

Summary of the Human Rights Situations and Performance Report of the Year 2012



Presented by

National Human Rights Commission of Thailand (NHRCT)

Submitted to the Sub-Committee on Accreditation,
International Coordinating Committee of National Institutions
on the Promotion and Protection of Human Rights (ICC)

TABLE OF CONTENTS

	Page
The National Human Rights Commission of Thailand	4
1. Background	4
2. Mandates	4
3. Vision	6
4. Objectives and Strategies	6
Part I Evaluation Report on Human Rights Situations of Thailand in 2012	
Chapter 1 Evaluation Framework of Human Rights Situations	7
Chapter 2 Evaluation of Human Rights Situations of Thailand in 2012	9
2.1 Civil and Political Rights	9
2.1.1 Freedom of Opinion and Political Assembly	9
2.1.2 Liberty of Expression of Individual and Mass Media	9
2.1.3 The Protection and Remedy of Victims of Traffic Accident	10
2.2 Rights to Judicial Process	10
2.3 Community Rights and Rights to Participation in Managing Natural Resources and Environment	11
2.4 Economic, Social and Cultural Rights	13
2.4.1 The Flooding Situation	13
2.4.2 Labor Rights	13
2.4.3 Human Trafficking	14
2.4.4 Right to Education	15
2.5 Protection of Vulnerable Groups	15
2.5.1 Rights of Children	15
2.5.2 Rights of Women	15
2.5.3 Rights of the Person with Disabilities	17
2.5.4 Rights of the Lesbian, Gay, Bisexual and Transgender (LGBT)	17
2.5.5 Rights of the Personal Status of the Stateless, Thai Displaced Person, the Refugee and Indigenous People	18
2.6 Human Rights Situation in the Deep South	19

TABLE OF CONTENTS

	Page
Part II The Performance Report of 2012	
1. Monitoring and Reporting the Commission or Omission of the Acts Relating to Human Rights Violations	20
2. To Refer the Matter together with an Opinion to the Constitutional Court or the Administrative Court or to File a Lawsuit Case to the Court of Justice on the Behalf of the Injured Person	21
3. Policy Recommendations and Law Reforming Proposal	22
4. Human Rights Promotion and Human Rights Education	22
5. Research and Study on Human Rights	23
6. Collaboration and Network Promotions	23
7. Implementation of Human Rights in the Deep South by the National Human Rights Commission of Thailand	24
8. Cooperation at the International Level	25
9. Administrative Management	27

ANNEX

INTRODUCTION

THE NATIONAL HUMAN RIGHTS COMMISSION OF THAILAND

1 BACKGROUND

The National Human Rights Commission of Thailand (NHRCT) has been first established by the Constitution of the Kingdom of Thailand B.E.2540 (1997) as described in Sections 199 and 200 together with National Human Rights Commission Act, B.E. 2542 (1999) in which it has considered as an independent organ to carry out its mandates of promotions and protections of human rights. The NHRCT consists of a Chairman and ten other members appointed by His Majesty the King with the advice of the Senate. The NHRCT shall hold office for a term of six years as from the date of the appointment by His Majesty the King and shall serve for only one term. The first NHRCT was appointed by His Majesty the King on 24 August 2001.

When the present Constitution was enacted in 2007, the existence of the NHRCT was reaffirmed in Sections 256-257. The NHRCT consists of a Chairman and six other members appointed by His Majesty the King with the advice of the Senate. The NHRCT shall hold office for a term of six years as from the appointment by His Majesty the King and shall serve for only one term. The current NHRCT has been appointed by His Majesty the King on 25 June 2009 with the following name lists.

1. Mrs. Amara Pongsapich	Chairman Commissioner
2. Mr. Tairjing Siripanich	Commissioner
3. Mr. Nirun Phitakwatchara	Commissioner
4. Mr. Parinya Sirisarakarn	Commissioner
5. Mr. Paiboon Varahapaitoon	Commissioner
6. POL.GEN. Wanchai Srinualnad	Commissioner
7. Mrs. Visa Benjamano	Commissioner

2. MANDATES

According to the Constitution of the Kingdom of Thailand B.E. 2550 (2007), the National Human Rights Commission has the following powers and duties:

(1) To examine and report the commission or omission of acts which violates human rights or which does not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to persons or agencies committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report it to the National Assembly for further proceeding;

(2) To refer the matter, together with an opinion, to the Constitutional Court in the case where it agrees with a complaint addressed by a complainant that any provision of law affects human rights and begs a question of constitutionality, in accordance with the Organic Act on Procedure of the Constitutional Court;

(3) To refer the matter, together with an opinion, to the Administrative Court in the case where it agrees with a complaint addressed by a complainant that a by-law, order or any other administrative act affects human rights and begs a question of

constitutionality or compliance with the law, in accordance with the Act on Establishment of Administrative Courts and Administrative Court Procedure;

(4) To file a lawsuit to the Court of Justice on behalf of the injured person when a request is made by the injured person and it is deemed appropriate to find a solution to violation of human rights *vis-a-vis* the public at large, as provided by law;

(5) To propose to the National Assembly or the Council of Ministers policies and recommendations with regard to the revision of laws and by-laws for the purpose of promoting and protecting human rights;

(6) To promote education, research and the dissemination of knowledge on human rights;

(7) To promote co-operation and co-ordination amongst Government agencies, private organizations, and other organizations in the sphere of human rights;

(8) To prepare an annual report for the purpose of evaluating situations in the sphere of human rights in the country and submit it to the National Assembly;

(9) Other powers and duties as provided by law.

The mandates of the NHRCT is also stipulated in Section 15 of the National Human Rights Commission Act B.E. 2542 (1999) that the Commission has the powers and duties as follows:

(1) To promote the respect for and the practice in compliance with human rights principles at domestic and international levels ;

(2) To examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties relating to human rights to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the Nation Assembly for further proceeding ;

(3) To propose to the National Assembly and the Council of Ministers policies and recommendations with regard to the revision of law, rules or regulations for the purpose of promoting and protecting human rights ;

(4) To promote education, researches and the dissemination of knowledge on human rights ;

(5) To promote cooperation and coordination among government agencies, private organizations, and other organizations in the field of human rights ;

(6) To prepare an annual report for the appraisal of situation in the sphere of human rights in the country and submit it to the National Assembly and the Council of Ministers and disclose to the public ;

(7) To assess and prepare an annual report of the performance of the Commission and submit it to the National Assembly ;

(8) To propose opinions to the Council of Ministers and the National Assembly in the case where Thailand is to be a party to a treaty concerning the promotion and protection of human rights ;

(9) To appoint a sub-committee to perform the tasks as entrusted

by the Commission ;

(10) To perform other acts under the provisions of this Act or as the law prescribed to be the powers and duties of the Commission.

3. **VISION**

The NHRCT has its own vision as an independent organization to build up a society with the culture of respecting human rights, values and human dignity.

4. **OBJECTIVES AND STRATEGIES**

To achieve its vision and mission statement, the NHRCT has conducted a five year strategic plan from 2011 to 2016 that includes five issue-based and one area-based as follows:

(1) Area-based

The situation in the Deep South area

(2) Four issue-based

- Human rights and judicial process;
- Human rights and natural resources;
- Human rights of vulnerable groups;
- Human rights and business;

This annual report (2012) is composed of two main parts:

PART I : EVALUATION REPORT ON HUMAN RIGHTS SITUATIONS IN THAILAND IN 2012

PART II : THE PERFORMANCE REPORT OF THE YEAR 2012

PART I EVALUATION REPORT ON HUMAN RIGHTS SITUATIONS OF THAILAND IN 2012

CHAPTER 1 EVALUATION FRAMEWORK OF HUMAN RIGHTS SITUATIONS

According to Section 257(8) of the 2007 Constitution together with Section 15(6) and (8) of NHRCT Act, the NHRCT has powers and duties to prepare an annual report for the appraisal of human rights situation in the country which shall be submitted it to the National Assembly and the Council of Ministers and disclose to the public. To evaluate the human rights situations in Thailand, the NHRCT shall carry out fact-findings process relating to human rights cases in 2012 and then analyze all information and data under the two evaluation frameworks as follows:

- The framework relating to the State's duties to promote and protect human rights in compliance with the international human rights norms and standards ; i.e. (i) obligation to respect; (ii) obligation to protect; and (iii) obligation to fulfill.

- The framework relating to the State's obligations under the domestic laws and international human rights treaties to which Thailand is a party.

The 2007 Constitution states that rights and liberties of Thai people are assured and directive principle of fundamental of state policies must concern on the rights and liberties of Thai people. In the same time, Thailand is a party to seven international human rights treaties as follows:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC).
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESRC)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD).
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
- Convention on the Rights of Persons with Disabilities (CRPD)

In addition, Thailand has accessed to another three Optional Protocols as follows:

- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Furthermore, Thailand has yet to ratify another two international treaties of human rights as follows:

- Convention for the Protection of all Persons from Enforced Disappearance.
- Convention on the Protection of the Rights of Migrants Workers and Member of their Families.

Apart from those international human rights treaties and their optional protocols, Thailand has also ratified 15 ILO Conventions relating to labor rights. In addition, the NHRCT also pays attentions to all other principles and standards adopted by the United Nations and international community as a guideline and best practice in evaluating the human rights situations although they are not legally binding.

