

**Report No. 466/2557 on Community Rights, Rights and Liberty on Live and Physical Health – Request for investigation on the drug therapy of Mai-Siep Temple at Cha-uat district, Nakhon Si Thammarat province.**

**Issues of Complaint:**

There were so many complaints to the National Human Rights Commission requesting for investigation on the concern cases: on the drug therapy of Mai-Siep Temple at Cha-uat district, Nakhon Si Thammarat province. Family of the complainant informed the police to ... the complainant who was in the therapy process. The complainant viewed that the drug treatment at the temple was done by the private agencies. There were 320 persons under such treatment while 98 percent of them were not willing to being forced to accept the treatment. Each of them had to pay 5,000 Baht a month for each case. The client of the treatment had to take the pills to force them to excrete the whole day. They had to be chained or confined and locked up in the room like the prisoners. Now, the complainant was no longer join the treatment at the Wat Nai Sieo temple. He viewed that the way the temple treated the patients is a violation of human rights.

**National Human Rights Commission’s investigation report**

National Human Rights Commission investigated the case and viewed that the drug treatment center of the Wat Mai Siep temple had offered such treatment by using the solitary confinement equipments with those clients by chaining and locked up with the ankles. This is inforbiddable because the clients are not the prisoners who were legally penalized by the court verdicts. Besides, there were also maltreatment against the clients by the limited space, deprived of liberty and freedom in maintaining their livelihood. These included improper environment for daily life. Therefore, it’s degradation of human dignity, rights and fundamental freedom of any human beings. Neglecting, the clients hadn’t get rights protection from the governmental agencies. This implies the degradation of human dignity, liberty and fundamental freedom. It is also violated the human rights which endorsed by the constitution and obligations under international human rights conventions. The National Human Rights Commission, therefore, recommended the approach and resolution for this matter, policy recommendations and Recommendations on the revision of laws to relevant agencies.

**Approaches for Human Rights Violation resolution**

1. Cha-uat District Health Office and Nakhon Si Thammarat Provincial Health Office to investigate whether the drug treatment center of Wat Mai-Siep Temple, Phra Krupradithvorakarn Foundation, which is aiming to provide treatment rehabilitation for those drug addicted was legally operated or not. The center had applied for the permission of running the health care center in accordance with the Anti Drug Narcotic Act B.E. 2522 [ 1979] or the Rehabilitation Center for the drug addicted persons in accordance with the Rehabilitation of the Drug Addicted Act B.E. 2545 [ 2002]. Besides, the measurement to forbid and prevent the use of confinement (chaining and locking up) against the persons which was unlawful; Keeping the person in the situation of limited the space which deprived of freedom and improper environment for the treatment and rehabilitation of those drug addicted is the violation of human rights and degrading of human dignity.

2. In case the permission on the establishment of the medical center or rehabilitation center were made, then the concerned agencies such as the Cha-uaat District Health Office together with the Nakhon Si Thammarat Provincial Health Office and the Kau Khant Tambon (sub district) Administration Organization (TAO) to ensure that it is line with Public Health Act B.E. 2535 [ 1992]. To look after the use of Wat Mai-Siep Temple rehabilitation center of “**Phra Kroo Praditavorakarn Foundation**” for the treatment of the drug addicts and make sure that the center will not be overloaded with excessive number and far beyond their capacity and make sure it is not over crowded and affected the health of other who came for the treatment in rehabilitation center.

3. The concerned agencies which have the duty to oversee the drug addicted treatment and rehabilitation center such as the Nakhon Si Thammarat Provincial Health Office to investigate and provide the medical specialist to supervise on the treatment of the drug addicted on the monthly basis. Besides, the concerned agencies need to make sure those who are mentally ill or psychological disorder to be able to access the health care appropriately with the good standard and efficiently. Human Rights and dignity of those mentally ill patients should be upheld in accordance with the Rehabilitation of Drug Narcotic Addicted Act B.E. 2545 [2003] and Mental Health Act B.E. 2551 [2008].

