

Regulation of the National Human Rights Commission

On Human Rights Activities Follow-Up

B.E. 2564 (2021)

Whereas it is expedient to have a regulation of the National Human Rights Commission on human rights activities follow-up;

By virtue of Section 5 paragraph two, Section 26, Section 27, Section 36, Section 37, Section 38, Section 40, Section 42, Section 43, Section 44, Section 45, Section 48 paragraph two and Section 49 (9) of the Organic Act on the National Human Rights Commission, B.E. 2560 (2017), the National Human Rights Commission hereby issues the regulation as follows:

Clause 1 This regulation shall be called the “Regulation of the National Human Rights Commission on Human Rights Activities Follow-Up B.E. 2564 (2021)”.

Clause 2¹ This regulation shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 3 In this regulation:

"Commission" means the National Human Rights Commission;

“Commissioner” means National Human Rights Commissioner, including the Chairperson of the National Human Rights Commission;

“Office” means Office of the National Human Rights Commission;

Sections referred to in this regulation shall mean sections of the Organic Act on the National Human Rights Commission, B.E. 2560 (2017).

Clause 4 The Chairperson of the National Human Rights Commission shall have charge and control of the execution of this regulation.

In the case where there is a question concerning the execution of this regulation, the Commission shall make a ruling.

Chapter 1

General Provisions

Clause 5 The Office shall follow up on human rights activities presented to the Parliament, the Cabinet, relevant State or private agency as follows:

¹ Government Gazette Volume 138/Section 17 Gor/Page 12/10 March 2021

- (1) Appropriate measures or guidelines for the prevention or redress of human rights violation;
- (2) Recommendations in the assessment report on human rights situation in the country;
- (3) Recommendations, measures, or guidelines for the promotion or protection of human rights, including amendment and improvement of laws, rules, regulations, or orders to ensure the conformity with human rights principles;
- (4) Recommendations to raise awareness of all sectors of society on the importance of human rights;
- (5) Updates or outcome of the complaint or denunciation submitted on behalf of the injured person;
- (6) Assistance and remedy to be provided for the person suffering from human rights violation in the case where the Commissioner has witnessed a human rights violation and deems it necessary to take urgent action;
- (7) Recommendations in the annual report;
- (8) Recommendations in the parallel report made by the Commission as required by the treaties to which Thailand is a party and obliged to implement;
- (9) Recommendations in the Universal Periodic Review report for Thailand prepared by the Commission;
- (10) Other issues determined by the Commission.

Clause 6 The Office may propose to the Commission for its consideration to reduce or extend the period of time specified in this regulation by providing justification, necessity, or obstacle for each matter.

Clause 7 When it is necessary, the Commission may appoint a competent official to follow up on a certain matter. The appointment of such an official shall be in accordance with the regulation of the Commission on that subject.

Clause 8 In the case where this regulation requires the Office to follow up on the matter presented to the Parliament or the Cabinet, the counting of the period of time under this regulation shall commence on the date the Secretariat of the House of Representatives, the Secretariat of the Senate, or the Secretariat of the Cabinet, as the case may be, has received such matter.

Clause 9 If it appears or any other evidence suggests that the Parliament, the Cabinet, relevant government or private agency, as the case may be, has implemented the Commission's report or recommendations, the Office may present such fact or evidence to the Commission for further consideration according to this regulation.

Chapter 2
Human Rights Activities Follow-up

Part 1
Follow-up on Appropriate Measures or Guidelines
for Human Rights Violation Prevention or Redress

Clause 10 The Office shall issue a letter to follow up the implementation of the measures or guidelines under Clause 5 (1) from the relevant public or private agency within fifteen days as from the due date of the period given for implementing the measures or guidelines or the due date of an extended period granted by the Commission, as the case may be. Such a letter shall specify that the relevant public or private agency is required to report its result within fifteen days upon receipt of the letter.

Clause 11 In the case where the relevant public or private agency fails to report the result or notify the reason for not being able to implement such measures or guidelines pursuant to Section 36 paragraph three, the Office shall have a letter, within fifteen days from the due date of the period specified in the follow-up letter under Clause 10, to the organization supervising or regulating such relevant public or private agency to expedite or enjoin the latter to implement the measures or guidelines.

Clause 12 In the case where the supervising or regulating organization of such relevant public or private agency fails to respond to the letter under clause 11, the Office shall prepare a report and submit it to the Commission for consideration within thirty days from the due date of the period specified in the follow-up letter under Clause 10 or Clause 11, as the case may be, for the Commission to prepare and submit a report to the Cabinet pursuant to Section 36 paragraph four.

Clause 13 In the case where the Commission has submitted the report to the Cabinet under Clause 12 but the latter fails to inform the result or reason for not being able to take action pursuant to Section 43 paragraph one, the Office shall follow up on the performance of the Cabinet within fifteen days upon the lapse of ninety days of receipt of the report by the Cabinet and present the follow-up result to the Commission for further consideration.

In presenting to the Commission under paragraph one, the Office may, pursuant to Section 42, submit its opinion to the Commission to prepare a recommendation for

submission to the Parliament or the Cabinet to redress the problem or preventing reoccurrence of similar violation of human rights.

Part 2

Follow-up on Recommendations in Assessment Report on Human Rights Situation in the Country

Clause 14 The Office shall follow up on the implementation of the recommendations included in the assessment report of human rights situation in the country under clause 5(2) which was presented to the Parliament and the Cabinet upon the lapse of one hundred and eighty days as from the date when the Parliament, the Cabinet or relevant agency receive such report and present the follow-up result to the Commission for further consideration. The provision of Clause 13 paragraph two shall be applied mutatis mutandis.