CHAPTER 2 EVALUATION OF HUMAN RIGHTS SITUATIONS OF THAILAND IN 2012

2.1 CIVIL AND POLITICAL RIGHTS

2.1.1 Freedom of Opinion and Political Assembly

Expression of opinion and political assembly are evaluated under the framework of Articles 19 and 21 of the International Covenant on Civil and Political Rights and Section 63 of the 2007 Constitution. Meanwhile, as Thailand adopted the UPR recommendations relating to the freedom of expression and political assembly, the relevant domestic laws shall be improved and complied with international human rights laws.

According to Section 63 of the 2007 Constitution, a person shall enjoy the liberty to assemble peacefully and without arms, and the restriction on such liberty shall not be imposed except by virtue of law specifically enacted for the purpose of public assembling and for securing public convenience in the use of public places and for the maintenance of public order during the time when the country is in a state of war, or when a state of emergency or martial law is declared

The Protect Siam Organization and Alliance begins a one-day rally to protest against the Government policies on 28 October 2012 with a large number of people gathering peacefully and calls for next demonstration on 24 November 2012. As a result, the Government tries to contain this political movement of the people by enforcing the Internal Security Act B.E. 2551 on 24 November 2012 and takes another measures to stop people to join the demonstration by using high pressurized water and tear gas although there is no sign to indicate that the demonstrators will cause any acts of violence affecting on the internal security of the country at that moment. Therefore, it is shown that the Government employs its administrative powers to dissipate the political demonstration organized by the Protect Siam Organization and Alliance. These actions are contrary to the provision on assuring freedom of expression and political assemble as prescribed in the 2007 Constitution and to the objective of the Internal Security Act. This is considered as regressive situations of human rights.

2.1.2 Liberty of Expression of Individuals and Mass Media

Liberty of expression of individuals and mass media are ensured in Sections 45 to 48 in the 2007 Constitution.

Notwithstanding, the liberties of expression of individuals and mass media are still facing some restrictions due to interference and threat from the Government and thus leading to violations of these rights. Here are the examples of the situation.

- (i) The issue relating to the Cybercrime Act
There are some attempts to amend the Cybercrime Act, B.E. 2550 (2007) on the issue of penalties of defamation offence. On the other hand, there are gaps allowing the State authorities to use their own discretion on the offence relating to the internal security.

(ii) The issue relating to the freedom of mass media

In recent years, the political conflict among Thai people has increasingly expanded and sometimes instigated by the presentation of the mass media. The media that presented the news with one-sided perspective is questioned by the society on its neutrality in accordance with the professional ethics. In addition, the National Broadcasting and Telecommunication Commission recently established is at its early stage to regulate the media as well as to protect the rights and liberties of people.

During the demonstration launched by the Protect Siam Organization on 24 November 2012, it is found that many press photographers are arrested and wounded by the police officers who are empowered to use force under the Internal Security Act. This action committed by the police is considered to be in excess of what is reasonable under the circumstances. This is an example of threat and violations of the rights and liberties of the media

2.1.3 The Protection and Remedy of Victims of Traffic Accident

The 2007 Constitution assures rights to receive appropriate public health service from the State in accordance with Article 6 Paragraph One of the International Covenant on Civil and Political Rights

However, according to the Global Report on Road Safety of the World Health Organization (WHO), it shows that a number of dead caused by the road accidents in Thailand is more than 26,000 persons or a ratio of 38.1 per 100,000 population in 2012. As a result, Thailand is ranked as the third highest of the dead caused by the road accidents. Therefore, the road safety shall be the major national concern to receive practical solutions by the Government to provide adequate resources and budgets for implementation of road safety measures together with a follow-up process in order to fulfill protection of live

2.2 RIGHTS TO JUDICIAL PROCESS

The evaluation framework of rights to judicial process is based on Sections 39 to 40 and 81 of the 2007 Constitution, Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. Meanwhile, the current Government also announces the State policies relating to reform and develop laws and judicial process.

The progressive human rights situations in 2012 relating to rights to judicial process are summarized as follows:

- **The establishment of an independent law reform committee**

The Law Reform Committee has been established according to Section 81 of the 2007 Constitution in order to reform and develop the laws and judicial process of the nation. Among 18 laws issued by the National Assembly, there are four laws relating to protection of rights to judicial process of an individual as follows:

- (i) The Act amending the court system and the court organization (Issue No. 4) B.E. 2555(2012)
- (ii) The Act on the founding of the Administrative Court of Nakhon Sawarn Province B.E. 2555(2012)
- (iii) The Act on the founding of the Administrative Court of Phetchaburi Province B.E. 2555(2012)
- (iv) The Act on the founding of the Administrative Court of Phuket Province B.E. 2555(2012).

The promulgations of those Acts provide an easier access of people to the judicial process.

- **The abolition of fetters and handcuffs**

Since 2011, there has been a movement by both international and domestic organizations to recommend that the Thai Government should abolish fetters and handcuffs for the prisoners. The Government has taken this concern seriously leading to the first abolition of these instruments on 15 May 2012. In addition, the Bangkok Rules, a standard practice for woman prisoners, is adopted and later implemented through the judicial process. Therefore, it is confirmed that human rights issues relating to judicial process are implemented in order to fulfill and to protect the rights.

The regressive human rights situations relating to rights to judicial process are summarized as follows:

- **The delay of establishment of judicial process reforming organization**

- **Implementation of policy suggestions to the National Assembly**

Section 81 of the 2007 Constitution states that the State shall provide a law establishing an independent organ for the purpose of reforming the judicial process in order to improve and develop the performance of all agencies concerned with the judicial process. At present, this independent organ has not yet been established. Meanwhile, the State policies relating to rights to judicial process have not been implemented as announced by the Government. There are still big loops between law enforcing procedure and performance of officials in judicial process, therefore, people has still not fully enjoyed their rights to judicial process.

- **The enforcement of the Royal Decree on Public Administration in Emergency B.E. 2548 (2005)**

The enforcement of the Royal Decree on Public Administration in Emergency B.E. 2548 (2005) is imposed in control of the situations in the Deep South causing a great impact on people's way of life. Many people become the suspect and are accused of violating the provision under the Royal Decree. In this connection, the NHRCT has received the complaints accusing the official of using torture action against the suspect and detainee during the police operation and in detention center.

Although, during its investigation process, the NHRCT faces some limitations to clearly point out that these incidents occurs in reality, it will be assumed that the enforcement of law by the State officials in judicial process were not appropriate and contained many mistakes.

- **The abolition of death penalties**

The abolition of death penalties still remains the topic of debates and discussions among academic circles and relevant stakeholders. Among the topic of concern is whether Thailand would need to maintain this measure or not. Although the second National Human Rights Plan states that the Government has its obligations to consider the appropriate measure to abolish the death penalties, until now, the Government has not taken a decisive action on this issue.

2.3 COMMUNITY RIGHTS AND RIGHTS TO PARTICIPATION IN MANAGING NATURAL RESOURCES AND ENVIRONMENT

The evaluation framework on the community rights and rights to participation in managing natural resources and environment is mainly based upon personal rights and liberties, community rights, directive principle of fundamental state policies as well as land use, natural resources and environmental policies as stated in the 2007 Constitution. Section 66 of the 2007 Constitution states that the community retains the right to preserve or restore their customs, local wisdom, arts and good culture of the community and of the nation and participates in the management, maintenance and exploitation in natural resources, while Section 67 also assures the rights to participation in managing natural resources and environment.

The NHRCT receives complaints relating to the development projects and industries which affect communities with respect to the quality of the environment, natural resources and biological diversity. Many people in the community claim that they are forced to leave their residential areas due to the State policy on the forest conservation. The community also take actions on their community rights as follows:

- To claim for allocation of arable land ;
- To claim for terminating the development projects which affected the community ;
- To claim for issuance of the community title deed;
- To claim for a research study on the impact of development project;
- To claim for the need to collaborate with other relevant organizations/agencies to gather information on development projects affecting the community;
- To claim for the Court decision to repeal the development projects affecting the community
-

Those mentioned actions reflect the community's attempts to take part in the planning, decision-making, and monitoring of the activities and projects concerned. Section 67 of the 2007 Constitution also determines that any project or activity which

may seriously affect communities with respect to the quality of the environment, natural resources and biological diversity shall not be undertaken, unless its impacts on the quality of the environment and health for the people in the communities have been studied. Although there are laws and regulations for the projects to conduct the Environment Impact Assessment and/or the Health Impact Assessment, it is found that both of them are lack of real participation of people in community because in reality, the public hearing organized by the project does not involve all stakeholders and relevant persons. At this moment, the drafted proposal on the Public Hearing Act and the establishment of an independent organ on environment and health in accordance with Section 67 of the 2007 Constitution have not yet come into existence

2.4 ECONOMIC, SOCIAL AND CULTURAL RIGHTS

2.4.1 The flooding situation

Thailand has confronted with the worst flooding disaster in 2010 and continued through the first period of 2011 causing widespread and severe damage and loss. The Government has failed to alert the people and concealment essential information on the real situation has prompted the people into difficulties in the protection of their houses, properties and life at last.

