



**The NHRCT highlights eight aspects of performance in fiscal year 2020:  
Increasing efficiency in case management, focusing on children and youths,  
strengthening regional networks and establishing first regional office in the South**

On April 20, 2021, the National Human Rights Commission of Thailand (NHRCT) by Mr. Suwat Theparak, Human Rights Commissioner acting for the Chairperson, held a press meeting reporting to the public the performance of the fiscal year B.E. 2563 [2020] (October B.E. 2562 [2019] – September B.E. 2563 [2020]) according to their powers and duties set forth in Article 247 of the Constitution of the Kingdom of Thailand, and Articles 26 and 27 of the Organic Act on National Human Rights Commission of Thailand B.E. 2560 [2017] with eight highlighted aspects as summarized the following.

**1. Investigation of cases of human rights violations and reports**

The NHRCT received a total of 465 complaints of commissions or omissions relating to human rights violations in the fiscal year B.E. 2563 [2020], mostly being complaints on rights in the administration of justice (170 complaints, representing 36.60%). The area with most complaints was the Northeastern Region (90 complaints, 19.35%). The NHRCT has reviewed the petitions and prepared 387 reports on human rights violations, such as a report on the right to life and person's security in the case of the death of a student at the Arms Forces Academies Preparatory School in Nakhon Nayok Province. Some other cases included the right in the administration of justice related to a claim of unlawful detention and genetic material (DNA) unlawfully collected while being detained, a report on unfair discrimination against people living with HIV in recruitment of private companies. The NHRCT has also followed up on the implementation of their corrective measures or guidelines in 131 matters; most of which are about community rights regarding the participation in large-scale development projects.

**2. Preparation of report on assessment of the country's human rights situations**

In the Fiscal Year B.E. 2563 [2020], the NHRCT prepared a report on annual human rights situations assessment for the duration between January and December B.E. 2563 [2020], divided into four aspects, namely (1) civil and political rights situations; (2) economic, social and cultural rights situation; (3) situations of such groups of people as children, older persons, people with disabilities, women and gender equality, and those with problems of nationality status; and (4) situations of human rights issues of concern. In the report, two specific issues were also monitored, namely (1) human rights and the outbreak of the coronavirus disease 2019 (COVID-19) and (2) human rights and political assembly. The NHRCT presented the report to the Parliament and the cabinet in March B.E. 2564 [2021].

**3. Recommendations on measures or guidelines for promoting and protecting human rights**

The NHRCT submitted recommendations on 6 major issues to introduce measures or guidelines for promoting and protecting human rights as well as amendments of laws, rules, regulations or orders in accordance with human rights principles in the fiscal year B.E. 2563 [2020] as regard to (1) a problem of service contractors for government agencies treated unfairly

in their work, (2) access to public transportation of people with disabilities, (3) the rights of older persons, (4) a case study: traffic impact of the pink line construction project for the distance between Khaerai and Minburi, (5) pregnancy termination and (6) human rights education course for a wide range of target groups and human rights education management manual for basic education.

#### **4. Clarifying and reporting accurate facts on human rights situations in Thailand**

In the fiscal year B.E. 2563 [2020], the NHRCT implemented the provisions under Article 247 (4) of the Constitution of the Kingdom of Thailand and Article 26 (4) of the Organic Act on the National Human Rights Commission of Thailand B.E. 2560 [2017] by examining and reporting accurate facts about human rights situations in Thailand. Following the status accreditation by the Sub-Committee on Accreditation (SCA) under the Global Alliance of National Human Rights Institutions (GANHRI) that has expressed concerns about the independence of the NHRCT in carrying out such prescribed duties and powers, the NHRCT has thus issued the regulation with the purpose to investigate the alleged case(s) of human rights violations appeared in the report(s). If the case is found grounded, the NHRCT will further suggest corrective measures or guidelines to relevant authorities to address the problems.

#### **5. Empowering all sectors of society in recognizing the importance of human rights**

The NHRCT focused on the importance of promoting the respect for human rights, such as preparing “human rights education course for a wide range of target groups” and “human rights education management manual for basic education”; both of which were agreed by the cabinet on May 26, B.E. 2563 [2020], with a resolution that relevant authorities should utilize both of them; developing a human rights instruction facilitators’ handbook in collaboration with relevant authorities; organizing an innovation contest to promote human rights in young people under the Youth Standing Up for Human Rights project; and awarding to individuals and organizations with outstanding contributions to continuous human rights promotion and protection.

