



Updated Progress and Achievement Report

In October 2021, the National Human Rights Commission of Thailand (NHRCT) submitted a report on progress and achievement concerning the issues raised by the SCA in the December 2020 report. Since then, the NHRCT has made serious efforts to address SCA's concerns. This report provides details of efforts taken as well as latest updates of other major works of the NHRCT in support of our compliance with the Paris Principles.

The NHRCT has continuously addressed the SCA's four points of concern by taking advocacy for legal amendment, raising awareness to the public, creating understanding with the legislative and executive branches, consulting and seeking support from civil society organizations and the public, as well as improving the internal work process.

One of the challenges is the legal amendment process, which has to follow certain steps as stipulated in the Constitution, involving a number of stakeholders such as the Cabinet and Parliamentarians. Section 77¹ of the Constitution requires the NHRCT to conduct consultation with stakeholders, analyze any impacts that may occur from the law thoroughly and systematically, and should also disclose the results of the consultation and analysis to the public. To that end, the NHRCT conducted public hearings concerning the amendment of the organic law, as recommended by the SCA, on our website. Several consultations were also undertaken with over 20

¹ Section 77. The State should introduce laws only to the extent of necessity, and repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, without delay, so as to abstain from the imposition of burdens upon the public. The State should also undertake to ensure that the public has convenient access to the laws and are able to understand them easily in order to correctly comply with the laws.

Prior to the enactment of every law, the State should conduct consultation with stakeholders, analyze any impacts that may occur from the law thoroughly and systematically, and should also disclose the results of the consultation and analysis to the public, and take them into consideration at every stage of the legislative process. When the law has come into force, the State should undertake an evaluation of the outcomes of the law at every specified period of time, for which consultation with stakeholders shall be conducted, with a view to developing all laws to be suitable to and appropriate for the changing contexts.

The State should employ a permit system and a committee system in a law only in cases of necessity, should prescribe rules for the exercise of discretion by State officials and a period of time for carrying out each step provided by the law in a clear manner, and should prescribe criminal penalties only for serious offences.



civil society organizations and academicians, in which full supports to our efforts were clearly expressed. The NHRCT also held meetings with various State agencies to forge understanding about the independent role of the NHRCT in accordance with the Paris Principles and how crucial the amendment of the organic law is to create trust in the independence of the Commission domestically and internationally.

Although the legal amendment usually involves a lengthy process, the NHRCT has made substantial progress over the past 15 months, including the pledge from the Deputy Prime Minister responsible for legal affairs to support the amendments, the Senate's consensus to support the motion to increase the NHRCT's power of conciliation, and two draft law amendments which are now submitted to the Cabinet for further action.

The details on additional progress to address the SCA's concerns can be described as follows:

1. INDEPENDENCE

1) As stated in the previous submission, the NHRCT has not carried out the mandate under Section 26(4) since December 2020. Instead, any issue of alleged human rights violation raised by civil society organizations in their reports that could have a broad impact on the human rights situation will be raised for investigation by the Commission. For example, the NHRCT examined the case of alleged forced labor in the fishing industry, which was mentioned in a 2021 Human Rights Watch World Report. A full-scale 9-month investigation was conducted by visiting sites, calling information from relevant authorities, collecting information from witnesses and stakeholders, including the author of the report. As a result, the NHRCT discovered that gaps in the authorities' practices to prevent forced labor still exist, and several recommendations were made to the relevant authorities to correct the situation. They are legally required to notify the NHRCT of their compliance within the timeframe specified by the NHRCT. Summary of the report can be accessed via the NHRCT's website at <https://www.nhrc.or.th/getattachment/f7cdd4b6-b228-4a7f-b4d0-6f76b6dc69c0/Investigation-Report-No-192-2564-dated-November-22.aspx>



2) The NHRCT continues to advocate for the removal of Section 26(4) of the Organic Act and Section 247(4) of the 2017 Constitution both through the law amendment process and the engagement with relevant parties to create understanding and to expedite the process. However, since the constitutional amendment which also requires referendum will take more time and resources, the NHRCT has decided to focus on the enabling law amendment first.

Apart from the meetings with **the Deputy Prime Minister**, who is responsible for the government's legal affairs, the NHRCT met the Deputy Secretary to the Prime Minister on February 25, 2022, regarding the removal of Section 26(4) of the NHRCT's enabling law. **The Deputy Secretary to the Prime Minister** acknowledged the necessity and urgency of the law amendment and reaffirmed that the government would support it in order to ensure the NHRCT's independence.

