

Report No. 366/2558 on right and freedom to life and body relating the civil and political rights: the case of injured person affected from the political violence in 2010 and unfairly treated by the government on remedies

● **Issues of Complaint:**

The complainant who got an injury due to the political violence in 2010 submit the complaint to NHRCT to examine the case of unfair treatment from the government in providing remedies to affected persons due to the decision of the working group on financial remedies according to the humanitarian principle under the Sub-Committee on Civil Remedy and Other Restorative Methods to pay money for persons who got a non-serious injury with the amount of 225,000 Baht. For this case, the complainant has received 20,000 Baht but the rest of 205,000 Baht was denied by the complainant because the complainant argued that it was not a non-serious injury and another criterion of remedy must be applied instead. Therefore, the appeal was submitted along the process. Later, on 21st November 2013, the complainant claimed that the Committee on Social Welfare of the House of the Representatives, in the 69th meeting session, has deemed that the complainant had a serious injury and was entitled to remedy in the form of financial assistance under the criteria of serious injury and permanently losing organs. So the complainant made a contact for receiving such remedy at the Department of Social Development and Welfare, Ministry of Social Development and Human Security. But, later, the officer informed that the payment of remedy was not able to be made to the complaint due to the dissolve of the House of the Representatives.

Decisions of NHRCT

The NHRCT examined and deemed that the fact in the complaint was about right and freedom to life and body which relate to civil and political rights. Such case was the consequence of the resolution of the Cabinet on the payment of remedy to injured persons affected from the political violence (2005 – 2010). The NHRCT has examined the fact and found that the legal status of the Sub-Committee on Civil Remedy and Other Restorative Methods which has a power to pay the remedy under the resolution of the Cabinet had already been terminated so related agencies have no power to disburse the budget allocated for compensations and remedies. The misconduct of public officers was not a cause of the problem but it was the problem in the policy level of the government for providing compensation and remedy to persons affected by the political violence. Thus, policy recommendations or proposals for improving laws should be submitted to the Cabinet as follows:

Recommendations on the revision of laws

The Cabinet should set the criteria of compensation and remedy for persons affected by the political violence by drafting the law to support the process of compensation and remedy for persons affected by the political violence. There should be impartial and comprehensive criteria to cover all affected parties in order to ensure that rights of people shall not be violated and remedies must be real in practice with the certain standard which is free from any transition of government policy.

In the case of incomplete process of remedy for persons affected by the series of political protests (2005 – 2010), the Center for Reconciliation and Reform (CRR) should take such case into the consideration for further actions with the aim of establishing the reconciliation and harmony in the society which is the objective of CRR.

Performance outcomes of the Cabinet and related government agencies

On 4th August 2015, the Cabinet adopted the resolution on acknowledging the outcome of the NHRCT consideration for and Recommendations on the revision of laws and assigned the Officer of the Permanent Secretary of the Prime Minister's Office as the secretary of the Committee on the Administration of Financial Compensation and Remedy According to Humanitarian Principle for Persons Affected by the Political Violence (in 2013 – 2014), the Ministry of Finance, the Ministry of Interior and Ministry of Justice to take such policy recommendations and Recommendations on the revision of laws into consideration whether they are appropriate or not. The Officer of the Permanent Secretary of the Prime Minister's Office is assigned to be the central agency for the accumulation of performance outcomes which will later be submitted to the Cabinet.

Later, on 15th March 2016, the Cabinet adopted the resolution on acknowledging the outcome of the consideration of Office of the Permanent Secretary, Prime Minister Office as the secretary of the Committee on the Administration of Financial Compensation and Remedy According to Humanitarian Principle for Persons Affected by the Political Violence (in 2013 – 2014). The key conclusion is that there should be the central law with the status of act to support the process of compensation and remedy which will establish the harmony and reconciliation under the equal, fair and appropriate management as stated in the proposals of NHRCT. The Ministry of Justice should also be assigned to study and improve laws. In the meantime, the Office of the Permanent Secretary of the Prime Minister's Office should make a draft of the Regulation of the Prime Minister's Office in order to be the criteria of compensation and remedy for affected persons.