

**SIXTH ANNUAL MEETING**



**Asia Pacific Forum of National Human  
Rights Institutions**

**"A Partnership For Human Rights In Our Region"**

**APPLICATION FOR MEMBERSHIP**

**National Human Rights Commission  
of Thailand**

**24<sup>th</sup> – 27<sup>th</sup> September 2001  
Colombo, Sri Lanka**

## **BACKGROUND**

Sections 199 and 200 of the 1997 Thai Constitution call for the creation of the National Commission on Human Rights. The constitutional drafters also gave Parliament a two-year timeframe in which to pass the legislation required to establish the Commission.

The *National Human Rights Commission Act, B.E. 2542* was adopted by the Parliament of Thailand and proclaimed by His Majesty King Bhumibol Adulyadej. The Act came into effect on the 25<sup>th</sup> November 1999.

The Commission is comprised of a President and ten other members. These individuals are nominated through a wide-ranging consultative process involving representatives from a variety of judicial, educational and civil society sectors. Following this process the members are finally elected by the Thai Senate. The members of the Commission elect the President of the Commission among themselves.

The Thai Commission has now applied for membership to the Forum. The application form follows the procedure established at the International Coordinating Committee of National Institutions (attached).

## **ANALYSIS**

Membership of the Forum is premised on a national institution complying with the UN General Assembly endorsed *Principles relating to the Status of National Institutions* (more commonly known as the 'Paris Principles' - attached).

In determining the compliance of the Thai Commission with the Paris Principles, the Thai Commission has submitted the following information:

- The accreditation checklist
- A copy of the National Human Rights Commission of Act B.E. 2542.

This information is attached to this paper.

A review of this material by the Forum Secretariat raises the following issues:

1. Under the 'Accountability' section of the accreditation checklist the 'other' box has been ticked. However no further supplementary information is provided on this point. However a review of the Commission's Act indicates that the organisation is accountable to the Legislature/Parliament. Section 8 details that the appointment process is ultimately a Parliamentary decision and Section 11 indicates that the Parliament also has the power, in exception circumstances, to remove members of the Commission. Further Sections 15(6) and (7) provide that the Commission formally report to the Parliament.
2. Under the 'Responsibility' section of the accreditation checklist the Commission states that it does not contribute independently of government to UN reporting obligations.

In relation to this issue, however, while the Act of the Commission makes no specific reference to this function, Section 15 subsections (1), (2), (3), and (5) would provide sufficient power for the Commission to perform this role. The Commission does, therefore, have the ability to provide advice to the Government on the content of Thailand's State reports under international human rights instruments.

3. Under the 'Independence' section of the accreditation checklist the Commission states that the appointment process does not provide for renewable terms. Such a provision does not offend the Paris Principles.
4. Under the 'Independence' section of the accreditation checklist the Commission has ticked the 'No' box against the criteria on 'Legal and operational autonomy through separate legislation, infrastructure, staff and resources'. No further information is provided on this topic. A review of the legislation indicates that a significant amount of legal and operational autonomy has been provided to the Commission. A covering letter addressed to the United Nations and copied to the Secretariat indicates, however, that the main infrastructure of the Commission is not yet fully operational and the government has yet to provide approved funds for its operation. The Secretariat recommends that Forum members request further information from the representative of the Thai Commission present at the annual meeting on these issues.

## **RECOMMENDATION**

It is recommended that Forum members at the 6<sup>th</sup> Annual Meeting of the Forum:

- Seek further supplementary information from the Thai Commission concerning its legal and operational autonomy.
- If the above supplementary information is acceptable to Forum members the Secretariat recommends that they provide 'in principle' approval for the National Human Rights Commission of Thailand to become a full member of the Asia Pacific Forum of National Human Rights Institutions following the incorporation of the Forum and subject to the admission process as set out in rule 11.1 of the Forum's constitution.