3) In addition, on February 28, 2022, the NHRCT met representatives from **the People's Empowerment Foundation (PEF), a member organization of the Asian NGO Network on National Human Rights Institutions (ANNI)**. The NHRCT discussed with ANNI about the new Commission's policy and priorities as well as its accomplishments in major areas of work. The NHRCT reiterated that it would make every effort to remove Section 26(4) through legal means and that the NHRCT's independence was of utmost importance in all the decisions and actions taken by the Commission.

The NHRCT also held a virtual meeting with **the OHCHR's South-East Asia Representative** to discuss the human rights situations and what the current NHRCT has accomplished since taking office, including efforts to remove Section 26(4). We emphasized that our independence will not be compromised while Section 26(4) still exists. The two organizations pledged to work together in the future both on major human rights issues and on capacity building for NHRCT staff.

4) In early March 2022, after extensive consultations with legal experts and various agencies, **the NHRCT submitted the final version of amendment to repeal Section 26(4) of the NHRCT's enabling law to the Cabinet**. According to the Constitution, the Cabinet has to forward the draft amendment to the NHRCT enabling law to the Parliament. The NHRCT will follow up with the government to ensure prompt



submission of the draft law amendment to the House of Representatives for scrutiny and plans to advocate with Parliamentarians in the upcoming months.

2. SELECTION AND APPOINTMENT

The current NHRCT, which has taken the office since May 2021, is composed of six members who represent a diversity of gender, background, and experience. There are four females and two males, with backgrounds and experiences in public administration, non-governmental organizations, professional organizations, universities, and media. The appointment of the remaining NHRCT member is in the final stage of the selection process. The eligible person has been nominated by the Selection Committee to the Senate for their scrutiny. This Constitutional process is similarly applied to all independent organizations. Given that the Parliament is now in recession, it is expected that the procedure will be completed when the Senate reconvenes in May 2022.

3. FOLLOW-UPS OF RECOMMENDATIONS BY THE NHRCT

3.1 Comprehensive and systematic follow-up mechanism development

The NHRCT has developed its comprehensive and systematic follow-up mechanism **by designating a specific unit of the Office of the NHRCT to closely monitor all forms of the NHRCT's recommendations.** The new regulation on the NHRCT's recommendations follow-ups clearly states the timeframe and procedure for actions. Annually, the NHRCT Office has to compile the results of compliance with the NHRCT's recommendations and report to the Commission and the public. The first report for the fiscal year 2021 has now been completed and published. A copy of the follow-up results report is available on the NHRCT's website at <https://www.nhrc.or.th/getattachment/d9710126-cff2-4626-84ac-b80a7767300a/The-summary-report-on-human-rights-follow-up-resul.aspx>

3.2 Monitoring the respect for the right to peaceful assembly

1) In the case of the ongoing political demonstration, the previous NHRCT conducted systemic monitoring and investigation of the demonstrations during July – December 2020. The investigation report was completed and submitted to the Cabinet



with a number of recommendations. The NHRCT recommended that the Royal Thai Police should formulate policies or measures to maintain security in the assembly of all parties without discrimination and avoid using force to maintain order in the assembly. If the situation inevitably requires the use of force to maintain law and order, the measures shall strictly follow the principles of necessity and proportionality. The Human Right Committee's General Comment No. 37 on the right of peaceful assembly and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement was cited as guidelines for crowd control police officers to comply with. **In following up on recommendations, the NHRCT observed the assembly areas and discussed with authorities involved. We discovered that crowd management greatly improved, with less confrontation and violence.**

2) The current NHRCT continued monitoring and investigating human rights situations on political assemblies. Commissioners and staff visited assembly areas to gather first-hand information and facts about human rights situations. The investigation was later concluded and another report was submitted to the Cabinet in December 2021. The report contains key concerns and recommendations to the Parliament, the Cabinet, and relevant government agencies in accordance with the international human rights standards. Recommendations to the government and the Royal Thai Police include the need to establish clear policies to facilitate people's exercise of the freedom of peaceful assembly and develop measures to maintain public order in consistent with the principles of necessity, proportionality and non-discrimination. Restrictive measures issued under the state of emergency that would infringe on the fundamental right to freedom of assembly should be avoided.

3) One of the current NHRCT's key concerns is **the right of children in protest**. Their safety should be safeguarded in the protest areas, and their right to exercise freedoms of opinion and assembly has to be respected. As there were continuous confrontations and clashes between young protesters and crowd control police, the NHRCT has urged the authorities to deal with the sensitive situation carefully.

