

Report No. 1109/2558 on the Community Rights Protection – Case on the health impacts from the B factory in Chumphon province.

● **Issues of Complaint:**

The Complainant had file the complaint to the National Human Rights Commission that the registration document and the certificate for the permission of the operation and expansion of the B factory in Chumphon province didn't gone to the due process such as the public hearing, and seeking opinion of the community members. Therefore, the Complainant requested the NHRC to investigate the case whether this is in line with the regulation of Ministry of Industry and the factory laws or not.

● **Result of the NHRC Consideration**

The NHRC found out from the investigation that the company had built the factory and run the business without the permission. Besides, law enforcement by the Office of the Provincial Industry and the Tambon Chumko Municipality were not effective in the investigation and taking legal action against the illegal factory. Therefore, it means the Office of the Provincial Industry and the Tambon Chumko Municipality failed to take appropriate action over the violation of human rights. NHRC, then recommended to the concerned agencies to take appropriate measures to resolve the problems as follow:

(1) Proposed the resolution measures to the Office of the Provincial Industry of Chumphon to:

(1.1) Consider to cease the factory immediately or taking other action under the official authority in case of unlawful operation of the factory which was running without official permission in that particular area.

(1.2) Proposed that Safety Standard Assessment and the Prevention Measure of the Health and Environmental Impacts from the factory (which is permitted) be assessed at least twice a year. Immediately sending the officials for the field check-up whenever receive the complaint from the community members.

(2) Proposed the resolution measures to Chumko Municipality as follow:

(2.1) The official to check and take legal action against the persons whenever the buildings were constructed without permission according to Building Construction Control Act.

(2,2) The Municipality should ensure that the Health and Environmental Impact Assessment in the permitted factory be done in a regular basis.

- **Success and progress in Human Rights Protection**

Chumko Municipality had taken the following action:

- (1) Issue the statement and order to cease the use of building in accordance with article 44: CP 72303/063 dated 8th May 2015. The building of the B factory had been stop to use and it is during the time for re-arrange of the plan to ensure the legality.
- (2) Appointing a Committee for supervise, follow up and monitoring environmental impact assessment and to monitor and resolve the community health and environmental impact accordingly.
- (3) Publicize on the Building Construction Control in accordance with the Building Construction Control Act B.E. 2522 [1979].