

## **Report of Investigation Results No. 139/2561 concerning women's rights related to right and liberty to life in case of a claim that an official in the Ministry of Public Health molested and harassed a female subordinate**

### **Issue of Complaint**

The National Human Rights Commission of Thailand received a petition about a case as appeared in the mass media that Miss A. (alias), an employee of Public Health Ministry had been molested and harassed by a male official at the level of the unit head level for many times continuously and increasingly harsh since 2014 by intimidating her that if she resisted, her work contract would be discontinued. Miss A therefore secretly installed a video recording camera and used video records of the molestation and harassment as evidence to show to inquiry officials at Nonthaburi Province Police Station to complain, asking for legal prosecution. Before making this petition to the police, the complainant had petitioned through internal mechanisms of Public Health Ministry to no avail and she had still been molested as before. Several other employees had also been molested by this male official, but no one dared to be vociferous or resign.

### **Actions taken**

The National Human Rights Commission of Thailand took this case into consideration and saw that firstly, the case of a male official's behaviour who had done the act of molestation and indecency, Miss A as the injured person had legally complained to inquiry officials, and Nonthaburi Province state prosecutor had become a plaintiff to sue the male official as defendant in Nonthaburi Provincial Court, and Nonthaburi Provincial Court had already given a judgment. This case therefore falls into Section 39 (1) and Section 39 (2) of the National Human Rights Commission Act B.E. 2560 (2017) which provide that the National Human Rights Commission of Thailand (NHRCT) orders any case to be ended when the case has already proceeded to be in court or a court has already given a peremptory final judgment, order or decision, NHRCT therefore passed a resolution to end this case.

Secondly, as for actions taken by the Ministry of Public Health of which the accused male official was affiliated to after the complaint was made, it was found that the Ministry of Public Health had come up with measures to take care of safety and follow up to ensure that the injured person was not mentally affected and also prevent any intimidation against the injured person and related witnesses by moving the accused male official to another agency and also took actions according to its power and duties to appoint a committee to investigate the case for severe disciplinary wrongdoing. The Ministry of Public Health also arrange for preventive measures by circulating messages to its affiliated agencies to recognize the importance of prevention against this kind of incidence to occur again and enjoin its affiliated agencies to take serious actions when this kind of incidence occurs. These actions therefore were in line with Section 39 (5) and Section 39, Paragraph 2, of the National Human Rights Commission Act B.E. 2560 (2017) which provide that the National Human Rights Commission of Thailand is to order any case ended when the problem has been properly solved, NHRCT therefore ordered this case ended. However, to prevent this kind of incidence occur again, NHRCT has recommendations on measures or guidelines for promoting and protecting human rights to the Ministry of Public Health and Ministry of Social Development and Human

Security according to Section 247 (1) of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) and Section 26 (1) and Section 42 of the National Human Rights Commission of Thailand B.E. 2560 as follows:

**Recommendations to the Ministry of Public Health and Ministry of Social Development and Human Security**

(1) The Ministry of Public Health and Ministry of Social Development and Human Security should enjoin, take care and monitor that actions are taken according to a Cabinet Resolution dated 16<sup>th</sup> June 2015 on “Measures to prevent and solve problems of sexual abuse or sexual harassment in workplace” concretely and strictly, completely and fairly for injured persons who were sexually abused or harassed by taking into consideration importantly human rights principle of women by providing appropriate recovery to properly heal the injuries and have a monitoring system to help injured persons in every stage of legal actions by keeping it as a secret and providing fairness in order that the injured persons has immediate access to justice.

(2) Ministry of Social Development and Human Security should have measures to do public relations to enhance knowledge and understanding about behaviour that are considered sexual abuse or sexual harassment in workplace among agencies in both public and private sector in order that such problems are really solved and such incidence is really prevented in practice according to a Cabinet Resolution dated 16<sup>th</sup> June 2015 on “Measures to prevent and solve problems of sexual abuse or sexual harassment in workplace”.