

Report of Investigation Results No. 4/2561 concerning right of a person on honour and reputation related to women's right in case of a claim that the complainant's name and phone number were used to advertise insulting messages, causing disgrace

Background

The National Human Rights Commission of Thailand (NHRCT) received a petition requesting for an investigation in a claim that a person had used a computer in Ratchaburi Province Social Security Office to falsely use the complainant's name and phone number to place an advertisement in a website inviting people to be the complainant's sexual partners which was an insult and discredited the complainant.

Actions taken

The National Human Rights Commission of Thailand took this case into consideration and saw that the Social Security Office did not take control to ensure that users of its Internet system through wireless service had to confirm their personal identity. This practice did not follow the Computer Crime Act B.E. 2550 (2007) and related laws which require that information about users needs to be collected as necessary in order to be able to identify these users. When a fact is established that a person falsely used information of the complainant for advertisement in a way that it was an insult, which was violation of human rights, evidence was therefore absent for legal proceedings, resulting in inability to bring the wrongdoer in for punishment and the wrongdoer could benefit from this negligence in the control over the use of the Internet system in the office in order to cause damages and impacts on human rights of other persons. This action is then considered to be a negligence of action which is violation of human rights.

Recommendations to the Social Security Office

1. The Office should control and regulate uses of the Internet system in Social Security Office in every area, both through proxy server and wireless system, by improving the system, making it compulsory for any user to confirm his/her identity every time to prevent any person to wrongfully use it to cause damages and affect human rights of other persons as in the case of this complaint and if in the future this case happens again, the wrongdoer could be identified.
2. Mental healing should be implemented to revive dignity of the complainant whose name and phone number were used to falsely place insulting messages in computer system through the wireless Internet system under responsibility of the Social Security Office.