Part 3

Follow-up on Recommendations, Measures or Guidelines for Human Rights Promotion and Protection, including Revision of Laws, Rules, Regulations or Orders to ensure the conformity with Human Rights Principles

Clause 15 The Office shall submit a follow-up letter on the implementation of the recommendations under Clause 5 (3) that were rendered to the Parliament, the Cabinet or relevant agency within fifteen days upon the lapse of ninety days as from the date when the Parliament, the Cabinet or relevant agency receive such recommendations and present the follow-up result to the Commission for further consideration.

In case the Parliament or the Cabinet has assigned a relevant agency to implement recommendations rendered under Clause 5 (3) according to such agency's duties and power, the Office shall submit a follow-up letter to such assigned agency and present the follow-up result to the Commission for consideration.

Clause 16 In the case where the Commission renders the measures or guidelines under Clause 5 (1) together with recommendations under Clause 5 (3) to the Parliament, the Cabinet or relevant agency, to implement according to their duties and powers, the Office shall follow up on the implementation within the period required for the follow-up of measures or guidelines under Clause 5 (1).

Clause 17 In case the Parliament, the Cabinet or relevant agency fails to inform the result or reason for not being able to take action pursuant to Section 43 paragraph one, the Office shall report to the Commission for further consideration within thirty days from the due date of the period specified in the letter under Clause 15 or Clause 16, as the case may be. The provision of Clause 13 paragraph two shall be applied mutatis mutandis.

Part 4

Follow-up on the Recommendations to Raise Awareness of All Sectors of Society on the Importance of Human Rights

Clause 18 To follow up on the recommendations under Clause 5 (4) submitted to the Parliament, the Cabinet, or relevant agency to take action, whether in the form of a statement or any other forms, the Office shall follow up on the implementation upon the lapse of sixty days as from the date the Parliament, the Cabinet or relevant agency has been informed and present the follow-up results to the Commission for further consideration. The provisions of Clause 13 paragraph two and Clause 15 paragraph two shall be applied mutatis mutandis.

Part 5

Follow-up on Other Activities

Clause 19 To follow up on the activity under Clause (5), the Office shall follow up on the updates or the case result and report to the Commission every ninety days from the date of lodging a complaint or denunciation to the inquiry official pursuant to the Criminal Procedure Code.

Clause 20 To follow up on the activity under Clause (6), the Office shall have a follow-up letter to the State agency or State official regarding the assistance and remedy provided to the injured person upon the lapse of thirty days from the date such state agency or official has been informed and present the follow-up result to the Commission for further consideration. The provisions of Clause 11, Clause 12 and Clause 13 shall be applied mutatis mutandis.

Clause 21 Following up on the activities under Clause 5 (7), (8) or (9) shall be undertaken only for the issue approved by the Commission and the provision of Clause 14 shall be applied mutatis mutandis.

Following up on other activities under Clause 5 (10) shall be subject to the rules and procedures determined by the Commission.

Chapter 3

Termination of the Follow-up

Clause 22 The Office shall present the Commission for termination of the follow-up on the activities under Clause 5 (1), (3), and (6) in the following cases:

(1) The Parliament, the Cabinet, or relevant government or private agency has implemented, in whole or in substantial part, the measures or guidelines or recommendations rendered by the Commission under Clause 5 (1) or (3) or the Commission's opinion under Clause 5 (6);

(2) The Parliament, the Cabinet, or relevant government or private agency is unable to implement such measures or guidelines or recommendations rendered by the Commission under Clause 5 (1) or (3) or the Commission's opinion under Clause 5 (6) with reasonable justification;

(3) The concerned party has filed a lawsuit or the Court has issued a final judgment, order, or decision on the same matter specified under Clause 5 (1) or (6);

(4) The implementation of such measures or guidelines or recommendations provided by the Commission under Clause 5 (1) or (3) or the Commission's opinion under Clause 5 (6) will render no further benefit.

Termination of the follow-up, except those mentioned in paragraph one, shall be presented to the Commission on a case by case basis.

Clause 23 In case the Commission has resolved to terminate the follow-up of the implementation under Clause 5 (1), (3) or (5), where there is a complainant or informant, the Office shall inform the Commission resolution to the complainant or the informant in writing within fifteen days as from the date of reaching resolution except when the contact address is not given.

Chapter 4

Summary and Analysis of the Follow-up Result

Clause 24 The Office shall prepare a summary and analysis of the follow-up results under Clause 5 which shall include, at the minimum, achievements, problems, obstacles, and

recommendations and present it to the Commission within forty-five days from the end of the fiscal year.

The summary and analysis under paragraph one shall be summarized in the annual report pursuant to Section 45.

Chapter 5

Dissemination of the Follow-up Activity

Clause 25 To raise awareness of the importance of human rights, the Office shall prepare an executive summary of its activity under Clause 24 and disseminate it to the general public.

The dissemination under paragraph one shall at least be made via the Office's information technology system.

Clause 26 The Office shall present the summary of the follow-up activity and its result under Clause 5 that will benefit the human rights promotion and protection to the Commission for consideration. The summary shall be disseminated to the general public, provided that any information that may affect the personal rights of informant or complainant or related person shall be concealed.

Transitory Provisions

Clause 27 Any actions carried out prior to the date of entry into force of this regulation and have not been completed shall be deemed valid. Any actions thereafter and shall be in accordance with this regulation unless otherwise resolved by the Commission.

Announced on 23 February B.E. 2564 (2021)

Prakairatana Thontiravong

National Human Rights Commissioner

Acting Chairperson of the National Human Rights Commission