The NHRCT followed up by organizing meetings to discuss the issue with the authorities concerned, child's rights specialists, and civil society groups with the participation of children and youth. The meeting concluded with a set of



recommendations for all relevant agencies to respect the rights of children, especially to provide space for them to voice their views. The recommendations were also submitted to the government for further action.

The important recommendations include:

- A public forum should be provided for children and youth to listen to their views, attended by representatives of relevant government agencies, to seek possible solutions to their problems.
- The Royal Thai Police should provide training for crowd control officers in performing their duties in accordance with international standards with clear guidelines and dimensions of children and youth.
- Government agencies should have appropriate guidelines and procedures for treating children and youth in assembly areas. It includes the children and youth care system for the whole period of protest, from beginning to end, and a screening process in the areas of demonstration to assure their safety. A specific symbol should be assigned to children under 18 years old so that officers can easily notice and provide appropriate care. In case a child is detained, the multidisciplinary officer is required in the process.

A copy of the report summary is publicized and available at <https://www.nhrc.or.th/getattachment/6d8e3dcb-a54b-4d8d-9607-c1310fd46d43/Summary-of-the-investigation-report-on-human-right.aspx>

To follow up on recommendations, the NHRCT held a consultation with the Ministry of Social Development and Human Security to discuss the recommendations. The consultation was also attended by representatives from the office of the Attorney General and the Ministry of Justice. All parties reaffirmed their agreement and commitment to implement the recommendations that are within their respective mandate and responsibilities. In addition, the NHRCT met the Senate's Committee on Human Rights, Rights and Liberty, and Consumer Protection to exchange views on protesters' rights to peaceful assembly and the NHRCT's findings from observing the assembly areas. The Committee members agreed that the crowd management by police needed to be improved in accordance with the international standards.



The Commissioners also visited detention facilities and contacted detained protesters, particularly protest leaders who are mostly university students, to ensure their rights to lawyers, medical care, and health services. Overall well-being as well as each individual's affected situations, such as class attendance and examinations were also considered. As a result of the NHRCT's visit to detention facilities, **the NHRCT has encouraged the government to be a party to the Optional Protocol to the Convention Against Torture (OPCAT)** which will strengthen the role of the NHRCT, in capacity of national preventive mechanism (NPM), in monitoring and visiting detention facilities unannounced.

3.3 The protection of human rights defenders

1) To ensure the **protection of human rights defenders**, including young people who exercised their freedoms of opinions and assembly, the NHRCT has continuously advocated their important role in the promotion and protection of human rights. Previously, the NHRCT submitted recommendations to the government and authorities to recognize the role of human rights defenders, and to pass the bill to prevent judicial harassment against human rights defenders. **It successfully recommended the government to amend the Criminal Procedure Code, resulting in Section 161/1 which will protect human rights defenders who are at risk of judicial harassment.**

2) In light of the **draft Act on the Operation of Not-for-Profit Organizations (NPOs)**², the NHRCT is concerned about its impact in shrinking space for civil society organizations. Thus, it undertook an in-depth study and submitted its recommendations to the government on December 15, 2021. It is of the view that the government should create and maintain a safe and enabling environment for NPOs and civil society groups. This is to guarantee fundamental freedoms of expression and opinion, and to association, as well as the right to participate in public affairs.

² The draft Act was initiated by the Council of State and Ministry of Social Development and Human Security. However, it was heavily criticized by a number of parties, including the NHRCT's recommendations. The Cabinet, thus, assigned responsible agency to consider all comments and recommendation and edit the draft Act.



The NHRCT's recommendations to the government reiterate the principles to respect people's basic rights. Any unnecessary and disproportional burden and restriction including criminalization must not be contained in the law. For example, the mandatory registration should not be applied for NPOs, and its failure to register must not be justified for revocation and criminal penalties. The provisions that impose criminal penalties for non-registration are recommended to be repealed. Furthermore, the definition of "Not-For-Profit Organization" should be clear to prevent the excessive use of officers' discretionary power.

A copy of the recommendation summary is publicized and available at <https://www.nhrc.or.th/getattachment/a5ae9e7d-0d04-4440-9e84-8e8539e52e0d/Recommendations-regarding-the-draft-bill-on-the-Op.aspx>

On February 17, 2022, The Ministry of Social Development and Human Security, the responsible agency, organized an online forum to listen to opinions from various sectors. Input and opinions were gathered to revise the draft law before submitting to the Cabinet.

