

Executive Summary

The report on the performance of the National Human Rights Commission of Thailand (NHRCT) for the fiscal year 2023 is prepared in accordance with Section 45 of the National Human Rights Commission Act 2017. The report covers the period from 1 October 2022 to 30 September 2023. Major outcomes of its performance are summarized below:

Protection of human rights: The NHRCT received a total of 940 complaints alleging actions or omissions constituting human rights violations in the fiscal year 2023. Of these, 610 cases (64.89%) were accepted for further action, while the remaining 330 cases (35.11%) 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 and investigation of human rights violations: 259 cases (42.46%) and 2) assistance coordination, research, and recommendations for the promotion and protection of human rights, as well as other forms of assistance 351 cases (57.54%). The top three issues that were most complained about were rights in justice process, rights and gender equality, and rights and status of persons.

In the fiscal year 2023, the NHRCT completed a total of 194 complaints investigation reports consisting of 63 complaints within the fiscal year and 131 complaints from previous years. Of these 123 cases (63.40) 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. Examples include: 1) The case where police officers request cooperation in obtaining Deoxyribonucleic Acid (DNA) samples from individuals released according to the policies or directives of the Royal Thai Police, citing reasons related to public interest and the consent of those to be examined, represents an undue limitation on individuals' rights and freedoms. It is also a selective practice that is unjust towards individuals. The NHRCT recommends the cancellation of such policies or directives and advocates for the collection of genetic material from individuals only in cases processed through legal procedures for criminal investigation; and 2) In cases where the media presents news without obscuring or blurring the faces of individuals involved in the case, provides detailed steps and methods of committing the crime, creates intimidation, and attempts to solicit speculative information, the NHRCT recommends that media organizations, including radio, television, and online news producers, educate about privacy rights and guidelines for presenting news to media professionals. This is to avoid unnecessary disclosure of personal

information, among other considerations. In 46 cases (23.71%), no violations were found but the NHRCT did make recommendations to promote and protect human rights to the relevant agencies. Examples include: 1) In the case of a community in the Khlong San district being impacted by the construction of a hotel and commercial buildings under the RTWO project, the NHRCT recommends establishing a coordinating committee to assess and propose fair solutions to address and prevent the impact. Additionally, the committee should monitor the restoration efforts closely to compensate the affected residents for the damages they have incurred; and 2) In the case of a community in Pathum Thani province experiencing distress due to the necessity of relocating from long - term inhabited land with legitimate ownership documents, the NHRCT recommends that Pathum Thani Province, relevant local authorities, and the Community Organizations Development Institute (CODI) consider providing assistance to residents facing hardships. This assistance should align with the guidelines for addressing housing stability issues for low - income individuals in urban areas, such as the Secure Housing Project. The remaining 25 cases (12.89%) were either resolved by relevant authorities, withdrawn by the complainants, under court litigation, or concluded for other reasons.

The NHRCT has monitored the progress of actions taken in response to the examination of 136 cases of alleged human rights violations. Out of these, 122 cases (89.71%) involved government or private sector agencies that fully or partially implemented the NHRCT's recommendations. Noteworthy instances include: 1) In a case where the investigators of a certain provincial police station delayed the legal proceedings, the Royal Thai Police has resolved the issue, and the case file has been forwarded to the public prosecutor's office for further action; 2) In the case of opposing the construction project of the Mae Lao Dam in the Chiang Kham district, Phayao province, the relevant authorities have canceled the project and developed guidelines for water management to maximize benefits and align with the geographical and social conditions of the area; and 3) In a case alleging that the Department of Land Transport did not permit people with mobility disabilities to obtain a public vehicle driver's license, the relevant authorities have coordinated to invite the petitioner to participate in the examination for obtaining a public vehicle driver's license. The petitioner has successfully passed the examination, resolving the matter; and etc. The NHRCT also concluded monitoring in 10 cases (7.35%) due to reasons such as cases that cannot be addressed based on

recommendations, cases where the NHRCT has made a justified decision, or cases pending court rulings. Additionally, there are four cases (2.94%) where the authorities did not take action without reasonable cause. The NHRCT has compiled a report for submission to the Cabinet and/or public disclosure. These included: 1) In the case where the Social Security Office did not amend the Ministry of Labor's regulations regarding criteria and procedures for the election of representatives of employers and insured persons as committee members in the Social Security Committee for the year 2021, citing legal differences and concerns as the sole basis for their decision; 2) In the case of Hatyai Wittayalai School not amending the school regulations to align with the Ministry of Education's regulations regarding student uniforms for the year 2008, Section 12, citing disapproval from the school committee; 3) In the case of the State Railway of Thailand not allocating trading space to previous traders, citing non-payment of rental insurance, which contradicts information from the Office of the Prime Minister stating that traders have deposited the required insurance; and 4) In the case where the Royal Thai Police did not involve social workers or professionals in the process of collecting genetic samples for children and did not instruct affiliated agencies to comply with laws and regulations regarding the notification of genetic test results and the deletion or destruction of genetic information.

