

KHON ISAAN

Brief Assessment of the Implementation of the 2nd Cycle UPR Recommendations

During the 2nd UPR cycle, Thailand did not receive any recommendation specifically addressing the rights of people from the Isaan region, demonstrating a lack of understanding of the issues faced by Khon Isaan in Thailand. Nevertheless, it received a total of 40 recommendations in relation to the protection of vulnerable persons and ethnic minorities; the right to an adequate standard of living; the access to healthcare and education; and land-related rights. Besides, four additional recommendations specifically addressed discrimination against women, who face further hardship in Thai society. The government supported all of them, but failed to effectively implement them.

Being 'Khon Isaan' in one of the most unequal countries in the world

In 2018, Thailand was considered the most unequal country in the world by the Credit Swiss Global Wealth Databook, with 1% of the population owning 66.9% of the nation's wealth. In 2020, according to TDRI, Thailand continues to be among the top ten most unequal countries on this planet for wealth distribution. Thailand's wealth inequality is marked by the fact that rich are getting richer and poor are getting poorer, with Isaan people being at the bottom of Thailand's wealth inequality pyramid. However, Isaan, Thailand's Northeast region is the largest and most populous region of the country, counting 22.24 million people (or 33% of the total population); yet, it is also the poorest region. Despite being Thailand's largest ethnic community, Isaan people are overlooked in the Thai society. The Isaan people refer to themselves as 'Khon Isaan' rather than as Thai. They are of Lao descent, and are also referred to as 'Lao Isaan.' Thailand's failure to implement a comprehensive strategy to strengthen the protection of their rights and guarantee their equal participation and access to opportunities in all spheres of society has resulted in Khon Isaan being discriminated against and marginalized. Instead of promoting equality and embracing diversity, the Thai government forces a culture of 'Thainess', resulting in ultra-nationalism and racism against ethnic minorities, creating a caste society grounded in inequalities and injustice. It is no surprise that some prominent leaders of the Youth-led pro-democracy movement which emerged in 2020 are Youth from Isaan. They had enough of 'Thainess', inequalities and injustice towards their own ethnic community, enough of the country being economically and politically controlled by 1% of the population and demand constitutional and structural changes.

REALITIES ON THE GROUND

Challenges

Cases, Facts, Comments

Challenge 1. Isaan people are discriminated against in all sectors of life

The Isaan region of Thailand is both the most populated and the poorest. Based on their cultural and linguistic differences, Isaan people refer to themselves as 'Khon Isaan', and they have been historically classified as 'an inferior sort of Thai'. Although Section 4 of the 2017 Constitution guarantees equality for all before the law, ethnic minorities are not guaranteed adequate constitutional protection against discrimination under the same Constitution.

Racial discrimination is not an offense under Thai law, which allows for blatant discrimination against indigenous peoples, ethnic minorities and people of colour in the country.

Rejections, hostile school and work environments, limited freedom of gender expression, limited career advancement opportunities, pay gaps, lower job security, and limited access to social benefits are the most common ways through which discrimination is perpetrated in Thailand against Isaan people in the educational system and the labour market.

As evidenced by the Asia Foundation, Thailand's wealthiest people, mainly Thai elite and Bangkokians, have benefited of Thailand's economic growth, controlling the financial resources and most of the land of the country. On the opposite, discrimination against Isaan people is pervasive, and they confront severe obstacles to enjoying their human rights, particularly in terms of access to healthcare, quality education, employment opportunities, fair justice, as well as their right to land. They are also excluded from political participation, making it difficult to have their voices heard and taken into consideration in legislation and policies that concern them.

Isaan people are excluded from political life. There was no meaningful engagement of Isaan people in the Constitution-writing process in 2017, and, following the 2015 "Talk for Constitutional Freedom with the Isaan People" event, 11 people were charged for breaching the NCPO Order No. 3/2015. Accordingly, the 2017 Constitution is marked by the exclusion of Isaan people and does not take into account their realities.

Because of the unequal distribution of Thailand's fiscal budget, and state-sponsored discrimination against Isaan people, access to healthcare and social services is challenging for the majority of Isaan people.



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For instance, Mukdahan province has seven hospitals, the same as Ang Thong province, but Mukdahan is four times larger. Patients in Mukdahan province have to travel further to get treatment, putting them at significant disadvantage.

Due to unequal distribution of resources and wealth, Isaan people are forced to move to big cities, such as Bangkok, in search of work.

However, owing to racial prejudice, they are frequently employed in low-paying positions, such as taxi drivers or construction workers, and many women end up in the sex and entertainment industry. Many Isaan people join the informal sector and bear the burden of low-paid care and domestic work. They become the housemaid, cleaning personals, personal drivers, and babysitters for the Thai elite and Bangkokians, who in return are the ones perpetuating the social exclusion and discrimination against Isaan people. By maintaining this unequal societal pyramid, Isaan people are not treated as equal human beings enjoying the same rights and opportunities.

