project is located approximately 15 km from the Thai and Lao border. It has been operating for 5 years. EarthRights with the Indigenous Lua communities to document the evidence of air pollution and mercury contamination in soil, food crops, and the river, which communities rely on for their livelihood and food security, which may cause illness and be destructive to human health.

The emission is a source of mercury that contaminates the river, which the community uses directly for drinking water.

EarthRights documented the evidence of air pollution and mercury contamination that impacted communities in Nan. We work with experts and health practitioners to collect evidence of health impacts via sampling and laboratory testing. The evidence shows that the most serious concern of villages was the impact incurred on their cash crops, such as cassava, maize, rice, and vegetables. These would cause chronic and emerging illnesses, which would cause harm in the long term. Mercury poses a high risk to the food system that communities rely on. Mercury also causes early childbirth that damages the nervous system, especially in pregnant women. Very high doses of mercury in pregnancy have a harmful effect on the development of offspring, with increased risks of cerebral palsy and cognitive impairment. Prolonged exposure to mercury causes dysfunctional brain disease and development impairment during childhood.

Through several submissions in the past years, such as the complaint submission to the National Human Rights Commission of Thailand and the United Nations Special Rapporteur on Extreme Poverty and Human Rights, we have drawn attention to the cases outlined, how the community's rights to health need to be respected, and how the issue of destructive health impacts needs to be addressed.

**Coal mine in Omkoi, Chiang Mai Province, Thailand**

The Kaboedin coal mine project in Omkoi District, Chiang Mai Province, severely impacts the health rights of the Karen ethnic community, exacerbating the vulnerability of Indigenous Peoples to violations of the right to the highest attainable standard of physical and mental health. Since its initiation in the 1980s, the project has caused environmental degradation, including loss of clean water sources, contamination from heavy metals, and respiratory issues from mine dust.

Despite the 2000 Environmental Impact Assessment (EIA), which was found to contain forged signatures and inaccuracies, the community has been excluded from meaningful participation in decision-making. In response, the villagers have raised concerns about health risks, including the harmful effects of coal transportation and mine operations.

Indigenous Karen communities in Omkoi are standing up and fighting against the project. Their efforts include filing a lawsuit in 2024 to annul the flawed mine project master plan and seek recognition of their rights to land and resource management. This case underscores the urgent need for greater attention to the health and environmental rights of marginalized communities, calling for stronger protections and the fulfillment of their right to health.

**Fluorite mine in Mae La Noi, Mae Hong Son Province, Thailand**

The fluorite mine project in Huai Makok Village in Mae La Noi District, Mae Hong Son Province, poses significant health risks to the Karen ethnic community and threatens the sustainability of their livelihood. Situated in a critical watershed, the project jeopardizes water sources essential for drinking and agriculture while raising concerns about chemical contamination, noise and air pollution, and the heightened risk of environmental disasters, such as landslides and soil degradation. In response, the community, organized under the "Raks Lum Nam La Network," has actively opposed the project through various means, including submitting letters to authorities, holding symbolic activities like forest ordination and water blessing ceremonies, and conducting a Community Health Impact Assessment (CHIA) to underscore the importance of protecting natural resources.

Despite the project being under Environmental Impact Assessment (EIA) review, the community continues to stand firm in its demand to safeguard its health rights and natural environment. It emphasizes the need for greater protection of vulnerable populations' right to health and the right to live in a healthy environment, as designated by the U.N. General Assembly.

**Relevant domestic and international law and policies and rights violation**

As a state party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Thailand has to protect, respect, and fulfill the right to health under Article 12 of ICESCR.

Section 55 of the Thai constitution guarantees the state's duty to ensure that people receive efficient public health services universally. Moreover, paragraph 2 of the same Section provides that public health services shall cover health promotion, control and prevention of diseases, medical treatment, and rehabilitation.

In addition, Thailand recognizes the right to health and the right to live in a healthy environment. The National Health Act, B.E. 2550 (A.D. 2007), Section 5, states, "A person shall enjoy the right to live in a healthy environment and environmental conditions." However, the country's public health service is not designed for active or event-based health and environment surveillance, particularly in the area at the border where Indigenous Peoples live.

**Recommendations**

Through this submission, we request dialogue with the Special Rapporteur and actively participate in the country visit to provide more information for further investigation. The evidence of health impacts caused by development projects such as coal mines and power plants needs to be addressed urgently, as the illness is prolonged and the community's rights to health and to live in a healthy environment are violated.

1. We call for the dialogue to provide more information and support the community's participation during the country visit. Future investigations may lead to the assurance of law enactment and measures to curb the illnesses faced by the communities.
2. We call upon the Special Rapporteur to play a proactive role in addressing health concerns and illness caused by development projects, such as coal mines and power plants, that destroy the environment. The Special Rapporteur shall recommend that the Thai government take action. The project threatens the livelihood of the poor communities living in remote parts of Thailand and their food security. The community's rights to health are abused.
3. The interconnectedness of the right to health and the right to live in a healthy environment is well extrapolated in international laws and mechanisms. However, the attempt to address this right dimension is weak to our perspectives. We request the Special Rapporteur take action on the proper protection of the Indigenous communities in the northern part of Thailand and ensure that the illness caused by the projects and the operations are addressed immediately.
4. Call on the Thai government to respect Thailand's international human rights obligations regarding the right to health and take action on the issue of development impacting Indigenous Peoples rights and their rights to health. The Thai government should strengthen policies to set up special medical surveillance in those affected areas in accordance with the protection of Indigenous Peoples' rights.