In addition, the drainage and flood protection lack of their efficiencies to handle such extreme flooding. Notwithstanding, it is found that there is no community participation and public hearing in the process of flood management. Therefore, it is clearly noted that people are deprived of the right to receive and access public information and right to receive information, explanation and reasons from the Government agencies or local governmental organizations as stated in the 2007 Constitution. Furthermore, the Government cannot promptly provide assistance to flood victims.

2.4.2 Labor Right

In 2012, the Government together with Ministry of labor launches the major policy to enhance the quality of life for the laborers. There are prominent progress in the protection of worker's rights and welfare as follows:

- The policy of minimum wage of 300 baht per day for the whole labor of the country ;
- The announcement of regulation on labor (the 14th issue) in accordance with the Labor Protection Act B.E. 2541(1998);
- The exercise of punishment measure on deceiving Thai labors to work aboard;
- The resolution of migrant workers problems by using nationality verification process

The issues of violations of labor rights still exist even though the Government

attempts to improve life quality of the laborers. For examples:

- Restriction of travelling liberties of migrant workers;
- The deception of Thai laborers to work aboard ;
- Delay in issuing the regulation on labor protection in accordance with Worker at Home Protection Act B.E. 2553(2010);
- No law enforcement on the National Saving Fund Act B.E.2554 (2011)
- Delay in considering the draft Act on Social Welfares (public proposed issue);
- No ratification of International Labor Organization Convention on freedom of association and protection of the right to organize (No. 87) And right to organize and collective bargaining (No. 98).

Thereby, the Government together with Ministry of Labor shall consider reforming the labor system and its structure so that the laborers shall maintain their labor security and social protection. In addition, the Government shall consider proactively implementing the protections of freedom of association, collective bargaining and decent work as the main principles to determine the State policies, laws, action plans as well as standard measures to fulfill social justice in Thai society and support ASEAN Economic Community in 2015.

2.4.3 Human Trafficking

The evaluation framework of human trafficking is based on Sections 32 and 44 of the 2007 Constitution, Article 6 of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Articles 19, 32, 34-36 and 39 of Convention on the Rights of the Child (CRC) together with the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. In addition, Thailand adopts the UPR recommendations as follows:

- Collaboration with neighboring countries to end and eliminate human trafficking in children and women;
- Taking care of the human trafficking victims ;
- Elimination of human trafficking and violations of labor rights among of the migrant worker ;
- Remedy and rehabilitation of the victims of the human trafficking;
- Capacity-Building among the Government officials concerned ;
- Law reform and enforcement relating to the human trafficking ;
- Prohibition of human trafficking for the purpose of sexual exploitation and forced labor

Child and woman trafficking for the purpose of sexual exploitation and forced labor remain the significant problems in Thailand although there is legal enforcement against the human trafficking since 2008. Therefore, the Government shall take serious actions on enforcing the laws against human trafficking.

The Sub-committee on Strategies on Children, Women and Equality of Persons under the NHRCT visits Kredtrakarn Protection and Occupation Development Center, a woman shelter, in March 2012 and found that there is Laotian among victims of human trafficking. Those victims receive humanitarian assistance on occupational training. The NHRCT also takes recommendations from the officers for further actions to improve the efficiency of judicial process on human trafficking as follows:

- (i) The victims of human trafficking shall be separated from other law offenders so that they would receive appropriate assistance.
- (ii) The legal and interdisciplinary teams shall be involved in the investigation process.
- (iii) The victims shall give their testimony in advance.
- (iv) The victims shall be allowed to work temporary in the country.
- (v) The State shall consider having remedial and rehabilitation measures for the victims.

2.4.4 Right to education

Section 49 of the 2007 Constitution states that every person shall enjoy equal rights to receive at least twelve years of comprehensive and quality education as provided by the State free of charge. In addition, Section 39 of the 2007 Constitution states that all persons are equal before the law and shall enjoy equal protection under the law. Therefore, rights in basic education and the principle of equality are both guaranteed by the State.

There are prominent situations relating to rights to education as follows:

- The Government has education policies to provide tablet personal computers to school in which the objectives are to develop electronic instructional media together with educational personnel and the high speed internet network. This project is launched in for the first grade student at some pilot schools.
- The Government has policies to abrogate and merge various small schools in the same community to improve quality of education. This policy may partly affect right to basic educations of the children in some area.
- The Government endorses a policy not to support the tradition of donation for first school enrollment in order to protect children in poor economic status from facing with a certain difficulty in school enrollment.

2.5 PROTECTION OF VULNERABLE GROUPS

2.5.1 Rights of children

The evaluation framework of child's rights is based on Convention on the Rights of the Child (CRC) together with all three Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on the involvement of children in armed conflict and on a communication

procedure. The State reviews domestic laws to assure their consistency with the international human rights obligations.

The situations relating to child's rights are as follows:

- Thailand signs the Optional Protocol to the Convention on Rights of the Child on communication procedure in 2012.
- The Government proposes the national strategic plans, action plans and standard practices to resolve the issue relating to child's rights.
- The problems relating to violence against children and sexual harassment, the street children and premature pregnancy still exist.

Therefore, the Government shall consider taking the following actions:

- Providing appropriate budget allocations to accomplish the development of children such as providing sufficient budgets for the child's protection fund and for the protection and suppression of child trafficking fund, etc.
- Educating the relevant official to obtain more knowledge and understanding on child's rights issues
- Processing a draft Act on suppression of seductive and dangerous behaviors B.E. ... as a protective measures relating to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

2.5.2 Rights of women

The evaluation frameworks of woman's rights are based on Convention on the Elimination of all Forms of Discrimination against Women and the Optional Protocol. In accordance with Article 16 of Convention on the Elimination of all Forms of Discrimination against Women, it states that States Parties should take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of men and women. The Government also need to consider the gap between the natural rights and the rights assured by laws together with to review all domestic laws whether they are in accordance with international human rights obligations. In addition, the discrimination against women shall be taken into consideration both in de facto and de jure schemes.

The progressive situations relating to rights of women are as follows:

- The Government decides to withdraw the reservation on Article 16 of Convention on the Elimination of all Forms of Discrimination against Women relating to right to marriage and family relations.
- The Government issues policies and standard measures to promote rights of women on the issues of the equality of men and women in right to marriage and at its dissolution, right to decide freely and responsibly on the number and spacing of their children, right to choose family name, a profession and an occupation and right to property management.
- The Cabinet has resolution on 20 March 2012 allowing the male official and employee to take a leave to assist his wife nurturing the infant after

childbirth as well as to maintain his right to receive wage during his leave.

- The National Assembly enforces its rule on the National Assembly official disciplines B.E. 2555(2012) stipulating that the sexual harassment in the work place are considered as disciplinary offences and anyone who commits this action should be punished.
- The Government establishes the Woman Development Fund on the purpose of development of woman potential and network.

On the contrary , women are still treated with inequality which indicated regressive situations of women rights as follows:

- According to the Nationality Act, the foreigners marrying the Thai women need to stay in Thailand for at least five consecutive years to apply for Thai Nationality. Meanwhile, there is no such a requirement for foreign women marrying Thai men.
- The issues of woman and child trafficking on the purpose of sexual exploitation still exist.
- Some Muslim women in the Deep South still lack of accessibility to formal education, public health services as well as economic opportunity due to social and cultural background.
- Non-Governmental Organizations relating to woman groups find that only limited group can access the Woman Development Fund which is inconsistent with its objectives.

In this regard, the NHRCT takes the actions on issues relating to violation and sexual harassment and violence against women as follows:

- Drafting the Act on promotion of opportunity and gender equality;
- Conducting a research on the civil society struggle to end the sexual harassment in the work place : the case study of the labor union of Thai Airway;
- Launching a Campaign to end the sexual harassment in the work place;

2.5.3 Rights of the person with disabilities

The evaluation framework of rights of the person with disabilities is based on Sections 30, 49 and 54 of the 2007 Constitution and the Promotion and Life-Quality Development of the Person with Disabilities Act B.E. 2550 (2007). It is reaffirmed that all persons are equal before the law and shall not be deemed as unjust discrimination on the ground of disability, and the disabled or handicapped persons shall enjoy equal rights and be supported by the State to receive education on an equal basis as other persons. The disabled or handicapped persons shall have rights of access to and utilize welfare services, public facilities and appropriate aid from the State. In addition, Thailand has its own obligations in accordance with Article 4 of Convention on the Rights of Persons with Disabilities to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without

discrimination of any kind on the basis of disability. The NHRCT is the National independent mechanism to monitor the protection and promotion of rights of the person with disabilities as prescribed in Article 33 of the Convention.

The progressive situations relating to rights of the persons with disabilities are as follows:

- The rights of persons with disabilities are clearly assured by the Constitution and the Act.
- The NHRCT is appointed as a National mechanism to monitor the implementation of rights of person with disability in accordance with Convention on the Rights of Persons with Disabilities.
- There are action plans relating to the promotion and development of life and quality of the disable.

However, there are still some problems as follows:

- Laws relating to rights of persons with disabilities are not fully enforced and implemented.
- The disabled persons are not fully able to access rights to fundamental services and welfares, rights to education, rights to public health services and labor rights.
- The disabled persons are not provided with the access to public places and facilities such as public transportations.