Isaan children face barriers in accessing quality education

Although the Thai government enacted specific laws to protect and promote local and ethnic languages, Thai national school system demands teaching to be performed only in Thai, even in cases of students from various ethnic groups with their own mother tongues. Since the early twentieth century, Isaan children have been denied access to fundamental instruction in their mother tongue as a result of the 'Thaification' programme. Speaking the Lao Isaan dialect has been forbidden in Thai schools, in the name of 'Thainess', destroying the Isaan's culture. As a result, Isaan children may face barriers in accessing education and are often left behind by Thailand's educational system. Furthermore, ethnic groups and their diverse histories, cultures, and lifestyles are seldom mentioned in the curriculum.

Challenge 2. Isaan people are negatively portrayed

Based on their cultural and linguistic differences, Isaan people distinguish themselves from Thai people. They speak the 'Lao Isaan' language, inherited from their Lao ancestors. Language is one of their defining characteristics, considering that their mother tongue is Lao. The color of one's skin has also long been associated with certain stereotypes and class. It is so influential that it can determine one's success or failure. Thailand is no exception. Lighter skin is associated with wealthy Chinese descent typically residing in Bangkok while darker skin is tied to the lower class, outdoor labor, people from the Isaan countryside and indigenous peoples. Because of their defining characteristics, discrimination against Isaan people is a perpetuated phenomenon in Thai society, with the elite and Bangkokian people viewing them as 'stupid', 'dark-skin', 'poor lower-class people'. These stereotypes are also being exacerbated by Thai media.

'Lao Isaan', the Language of the "Stupid" & the "Poor"

Isaan people have been the target of widespread prejudice for decades, typically being portrayed as docile and illiterate "unsophisticated peasants" who are easily misled and who cannot speak proper Thai. On account of this, many Isaan people choose not to speak their original dialect 'Lao Isaan' out of fear of being discriminated against; the Lao Isaan language often being assimilated as the language of the poor, and lower class people. Often, the Thai elite and Bangkokians pretend not to understand the Lao Isaan ethnic dialect, although very close to the Thai language.

The Ugly "Dark Skin" Isaan people

There are countless Thai dramas and movies that portray darker skin as undesirable. Isaan countryside people are called 'Baan Nok', especially those with darker skin, are often represented in the media as uneducated, backwards, helpless, as opposed to the "civilised" and "whiter skin" city people. The actors that portray the Isaan people characters do not share these features or identity in real life. They are able to remove the blackface after the job is done and easily have a successful career. There is no actual representation from the people in these communities and it further reinforces the idea that Isaan people must transform themselves to fit in.



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It is not a surprise that Thai commercials are littered with skin whitening and skin correcting products, raking in large amounts of money from people's insecurities. One of the most controversial being Snowz, an advertisement for whitening pills, with the notorious tagline "Just be white, and you will win".

The stereotype of the "Mia Farang"

Although hate speech and stereotypes about ethnic groups is charged with sedition or defamation charges, it is the government itself that contributes to the spread of negative stereotypes. Isaan people are referred to as 'stupid', and women as 'mia farang' (white foreigners' wife). In August 2018, the Ministry of Social Development and Human Security (MSDHS) opened an education centre for Isaan 'mia farang' in Khon Kaen, which 'especially targets Isaan women and girls who do not value studying but like to work in bars and massage parlours instead'. Instead of making the wrong assumption that Isaan Women and Girls prefer working in bars, the Thai government shall self-reflect on its own 'Thainess' culture, discriminatory policies and practices against ethnic minorities, and unequal distribution of wealth. The root cause of the problem lies in the 1% of the population deciding for others to remain at the top of Thailand's wealth pyramid.

Challenge 3. Isaan People face challenges in enjoying their right to property and ownership over their land

As farmers account for 85% of the population in the Isaan region, they rely on their land to make a living. However, various pieces of legislation and regulations, such as the National Parks Act of 2019 and Thailand's false climate solution, the controversial 2014 Forest Reclamation Policy have repeatedly endangered their access to land and put them in situation of injustice and extreme poverty. Isaan farmers are casted as criminals, accused of encroaching forest land, instead of being considered as forest-dependent communities, Protectors of the forest, living in harmony and peace in the forest.

For more information about this case, please refer to the UPR Factsheet on Thailand's False Climate Solution, Unfair Forest Conservation Laws and Land related Rights in Thailand.

Hundreds of villagers and community members have been evicted from their lands, where they have lived for generations. Isaan farmers are victims of Thailand's false climate solution, the controversial 2014 Forest Reclamation Policy, which severely implement Forest Conservation Laws not favorable to poor villagers. These legislation and policies were developed without consulting forest-dependent communities and indigenous peoples, and do not recognize them as 'guardians' of the forest and the environment. Instead, they are being considered as 'capitalist investors' destroying the forest. According to data from the Royal Forest Department and the Department of National Park, there were 25,057 encroachment cases between 2015 and 2019. However, the government agencies do not provide transparent and clear information on how many encroachment cases are cases of poor villagers or capitalist investors, and whether they are currently being charged and prosecuted (please note that 2020 data has not been published).

