

## **Highlights of the NHRC's activities in 2003**

This year is the second year of the National Human Rights Commission of Thailand after its establishment under the 1997 Constitution. The Constitution was drafted and promulgated from people's desire to have political reform and participatory democracy, that people have a real stake in the development process politically, economically and socially.

Nevertheless, it is undeniable that the change cannot take place overnight despite the clear provisions in the Constitution to promote and protect the rights and dignity of people, and to guarantee people's and community's right to self-determination over their development and natural resources.

It needs the time for adjustment, and the National Human Rights Commission was established in the transitional period, where many challenges lie ahead with public expectation.

Apart from many groundwork to institutionalise the Commission, the major works of the Commission can be highlighted in three parts:

### **1. The role of check and balance with the administration**

In 2003, the Commission received about 340 complaints from people whose rights were violated, which were 85 cases more than the previous year. There are two major cases, which should be mentioned, and they reflected the phenomena of human rights problems in Thailand:

#### **1.1 The government's anti-drugs policy**

From our statistics, nearly 50% of complaints are concerned with the administration of justice. During the 3-month period from February to April, the Commission received complaints as many as twice. The complaints were related to the government's anti-drugs policy. Over 80% of complainants are those whose names were in the black-list of people with drugs involvement. Among the announced 2,500 death tolls related to drugs involvement, the Commission received twenty-four cases of complaints made by relatives of people who were killed with drugs allegation.

The Commission conducted investigation, recommended the government to respect the rule of law and international obligations under human rights to which Thailand is party. We urged the government to segregate the number and names of innocent people from the death tolls, to give remedies to the family of innocent people. We also encouraged the government to allow impartial institutions to take part in the investigation.

At this juncture, I wish to express my sincere thanks for the support of the APF, as a whole, and some other members, kindly writing to the government to express the concern over the situation and the interference in the independent role of our Commissioner to carry out this function.

## **1.2 The protest against the Thai-Malaysian Gas Pipeline Project**

The Commission conducted a study on the Thai-Malaysian Gas Pipeline Project, and gave recommendation that the project lacks public participation in the formation and implementation as stipulated by the Constitution. However, the project continued, and led to the violent disperse of the peaceful protest by police officers.

The project is part of the agreement between the national petroleum companies of Thailand and Malaysia with support of the two governments. The project is to extract natural gas in the joint development area in the sea for the joint investment of the two countries. Under the agreement, the gas pipeline will be constructed, passing the area of Jana in the South of Thailand, and the local people did not accept the construction for many reasons.

The local people were not informed of the project and did not take part in the decision process, which is contrary to the Constitution. The EIA (environmental impact assessment) report was not accepted both by local people and academics in terms of academic validity. The protest went on over years, and the clash took place when there was a joint Cabinet-meeting of Thailand and Malaysia in December last year. While the protesters wanted to see the Thai Prime Minister to submit their letter of petition, the police officers tried to keep security of the place. Violent clash finally and unnecessarily took place to disperse the peaceful assembly.

The Commission was involved since the beginning. We made a study and found that local people did not have meaningful participation in the project, which may affect their life and environment. This is unconstitutional and the government should review the project. And when the violent clash took place, we investigated the incident and found that there were violations of people's rights. Our recommendations were sent to the government for appropriate remedies, and to the Parliament. This is the sample case which shows that civil, political, economic, social and cultural rights are intertwined, and the problem of human rights violation in Thailand is more complicated at present.

## **2. The role to work with government agencies in human rights promotion**

While acting to check and balance the administration's power, the Commission still recognises that one of its mission is to encourage, wherever possible, governmental agencies which have prime responsibility to promote and protect human rights.

### **2.1 The visit of juvenile and female detention places**

During the past year, we co-operate with the Ministry of Justice to monitor the juvenile and female detention places all over the country. The Commissioners, accompanied by high-ranking or policy-level officials from the central part, have paid regular visits to these places, and collected information from children and inmates by structured interview.

We visited 12 juvenile detention places all over the country, and interviewed 561 juveniles. We also visited 6 female detention places, meeting 15,243 inmates and

observed their conditions, especially the 242 pregnant inmates whom we met and interviewed.

As a result from the collected information and the regular visits, it is expected that their conditions will be continuously improved.

## **2.2 The legislation to suspend sentences for pregnant women**

At present, we are co-operating with the Ministry of Social Development and Human Security and the Sub-Committee on Women and Youth of the Senate to amend the legislation in order to suspend sentences of pregnant women. This is to allow pregnant women to look after their baby outside remanding places.

## **3. The role to foster sub-regional co-operation on the common issues of human rights concern**

Between 27-29 May 2003, the Commission, the Ministry of Foreign Affairs and the Working Group to establish an ASEAN Human Rights Mechanism (which is an NGO) organised the Third Workshop on ASEAN Human Rights Mechanism in Bangkok.

The Workshop is to seek co-operation in human rights within ASEAN region, and to seek the possibility to establish an ASEAN Human Rights Mechanism. The Workshop adopted the roadmap to establish the ASEAN Human Rights Mechanism, and the process of working together between governments and civil society with the national human rights institutions as links between them. The process will aim at the development of data and information, relevant knowledge, communications and networks within the region.

These activities are highlights which reflect our role as to promote and protect human rights nationally and internationally. As a new member of the APF, I expect that the lessons, knowledge and experiences learnt among each other will strengthen the works of national human rights institutions in the region.