Therefore, the Government shall give priority to regulate the relevant agencies to provide public facilities for the disabled persons so that the State obligations can be fulfilled.

2.5.4 Rights of the Lesbian, Gay, Bisexual and Transgender (LGBT)

The evaluation framework of rights of the LGBT is based on the 2007 Constitution and Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. It is affirmed that unjust discrimination against a person on the ground of sexual orientation shall be permitted due to equality principles guaranteed by the constitutional law and international human rights treaties and standards.

However, Thailand has progressive results on promotion and protection of rights of the LGBT because perception on the LGBT in Thai society was changed in the past few years. There are continuous campaigns on promotion of the rights of the LGBT; however, violation of human rights and unjust treatment of the LGBT groups still exist. Therefore, the Government and the relevant agencies shall pay attention to the legal advice and recommendation to this sensitive group.

2.5.5 Rights of the personal status of the Stateless, Thai displaced person, the refugee and indigenous people

The progressive situations relating to personal status of the individual person are as follows:

- Each permanent resident in Thailand will receive identification document (with 13 digit numbers) to verify the personal status and nationality.
- There is an amendment on the Nationality Act (No.5) B.E. 2555(2012) to resolve the issue of Thai displaced person to end the violation of rights to personal status.
- The policy on registration of migrant workers is implemented to solve the issues of migrant worker's nationality and illegal immigration.
- The social policy to receive formal education provided by the State is applied for the Stateless children and free of charge.
- There are nine refugee camps along Thai border providing humanitarian assistance on the fundamental basis.
- The NHRCT disseminates manual and guideline on nationality to the public and relevant parties.

However, there are some regressive situations of rights to personal status as follows:

- The registration officers sometimes ignore or lack of knowledge on the updated laws while carrying out their function by using the outdated Cabinet's resolution resulting in the delay of work and process.
- The procedure in the implementation of administrative laws such as rules and regulations relating to the protection of personal status are too complicated to comply with.
- The issues of the Rohingya become increasingly critical in various dimensions as they are connected with the political situation in the neighboring countries and the human trafficking network.
- There is a need for the permanent resolution on issues of illegal migrant workers from Lao, Myanmar, and Cambodia to solve the problems systematically.

There are recommendations to solve the situations of the personal status as follows:

- Measures on personal status should be stated clearly.
- The officer concerned should understand correctly the process of acquiring Thai citizenship and personal status in order to work efficiently.
- There should be an effective monitoring mechanism on the performance of the officers working in this area with a view to prohibiting any means of corruption and self-benefit.

2.6 Human Rights Situations in the Deep South

The evaluation framework of human rights situations in the Deep South are based on international human rights treaties and domestic laws. It is found that the officials gained better understanding on human rights issues when they deal with the situation. The progressive situations are included as follows:

- Affected persons are received substantial remedies.
- The officials learn how to make the balance in both dimension of security and human rights so that the unjust treatments relating to racial, religious and economic status will be diminished.
- There is an increasing effort to resolve violent situations in the Deep South and to guarantee the judicial process to the community.

Recommendations for further development are required as follows:

- The mechanism of judicial process shall remain its efficiency and not be delayed.
- A long-term remedial and rehabilitation measures are required for local people especially to provide education and occupational training to the orphans.
- The Government shall consider the appropriate outcome before enforcing laws relating to internal security such as the Martial Law Act , Decree on Public Administration in Emergency Situations, and the Internal Security Act whether these laws are able to bring about the final solution to the situation

PART II THE PERFORMANCE REPORT OF 2012

The mandates of the National Human Rights Commission are stated in Section 257 of the 2007 Constitution and the NHRCT Act which can be summarized as follows:

- To monitor and report the commission or omission of the acts relating to human rights violation;
- To refer the matter together with an opinion to the Constitutional Court or the Administrative Court, or to file a lawsuit case to the Court of Justice on the behalf of the injured person;
- To propose policy suggestion and law reforming;
- To conduct research studies on human rights;
- To promote the respect for and the practice in compliance with human rights principles at domestic and international levels;
- To collaborate and coordinate with the network alliances;
- To manage the personnel administration.

1. MONITORING AND REPORTING THE COMMISSION OR OMISSION OF THE ACTS RELATING TO HUMAN RIGHTS VIOLATIONS

The 2007 Constitution enumerates the powers and duties of the NHRCT to examine and report the commission or omission of the acts which violates human rights or which does not comply with obligations under international human rights treaties to which Thailand is a party in Paragraph One, Section 257(1) together with Section 15(2) the NHRCT Act.

For the investigation process as further described in CHAPTER III of the NHRCT Act, any person whose human rights are violated has the right to lodge a petition in person or by the representative to the NHRCT as described in Section 22. The petition can be lodged by a private organization in the field of human rights as a juristic person under the Thai law as described in Section 24. In the case where the Commission deems expedient to examine the case, the Commission shall notify a person or agency alleged to be human rights violator or a person or agency whom the Commission considers to be involved in human rights violations to give a responded statement of facts within the period specified by the Commission as mentioned in Section 25. The Commission shall examine and propose remedial measures for the commission or omission of acts which violate human rights as described in Section 22. In the case where the matter is litigated in the Court or that upon which the Court has already given final order or judgment, the examination must be terminated in accordance with Section 22; however, the NHRCT has the powers to propose policies and recommendations to the Government and relevant agencies with regard to revision of law, rules or regulations for the purpose of promotion and protection of human rights. In addition, the Commission has the powers to conduct mediation if it deems expedient as mentioned in Section 27. Besides, the Commission has the powers to give either imprisonment of a term not exceeding six months or a fine not exceeding ten thousand Baht or both to any person who failed to give statement, deliver objects, documents or evidences as summoned by the NHRCT upon Section 34. When the examination is completed, if the NHRCT is of the opinion that there is a commission or omission of

acts which violates human rights, the NHRCT shall prepare a report of examination which specifies details of the circumstances of human rights violation, reasons for such opinion and remedial measures for solving human rights violations. The Commission may require a person or agency to perform duties by appropriate methods to prevent a recurrence of similar human right violation. In the case that the Commission is of the opinion that the said commission or omission of acts does not violate human rights but there is unjust treatment from which the aggrieved person deserves a remedy, the Commission may set forth remedial guidelines and notify a person or agency to appropriately perform within the scope of powers and duties of such person or agency as described in Section 28. In the case that human rights violation or unjust treatment is found, the NHRCT shall notify the examination report to the person or agency having duties to perform in order that the remedial measures for solving the human rights violation problems are implemented within the period specified by the NHRCT, and then shall notify the results of implementation to the NHRCT. If the person or agency does not implement the remedial measures or does not complete the implementation without justifiable reasons, the NHRCT shall report to the Prime Minister to order an implementation of the remedial measures within sixty days upon the receipt of the report. In the case where no proceeding or order for the implementation of the remedial measures, the NHRCT shall report to the National Assembly for further proceeding as described in Sections 28-31. Figure 1 shows the flow chart of complaint handling and investigation process in accordance with the 1999 Act. (See Figure 1 in the Annex)

The examination of human rights violation

In 2012, the NHRCT receives a total of 666 complaints in which they are analyzed into four types of complaint handling process.

- 631 complaints lodged directly to the Commission;
- 23 complaints lodged via the representative of the complainant;
- 6 complaints transferred from the relevant organization;
- 6 complaints raised by the NHRCT.

A total number of complaints received by the NHRCT is shown on monthly basis in Table 1 and categorized in accordance with types of rights in Table 2. (See Table 1 and Table 2 in the Annex)

In addition in 2012, the NHRCT examines a total of 1,014 complaints in which 873 complaints are pending before 2011 and 141 complaints are received in 2012. Table 3 provides summary results of complaints examined by the NHRCT. In addition, there are a total of 64 examined complaints on basis of human rights violations and unjust treatments, which can be categorized in accordance with types of rights as provided in Table 4. (See Table 3 and Table 4 in the Annex)

Monitoring implementation of remedial measures for solving the problems of human rights violation

The results of monitoring implementations on remedial measures for solving human rights violations as recommended in the examination report are shown in Table 5. There are some cases reported to the Prime Minister in accordance with Section 30 of the NHRCT Act after no implementations of remedial measures have been taken by relevant agencies as indicated in Table 6. (*See Table 5 and 6 in the Annex*)

2. TO REFER THE MATTER TOGETHER WITH AN OPINION TO THE CONSTITUTIONAL COURT OR THE ADMINISTRATIVE COURT OR TO FILE A LAWSUIT CASE TO THE COURT OF JUSTICE ON THE BEHALF OF THE INJURED PERSON

Apart from the responsibilities entrusted to the NHRCT by the 1997 Constitution, the NHRCT is also granted additional mandates to refer human rights violation cases and opinions to the Constitutional Court or the Administrative Court, as well as to file lawsuits on behalf of injured persons to the Court of Justice. A new enabling law has been drafted to give effect to the provisions of the 2007 Constitution but it has not yet got approval from the Parliament. In the meantime, the NHRCT has to operate on the basis of the 1999 National Human Rights Commission Act to the extent that it does not contradict with the relevant provisions of the 2007 Constitution.

