



Executive Summary

The report on the performance of the National Human Rights Commission of Thailand (NHRCT) for the fiscal year 2022 is prepared in accordance with Section 45 of the National Human Rights Commission Act 2017. The report covers the period from 1 October 2021 to 30 September 2022. During the course of the year, the NHRCT gave priority to carrying out its legal duties, responding to the NHRCT strategy and the basic policy framework of the fourth Commission by coordinating with various sectors to jointly build a society that respects human rights. Major outcomes of its performance are summarized below.

Protection of human rights: The NHRCT received 1,149 complaints alleging violations of human rights in the fiscal year 2022. Of these, 924 cases (80.42%) were accepted for further action, while 225 cases (19.58 %) were not accepted because they were not within the authority of the NHRCT or were under the authority of other independent organizations. The accepted cases were classified into the following categories: 1) Coordination of human rights protection: 164 cases (17.75%); 2) Investigation of human rights violations: 236 cases (25.54%); 3) Study and development of recommendations for promoting and protecting human rights: 29 cases (3.14%); and 4) Other forms of assistance: 495 cases (53.57%). The top three issues that were most complained about were rights

and status of persons, rights in the justice process, and community rights.

In the fiscal year 2022, the NHRCT completed a total of 169 complaint investigation reports. Of these, 88 cases (52.07%) involved acts or omissions of acts that violated human rights and the NHRCT made recommendations to the concerned authorities to prevent and rectify human rights violations. In 57 cases (33.73%), no violations were found but the NHRCT did make recommendations to promote and protect human rights to the relevant agencies. The remaining 24 cases (14.20%) were those that were pending in court or cases which did not fall under the NHRCT¹ mandate, or that were referred to concerned agencies for action, or did not involve any human rights violations.

¹ According to Section 39 of the National Human Rights Commission Act 2017



The NHRCT has monitored the implementation of its recommendations to prevent or rectify human rights violations or to promote and protect human rights. The follow-up process of 146 cases were completed. Out of these, there were 102 cases (69.86%) where state or private entities implemented some or all of the NHRCT's recommendations, resulting in successful solution of the problems, such as recommendations on fair hiring practices or personal data privacy. For the remaining 44 cases (30.14%), the recommendations could not be implemented due to valid reasons such as cases pending consideration of or having been ruled by the court, or by the NHRCT's decision on a case-by-case basis.

Preparation of reports and recommendations for measures or guidelines for human rights promotion and protection: The NHRCT has prepared a report on the assessment of the human rights situation in the country for the year 2021 together with recommendations on important issues and submitted it to the Parliament and Cabinet on 25 March 2022, which is within the 90-day period from the end of the calendar year as prescribed by law. The report presented the assessment of important human rights situations in 2021 as well as the situations of civil and political rights, economic, social and cultural rights, and the rights of specific groups of people, including children,

the elderly, persons with disabilities, women, and people with status problems.

In the fiscal year 2022, the NHRCT proposed measures or guidelines to promote and protect human rights, including amendment of laws, regulations, or orders, to comply with human rights principles, to the Cabinet and related agencies, covering seven topics, some of which are: 1) A review of the rationale and reasons of the bill on the operations of non-profit organizations that emphasize control, inspection, and restriction of the freedom to organize, with a proposal that a mechanism be established to promote their work in parallel with an oversight regime only as necessary, and the principles requiring non-profit organizations to register before they can carry out activities be deleted;. 2) Amendment of the bill on the prevention and suppression of torture and enforced disappearances to conform with the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishments to which Thailand is party;. 3) Enactment of subordinate legislation to the National Parks Act of 2019 and the Wildlife Conservation and Protection Act of 2019, so as to resolve conflicts between the people and state and population and to regulate the use of protected forest areas for habitation and farming purposes;. and 4) Rights in the due process of law concerning prolonged



pre-trial detention caused by delayed interrogation process of cases with multiple charges to prevent detainees from losing various benefits that they are entitled to under the Corrections Act and other relevant laws.