3) To increase collaboration with civil society organizations and human rights defenders, the NHRCT will hold **the first Annual Human Rights Assembly** in July 2022 to commemorate the NHRCT's 20th anniversary, with the theme "Look back to look forward." The topics of the Assembly will be divided into six categories: (1) an overview of the NHRCT's work since its inception; (2) rights in the criminal justice process; (3) community rights and the right to the environment; (4) stateless and undocumented people; (5) LGBTQI+ people; and (6) vulnerable groups.

Apart from the monitoring of civil and political rights, over the last 15 months, the NHRCT has rigorously follow-up with parties concerned to ensure that the economic, social, and cultural rights are also protected. A large number of people have been suffered from economic recession during the COVID-19 pandemic, compounding the widening gap of inequality in society. Those in rural areas, particularly vulnerable groups, who cannot access to land right and their natural resource management and the right to environment, are the issues of the NHRCT's serious concerns. For example, in the case of the government's mega-dam for irrigation project covering several provinces in the North and Northeast, the NHRCT received a complaint about a lack of public consultation. The Commissioners in charge



and competent staff went to investigate on spot. To gather detailed information, meetings were held with relevant parties such as the Ministry of Natural Resources and the Environment, the Office of National Water Resources, and the researchers who worked on the environmental impact assessment (EIA) report. The NHRCT's investigation discovered that the EIA process lacked sufficient public participation despite its great impacts on local residents. The NHRCT then made urgent recommendations to the Deputy Prime Minister, who also serves as Chair of the National Water Resources Committee, to review and postpone the project while resolving the issue for those affected.

4. QUASI-JUDICIAL FUNCTION OF DISPUTE CONCILIATION

As stated in the previous submission, the NHRCT has continuously advocated the amendment of its enabling law with the executive, the legislative, civil society organizations and academics. The NHRCT put forward an argument that the clear reference to conciliation power in the organic law will increase the efficiency of the NHRCT in assisting people or victims in the process of the investigation of human rights violation. Consultations with various State agencies, including the Ministry of Justice, the Office of Attorney-General, and the Office of the Council of State were held many times. In the consultation, there were some concerns that such power may duplicate the conciliation power by State agencies. Nevertheless, the NHRCT has clarified that, as an independent organization, the NHRCT can be entrusted with the conciliation power by referring to the Paris Principles and the SCA's recommendation. The conciliation power will help ensure effective protection of human rights by facilitating the quick remedies such as the correction of situation for people or victims should the alleged party has agreed upon. Otherwise, the NHRCT will continue the process to examine the alleged case of human rights violation. The NHRCT also consulted with leading lawyers and academics on the subject, and they unanimously agreed with the law amendment.

The NHRCT has now submitted the draft law amendment to the Cabinet to clearly refer to conciliation power in the NHRCT's enabling law. The SCA's recommendation was cited as a reason to increase the efficiency of the NHRCT in assisting people or victims in the process of the investigation of human rights violation.



The NHRCT will follow up with the government to soon submit the draft law amendment to the House of Representatives for scrutiny and will also engage with members of the House of Representatives.

In sum, the NHRCT is firmly committed and has made serious efforts to address the SCA's concerns over the last 15 months. The current NHRCT has prioritized building confidence in its independence and effectiveness as one of its major policies from the start. Aside from the four issues raised by the SCA, the current NHRCT has spent the last nine months focusing on the protection and promotion of human rights in many aspects. Follow-ups on the NHRCT's recommendations, monitoring of political demonstrations, protection of human rights defenders and vulnerable groups, and protection of human rights in the COVID-19 pandemic situation are among the activities and achievements. The Annex to this report contains a summary of the current NHRCT's activities and accomplishments.

March 9, 2022

Annex

*Examples of activities undertaken by the current NHRCT in line with the SCA's recommendations
over the last 9 months to increase its efficiency and ensure independence*

Issues of concerns	Details of activities
FOLLOW UPS OF RECOMMENDATIONS <p>The NHRCT has closely followed up its recommendations which were previously submitted to the Cabinet and/or authorities concerned through a designated unit of the NHRCT Office. The current NHRCT has proposed recommendations in various forms to correct the situations in which people's human rights are affected. Apart from formal recommendations submitted in accordance with the enabling law, the NHRCT proactively assists people or victims by visiting them when complaints are received. Commissioners will meet complainants and discuss with authorities in question. If suitable, the NHRCT will mediate the dispute or to remedy the affected party. Recommendations will be informally given during the meetings. If the alleged party declines to comply with the NHRCT's proposals, the investigation will continue and recommendations will be submitted to the government, authorities concerned or alleged perpetrators in accordance with the NHRCT enabling law. Some examples are the following:</p>	
Political demonstration	The current NHRCT has tightened up its work process of human rights protection in the situation of political demonstration.