The NHRCT's performance relating to submission of the cases together with opinion to the Constitutional Court, or the Administrative Court, or filing a lawsuit to the Court of Justice on the behalf of the injured person is summarized in Table 7. (*See Table 7 in the Annex*)

3. POLICY RECOMMENDATIONS AND LAW REFORMING PROPOSAL

The National Human Rights Commission has its powers and duties to propose policies and recommendations with regard to the revision of laws and by-laws for the purpose of promoting and protecting human rights to the National Assembly or the Council of Ministers as stated in Section 257(5) of the 2007 Constitution and Section 15(3) of the NHRCT Act.

In 2012, the NHRCT provides policy and law reforming recommendations as summarized in Table 8. (*See Table 8 in the Annex*) There is some policy recommendation directly submitted to the Prime Minister in Table 9 and in Table 10 with presentation of law reforming recommendations given by the NHRCT. (*See Table 9 and 10 in the Annex*)

4. HUMAN RIGHTS PROMOTION AND HUMAN RIGHTS EDUCATION

The National Human Rights Commission has its powers and duties to promote education, research and dissemination of knowledge on human rights as stated in Section 257(6) of the 2007 Constitution and Section 15(4) of the NHRCT Act.

In 2012, the NHRCT carries out its duties to promote human rights education to various target groups ranging from government agencies, NGOs, alliance network organizations and community organizations by conducting a workshop, seminar, training, and public forum as follows:

Strengthening knowledge, understanding and awareness on human rights

There are many activities implemented by the NHRCT as a part of monitoring mechanisms of human rights violations through strengthening knowledge, understanding and awareness on human rights to the civil society as provided in Table 11. (*See Table 11 in the Annex*)

Human Rights Education

The NHRCT organizes various activities relating to human rights education as follows:

- Implementing projects and activities providing human rights knowledge to staff working in the field of education, as : Training for Trainers Program;
- Encouraging school and university to develop human rights curriculums;
- Disseminating human rights knowledge through printed matters.

Public relations

In the fiscal year of 2012, the NHRCT carries out various activities to provide information, news and knowledge to the public as follows:

- Disseminating knowledge on human rights through different forms of media ;
- Organizing exhibitions to disseminate the knowledge on human rights ;
- Disseminating information relating to human rights situations to the media ;
- Organizing a public forum to exchange information and knowledge on human rights ;
- Gathering and analyzing the news relating to human rights situations.

5. RESEARCH AND STUDY ON HUMAN RIGHTS

The National Human Rights Commission has its powers and duties to promote education, research and dissemination of knowledge on human rights as stated in Section 257(6) of the 2007 Constitution and Section 15(4) of the NHRCT Act. In 2012, the NHRCT carries out projects relating to human rights research as summarized in Table 12. (*See Table 12 in the Annex*)

6. COLLABORATION AND NETWORK PROMOTIONS

The 2007 Constitution, Paragraph One, Section 257(7) states that the NHRCT has duties to promote cooperation and coordination among government agencies, private organizations and other organizations in the field of human rights. This is also affirmed in Paragraph Three, Section 23 of the NHRCT Act. In 2012, the NHRCT implements various collaboration and network promotions as follows:

- The NHRCT develops relationship with private sectors through various activities; such as, registrations of NGOs, compilation of data-base of individuals and networks, activities in collaboration with the network alliance, activity with universities holding the MOUs, human rights activities in collaboration with civil society groups, etc.

- The NHRCT collaborates with the NGOs Coordination Committee, an organization to coordinate all NGOs in Thailand, to encourage people in the communities to exercise their rights and to monitor unfair treatments, in which there are 78 human rights-responsive private organizations registered by the NHRCT as well as other civil society groups such as: the Eastern Regional Public Network; the Conservative Group of Boanok-Hin Krut, Prachuap Khiri Khan Province; the Public Network of Chachoengsao Province; the Business Network; Provincial Chambers of Commerce, etc.

- The NHRCT also provides training courses for networks of volunteers of human rights defenders to educate and disseminate principles and knowledge on human rights.

- The NHRCT organizes various activities in collaboration with civil society groups such as seminars, trainings, public forums through complaint handling process with initiative of the network of volunteers

- Regional meetings between the NHRCT and communities

- In the south during 18-20 April, 2012 in Hatyai, Songkha province;

- In the north during 21-23 November, 2012 in Chiangmai province;

- Human Rights education Training for Police Officers

- The NHRCT organizes a series of workshops entitled “the Human Rights Promotion in Judicial Process” to various law enforcement agencies, particularly the police

nationwide. There are totally 4 workshops, with approximately 1,200 participants in 2012. This workshop is to be continued in 2013 covering the whole police regions in Thailand and then further developed with more engagement of the public and police through the group dynamic learning process.

7. IMPLEMENTATION OF HUMAN RIGHTS IN THE DEEP SOUTH BY THE NHRCT

For the area with rising of human rights violations, particularly in the Deep South provinces, the Sub-committee on Human Rights Situation in the Deep South under the NHRCT has been set up and headed by the Chairperson. This Sub-Committee holds mandates with the spotlighting on human rights situation and the promotion and protection of violation with urgent action. There are several outreach programs and initiatives for enhancing people to be able to access to the NHRCT, as: the appointment of 21 onsite volunteers in 3 provinces – Pattani, Yala and Narathiwat, with duties on handling of complaints, conducting of preliminary fact-findings and elaborating of cooperation with civil society groups and communities. Table 13 provides a summary of complaints received by the NHRCT. (*See Table 13 in the Annex*)

The NHRCT promotes and protects human rights in the Deep South through major activities as follows:

- the dialogues with the Chief Commander of the 4th Military Region, the Secretary-General of Southern Border Provinces Administrative Center, the Commissioner of Southern Border Province Police Operation Center and the Heads of Islamic groups in the south;
- the organizing of a training seminar on forensic autopsy in accordance with Islamic principles to judges, public attorneys, security officials, administrative officials, physicians, nurses, public health officers, religious leaders, academics and jurists;
- the mainstreaming with interpretation of relevant human rights principles, e.g. the Convention against Torture, into practices of law enforcement officers.

8. COOPERATIONS AT THE INTERNATIONAL LEVEL

According to Section 15(1) of the NHRCT Act, the NHRCT has the powers and duties to promote the respect for and the practice in compliance with human rights principles at domestic and international levels.

Following are the major activities of the NHRCT in the framework of sub-regional, regional and international cooperation.

The Cooperation with the South East Asia National Human Rights Institutions Forum (SEANF)

- The NHRCT organizes a Technical Working Group Meeting of the SEANF during 23-24 February 2012 in Bangkok. The meeting has discussed the strategic plan and the joint projects to be undertaken by the members on the following issues:

- (i) Business and human rights
- (ii) Right to development and Community Rights
- (iii) Migrant workers, human trafficking and displaced persons
- (iv) Torture and Detention
- (v) Indigenous peoples

- In September 2012, the NHRCT organizes the 9th Annual Meeting of SEANF during which the National Human Rights Institution of Myanmar is admitted as the sixth member of the SEANF

The Cooperation with the Asia Pacific Forum (APF)

- The NHRCT has been actively involved in the work and activities of the APF which is a regional network of National Human Rights Institutions in the Asia Pacific region since its 7th Annual Meeting in New Delhi, India in November 2002

- The NHRCT hosts the 16th Annual Meeting and Biennial Conference of the APF from 6-8 September 2011 in Bangkok, Thailand, the first ever of its kind that held in Thailand with the participation of approximately 120 representatives from the national human rights institutions, governments, international organizations and civil society organizations.

- As a current Chair of the APF, the NHRCT has represented this regional framework in various meeting and conferences both at the regional and international levels apart from presiding over the Forum Council which is the decision-making body of the APF.

Cooperation with the International Coordinating Committee of National Human Rights Institutions (ICC)

In 2012, the NHRCT has taken part in the major activities of the ICC as follows:

- ICC Bureau Meeting and the 25th ICC General Conference during 19-22 March 2012 in Geneva.

- ICC Bureau Meeting and the 11th Biennial Conference during 5-7 November 2012 in Amman, Jordan.

Cooperation with the United Nations

Major activities relating to the cooperation with the United Nations in 2012 are as follows:

- The NHRCT Chairperson attends the UPR Working Group when it considers the human rights situation in Thailand in October 2011 and delivers a statement to the 19th HRC Session in March 2012 commenting on the UPR Working Group report relating to Thailand.
- In July 2012, the NHRCT submits an alternative report on Thailand's implementation of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) to the CERD Committee. Presently, the NHRCT is working on two other alternative reports to provide information on the country's implementation of the Convention against Torture and the Convention in the Rights of Persons with Disabilities. The NHRCT hopes to finalize these two reports in 2014.
- In July 2012, in New York, the Chairperson of the NHRCT in her capacity as the Chair of the Asia Pacific regional group and ICC Bureau member participates in the second UNDP-OHCHR-ICC Strategic Partnership Meeting with a view to reviewing progress of the partnership and identifying areas for future cooperation that could inform the work of the respective organizations in the coming years.
- In February 2012, the NHRCT organizes a public forum relating to the implementation of the UPR recommendations.