#### **6. Human rights research studies**

The NHRCT, in collaboration with the Thailand Development Research Institution (TDRI), conducted a human rights research study and prepared a study report for suggestions on measures or guidelines for promoting and protecting human rights related to sustainable management of natural resources and the environment. It also advocated for another human rights research study on the relationship between the community rights and the natural resources and environment under the Constitution of the Kingdom of Thailand B.E. 2560 [2017].

#### **7. Promoting international human Rights co-operation and co-ordination**

The NHRCT cooperated with international frameworks with other national human rights institutions through meetings for discussion and exchange of opinions and guidelines for human rights operations namely GANHRI, the Asia Pacific Forum of National Human Rights Institutions (APF) and the South East Asia National Human Rights Institutions (SEANF). They also included the cooperation with the United Nations’ agencies and the ASEAN Inter-governmental Commission on Human Rights (AICHR) on issues such as climate change and

reinforcing the rights of people with disabilities in the ASEAN Community. In the fiscal year B.E. 2563 [2020], the NHRCT presented two parallel reports to the treaty bodies which are (1) the Committee under the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and (2) the Committee under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

### **8. Organization Management and Development**

The NHRCT has given importance to digital public services to provide easy access to people and to improve the work efficiency. Over the year, the NHRCT has provided various online platforms that people can submit their complaints on human rights violations to the NHRCT. In addition, the Office of the NHRCT has connected database with the Ministry of Interior (Department of Provincial Administration) to provide one-stop service when people come to contact the organization. Furthermore, the NHRCT decided to establish its first regional office in the South in Songkhla province as a pilot area to provide services locally. In 2020, the additional 6 Centres for Human Rights Study and Coordination has been established as the cooperation with the local higher education institutions to facilitate easy access of people to the promotion and protection of their rights.

In performing duties, the NHRCT has mutual cooperation and assistance with other Constitutional Independent Bodies namely the Election Commission, Ombudsmen, the National Anti-Corruption Commission, and the State Audit Commission. When a case which is submitted does not fall into the mandates, every organ can forward such case to another body with a view to achieving the goals in performance of the duties of each respective organ in accordance with the practice guidelines developed by the NHRCT. Besides, the Office of the NHRCT was evaluated “A Level” for good governance and transparency for the year 2020 by the Office of the National Anti-Corruption Commission.

### **Three major challenges**

In year 2020, the NHRCT considers that there are 3 major challenges. First, the duties and powers under Article 247 (4) of the Constitution of the Kingdom of Thailand B.E. 2560 [2017] and Articles 26 (4) of the Organic Act on the National Human Rights Commission of Thailand B.E. 2560 [2017], requiring that the NHRCT clarify and report accurate facts without delay in events that human rights situations in Thailand are reported incorrectly or unfairly, are concerned by the SCA. The Sub-Committee was of the view that such mandate would compromise the actual or perceived independence of the NHRCT and recommended the NHRCT would take full effort to advocate for the removal of the provision. Over the period, various levels of cooperation have been coordinated with both the Legislative and the Administrative by the NHRCT to repeal the provision.

Second, the Organic Act on the National Human Rights Commission of Thailand B.E. 2560 [2017] does not authorize the Commission to mediate human rights disputes despite such duty and power was prescribed by the National Human Rights Commission of Thailand Act B.E. 2542 [1999]. The SCA referred to the Paris Principles and viewed that the national human rights institutions should be provided with the necessary functions and powers to adequately

fulfil the complaint-handling mandate, including the conciliation power. Therefore, the NHRCT should seek ways to resolve issues in a friendly way through a mediation process.

Third, the challenge is related to the implementation of recommendations as proposed in the annual human rights situations assessment report prepared by the NHRCT. Upon the presentation of the said report by the NHRCT to the Parliament, the cabinet or related agencies, the cabinet and related government agencies, in practice, continuously respond to the report mainly in the form of commentaries and explanations of the agencies' actions and performance rather than results of the implementation of recommendations or as to why they take time or cannot carry out.

Office of the National Human Rights Commission of Thailand  
April 20, B.E 2564 [2021]