

# Executive Summary

## National Human Rights Commission Performance Report Fiscal Year 2021

The annual report of the National Human Rights Commission (NHRCT) for fiscal year 2021 is prepared in accordance with Section 45 of the Organic Act on the National Human Rights Commission of 2017. Between 1 October 2020 and 30 September 2021, the NHRCT aimed to effectively discharge the functions mandated to it in legislation and achieve its strategic goals in line with the policy guidelines set out by the fourth Commission. It did so through collaboration with various sectors in order to create a society that is respectful of human rights while upholding the principles of transparency, courage, justice, objectivity, and impartiality to ensure public trust. The work of the NHRCT for FY 2021 can be summarized as follows:

### Summary of major activities

#### 1. Conducting investigations into alleged human rights violations.

In FY 2021, the NHRCT received 593 complaints alleging commission or omission of acts which constituted human rights violations. The top three types of rights with the largest number of complaints were the rights in the

administration of justice, the right to liberty and security of persons, and civil rights respectively.

The NHRCT issued a total of 153 investigation reports, 83 of which involved complaints received in FY 2021 while 70 others related to complaints made in the previous years. Of the 153 investigation reports, there were 33 cases where human rights violations were found and the NHRCT made recommendations to concerned agencies to prevent and address human rights abuses. The majority of the violations pertained to the rights in the administration of justice and to the liberty and integrity of persons. In 53 investigation reports, there was no human rights violation but the NHRCT suggested ways to relevant government departments to promote and protect human rights. Other 67 investigation reports included cases where no violation was found or dealt with matters that were the subject of court cases or court judgements or did not fall within the scope of NHRCT's responsibilities and power<sup>1</sup> and were referred to competent authorities for consideration.

The fourth Commission focuses on the prompt and equitable protection of human rights. It has taken actions to ensure

<sup>1</sup> According to the Organic Act on the National Human Rights Commission, B.E. 2560 (2017), section 39

that the investigations into complaints of human rights abuses are completed within the timeframe set forth in the regulation, making this action one of its key performance indicators. The NHRCT has also resorted more to coordinating with relevant authorities to provide human rights protection. This approach has assisted in resolving a complainant's problem in a relatively short period of time, such as the case of delayed prosecution, which can be solved within one month.

Additionally, the NHRCT has followed up on the implementation of recommendations made in 53 NHRCT investigation reports on measures or guidelines for the prevention or rectification of human rights violations or for the promotion and protection of human rights. It is found that the recommendations in 49 reports, or 92.45 percent, had been implemented by government departments or private entities in whole or in part, leading to the effective solution of the problem. This included the recommendations on community rights made to government agencies in response to petitions to suspend, review, or implement a project in accordance with the United Nations Guiding Principles on Business and Human Rights and on the performance of duty of state officers in accordance with human rights principles.

## **2. Preparation of the country's human rights situation report.**

It is a responsibility and power prescribed in the Constitution and the statute establishing the National Human Rights Commission. The NHRCT prepared the 2020 human rights situation report and sent it to the National Assembly and Cabinet on 26 March 2021, within 90 days as required by law. The report gives an evaluation of the state of human rights in four major sections: 1) human rights situation in specific circumstances; 2) the situation of civil and political rights; 3) the situation of economic, social, and cultural rights; and 4) human rights situation of specific groups, including children, the elderly, persons with disabilities, women, and gender equality, and persons with status and rights problems.

According to Section 41 of the Law on the National Human Rights Commission, the NHRCT has made a work plan for its 2021 report and has been monitoring the country's human rights situation from various sources since the beginning of 2021 in order to analyze and prepare a report on Thailand's human rights situation for next year.

## **3. Recommendations on measures or guidelines for the promotion and preservation of human rights.**

In FY 2021, the NHRCT issued 8 reports to the Cabinet and relevant agencies proposing recommended actions or guidelines for the promotion and protection

of human rights as well as amendments to laws, rules, regulations, or orders to accord with human rights principles. These include revisions to the Penal Code and other laws related to abortion, human rights impacts of the COVID-19 pandemic, the criminal record management procedure, and protection of human rights defenders.