Issues of concerns	Details of activities
	<ul style="list-style-type: none"> • Commissioners visited and observed the areas of demonstration, meeting head of police on duty and protest leaders to ensure that the principle of non-violence would be respected by all parties. The demonstration should be peaceful while the administration of demonstration of authorities had to be undertaken in accordance with human rights principles. Any measure conducted by crowd control police officers had to be necessitated and proportional to the situation. • In conducting observation, Commissioners were present and visible during the demonstration as preventive measure. The NHRCT instructed staff members how to observe and record human rights situations. • First-hand information from site visits was collected for the benefit of the NHRCT's further investigation. For example, the NHRCT noted that razor barbed wire used by police instigated protesters and brought about their retaliation. In addition, the crowd management did not follow levels of international standards, namely from presence to verbalization, empty hand control, less lethal methods to lethal force respectively. • The NHRCT then contained these observations in its investigation report with recommendations to the government and authorities concerned to comply with. According to the organic act, they are obliged to give response of compliance to the NHRCT's recommendations within the time indicated by the NHRCT.

Issues of concerns	Details of activities
	<ul style="list-style-type: none"> • In addition to site visits, the NHRCT also issued public statement emphasizing the obligation to respect human rights when people exercised freedoms of peaceful assembly as guaranteed by the Constitution and the ICCPR which Thailand is party. • Another issue of the NHRCT's great concern is children and youth who exercise their freedoms of expression and peaceful assembly. The NHRCT organized meetings and discussion with various authorities, such as the Office of Attorney-General dealing with children in the administration of justice, the Police Department, the Children and Youth Affairs Department under the Ministry of Social Development and Human Security, child rights experts and organizations, including UNICEF. They agreed to comply with the NHRCT's recommendations how to protect children's safety during demonstration and to guarantee their basic rights in case of being detained or arrested by police. • Commissioners also visited those who were injured during demonstration, both police officers and protesters. • The NHRCT organized meetings with various sectors to seek peaceful settlement in the prolonged political conflict, taking into account human rights principles. The NHRCT collated opinions, including impacts of situations, and issued recommendations proposed to the government. • Due to the efficiency, transparency and participation of all parties in work process mentioned above, the NHRCT has gained more trust resulting in continuous and increasing complaints of human rights violation over the past 9 months.

Issues of concerns	Details of activities
<p>PROTECTION OF HUMAN RIGHTS DEFENDERS</p> <p>The NHRCT has recognized the important role of human rights defenders and is much concerned that lately the space for civil society is shrinking due to the government's policy and draft legislation. Furthermore, several government agencies and private companies have filed lawsuits against them despite the recent law amendment against SLAPP. The infamous draft law related to the non-profit organizations initiated by the government is one of the NHRCT's grave concerns, which we discussed extensively with various parties. Recommendation against the draft law is submitted to the government and the NHRCT has advocated for the cause to protect the role of human rights defenders with government agencies, civil society organizations and media.</p> <p>Concerning young protest leaders who were charged and detained while exercising their freedoms of opinions and assembly, the NHRCT has closely followed up and proposed a recommendation to the judiciary to avoid the decision of pre-trial detention.</p> <p>It is also the NHRCT's concern over groups of rights defenders including LGBTQI, ethnic minorities, indigenous or tribal groups, stateless people, Thais deprived of nationality in Myanmar, and community dwellers who struggle to protect their rights. The problems of land right and community right to preserve and use natural resources, including the participation in public affairs related to mega projects have prevailed. The NHRCT has spent much time to visit them all over the country, mediating to solve their problems, issuing recommendations to the government or authorities concerned, raising awareness among officials to respect people's basic rights in performing their duty and enforcing laws. Some of activities include:</p>	
<p>Young political leaders</p>	<ul style="list-style-type: none"> • The NHRCT visited students and youth who were detained or arrested or injured during demonstration. The NHRCT also discussed with authorities concerned that they should be appropriately treated and their basic rights need to be respected in accordance with the ICCPR and the CRC.

