

Report No. 965/2558 on the Protection on the rights and citizenship related to the rights to access health care and welfare from the state – case on the National Health Security Office (NHSO) withdrawal of those 202,139 who were not have Thai citizenship/ stateless but were able to access the fund for health security.

- **Issues of Complaint:**

The Complainant filed the complaint to the National Human Rights Commission that according to the cabinet resolution on 23<sup>rd</sup> March 2010 had approved in principle to enable the Ministry of Public Health to operate the fund for the basic rights on health care to those who had the problem of citizenship, and include the rights to health promotion, health service, and health prevention for this particular target group. The Ministry of Public Health had registered and provide health service to the target group since 1<sup>st</sup> April 2010. But later on in December 2013, the NHSO had striped the rights of those groups who used to enjoy the Universal Health Coverage programme out of the Health Security System for 202,139 persons. This was not in coordination with the Health Security Unit of the Ministry of Public Health.

For this reason, the health service units which were not able to check the rights in the database system of the Health Security Division of Ministry of Public Health under the Permanent Secretariat of Ministry of Public Health, and had already provided such service but the health service units couldn't claim the expenses. The Health Security Division of Ministry of Public Health claimed that there was no budget set for this and the division couldn't set the new budget item to accommodate these target groups. Therefore, these groups of people had to pay their own medical expenses. Otherwise, the health service units or hospital had to shoulder the burden.. Therefore, the Complainant requested the NHRC for investigation.

- **Result of NHRC consideration**

According to the NHRC investigation, it was found out that::

**Group 1:** Target group under the cabinet resolution on 23<sup>rd</sup> March 2012. Ministry of Public Health had already remedied by allowing the Service Unit to register the person immediately.

**Group 2:** The group which is not covered by the cabinet resolution on 23<sup>rd</sup> March 2010. Ministry of Public Health had brought this to the Committee for follow up of cabinet resolution and the committee resolved that the Ministry of Public Health to coordinate with the National Health Security Office regarding the per capita budget which the NHSO already got. The Ministry of Public health informed the Service Unit to provide the service as usual without condition and take it as a code of ethic. Later on the cabinet meeting resolved on 20<sup>th</sup> April 2015 agreed to return the basic rights to health to those who have the citizenship problem in addition to the previous group. This target group cover 208,631 persons who have the citizenship problem, and the rights to be in the citizen registration system including the children who have 13 digit-ID number and start with number '0' (zero). This group comprised of:

1. Minority groups who had migrated to Thailand is the target group of the Citizenship and Status of Persons Management Strategy cover 150,076 persons

2. Children of the target group of the Citizenship and Status of Persons Management Strategy cover 56,672 persons.

3. Persons from other groups who were surveyed and registered to be part of specific projects of the Citizenship and Status of Persons Management Strategy such as those who had been registered at the 84<sup>th</sup> Anniversary Royal Celebration Project – covering 1,883 persons.

The Cabinet Meeting resolved on 20<sup>th</sup> April 2015 to agree to return the basic rights to health to those who had citizenship and status problem. This is already covering other groups who were not included by the Cabinet resolution on dated 23<sup>rd</sup> March 2010.

However, in case of returning the basic rights to health to those who had citizenship and status problem by the Cabinet resolution on 20<sup>th</sup> April 2015, there are still some missing out. Those are the overseas Chinese and those others who do not have Thai citizenship. The Ministry of Interior had already prepared the citizen registration for this group of people since 1956. Most of them are now senior persons. So there is a recommendation to the Prime Minister, Ministry of Interior and Ministry of Public Health to consider this missing out group of people to be able to gain the basic rights to health care by the Cabinet resolution of 20<sup>th</sup> April 2015 as well.