#### **4. Raising awareness of the importance of human rights in all sectors of society.**

One of the fourth Commission's policy is to promote a culture of human rights respect. To this end, the NHRCT organized human rights awareness training for a variety of target groups, including senior executives, private business organizations, and educational professionals. It has also developed a manual on human rights education at university level. Collaboration with network partners such as the government, commercial sector, civil society, and the community has been established to promote and protect human rights. Six new human rights education and coordination centers have been set up in the region in the NHRCT efforts to encourage and support local academic institutions to have a role in promoting human rights and resolving human rights breaches in their respective communities. The NHRCT places a high value on regularly communicating information and knowledge about human rights to the public via a variety of media and channels, such as radio programs, print media, as well as human rights journals. Public statements were issued on key human rights situations and press conference was held on a weekly basis.

#### **5. Research on human rights.**

The NHRCT has undertaken research studies on three human rights issues.

(1) human rights and clean air management for health; (2) human rights protection and promotion for elderly prisoners; and (3) human rights promotion and protection in the information technology and online communication context. In addition, it has promoted the utilization of research findings on business and human rights concerns among various organizations, relevant authorities, and the general public.

#### **6. Promoting international collaboration and coordination in the field of human rights.**

The NHRCT participated in meetings with national human rights institutions from a variety of countries as part of global and regional cooperation, including collaboration with United Nations agencies, international organizations, civil society, and foreign embassies in Thailand, to exchange views on human rights operations on a variety of issues, including human rights issues in the country and region, support for personnel training, and the implementation of activities of common interest. The NHRCT also prepared a report on the state of human rights in Thailand to be used as input for the review of Thailand's human rights situation in the 3rd UPR cycle of the UN Human Rights Council.

In its effort to regain the A status, the NHRCT sent written information to the Sub-Committee on Accreditation

(SCA) on the actions taken to address the SCA concerns, and the Chair of third Commission provided further details via a teleconference interview in December 2020. However, SCA decided to defer the matter for 18 months due to other new issues of concern. The fourth Commission has already addressed such issues by collaborating with several agencies, including the administration, the legislative branch, and civil society sectors.

### 7. Operation of the NHRCT Office.

The budget allocation for the NHRCT in FY 2021 was 211,729,700 baht, of which a total of 180,839,427 baht was spent, accounting for 85 percent of the budget. The NHRCT has authorized the use of the remaining money by the NHRCT Office in the next fiscal year.

The NHRCT has made it a priority to develop the NHRCT office toward a high-performing organization by using digital technology and information management as instruments for knowledge management and development, enhancing personnel potential, and streamlining work processes and management. Toward this end, important activities were carried out in four areas: (1) the development of an information center to be a source of knowledge and information on human rights in Thailand and abroad, and to communicate about the human rights situation in Thailand; (2) the development of an application to increase the channels of service to the people; (3) the preparation to set up a regional office in Songkhla, covering all the 14 southern provinces to facilitate

people's easy access to human rights promotion and protection mechanism; and (4) capacity development and personnel values enhancement.

### Recommendation

During the course of the year, the NHRCT has found some obstacles and limitations in relation to its statutory authorities. The first issue relates to the provisions in the constitution and organic act establishing the Human Rights Commission requiring the NHRCT to promptly explain and present factual information in the case of inaccurate or unjust reporting on the state of human rights in Thailand for public acknowledgement. The SCA believes that such function and power are inconsistent with the Paris Principles' performance standards for National Human Rights Institutions and may jeopardize their independence in carrying out their tasks, whether real or perceived. The second issue is that the legislation does not empower the NHRCT to convene parties to reach an agreement on resolving human rights abuses, which is in line with the Paris Principles and will allow the NHRCT to swiftly resolve human rights breaches.

The NHRCT has collaborated with both the executive and legislative branches to revise relevant laws. This will enable the NHRCT to effectively protect victims of human rights breaches and increase trust in the NHRCT's position at the international level.