Issues of concerns	Details of activities
	<ul style="list-style-type: none"> • The NHRCT proposed recommendation to the judiciary to avoid the measure of pre-trial detention.
Prevention of torture and cases of enforced disappearance	<ul style="list-style-type: none"> • The NHRCT proposed recommendations to the government and the Parliament the draft legislation to prevent torture and enforced disappearance to be in line with international human rights treaties concerned. • We cooperated with civil society organizations advocated to speed up the scrutiny of the draft law and has closely followed up. Last week, the House of Representatives and the Senate overwhelmingly voted for the law passage. • The NHRCT has received complaints from victims of torture and their relatives, and speedily conducts investigation. At present, with cooperation from the Department of Special Investigation, the OHCHR Office in Southeast Asia, and provincial police concerned, the NHRCT is conducting an in-depth study on the case of 9 Thai political prisoners who disappeared or murdered in neighbouring countries several years ago with the aim to possibly bring perpetrators to justice. • The NHRCT just finished training workshop on the investigation of torture-related cases for the Office staff. An expert from Switzerland shared knowledge and experience on fact-finding and documentation methods from torture victims in the aspects of social psychology and trauma. The workshop will increase the efficiency in the investigation into alleged torture cases in line with the CAT and the Istanbul Protocol.

Issues of concerns	Details of activities
<p>Ethnic minorities, indigenous and stateless people, and Thais deprived of nationality in Myanmar</p>	<ul style="list-style-type: none"> • Minority groups are often discriminated against the right to access their land as their traditional ways of life are contradictory to the Acts related to reserved forest and national parks. The NHRCT held series of meetings with government agencies and civil society organizations to solve problems of ethnic minorities including Bang Kloi ethnic Karens, Mon and other hill people in the North, sea gypsies in the South. Recommendations are proposed to solve problems, including amendments of related laws to respect their basic rights, including the right to access their ancestral lands. • The NHRCT has consistently monitored the situation of stateless persons in Thailand and recognized the government's policy to grant nationality or appropriate legal status to stateless persons living in Thailand for a certain period of time. However, the implementation of policy is delayed, and the NHRCT compiled the situation and recommended in its annual human rights report that the government expedite the process. • To follow up such recommendation, the NHRCT recently held a meeting with the Interior Ministry to discuss obstacles in granting nationality and legal status to stateless persons. It found that the major problems are insufficient human resource to process a large number of applications on the part of the Interior Ministry, and incomplete information on the part of many stateless persons themselves. To pursue the matter further, the NHRCT has advocated for more resources necessary for effective implementation of the MOI, and plans to work with the CSO networks to assist stateless persons in preparing their applications.

Issues of concerns	Details of activities
	<ul style="list-style-type: none"> • The NHRCT received complaints for nationality reinstatement of Thais in Myanmar. The NHRCT visited them to gather facts and information. They once lived in the Thai territory and were deprived of nationality due to the boundaries change during the period of colonization. They include the Moken Group of Thai Muslims (Myeik) and other ethnic groups who are awaiting their status verification. Without legal recognition, they cannot access essential services such as medical care, schooling or studying at a university, etc. • The NHRCT, therefore, issued recommendations and coordinated with relevant agencies to solve the problem by expediting the application for proving. A working group is proposed to set up at provincial level to solve their problems such as school attendance for their children, coordination with central government, and communication improvement with the community leader.
Gender inequality	<ul style="list-style-type: none"> • The NHRCT has monitored the situation of gender equality concerning LGBTQI people including bullying in school, inappropriate physical examination without due recognition of their gender identity, the suitable provision of public utilities such as restroom for transgender people, and the impact of the COVID-19 pandemic. • The NHRCT has recently made recommendations to the Cabinet and related agencies to respect the rights of transgender people and to prevent discrimination or stereotyping on the ground of their gender. The universal design of restrooms appropriately provided for all people and gender is encouraged by the NHRCT. The Cabinet positively responded that the government will assign relevant agencies to explore

Issues of concerns	Details of activities
	<p>possible regulations, initiatives, or guidelines concerning the provision of appropriate restrooms in government offices.</p> <ul style="list-style-type: none"> • The NHRCT also discussed with CSOs concerning the Prostitution Prevention and Suppression Act 1996 in order to accommodate their right to access State's welfare instead of criminalization. • At present, the NHRCT coordinated with the CSO network to raise awareness of the society the need to have the anti-discrimination law to prohibit all forms of discrimination, including on the ground of gender.
<p>Community rights, including natural resources management and the right to participate in public/private mega projects</p>	<ul style="list-style-type: none"> • The Mekong-Loei-Chi-Mun Water Management was initiated by the Royal Irrigation Department. The mega project in the Northeast aims to diverse water by hydraulic flow from the river mouth for agriculture and consumption both in rainy and dry seasons, through tunnel construction and dams. The project potentially causes greater impacts on environment, community dwellers' ways of living and their forced relocation. After receiving complaint from villagers, the NHRCT visited the construction site, collecting information from villagers and discussing with local authorities how to lessen affects to people. • The mega project of Jana Industrial Estate is a model industrial estate project for a future industrial city. The city's green zoning in urban planning law was changed, and the authority published a new city plan without consulting local residents. People had limited access to project information. The NHRCT views that the Strategic Environmental

