



For Immediate Release

Thailand: Proposed Merger between NHRCT and Ombudsman Office a Major Blow to Human Rights Protection

(Bangkok, 6 February 2015) – The proposal to merge the National Human Rights Commission of Thailand (NHRCT) with the Office of the Ombudsman (Thailand) will land a significant blow to human rights governance and protection in the country, particularly under the current political climate where rights violations and abuses remain rife, the Asian NGO Network on NHRIs (ANNI) warned following the publication of a draft by the military-appointed Constitution Drafting Committee (CDC) on 30 January 2015.

The proposal is likely to be passed unopposed by an unelected legislature and further weaken an already anaemic NHRCT that has been roundly criticized by various quarters from national civil society organizations to the International Coordinating Committee's Sub-committee on Accreditation (ICC-SCA) for its abject performance over the last five years.

Not unlike the events of 2006/2007 where the NHRCT was re-constituted under a Constitution that deliberately sought to undermine its mandate and competence through an Executive-dominated selection process and imposition of limitations to the Commission's jurisdiction and responsibilities, among others, ANNI contended that the latest move was yet again a smokescreen that detracted from addressing pertinent issues relating to accountability for rights abuses as well as the NHRCT's chronic non-compliance with the Paris Principles.

While the inclusion of broad human rights provisions in the draft governing legal framework seemed to have pre-empted civil society concerns regarding the disparate mandates of the Ombudsman's Office and the NHRCT,¹ ANNI cautioned that these however do not amount to any substantial safeguards as amnesty clauses in the interim charter effectively absolves perpetrators, including members of the government, of any and all liability.

"This latest move by to remodel the NHRCT also has to be considered together with the slew of other proposed bills that limit rights and shrink democratic space, such as those relating to restrictions on peaceful assembly and authorizing mass online surveillance. It is clear that compromising the integrity and independence of independent oversight mechanisms like the NHRCT is certainly favorable for the government," said Evelyn Balais-Serrano, Executive Director of the Asian Forum for Human Rights and Development, the designated Secretariat of ANNI.

ANNI pointed out that the timing of the proposal, particularly just after the [ICC-SCA recommendation to downgrade the NHRCT](#), lends further credence to the suggestion that the government effectively wants to reduce the NHRCT into a "non-barking watchdog" role. Such suspicions are bolstered by the hasty and secretive manner in which the bill was drafted without consultation or inputs from the large constituency of civil society actors and rights victims. ANNI also called attention to the Executive-dominated selection process of members to the new body, and warned of the widening credibility and legitimacy deficit on both domestic and international fronts should the move go ahead.

¹ The Ombudsman's Office is only vested with a function that focuses on mal-administration in government agencies or public officials and remains silent on human rights violations and abuses.

“In such a challenging political and security environment, the State capture of the NHRCT has debilitating consequences. As rights abuses and violations continue unabated in the country, the weakening of the NHRCT, in the guise of a new body, will further prevent accountability and impede the ability to combat impunity or provide remedies to victims, especially those committed during this fragile transition,” warned Balais-Serrano.

About ANNI:

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian NGOs and human rights defenders working on issues relating to National Human Rights Institutions (NHRIs). ANNI is composed of members that are national organizations from all over Asia. ANNI currently has 30 member organizations from 17 countries or territories. The work of the ANNI members focus on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the International Coordinating Committee (ICC). The Asian Forum for Human Rights and Development (FORUM-ASIA) is the Secretariat of ANNI.

FORUM-ASIA has Consultative Status with the ECOSOC (UN Economic and Social Council) since 2004.

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