Cooperation with other regional civil society organizations

- The NHRCT attends a Technical Workshop on Implementation and Follow-up of the Bali Declaration: Human Rights and Agribusiness in the South East Asia Region during 9-11 October 2012 in Phnom Penh, Cambodia
- The NHRCT attends the Technical Workshop on Human Rights and Business in ASEAN during 11-12 December 2012 in Singapore.

9. ADMINISTRATIVE MANAGEMENT

The Office of the National Human Rights Commission shall have autonomy in personnel administrative, budget and other activities as provided by law stated in Section 256 of the 2007 Constitution. This is further stipulated in Section 17 of the NHRCT Act that the Office of the NHRCT has the status of a Government agency attached to the National Assembly under the law on the organization of the National Assembly and shall be under the supervision of the NHRCT Chairperson. Meanwhile, Section 18 of the NHRCT Act states that the Office of the NHRCT has the responsibility in the general affairs of the Commission and shall have the powers and duties as follows:

- (1) To be responsible for the administrative works of the Commission;
- (2) To receive petition of human rights violation and submit it to the Commission and to investigate or examine matter which are petitioned as entrusted by the Commission;
- (3) To conduct study on and promote education and the dissemination of knowledge in the field of human rights;
- (4) To cooperate with Government agencies, private organizations or any other organizations in the field of human rights for the purpose of promoting human rights;
- (5) To carry out any other performance as entrusted by the Commission.

The Office of the NHRCT shall have the Secretary-General of the NHRCT who is responsible for the performance of duties of the Office of the NHRCT, directly answerable to the Chairperson and who is the superior of officials and employees of the Office of the NHRCT. There shall also be Deputy Secretary- General of the NHRCT to assist the Secretary- General in the performance of duties

Organizational Structure of the Office of NHRC

According to the Notification on Organizational Structure of the NHRCT as officially published in the Royal Gazette, the Office of the NHRCT has six major bureaus and two separate units, corresponding to the functions of the Commission. The six bureaus are: (i) Central Administration Bureau; (ii) Human Rights Promotion and Network Coordination Bureau; (iii) Human Rights Protection Bureau; (iv) Research and Technical Support Bureau; (v) Litigation Bureau; and (vi) International Human Rights Affairs Bureau. The two units are the Coordination of the Commission's Affairs Unit and the Internal Audit Unit.

Manpower of the Office of NHRC

In 2012, there are 223 persons working in the National Human Rights Commission and its Office.

Personnel development

The NHRCT and its Office realize the importance of personnel development by organizing various training to enhance knowledge and performance skills of the NHRCT staff. The NHRCT has both in-house training programs and external training programs. The in house training programs and external training programs are summarized in Table 14 and Table 15 respectively. (*See Table 14 and Table 15 in the Annex*)

Development of information systems of the NHRCT

- Development of systems / mechanisms / personnel in order to support the organizational operations
- Development of communication and information systems
- Development of information center of the Office of NHRCT
- The NHRCT's website

Fiscal Budget in 2012

With the consent of the Commission, the Office of the NHRCT shall submit an estimated annual budget to the Council of Ministry via the Chairperson of the NHRCT for its consideration of appropriate budget, adequate for the independent administration of the Commission, in an annual appropriations bills or supplementary appropriations bills, as the case may be. In this manner, the Council of Ministers, the House of Representatives, the Senate or the Standing Committees may, if requested by the Chairperson, allow the Chairperson or the person entrusted by the Chairperson, to give explanation. (Section 21 of the NHRCT Act)

In 2012, the NHRCT obtains a total of 173,586,400 Baht that can be divided into two categories of expenses as (i) management cost and organization cost 79.8140 million Baht and (ii) personnel cost of 93.7724 million Baht.

ANNEX:

FIGURE 1 The flow chart of complaint handling and investigation process.

TABLE 1 Number of complaints received by the NHRCT on monthly basis in 2012.

TABLE 2 A numbers of complaints in 2012 categorized in accordance with types of rights

TABLE 3 Numbers of examined complaints by the NHRCT in 2012.

TABLE 4 Number of examined complaints relating to human rights violation and unjust treatments by the NHRCT categorized in accordance with types of rights.

TABLE 5 Total numbers of cases monitoring implementations on remedial measures for solving of the problem of human rights violations based on monitoring procedures.

TABLE 6 The cases reported to the Prime Minister after there is none of implementations of remedial measures by relevant agencies.

TABLE 7 Number of cases submitted with opinions to the Constitutional Courts or the Administrative Court or filed to the Court of Justice on the behalf on the injured person.

TABLE 8 Policy and law reforming recommendations.

TABLE 8 Policy and law reforming recommendations

TABLE 9 Policy recommendations to the Prime Minister by the NHRCT.

TABLE 10 Law reforming Recommendations by the NHRCT.

TABLE 11 The activities of strengthening knowledge, understanding and awareness on human rights.

TABLE12 Projects of human rights research conducted by the NHRCT.

TABLE13 Total number of complaints received by the NHRCT in the Deep South categorized in accordance with types of rights.

TABLE 14 In house training programs by the NHRCT

TABLE 15 External training programs with the other agencies or organizations.

FIGURE 1 shows the flow chart of complaint handling and investigation process.

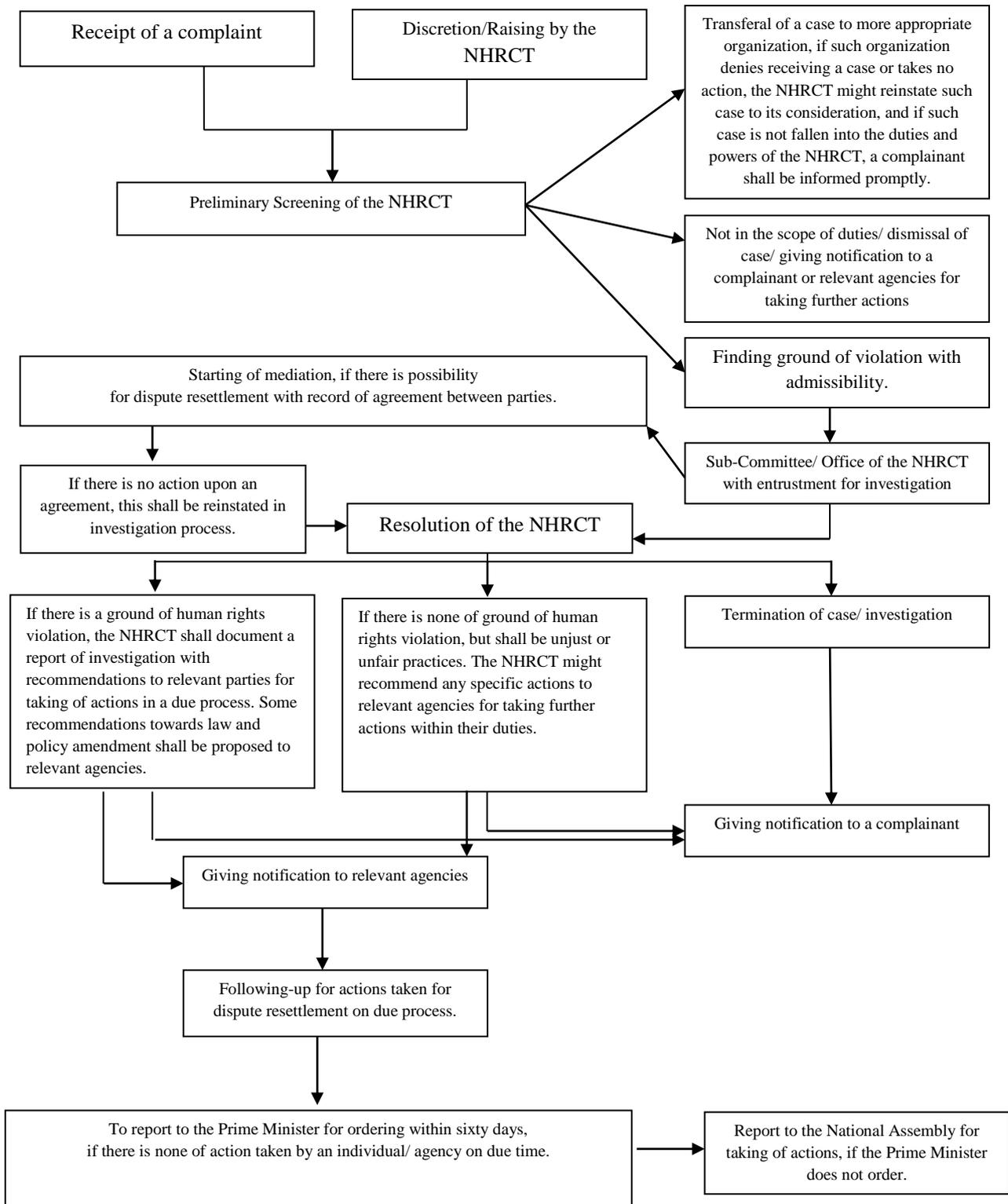


TABLE 1 shows number of complaints received by the NHRCT on monthly basis in 2012

Month	Number of complaints received by the NHRCT
January	39
February	42
March	59
April	47
May	49
June	61
July	51
August	68
September	62
October	51
November	62
December	65

TABLE 2 shows a number of complaints in 2012 categorized in accordance with types of rights

Types of rights which are allegedly infringed	Number of complaints received by the NHRCT
1. Rights in the due process of justice	127
2. Community rights	69
3. Right to land management	66
4. Unjust practice	65
5. Rights to life and to personal security	62
6. Property rights	54
7. Political rights	48
8. Right to good governance in public administration	33
9. Right to privacy	27
10. Right to education	22
11. Labor's right	21
12. Right to health and public health service	19
13. Right to housing	11
14. Right to decent occupation	6
15. Consumer's rights	5
16. Right to information and communication	3
17. others	21

TABLE 3 Numbers of examined complaints by the NHRCT in 2012.