Issues of concerns	Details of activities
	<p>Assessment (SEA) should take into account vulnerable populations such as children, women, persons with disabilities, and ethnic groups. They, therefore, are eligible to be provided with information and the authorities have to give due consideration to their concerns, particularly over defining their own community's future. The NHRCT also urged the immediate release of the protest leaders who were arrested due to their protest in front of the Government House on the accusation of violating the Decree prohibiting the assembly during the COVID-19 pandemic. Police later released 36 Jana District protesters without bond and on the condition that they will not organize another similar assembly.</p>
<h2 data-bbox="203 775 712 836">OTHER CHALLENGES</h2> <p data-bbox="203 868 2033 1102">Over the past 9 months, the NHRCT has encountered a number of human rights challenges. The prolonged conflicts in the South have caused violence and various forms of human rights violation. The COVID-19 pandemic has prompted the NHRCT staff to work from home while people are suffered from impacts such as inadequate healthcare services, unemployment, children and their right to education with quality. Along the Thailand-Myanmar border, people of both sides live in fear of their security. During the heavy armed conflicts, the NHRCT calls for humanitarian assistance, protection of all people regardless of their nationality and the respect of the principle non-refoulement.</p>	
<p>The situation of the Southern border provinces</p>	<ul style="list-style-type: none"> The NHRCT has placed importance to the situation in the southern border provinces. All people, whether they are Muslims or Buddhists, are all affected by the continued violence. During the past two years, the NHRCT is pretty much concerned about the increasing of extrajudicial killings by security authorities. There were 51 cases since Jan 2020 –

Issues of concerns	Details of activities
	<p>present, and now the NHRCT is reviewing and investigating this issue to propose recommendations to the government.</p> <ul style="list-style-type: none"> • In addition, the NHRCT has continuously received complaints, which include torture, forced DNA testing/collection without notifying the purpose of the examination, inappropriate remedy for widows and orphans affected by violence, distrust and conflict between people of different religions in the area. • The NHRCT, therefore, has held meetings with relevant agencies, including the Special Representative of the Government for Resolving Issues in the Southern Border Provinces, Internal Security Operations Command (ISOC) Region 4, the Southern Border Provinces Human Rights Protection Committee, and the Thai Buddhist Confederation of Southern Border Provinces to share ideas and seek collaboration to solve the conflict. • The NHRCT views that the respect of human rights is part and parcel of the conflict resolution. To achieve the aim by fostering the promotion and protection of human rights, a number of activities have been initiated by the Commission as follows: <ul style="list-style-type: none"> ➤ Regular visits by Commissioners to special operation forces and detention places to ensure a culture of respect for human rights, good governance and the rule of law; ➤ Discussion with security policy decision makers how to cease the violence and create sustainable peace in the region;

Issues of concerns	Details of activities
	<ul style="list-style-type: none"> ➤ Prompt, fair and transparent investigation of human rights complaints submitted by people in the region such as dissemination of personal data records without consent, forced collection of genetic material (DNA) samples. The NHRCT later proposed recommendations, and discussed solutions with relevant authorities such as the Royal Thai Police and ISOC Region 4 in order to update the practice guidelines accordingly; ➤ The NHRCT Regional Education and Coordination Center, in collaboration with Prince of Songkhla University in Pattani District, playing a critical role in coordinating and forwarding complaints, allowing for more efficient, speedier, and fair protection of rights; ➤ The increase in work efficiency by opening the NHRCT's first regional office in the southern region to enhance the accessibility of people in the area, to expedite investigation of complaints, to visit victims and their family, and to follow up the compliance of the NHRCT's recommendations within legal timeframe; ➤ In terms of human rights promotion, human rights training for security officers and religious leaders, human rights education curriculum translated in Malay dialect, handbook for officers' operation such as management of the dead with respect under Islamic law are among activities to raise awareness and preventive measures.