#SaveSabWaiVillagers. In 2015, 14 Sab Wai villagers living in the Sai Thong National Park in Chaiyaphum Province were unfairly charged under Thailand's forest reclamation policy and Thailand's unfair conservation laws, including the National Park Act 1961. They were accused of trespassing and encroaching the national park area and were sentenced to jail in 2019 by the Appeal Court which found them guilty, imposed high fines and ordered them to vacate their land. The 14 villagers had to endure difficult jail term until they were bailed out and fought back at the Supreme Court level. From March to May 2021, the Supreme Court ruled that all villagers were guilty and put 11 of them on probation with suspended jail terms, while 3 others were sent to jail. All of them are facing land evictions and are put in a situation of extreme poverty.

Challenge 4. Isaan people lack access to justice and effective remedy

In the wake of discrimination, Isaan people are unable to enjoy their right to seek justice and remedies, as the Thai government has persistently failed to protect their right to effective remedy.

The Pak Mun Dam case. Mun river is a vital source of water for fishing settlements in the Isaan provinces. Due to the construction of the Pak Mun Dam, which altered the river's environment, the number and kind of fish species have significantly decreased, and hence jeopardised communities' food security. Because the authorities claimed they did not understand the Lao Isaan dialect, communities were denied compensation for their loss and full restoration of their livelihoods, for more than 26 years now.

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Challenge 5. Impact of COVID-19 on Khon Isaan

The COVID-19 pandemic in Thailand has exacerbated and escalated the pre-existing issues faced by Isaan people. In addition to lack of food security and difficulty to afford adequate housing, they have received no positive response from the government, because of their ethnicity.

Although the government uses the COVID-19 State of Emergency to halt operations all over the country, it has continued to enable mining activities to proceed; activities that cause significant harm to rural populations living and working near proposed and active mines in the provinces of Loei, Nong Bua Lamphu, Mukdahan, Sakon Nakhon, and Chaiyaphum. Furthermore, after making a video statement criticising the government's backing for the mining industry, police detained and threatened a community rights advocate with charges under the Public Assembly Act, the Emergency Decree, and the Communicable Diseases Act.

RECOMMENDATIONS

1. On Challenge 1. Isaan people are marginalized and racially discriminated against in all sectors of life

- 1.1. In line with the 2012 Concluding Observations of the CERD Committee to Thailand, **introduce a definition of racial discrimination into the legislation, and make it an offence punishable by law.**
- 1.2. In line with the 2015 Concluding Observations of the CESCR to Thailand, **address the remaining obstacles in access to the universal health care scheme, in particular for disadvantaged and marginalised individuals and groups, including Isaan People, and ensure good quality health care.**
- 1.3. **Distribute the country's wealth equally among regions and allocate additional financial support to Isaan people to improve their lives conditions and ensure the enjoyment of their economic and social rights, and access to equal opportunities in all spheres of life.**
- 1.4. In line with the 2012 Concluding Observations of the CERD Committee to Thailand, **strengthen efforts to protect and conserve ethnic languages, and promote the teaching of ethnic languages in schools, including the Isaan dialect.**

2. On Challenge 2: Isaan people are negatively portrayed

- 2.1. In line with the 2012 Concluding Observations of the CERD Committee to Thailand, **take measures to eliminate negative stereotypes about ethnic groups and avoid giving accounts of incidents involving ethnic groups in ways that stigmatise the group as a whole, including Isaan people.**
- 2.2. In line with the 2017 Concluding Observations of the Human Rights Committee to Thailand, **eliminate any limitation on the protection against gender-based discrimination.**

3. On Challenge 3: Isaan People face challenges in enjoying their right to property and ownership over their land

- 3.1. In line with the 2012 Concluding Observations of the CERD Committee to Thailand, **ensure respect for ethnic groups' way of living, livelihood and culture, while protecting the environment, and guarantee Isaan farmers are considered as forest-dependent communities protecting the forest and not as capitalist investors.**

4. On Challenge 4: Failure to conduct investigations into reports of torture and enforced disappearance

- 4.1. In line with the 2012 Concluding Observations of the CERD Committee to Thailand, **ensure that members of ethnic groups, including Isaan people, can avail themselves of legal remedies without any language barriers and stereotypes against them.**



REFERENCES

The Human Rights Violations in Isaan Monitoring Group, Sai Thong Rak Pah Network, Amnat Charoen Friend of Women Center, Isaan Gender Diversity Network (IGDN), Manushya Foundation and the Thai CSOs Coalition for the UPR, *Joint UPR Submission: The Rights of Khon Isaan (Isaan people) in Thailand*, for the UN Universal Periodic Review of Thailand (3rd UPR Cycle), 39th Session of the UPR Working Group, March 2021, available at: <https://www.manushyafoundation.org/advocacy-documents>

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