Examination Results	Number of complaints examined by the NHRCT	Percentage (%)
1.Dismissal;	412	40.63
2. Refer to another responsible agencies;	43	4.24
3. Mediation process;	182	17.93
4.Termination;	266	26.23
5. Violations of human rights or unjust treatment;	64	6.31
6. Review the complaint for further submission to the Court;	47	4.64
Total	1,014	100.00

TABLE 4 Number of examined complaints relating to human rights violation and unjust treatments by the NHRCT categorized in accordance with types of rights.

Types of rights being violated	Number of examined complaints in which human rights violation and unjust treatments were found
1.Right in the due process of justice;	12
2.Right to privacy;	3
3.Right to housing;	-
4.Rights to property and land management;	1
5.Right to good governance in public administration;	2
6. Labor's rights and right to decent occupation;	2
7.Right to education;	1
8.Freedom of assembly and freedom of expression;	
9.Right to health and public health service;	1
10.Land rights;	
11.Political and civil rights;	5
12.Rights to life and to personal security;	2
13.Community rights;	31
14.Unjust treatments;	3
15.others;	1
Total	64

TABLE 5 total numbers of cases monitoring implementations on remedial measures for solving of the problem of human rights violations based on monitoring procedures.

Monitoring procedures	Number of cases
1. Cases transferred to relevant agencies ¹	43
2. Cases investigated with recommendations on remedial measures, submitted to relevant agencies, upon the notification of results ²	57
Types of rights which were monitored	
1. Land rights	19
2. Community rights	11
3. Right to fair trial	7
4. Property rights	5
5. Unjust practice	5
6. Labor rights	3
7. Right to decent work	3
8. Right to privacy	2
9. Consumer rights	1
10. Rights to housing	1
3. Cases reported to the Prime Minister after there is none of implementations on the remedial measures. ³	12
Types of rights which are reported	
• Community rights	7
• Property rights	1
• Land rights	4
Total	112

¹ Section 25 Paragraph Three of the Act: *“In the case where the Commission deems the matter should be appropriately considered by another responsible agencies, it may refer the matter to such agency regardless of the stage of proceeding of the matter.”*

² Section 29 of the Act: *“The person or agency shall implement the remedial measures for solving the problem of human rights violation within the period specified by the Commission upon receiving the examination report...”*

³ Section 30 of the Act: *“...if the person or agency has not implemented the remedial measures for solving the problem of human rights violations or has not completed the implementation without justifiable reasons, the Commission shall report to the Prime Minister to order an implementation of the remedial measures”.*

TABLE 6 The cases reported to the Prime Minister after there is none of implementations of remedial measures by relevant agencies.⁴

Type of Rights	Issue	Examination Report No.
Community rights	1.The case on the construction of the weir in the Mae Fang National Park, Mae Ai District, Chiang Mai Province	46/2549 (2006)
	2.The case of land grabbing and relocation of Karen village in Par Pak, Wang Yaw Sub-district, Dan Chang District, Suphanburi Province	52/2549 (2006)
	3.The case on stone mining for the construction industry and operation of the stone mill	4/2550 (2007)
	4.The case on people suffered from the construction of water reservoirs at Huai Samed, Bann Huai Ang , and Pu Um Pao , Surin Province	124/2550 (2007)
	5. The case on exploitation of public graveyards by a school.	362/2551 (2008)
	6. The case on issuance of land titles overlapping sacred place of a community.	425/2551 (2008)
	7. The case of people affected by the demarcation of the Nab Daw Mountain National Park, Nakhon Si Thammarat Province.	252/2552 (2009)
Property right	1. The case on the infringement of arable land of Thai hill tribe in Chiang Mai Province.	260/2550 (2007)
Land rights	1. The case on confiscation and occupation of land by Bann Lao Khaw School.	566/2550 (2007)
	2. The case on demarcation of the Doi Suthep National Park overlapping the residential area and arable land of people at Mae Hia, Chiang Mai Province.	216/2551 (2008)
	3. The case on construction of public way overlapping arable land.	471/2551 (2008)
	4. The case on demarcation of the Tai Rom Yen National Park overlapping arable land in Suratthani Province overlapping.	257/2552 (2009)

⁴ *Ibid*

TABLE 7 Number of cases submitted with opinions to the Constitutional Courts or the Administrative Court or filed to the Court of Justice on the behalf on the injured person.

Performances	Number of cases		
	Constitutional Court ⁵	Administrative Court ⁶	Court of Justice ⁷
Review the complaint for further submission to the Court;			
-before 2012	27	18	85
-in 2012	15	11	5
Complaints reviewed by the NHRCT			
1. Dismissal	-	3	-
2. Terminated	15	13	10
3. Submitted or filed case to the court	1	-	-
4. On the proceedings of the Court (cases submitted before 2012)	4	3	-
The Court's decision			
• On the proceedings of the Court	1	2	-
• Dismissal by the Court	4	1	-
Complaints pending in the NHRCT's examination process	22	10	80

⁵ Section 257(2) of the 2007 Constitution” The NHRCT has powers and duties to submit the case together with opinions to the Constitutional Court in the case where the Commission agrees with the complaint that the provisions of any law are detrimental to human rights and begs the question of constitutionality as provided by the Organic Act on Procedures of the Constitutional Court. ”

⁶ Section 257(3) of the 2007 Constitution “The NHRCT has powers and duties to submit the case together with opinions to the Administrative Court in the case where the Commission agrees with the complaint that any rule, order or administrative act is are detrimental to human rights and begs the question of constitutionality and legality as provided by Act on Establishment of Administrative Courts and Administrative Organic Act on Procedures of the Constitutional Court.”

⁷ Section 257 (4) of the 2007 Constitution “ The NHRCT has powers and duties to bring the case to the Court of Justice on behalf of the injured person upon the request of such person if it deems appropriate for the common resolution of human rights violation problem as provided by law.”

TABLE 8 Policy and law reforming recommendations.

Issue	Proposed to	Date
1. Policy Recommendation (10 issues)		
1.1 Direct Recommendations (2 issues) <ul style="list-style-type: none"> • Suggestion on the resolution of personal status in accordance with the Strategic Management relating to the Personal Status and Rights in accordance with the Cabinet’s Resolutions on 18 January 2005 and on 7 December 2010 • Suggestion on the right to information relating to the flood disaster in 2011 	The Prime Minister The Prime Minister	24 November 2012 25January 2012
1.2 Recommendation upon results of examination report (8 issues) <ul style="list-style-type: none"> • Rights and liberties in occupation - Restriction for those with criminal records to apply for government employees; • Rights of the refugee -the case relating to Thai Government deporting the Karen refugee to the Karenni State in Myanmar -the case relating to the Rohingya charged against the illegal immigration • Rights of the judicial process -the case relating to the torture and other cruel, inhumane or degrading treatments by the officers in the Deep South provinces. • Rights and liberties to education -the case relating to the request for additional charge for enrollment of children in schools 	The Prime Minister The Prime Minister The Prime Minister The Prime Minister	27 February 2012 and 5 October 2012 18 April 2012 18 April 2012 17 May 2012 29May 2012
2. Law reforming recommendations (3 issues)		
<ul style="list-style-type: none"> • Opinion and suggestion relating to the draft Regulation determining the Criteria and Conditions for Accreditation and Certification of Thai Displaced Persons B.E., issued under the Nationality Act (Issue No. 5), B.E. 2555 (2012) • the jus singulare of Section 3 of the draft Gender Equality Act B.E., • the draft Trademark Act 	The Prime Minister -The Prime Minister -The President of the National Assembly -The President of the Senate -The President of the House of the Representatives The Secretary-General of the Cabinet	2 July 2012 23August 2012 29August 2012