- **Success and Progress in the Human Rights Protection**

- (1) The Secretariat of the Cabinet informed the NHRC that the Cabinet had acknowledged the report of the complaint investigation and policy recommendations and Recommendations on the revision of laws on 24<sup>th</sup> November 2015. The cabinet assigned the Ministry of Public Health to be the main agency to consider in cooperation with the Ministry of Interior and the National Security Council for further study on the guidelines and appropriation of the recommendations. Then submit the conclusion of result of consideration or overall operation to the Secretariat of the Cabinet within 30 days after receiving this order. Then to inform the Cabinet.
- (2) The Ministry of Public Health informed the NHRC that the Ministry was in charge of the operation of fund for persons who had citizenship and status problem. On the case NHSO withdrew the rights of the persons who had citizenship and status problem (who used to access the National Health Security Fund) from the beneficiary database:

(2.1) Information on those persons whose rights was affected from the withdrawal of the names from NHSO beneficiary database can be classified into 2 groups: (a) able to register group; and (b) unable to register group. This is because they are not in the target group according to the Cabinet resolution dated 23<sup>rd</sup> March 2010. Then the MoPH held 2 seminars together with the Provincial Public Health Offices, Provincial Hospitals, Regional Hospitals, General Hospitals, Community Hospitals, representatives of concerned agencies, National Security Council, Indigenous Peoples' Health Networks in Patumthani and Choburi provinces to develop guidelines to take care of those whose names were withdrew from the NHSO database. The conclusion are as follow:

1. Those who are able to register – taken into the database of the Health Security Division of the Permanent Secretariat of Ministry of Public Health. People are now able to exercise their rights.
2. Those who are unable to register – they are alien (foreigners) or holding other citizenship - The Service Unit of Ministry of Public Health to sell the Health Security Card for the foreigners to

accommodate them to the Health Security System. It is recommended that the Cabinet be considered to expand the target groups.

(2.2) There were consultation over this strategic issue in order to manage the status and the rights to health service of those stateless and no citizenship. The meetings resolved to coordinate with the NHSO regarding the budget on per capita which the NHSO already got; asking the service unit to provide the health service as usual; Collect all information at the Health Security Division of the Ministry of Health. So that the Ministry of Public Health to consider the financial assistance to compensate the service units.

(2.3) Permanent Secretariat of Ministry of Public Health sought consultation with the National Security Council on the goal setting in response to the Cabinet resolution of 23<sup>rd</sup> March 2010 on the case persons were withdrew (or excluded) from NHSO database. Need to find out which one are eligible to have the rights to be the target group according to the Cabinet resolution.

(2.4) National Security Council Office had responded the NHRC queries. In conclusion, the Cabinet resolution agreed on the criteria to set the status of the persons based on the Citizenship and Status of Persons Management and the Rights of Persons Strategy. Now, the Ministry of Interior is developing the status of the target groups in response to the cabinet resolution. But this is not covering those who were staying in Thailand for a long period of time and couldn't go back to their country of domicile. Then they need sometimes to check the correctness. So that has to delay a bit.

(2.5) Permanent Secretariat of Ministry of Public health informed NHRC the guidelines to take a medical check-up and ensure health security for the alien (foreigners) including those whose names were withdrawn from the NHSO beneficiary database system, people who have not get the rights to health care, persons who have citizenship and status problems. They can

buy Health Security Card for the foreigners to accommodate the rights to health care.

(2.6) It is in the consultation process with the Division of Registration Administration, National Security Council Office, and National Budget Bureau to seek clarity on the target groups and concern budget.

(2.7) Those Chinese citizen who were not able to register the citizenship yet and it is in the process of seeking clarity and the reasons for granting the basic rights to health.

(3) The Department of Provincial Administration, Ministry of Interior had inform NHRC that the original groups who didn't have Thai citizenship. But their names were in the House certificate (T.R. 14) of the Central Registrar Department (with the number starting with 3, 4, 5, 6) covering 77,450 persons. These can be divided into 2 groups namely:

**The first group:** Those who have names in the House Certificate before getting the 13-digit Identity number in 1983. Many of them have the names in the certificate following the previous one which was issued in 1956. This group of people should seek the approval from the Cabinet to gain basic rights to health. This group is covering 51,194 persons.

**Second Group:** The group that the Cabinet resolved to grant them the foreigners who are entry the land legally. For those stateless, besides the number of the alien (foreigners). Taking the authority from article 17 of the Immigration Act B.E. 2522 [1979] , for the minority and indigenous peoples who were under surveyed and taken the record of registration. Minister of Interior had granted them the permission to stay in Thailand – 26,256 persons. This group of people should be able to gain their rights from the Cabinet resolution of 23<sup>rd</sup> March 2010 on the fund and return the basic rights to health to the target group who have the citizenship or status problems and their rights.