



The NHRCT Chairperson recommends the need to amend the legal provision to cast doubts on its independence after the consideration of its application to regain A Status was deferred

On 22 January 2021, Mrs. Prakairatana Thontiravong, the Acting Chairperson of the National Human Rights Commission of Thailand (NHRCT) revealed that the consideration of the application for reaccreditation of the NHRCT to regain its A Status was deferred for 18 months by the Sub-Committee on Accreditation (SCA) under the Global Alliance of National Human Rights Institutions (GANHRI). The application was submitted in June 2018, and on 8 December 2020 in the capacity of the Acting Chairperson, she was interviewed by the SCA to clarify a number of issues concerning the NHRCT's legal mandates and its performances in response to various human rights situations within the country.

In a comprehensive debrief which was later held virtually with Mr. Phillip Wardle, Legal and Policy Manager for the Asia Pacific Forum of National Human Rights Institutions (APF) where one of its main functions is to provide advice and assistance to member institutions on the accreditation process, he affirmed that the deferral was a positive outcome for a B-status national human rights institution applying for re-accreditation in the NHRCT's circumstances. The SCA was impressed with the recent achievement of the NHRCT. He further described that the deferral would provide the NHRCT with the opportunity to effectively address the SCA's recommendations and strengthen its mandate and practice in accordance with the Principles Relating to the Status of National Institutions (The Paris Principles).

The SCA's principal concern was the NHRCT's legal function to report correct facts without delay in case where there was an incorrect or unfair report on the human rights situation in Thailand as prescribed by Section 247(4) of the 2017 Constitution of the Kingdom of Thailand. The SCA was concerned that such function would compromise the actual or perceived independence of the NHRCT. Therefore, the SCA expected the NHRCT would take full effort to advocate for the removal of this provision over the next 18 months.

Another recommendation made by the SCA related to the conciliation function of the NHRCT. The SCA was of the view that should the NHRCT have the ability to seek an amicable and confident settlement of complaints through an alternative redress process, the NHRCT will be able to secure remedy for victims of human rights violations promptly and increase the performance effectiveness of the NHRCT.

Mrs. Thontiravong said that the NHRCT previously sent a letter to the Constitution Drafting Commission expressing disagreement with the mandate in Section 247(4) for the reason that it might not comply with the Paris Principles; but it was unfortunately unsuccessful. However, the NHRCT has continuously discussed such concerns with the legislative and administrative branches at different levels both before and after the interview with the SCA. “It is necessary that Section 247(4) be removed before the NHRCT regains the A Status.” said the Acting Chairperson. This will build the public confidence domestically and internationally in the NHRCT’s performance of duties.

The incumbent Commission is considered an acting Commission according to the 2017 Constitution. “As the Acting Chairperson, I have done my best to the NHRCT’s reinstatement of the A Status. I hope that all relevant authorities will expedite the process of legal amendment while the new Commission is still in the selection and appointment process. Before my Commission vacates the office, I wish to pass on this message to all relevant parties in the legislative and the administrative branches, including the incoming Commission which is believed to take office imminently, to continue to advocate for the speedy removal of Section 247(4) as it has created perceived impacts on the NHRCT’s independence. Although the deferral period is for 18 months, the written application will be due on 1 October this year. The incoming Commission, thus, will be entrusted with this important mission”. Mrs. Thontiravong concluded.

Office of the National Human Rights Commission of Thailand

22 January 2021