Promoting awareness of human rights:

This is one of the priorities of the fourth Commission's policy framework. A major undertaking was the development of training curricula for diverse target groups. For instance, a training program to enhance the awareness of human rights for high-level executives was conducted in collaboration with the King Prajadhipok's Institute. The content of the human rights education for e-learning course was developed to reach a broader audience, while training on the use of human rights education manual for basic education teachers was organized in various provinces. In addition, practical training for state agencies and civil society organizations in the southern border provinces was carried out to establish a robust network of human rights workers. Media materials were also produced to raise awareness about children's rights and the rights of suspects in the justice process.

YouTubers and influencers were hired or supported to create or insert content that promotes awareness of human rights. Various communication channels were utilized to disseminate information and

news about human rights, such as radio programs, print media, newsletters in both hard copy and e-newsletter formats via the NHRCT website. The NHRCT also issued statements on significant incidents, five in total, and organized 46 weekly press briefings to inform the public of important NHRCT activities.

International cooperation: The NHRCT emphasized the importance of building confidence in the international community and elevating its status from B to A. The NHRCT had advocated for amendments to the law governing its responsibilities and authority to be consistent with international standards embodied in the Paris Principles and was committed to working towards concrete outcomes. As a result, the NHRCT succeeded in regaining the A status on 29 March 2022. At the same time, the NHRCT participated in various cooperation activities on a continual basis as member of the cooperation frameworks at the global, level and in the Asia-Pacific and Southeast Asian sub-region. It also monitored compliance with international human rights treaties which Thailand is party to and participated in a meeting with the Committee on the Elimination of Racial Discrimination. Additionally, the NHRCT held meetings with UN agencies, diplomatic missions and international non-governmental organizations to exchange views on various



human rights issues and discuss possible cooperation.

Operations and organizational development: The Office of the NHRCT had a total budget of 249,925,621.09 baht for the fiscal year 2022, comprising an annual budget allocation of 209,892,000.00 baht and an accumulated budget brought forward from the previous fiscal year worth 40,033,621.09 baht. The NHRCT's total expenditure was 241,185,498.37 baht, which represented 96.50% of the total budget and was higher than the expenditure rate of the fiscal year 2021 of 84.42%. This increase in expenditure was due to the NHRCT's policy to improve the disbursement efficiency. The NHRCT also approved that the remaining budget of 8,740,122.72 baht be used for promoting and protecting human rights for the next fiscal year.

In the fiscal year 2022, the NHRCT established its first regional office in the southern region to provide more convenient access to services for the public. It has also developed the working processes to be more transparent. in accordance with the Integrity and Transparency Assessment (ITA) guidelines of the National Anti-Corruption Commission (NACC), resulting in the NHRCT's being in the A level with the ITA score of 93.40, making it ranked first among independent organizations. In addition, the NHRCT has continuously

conducted activities to develop the capacity and competency of its personnel at all levels, The digital technology and information management systems were used as tools for better managing and developing knowledge while an enterprise resource planning (ERP) system was brought in to facilitate planning and budget management. The information system for collecting data and providing information on human rights as well as the database on human rights network were being developed to align with the current work processes.

Challenges and recommendations: In discharging its mandate in the past year, the NHRCT encountered some difficulties and limitations related to the legal duties and powers in three major areas:

Firstly, the legal duty mandating the NHRCT to explain and report accurate facts promptly without delay if there are any incorrect or unfair reports related to human rights situations in Thailand may not comply with the principle of independence of the national human rights institution under the Paris Principles and may affect the NHRCT's credibility. **Secondly**, the NHRCT did not have the power to mediate human rights disputes. This mandate is consistent with the Paris Principles and would enable the NHRCT to help resolve human rights violations quickly for the benefit of the parties concerned. On these



two issues, the NHRCT has coordinated with both the administrative and legislative branches for support of amendment to the law. **Thirdly**, concerned agencies did not provide information to the NHRCT on whether they had implemented the recommendations in the country's human rights situation assessment report. The law requires that they implement promptly the recommendations as appropriate. If they cannot do so or need more time to do so, they must inform the NHRCT of the reasons as provided for by

the law. Although government agencies responded to the report, their response mostly consisted of explanations about their actions and achievements rather than informing the NHRCT of their actions based on the recommendations. The Cabinet should, therefore, instruct government agencies and state organizations to give importance to implementing recommendations in the report. In cases where it is not possible to do so, the reasons should be reported to the NHRCT for analysis and improvement of the recommendations.