Issues of concerns	Details of activities
<p>Human rights protection during the COVID-19 pandemic</p>	<ul style="list-style-type: none"> When the present Commission took up the position in May, the situation of COVID-19 pandemic started worsening. A large number of inmates all over the country were infected. The NHRCT met the Director-General of the Department of Corrections to discuss their problems to deal with the situation, including the shortages of resources. The NHRCT issued a statement requesting the government to provide them with adequate resources, manpower and supply of vaccines as those inmates have their dignity and basic rights as well. In following up on the recommendation, the NHRCT was informed by inmates that there was imminent improvement in this regard. The NHRCT visited the workers' camps and construction sites promptly after they were ordered close due to the serious pandemic situations. The NHRCT collected information on their living conditions, especially women and children. Afterwards, the NHRCT held a meeting with the Ministry of Social Development and Human Security and Ministry of Labor to discuss the dire situations of the vulnerable and needed their urgent assistance. The situation was made known to the public and the NHRCT proposed recommendations to the government to correct the situations. The Prime Minister positively responded to the NHRCT's recommendations related to human rights impacts during the COVID-19 pandemic by instructing relevant agencies to comply with the recommendations. Another issue of concern is the restriction of certain rights such as freedoms of expression, opinion to combat fake news and disinformation during the emergency situations. The NHRCT issued statements urging the government to enforce the

Issues of concerns	Details of activities
	<p>Emergency Decree on Public Administration to duly respect basic rights and fundamental freedoms of people, and the permissible restriction of rights must be proportionate to the legitimate aim to achieve.</p> <ul style="list-style-type: none"> • In 2021, the NHRCT received several complaints related to the COVID-19 pandemic. These complaints involved with the inability and thus inequality in online school learning, the inability and inadequacy of medical treatment for prison inmates, the mismanagement of COVID-19 test resulting in the delayed and difficult access to the service by public, the delay in public health services and the government's failure to remedy affected people. In a number of complaint cases, the NHRCT has communicated and coordinated with relevant agencies to quickly solve problems. • During the third wave of COVID-19 pandemic, the NHRCT issued recommendations to the Prime Minister to redress the situation as follows: <ul style="list-style-type: none"> ➤ To speed up the provision of vaccines with appropriate quality for vulnerable groups; ➤ To establish ad hoc operation centers as a one-stop service at local or community level to provide comprehensive and timely care; ➤ To search for vulnerable people who failed from vaccine registration; ➤ To undertake proactive screening of infected people; ➤ To effectively improve patient referral system;

Issues of concerns	Details of activities
	<ul style="list-style-type: none"> ➤ To thoroughly provide food and medicine to persons affected by COVID-19 and requiring quarantine or isolation; ➤ To provide vulnerable groups with necessary COVID-19 protective devices, including essential consumer items.
The situation of migrant workers' rights and the illegal smuggling during the COVID-19 pandemic	<ul style="list-style-type: none"> • Thailand has hosted a large number of workers from neighboring countries as a result of labor shortages. During the COVID-19 pandemic, the group of migrant workers is among the most affected. The process to bring migrants back to work in the country is costly, both to migrants and employers, resulting in illegal smuggling leading to the situation of exploitation and human rights violation. • The NHRCT, therefore, hosted a forum to gather information, facts, opinions and suggestion from private sector, civil society organizations related to migrant workers, and employees. Representatives of the Ministry of Social Development and Human Security, the Department of Disease Control, the Immigration Office, the Office of the National Security Council, the Internal Security Operations Command, and the Department of Employment also participated in the discussion. • The NHRCT, therefore, submitted recommendations on measures or guidelines to solve the problem to prevent the situation of illegal smuggling and violation of human rights of migrant workers, including the establishment of the government's one-stop service that

Issues of concerns	Details of activities
	<p>people can easily and speedily get access to information and services, to prevent corruption and underground economy.</p>
<p>Cross-borders situation and humanitarian assistance: the case of people fleeing armed conflicts from Myanmar</p>	<ul style="list-style-type: none"> • The NHRCT monitored the situation of human rights implications on the Thailand-Myanmar border in the areas of safety, access to public health, illness prevention, medical treatment, and the ways of living of Burmese people and Thai communities in border areas as a result of the political unrest. The principle of non-refoulement is a priority that the NHRCT advocate with the authorities. • The NHRCT visited borders areas and discussed the situation and preparation for the escalation of violence with 8 relevant government agencies, namely the 3rd Army Region, the Internal Security Operations Command, the Ministry of Foreign Affairs, the Ministry of Public Health, the Ministry of Interior, the Office of the National Security Council, Tak and Mae Hong Son Provincial Governors. The discussion explored security concerns, access to fundamental rights, disease prevention, medical treatment, business and human rights, migrant worker rights, children's rights and their education, and the right to health. • Concerning humanitarian assistance, the NHRCT liaised with the security authorities to give permission to international partners such as the International Committee of the Red Cross (ICRC) to get access to the areas to provide humanitarian assistance to people who flee fighting.