TABLE 9 Policy recommendations to the Prime Minister by the NHRCT

Issue	Recommendations to the Prime Minister
Direct Recommendation	
<ul style="list-style-type: none"> Suggestion on the resolution of personal status in accordance with the Strategic Management relating to the Personal Status and Rights due to the Cabinet's Resolutions on 18 January 2005 and on 7 December 2010 	<ul style="list-style-type: none"> Extending the implementing period (The rights should not be restricted by the time frame.) <ul style="list-style-type: none"> Extending group targets including the migrant groups during 2007-2011 and their children Prohibiting the entry of new illegal migrant Granting Thai citizenship to children born in Thailand by using Section 7 bis of the Nationality Act if the children received education in Thailand with proof of full assimilation into Thai society Reviewing the Guideline for applying a Thai citizenship and making it more flexible.
<ul style="list-style-type: none"> Suggestion on the right to information relating to the flood disaster in 2011 	<ul style="list-style-type: none"> The Government should focus on rights to information and to participation of the people. <ul style="list-style-type: none"> The Government should protect and provide remedies to the persons affected by the flood with non-discrimination and human rights principles.
Recommendation upon results of examination report	
<ul style="list-style-type: none"> Rights and liberties in occupation <ul style="list-style-type: none"> Restriction for those with criminal records to apply for government employees; 	<ul style="list-style-type: none"> Recommending the Government to review laws and regulations in accordance with the Constitution and relevant international human rights laws.
<ul style="list-style-type: none"> Rights of the refugee <ul style="list-style-type: none"> the case relating to Thai Government deporting the Karen refugee to the Karenni State in Myanmar 	<ul style="list-style-type: none"> Reforming of the camp management; Providing appropriate temporary shelter and improving of livelihood of those fleeing from fighting; <ul style="list-style-type: none"> Setting-up working groups and committees to implement both short and long terms of action plans; Adjusting attitudes of officers in charge in dealing with displaced persons, with the understandings of the circumstances and human rights basis; Preparing for long-term settlement in their home country;

TABLE 9 Policy recommendations to the Prime Minister by the NHRCT. (Continued)

Issue	Recommendations to the Prime Minister by the NHRCT
Recommendation upon results of examination report	
<ul style="list-style-type: none"> • Right of the refugee - the case relating to the Rohingya charged against the illegal immigration 	<ul style="list-style-type: none"> • The Government should provide humanitarian assistance such as refugee camps instead of detention centers, occupation training to those Rohingya. <ul style="list-style-type: none"> • The Government should provide basic medical care to the Rohingya in accordance with human rights principles. • The Government should establish an independent committee to monitor the unjust or inhumane treatment of the Rohingya. • The Government should review rules and regulations for solution of prolonged or endless-scheduled detention. • The Government should provide an immediate assistance to the Rohingya who are victims of human trafficking.
<ul style="list-style-type: none"> • Rights of the judicial process 	
<ul style="list-style-type: none"> -the case relating to the torture and other cruel, inhumane or degrading treatments by the officers in the Deep South provinces. 	<ul style="list-style-type: none"> • The Government should vigorously introduce measures upon the five aspects pertaining to law, human right education, protection mechanism, judicial process and remedies. <ul style="list-style-type: none"> • The relevant agencies and the official should clearly understand both policy and implementation of resolution of the Deep South with the undertaking of human rights principles. • The human rights education program should be continuously implemented through the relevant officials for the protection and promotion of human rights. • The Government should publish reports on appraisal of torture situation. • The Government should monitor the operation of relevant agencies related to the Second National Human Rights Plan of Action.
<ul style="list-style-type: none"> • Rights and liberties to education 	
<ul style="list-style-type: none"> -the case relating to educational fee 	<ul style="list-style-type: none"> • The Ministry of Education should officially provide the correct information on the educational fee in order to avoid the misunderstandings among the public

TABLE 10 Law reforming Recommendations by the NHRCT.

Issue	Recommendations by the NHRCT
<ul style="list-style-type: none"> • Opinion and suggestion relating to the draft Regulation Determining the Criteria and Conditions for Accreditation and Certification of Thai Displaced Persons B.E., issued under the Nationality Act (Issue No. 5) B.E. 2555 (2012) 	<ul style="list-style-type: none"> • Reforming the accreditation and certification procedures of receiving a Thai nationality • Reforming the rules and regulation determining the criteria and condition for accreditation and certification of Thai displaced person.
<ul style="list-style-type: none"> • the jus singulare of Section 3 of the draft Gender Equality Act B.E., 	<ul style="list-style-type: none"> • Organizing public hearings and participation on legislation process in compliance with the Constitution and CEDAW. • Reviewing Section 3 of the draft Act in order to prevent the discrimination and promotion of the gender equality.
<ul style="list-style-type: none"> • the draft Trademark Act 	<ul style="list-style-type: none"> • The Government should concern in dimensions of human rights protections with elaboration of guideline or standards to protect consumers from counterfeit products with poor quality.

TABLE 11 The activities of strengthening knowledge, understanding and awareness on human rights

Activity	Output
Visiting to detention facilities, police stations and prisons	<ul style="list-style-type: none"> providing policy suggestions in compliance with international human rights obligations to related agencies as the Office of the Royal Thai Police, Department of Correction, Ministry of Justice, the Prime Minister and etc.
Visiting to places with vulnerability for human rights abuse, especially for children and women. -women affected from the violence situation in the Deep South -women affected from the situations along the Thai-Cambodia border -women in detention center, Juvenile Observation and Protection Center, the Children and Youth Training Center, and the Women Correction Central Center -the elderly person and persons with disabilities	<ul style="list-style-type: none"> Providing learning, information exchange and collaboration on human rights protection and promotion
Workshops entitled “the Human Rights Promotion in Judicial Process” to various law enforcement agencies, particularly the police nationwide -there were totally 10 workshops, covering the 8 police regions, 1 Metropolitan Police Unit and 1 Anti-Narcotics Police Unit with approximately 2,500 participants;	The target groups earned more knowledge on : <ul style="list-style-type: none"> various international human rights treaties human rights principles and situations in concern application of international human rights guidelines and standards as a tool for their daily work engagement with promotion and protection of human rights
Launching a campaign promoting the concept and principle of human rights in commemoration of the International Human Rights Day	<ul style="list-style-type: none"> Promotion and dissemination of knowledge of human rights
Giving awards to human rights defenders	<ul style="list-style-type: none"> Recognition of and support to human rights defenders for their work in the field of human rights protection
Organizing a human rights debate for school students	<ul style="list-style-type: none"> Promotion of human rights education
Organizing a public forum on “ lesson-learned from mega-flood as a reflection of CSR”	<ul style="list-style-type: none"> Promotion of human rights during the disaster
Technical Workshop on enhancing knowledge, understanding relating to the principle of CEDAW to the officials in judicial process	<ul style="list-style-type: none"> Dissemination of international human rights treaties to the officials together with promotion of human rights
Co-organizing a seminar on the Optional Protocol of CEDAW with UN WOMEN	<ul style="list-style-type: none"> Promotion and dissemination of knowledge on international human rights treaties
Organizing a forum in cooperation with OHCHR and the Royal Thai Police on the issues of human trafficking	<ul style="list-style-type: none"> Prevention and eradication of human trafficking.

TABLE 12 Projects of human rights research conducted by the NHRCT

Research Projects	Conclusions
Attitudes of Police Officers towards Law Enforcement and Human Rights Protection in Judicial Process	<ul style="list-style-type: none"> • Human rights are necessary for all human beings to maintain their dignity and shall be assured by the law. • Law enforcement is important for the protection and fulfillment of the rights in judicial process. • The effective law enforcement depends on the understandings and attitudes of the police officers while performing their duties
Problem of Pre-Mature Pregnancy in aspect of Human Rights	<ul style="list-style-type: none"> • Pre-mature pregnancy is the important issue as one of the aspects of the reproductive rights. • The public hearing is essential for law amendment and reform.
Policy on Human Rights Protection for People Fleeing Fighting along the Border of Thailand and Myanmar	<ul style="list-style-type: none"> • Thailand should be a party to the Convention relating to the Status of Refugees in 1951 as well as review the domestic law in compliance with the Convention. • Thailand needs to review the Immigration Act, B.E. 2522 in accordance with the right to asylum and principle of non-refoulement. • Thailand should have a guideline relating how to treat refugee under human rights principles. • The national human rights institutions and civil society should get involved in the process of screening and determining the status of refugee.
Civil Society Group's Movement towards Eradication of Sexual Harassment in the Work Place;	<ul style="list-style-type: none"> • One of the preventive measures is to launch a campaign to end the sexual harassment. • There is a need to review and amend laws to protect the victims of sexual harassment. • There should be a policy on the elimination of sexual harassment at the workplace.
NHRCT's Mandate on Investigation towards Cases affiliating with Individual and Private Sectors	<ul style="list-style-type: none"> • The NHRCT requires a clear mandate on investigation towards cases affiliating with individual and private sectors.
Compilation of Problems and Legal Standards with the Guarantee and Protection of Right to Privacy.	<ul style="list-style-type: none"> • Rights to privacy are ensured by the Constitution and the State shall not infringe those rights except for the purpose of public interest.

TABLE 13 Total number of complaints received by the NHRCT in the Deep South categorized in accordance with types of rights

Issue	No. of complaints
Rights to the judicial process	
-Torture	14
-Others	7
Rights to life and to personal security	16
Humanitarian assistance	8
Community rights	1
Property rights	1

TABLE 14 In house training programs by the NHRCT

Project/Curriculum /Topic	No. of staff
Orientation courses for the new NHRCT staff	31
Management of electronic system in conference rooms	55
Management of online information systems	55
Internal control and internal audit	50
Procurement	83

TABLE 15 External training programs with the other agencies or organizations

Project/Curriculum/Topic	No of staff
Executives management	8
Human rights education	4
Legal	5
Internal audit and financial management	6
General management	10
Others	25