

## **Report on activities of the National Human Rights Commission of Thailand in 2005**

### **General situation**

In July 2005, the National Human Rights Commission just celebrated its fifth anniversary. Approaching the last year of its term of office, the NHRC looked back at the progress made and look ahead of challenges to instil the culture to respect human rights within the society.

Over 9 years, Thai people have been proud of the Constitution, which was just promulgated to guarantee people's basic rights and freedom. The Constitution was also seen as the great opportunity for political reform to consolidate democracy with a strong elected government. In the past, the weak governments resulted in corrupted practices and discontinuity of good policies; or it was used as excuse for military to stage a coup d'etat. At the same time, the Constitution also kept the ruling power be checked and balanced by establishing independent agencies such as the Constitution Court, the Administrative Court, the Election Commission, the National Counter Corruption Commission including the National Human Rights Commission. The Constitution also guarantees that the public can fully participate and voice their concern over any public policies and projects which might affect them.

It is regrettable that such high expectation was not fully met. A number of provisions under the Constitution were neglected; many independent agencies were manipulated to the extent that they did not effectively function; and the rights of individuals and local communities are repeatedly infringed. People also witnessed that the strong government does not necessarily lead to a democratic society with well-being of its people. As a result, a new round of political reform was called for.

During the year, political tensions within the country were reported worldwide. Hundreds of thousands of urban or middle-class people staged rallies against the ruling party and Prime Minister Thaksin Shinawatra, alleging them of several misconducts without ethical and moral standards, corrupting practices including violations of people's basic rights as guaranteed by the Constitution. The situation became increasingly tense when a large number of people in the upcountry were enticed into Bangkok showing their support to the government and confronting with the opposing group. The atmosphere caused grave concerns that it might lead to the blood-shed violence. During the period, provocative words inciting hatred and division within the society were used. Media organisations and reporters regarded by the other side as opposite were target of intimidation or attacks. While the tension of political atmosphere was growing, the NHRC warned all sides to exercise self-restraint to avoid violent actions and words and emphasised the importance to respect the rule of law and the respect of people's basic rights as stipulated in the Constitution. The NHRC also urged all parties to find peaceful solution and seek appropriate means for political reform. Nevertheless, the political tension keeps continued; and there has been disagreement who and how to begin a new round of political reform. Recently, the NHRC organised a forum to listen to public members' and the most outstanding and common view is that the new political reform must give more space for people to fully participate in public policies and activities.

## **Summary of major activities in 2005**

Since January 2006, 312 complaints were received by the NHRC. Petitioners come from all walks of life and every part of the country, who can get access to the NHRC through network groups all over the country. The largest percentage (49.35%) of complaints was related to the due process of the administration of justice. The statistics also showed that the alleged perpetrators were mainly police officers and government officials.

In 2005, the NHRC is concerned that the authorities are still unable to solve the cases of murder of human rights defenders, and thus keeps monitoring progress from responsible officers. Concerning the volatile situations in the South, the NHRC have paid visits to victims of violence who are government officers and villagers, co-ordinated to bridge the gaps of understanding between authorities and local communities wherever possible, and ensured that the government's assistance and compensation reached the affected people timely and adequately.

Over the year, people of minority groups are continuously facing the infringement of their basic rights, particularly when they are stateless or without citizenship. They can be deprived of their basic rights, including the access to education and health care. Children who completed basic education (taught by local community) cannot get access to higher education. In addition, their freedom of movement is also restricted. It was the NHRC's concerns about the high number of stateless persons, particularly among highlanders and ethnic minorities within the country. In particular case, a large number of ethnic members are excluded from the process of naturalisation. In a district of Mae-ai in the northern province of Chiangmai, there are as many as 1,234 people whose names were withdrawn from the official citizen registration. The NHRC's Sub-Committee on the Rights of Ethnic Minorities, therefore, involved itself in solving the problem for over a year, helping them to bring the case to the Administrative Court. In August 2005, the Supreme Administrative Court ordered the local administrative to restore their citizenship, citing that no laws should allow authorities to cancel their household registration before completing the process to prove "nationality".

It is the NHRC's contined efforts to create awareness and prevent the impacts of globalisation, economic liberalisation and other free trade rules and regulation upon the peoples' life and rights, traditional local community and natural resources base. Many government's policies and projects to expedite economic growth rate resulted in the destruction of people's traditional ways of living, and deterioration of environment and natural resources. The NHRC established a number of Sub-Committees to study on the impacts of free trade agreements which the government determined to hastily conclude with a number of countries such as the United States and Japan. Many issues in the process of negotiation which can affect people's life such as drug patents are not disclosed to the public. The NHRC summoned the authorities concerned to give information and found that the careful study on the impacts needs to be done. The NHRC, therefore, issued a statement urging the government to postpone the conclusion of the free trade agreement until such time that all issues are thoroughly studied, and go through the process of public participation, and the scrutiny of parliament. The government should also provide adequate measures to cushion people from affects of the agreement.

To respond to the rapid changes of global environment and its impacts on local people and communities, the Sub-Committee on Education and Development undertook capacity-building programme, educating people to realise their own rights and foster co-operation to contain undesirable impacts. For example, the Sub-Committee worked with Pai community, which is a small town in northern Thailand near Myanmar borders with beautiful natural scenery and become the most popular tourist attraction destination. Local people's ways of living became affected by the growing number of tourists and all sorts of investment catered for tourists. Environment was deteriorated; problems such as increasing garbages and the disposal arise. The Sub-Committee then invited locals, government officials and investors to participate in a series of seminars, raising awareness to the balanced approach between income-generation investment and the conservation of environment and traditional life.

In sum, apart from receiving complaints, the NHRC also gives equal importance to pro-active and preventive measures, especially on raising awareness and giving capacity-building to people and communities. This is to equip them, particularly grassroots and marginalised people, with immunity and ability to protect their own rights. In such light, the NHRC has co-operated in the APF-Brookings Project on IDPs to strengthen local communities in the North who are affected from development projects. The project has well progressed into the second year and the NHRC appreciated supports from the APF Secretariat and other parties concerned.

Over the year, the NHRC has joined 3 other Human Rights Commission (Indonesia, Malaysia and the Philippines) to strengthen co-operation within Southeast Asia. The second annual meeting took place in Malaysia in March this year, where we agreed to sign a Declaration of Co-operation and expected to conclude it in the next meeting in Indonesia at the end of the year. The four Commissions also agreed to increase our joint efforts on the issues of common concern, which included trafficking in women and children; migrant workers; terrorism; realisation of the ESCRs and right to development; and human rights education.

To expand networks of national human rights institutions in Southeast Asia, the NHRC also joined in the effort made by the Philippine Human Rights Commission in organising the first Regional Conference on Building Networks to Strengthen ASEAN Human Rights Cooperation in Manila in April 2006. Participants came from government sectors in all ASEAN countries both with and without national human rights institution and NGOs. The meeting also focused on the possible human rights co-operation within the region, especially in the issues of common concern raised by the four national human rights institutions. The meeting came up with a set of recommendations to the ASEAN governments to advance the human rights course including to support the establishment of national human rights institution in the country without one.

Within ASEAN, the establishment of regional human rights mechanism was discussed for some times but has yet to realise. The NHRC continues to committ itself to support the effort made by the Working Group for an ASEAN Human Rights Mechanism to persuade the ASEAN governments to consider its possibility within due course, and to implement programmes on human rights in the Vientian Action Programme.