Preparation of reports and recommendations for measures or guidelines for human rights promotion and protection : The NHRCT has submitted 24 reports and recommendations for measures or guidelines for human rights promotion and protection, including amendments to laws, regulations, or orders. Some of these recommendations are: 1) Protection of health rights from dangers arising from non-medical use of marijuana; 2) The amendment the Empowerment of Persons With Disabilities Act 2007 aims to broaden protection to encompass disabled individuals within organizations. This includes considerations for differences in origin, ethnicity, language, gender, age, disability, and personal status; 3) Promoting access to hormones, which is crucial for the sexual health of transgender individuals; 4) Protecting the rights of drug-related offenders by ensuring access to court proceedings in accordance with human rights principles; 5) Addressing air pollution in eight provinces in the northern upper region; and 6) Protecting the right to survival for children by providing adequate health services for preterm infants; and etc.

Preparation of the assessment report on Thailand's human rights situation: The NHRCT has prepared a report on the assessment of the human rights situation in Thailand for the year 2022. The report was submitted to the Parliament and the Cabinet on March 27, 2023. The report has showed the results of the assessment of the human rights situation, along with recommendations

covering key issues in the year 2022. The situations include civil and political rights, economic rights, social and cultural rights, as well as the rights of specific groups such as children, older persons, persons with disabilities, women, and people with status problems.

Promoting awareness of human rights across all sectors of society : The NHRCT has developed training courses for diverse target groups, including a course to raise awareness of human rights for high - level executives, curriculum development for studying human rights in the E-Learning system, and training on using human rights manuals for basic education teachers in various provinces. The development of collaboration on human rights with government agencies, various network organizations, and the private sector has been initiated. This includes the commencement of cooperation projects with educational institutions for community development under the Human Rights City program. Practical training has been provided to government agencies and civil society organizations in the southern border provinces to strengthen the human rights network. Media has been used to raise awareness of children’s and youth rights, addressing family violence issues. Information dissemination has been diversified through “Human Rights Perspective” newsletters, documents, and e - newsletters, with 10 press releases on significant events such as shootings in a child development center in Tambon Uthai Sawan, Nong Bua Lam Phu province, blockades of

protest movements, the arrival of displaced Myanmar citizens in Thailand, and the case of “Yok” an individual not registered in the state education system. Additionally, 46 weekly press briefings have been conducted to disseminate important operational outcomes to the public.

Research: The NHRCT has successfully conducted and completed three research studies on human rights. These studies are as follows: 1) A study of the impact of industry on human rights: Sugar and the Supply Chain Concerns; on the Impact of Industry on Human Rights: Sugar and the Supply Chain Concerns; 2) A gold Mining Business Project and Violations of Community Rights: A Case Study from Chanthaburi Province; and 3) Research Project to Develop Recommendations for the Promotion and Protection of Human Rights Defenders. The NHRCT will leverage the research findings to drive and contribute to the development of policy recommendations on relevant issues in the future.

International Cooperation : In the fiscal year 2023, the NHRCT served as the SEANF chairperson and actively advocated for the implementation of SEANF’s strategic plan for the years 2022–2026, particularly focusing on the third agenda item related to NHRC’s role in preventing torture. In addition, the NHRCT has also participated in international conferences organized by the United Nations, global and regional networks of national human rights institutions, and the ASEAN human rights mechanism. These conferences focused on promoting the rights

of older persons, preventing torture, and controlling the distortion of information. Moreover, the NHRCT organized a meeting to receive feedback on the ILO Convention No. 87 and 98, aiming to formulate recommendations for the Thai government and collaborate with United Nations agencies. This initiative facilitates the exchange of ideas concerning crucial human rights - related activities.

Operations and organizational development : The Office of the NHRCT had a total budget of 225,178,231.95 baht for the fiscal year 2023, comprising an annual budget allocation of 216,231,000.00 baht and an accumulated budget brought forward from the previous fiscal year worth 8,947,231.95 baht. The NHRCT's total expenditure was 218,421,293.06 baht, which represented 97% of the total budget and was higher than the expenditure rate of the fiscal year 2022 of 96.50%. The NHRCT also approved that the remaining budget of 6,756,938.89 baht be used for promoting and protecting human rights for the next fiscal year.

The NHRCT established a regional office in the northeastern region, the second after the one in the southern region. Additionally, the the NHRCT has restructured its organizational units and staffing framework to ensure appropriateness. This includes the enhancement of staff capacities and competencies at all levels. Furthermore, the NHRCT has enhanced its digital technology and management systems to support efficient workflow processes. These initiatives involve the development of the Enterprise Resource

Planning System (ERP) the improvement of information systems for collecting data and providing information on human rights, and the refinement of the Data Personal Information System (DPIS). Furthermore, the NHRCT has been involved in the development of Enterprise Architecture (EA).

Challenges and recommendations :

The challenges encountered in operational processes remain the same as in previous years: revising and adjusting the NHRCT's duties and powers to align with the Paris Principles. This entails eliminating roles and powers for explaining and reporting accurate facts promptly and without delay if there are any incorrect or unfair reports related to human rights situations in Thailand. Simultaneously, there is a need for the expansion of roles and powers to mediate and resolve human rights disputes. Regarding this matter, the NHRCT proposed a draft royal decree to amend the constitution, addressing these issues, in the fiscal year 2023. However, due to the 2024 elections and the formation of a new government, the NHRCT needs to re-submit its proposal to the legislative system.