4. Approving that the concerned agencies on Child Rights such as the Social Development and Human Security Office of Nakhon Si Thammarat Provincial Office to investigate and supervise those ‘children’ who are under treatment of Wat Mai-Siep Temple’s rehabilitation center of “**Phra Kroo Praditavorakarn Foundation.**” The children must be treated separately in an appropriate manner. Their rights must be respected and protected by laws and child protection mechanism of the Children protection Act B.E. 2546 [2003]

#### **Policy Recommendations/ Recommendations on the revision of laws**

Approving that the operation of those medical centers/ rehabilitation centers run by the private agencies like the one of Wat Mai-Siep Temple need to be monitored and investigated. Those centers must be established and legally registered as medical center under the Drug Narcotic Act B.E. 2522 [1979] or Rehabilitation Center for the drug addicted under that Rehabilitation of Drug Addicted Act B.E. 2545 [2002]. This is to ensure that such treatment and rehabilitation are in line with the standard knowledge and prevent human rights violation against those who come for the treatment.

(1) Approving that there is a need for criteria or condition in establishing medical center/rehabilitation center of the drug addicted run by private agencies. The persons who come to the treatment must be voluntary and affordable to shoulder the cost of the treatment; support the initiative and participation of the family and community to take treatment and rehabilitation. Screening system, evaluation system and professional method of remedy and care, work plan for the treatment, health care, rehabilitation center, preventive approach from the re-use of the drug narcotic, counseling to the family of the drug addicted, including the follow up of the cases after they left the rehabilitation center in conformity with the relevant laws and bear in mind the rights of those addicted, awareness on rights and liberty as well as the international human rights obligations.

(2) The Rehabilitation of the Drug Addicted Act B.E. 2545 [2003] emphasize on the law enforcement on those who committed crime, use, own, sell drug narcotic as stated by the

laws to enter rehabilitation process. However, there are some cases their relatives want to send their family members for the treatment but not willing to let other know that they gone through the rehabilitation including the list or patient records in concern government agencies database for whatever reasons. That's the right to privacy, dignity and fame of persons and family members. NHRCT views that the provision of related laws must be reviewed or amended to add more channels for those voluntarily basis to join the rehabilitation process return the wealth and physical health to all members in society.

### **Success and progress of Human Rights protection**

The Office of the National Human Rights Commission had provided the relevant report on Human Rights violation to concerned governmental agencies to take action in response to the committed human rights violation. NHRCT had earlier submitted policy recommendations or Recommendations on the revision of laws to the Ministry of Public Health, Nakhon Si Thammarat Provincial Office, and the Ministry of Justice. But so far, there is no positive response from those agencies within the proper time frame. Therefore, the National Human Rights Commission have to submit the report to the Prime Minister in order to order the concerned agencies to take appropriate action in response to proposed resolution of human rights violation.

The Prime Minister ordered the Nakhon Si Thammarat (NST) provincial governor through the Minister of Interior that the NST province should take the NHRC recommended measures and report back to the Prime Minister within 30 days. Besides, the Prime Minister also order the Inspector General under the Office of the Prime Minister to monitor and report to the Prime Minister as well.

Later, the Secretary of the Prime Minister informed the NHRCT that the Nakhon Si Thammarat (NST) Provincial Office had already take action to resolve the human rights violation problems as recommended by the NHRC report. The Nakhon Si Thammarat Provincial Office had appointed an Inspection and Working Committee to resolve problems on the drug addicted treatment at Wat Mai-Siep Temple, Tambon (sub district of) Koh Khant, Amphur (district) Cha-uat, Nakhon Si Thammarat province if they have misbehave and also to inspect and find out the truth as well as to resolve the problems which had been complaints on the drug addicted treatment and rehabilitation of the Wat Mai-Siep Temple and ensure that those measures recommended by the National Human Rights Commission and go in line with relevant concerned laws. But since the Wat Mai-Siep Temple had provided drug addicted treatment since 1993 without legal permission for running the medical center. Besides, there is clear evidence that the drug addicted were really chained during the treatment. Therefore, this is an obviously violation of human rights and the act of criminal. Furthermore, the Prime Minister also ordered the Office of the Prime Minister to have a meeting with concerned agencies such as Ministry of Public health, Office of the Buddhist affairs, and National Police Office to consider and halt the operation of the rehabilitation of the Wat Mai-Siep Temple for the time being until legal status had been resolved. Meanwhile, an appropriate arrangement should be made so that it would not affect much to the drug addicted who came to a treatment.