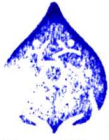


**The Role of National Human Rights Commission of  
Thailand for the Enhancement of the UN Treaty  
Monitoring Bodies: How can we build  
Human Rights from the Grassroots**



**The National Human Rights Commission of Thailand**  
**November 2006**



Human Rights Information Center

Office of the National Human Rights Commission of Thailand

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Human Rights from the Grassroots**



**The National Human Rights Commission of Thailand**

**November 2006**

## EXECUTIVE SUMMARY

The purpose of this paper is to share some ideas of the National Human Rights Commission of Thailand (NHRCT) with the Round Table on the role of National Human Rights Institutions in Treaty Body Process, during 23 – 24 November 2006, in Berlin, Germany. It illustrates the lesson-learned of the NHRCT and what its mandates are with respect to the implementation of the seven core Human Rights Treaties since its establishment in 2001 till the current challenges in 2006.

Briefly, Thailand is a state party of the five core Human Rights Treaties, chronologically enlisting as: the CEDAW (1985); the CRC (1992); the CERD (1992); the ICCPR (1997); and the ICESCR (1999). The remaining two core Treaties, the CAT and the ICMW, are still under the grueling consideration processes. These international standards could be applied only when its domestic legislation was existentially cooperated.

During 2001 – 2006, the National Human Rights Commission of Thailand (NHRCT) has vigorously endeavored to monitor the law making and the enforcing processes. The several cooperative mechanisms with the multi stakeholders have been set up for drafting the collaborated laws and monitoring the implementation of the Treaties. Some have directly dealt with both regional and international agencies to filing the cases to either Individual Complaints or Communications. The ample trainings and workshops have been conducted for the stakeholders' capacity-building while the series of international instruments, particularly the Concluding Observations and the Recommendations, have been translated and advocated in different ways.

The specific projects for envisaging these Treaties have been dispersedly initiated through the wide range of the target groups with the self-determined and rights-based activities. The value-added social cooperation has been upheld to raise the ethical standard of practice level and human rights awareness. However, the basis of human rights and democracy has been retrograded by the 2006 Coup d'état and the new Constitution is being drafted and expectably promulgated in late 2007. Within these challenges, the NHRCT and its coordinated networks will steadfastly devote their capacities and resources to ensure the harmonization of national legislation, regulation and practices with these Human Rights Treaties.

The NHRCT will further play its role as the focal point for this social cooperation. The so-called "Intellectual Unit" and "Precaution Unit" will be set up, based on the people's participation, to closely monitor the legal reform through the legislative, political and administrative bodies and to propose some recommendations for either amending some conflicted laws or drafting the new safeguards with the respect of these Treaties. For the sake of the Treaty Bodies' Recommendations, some actively engaged agencies and civil society will be organized for the effective follow-up processes with the practical action plan and the trainings for the functioning and use of the human rights mechanisms will be pervasively provided in general.

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## Introduction

1. The purpose of this paper is to share some ideas of the National Human Rights Commission of Thailand (NHRCT) with the Round Table on the role of National Human Rights Institutions (NIs) in the Treaty Body Process, during 23-24 November 2006, in Berlin, Germany. It illustrates the lesson-learned of the NHRCT and what its mandates are in respect of the seven core human rights treaties<sup>1</sup> since its establishment in 2001 till the current challenges in 2006.<sup>2</sup>

2. Thailand initially voted in favor of the Universal Declaration of Human Rights in 1948 and subsequently endorsed the 1949 Geneva Conventions. However, there was neither ratification nor accession to any treaties until the 1980s. The state restarted to undertake the human rights lineage earnestly again in 1985 with the accession to the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). Then the treaties were chronologically acceded as follows: the Convention on the Rights of Child (CRC) (1992); the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1992); the International Covenant on Civil and Political Rights (ICCPR) (1997); and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1999).<sup>3</sup> For the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Thailand is considering the endorsement processes in detail while the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) is still under consideration.

3. Due to the legal recognition, Thailand as a state party of these Treaties is automatically obliged to tailor its domestic legislations to fit these Standards, but de facto, the legal bridge between international and domestic legislations, likewise Thailand's legal system is dualistic, needs to be set up as the collaborated laws. Interestingly, some have been interpreted within the judgments and can be used as the binding precedents, but they are still the diminutive portion and still need more works to fulfill them.

4. Regarding the NHRCT, the National Human Rights Commission of Thailand Act B.E.2542 (1999) authorizes its mandate to examine and report on the commission or omission of acts which violate human rights, or which do not comply with both domestic and international laws. The Act also authorizes the quasi-judicial functions including investigation powers, working on individual complaints and communications, monitoring and advising the government and providing the human rights education as well as the human rights researches. The International Co-ordinating Committee of National Human Rights Institutions (ICC) accredits the NHRCT with the status A+ since it completely complies with the Paris Principles

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<sup>1</sup> This paper relates to the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the 1980 Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the 1965 Convention on the Elimination of All Forms of discrimination (ICERD), the 1989 Convention on the Rights of the Child (CRC), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW).

<sup>2</sup> See Table I, p.5

<sup>3</sup> The Office of United Nations High Commissioner on Human Rights <[www.ohchr.org](http://www.ohchr.org)> (9 November 2006)



(independence, completed reporting documentation, implementing of some of the key tasks of the NIs and financial independence).<sup>4</sup>

5. As regards the implementation of the International Human Rights Treaties, the NHRCT periodically assessed the human rights situation in Thailand during 2001 - 2003 and found that there were many working groups and NGOs which work on human rights issues, but a few of them directly worked on encouraging human rights treaties bodies. The relevant government agencies i.e. the Ministry of Foreign Affairs, the Office of the Attorney General and the Ministry of Justice were still mired within the bureaucratic and conservative ways when they dealt with these treaties. The processes of each treaty were overlooked and there were no rooms for monitoring towards the lawmaking and the enforcing processes. Moreover, there might be some confusions and misconceptions regarding the UN's interventions and the national sovereignty. Consequently, the benefits that the public should get from being a member state of the UN were somewhat disregarded. So it seemed to be troublesome when the NHRCT had to deal with international community within this tradition.

6. In order to constructively implement these Treaties, the NHRCT has clarified the importance of these Treaties in different ways to the ordinary people. The NHRCT reiterates that these international standards automatically engage to the government accountable for every act that affects the people's rights. The national laws, policies and programmes can be changed with every new administration, but once an International Treaty is ratified, the obligations assumed under it would be retained. The NHRCT establishes several cooperative efforts with the multi stakeholders i.e. the ethnic highlanders; the urban poor; the educators; the government officials; the law enforcers; the medias; and the environmental and human rights defenders; etc through the various activities. Some ad-hoc working groups have been created for drafting the collaborated laws and monitoring the implementation of the Treaties. Some have directly dealt with the regional and international agencies to hoist the issues to both Individual Complaints and Communications. A dozen of workshops are conducted for the stakeholders' capacity-building while some particular international instruments have been translated to the Thai language and advocated in different ways.

7. The term 'from the grassroots' in this report is used to position the human rights learning process and apprenticeship of the Thai society and the NHRCT during this half a decade. Some landmark cases e.g. the forced disappearance of a prominent Thai-Muslim lawyer, Mr.Somchai Neelapaijit, are exercised within all human rights mechanisms and urged for effective remedy in different level while some innovative ways e.g. the Thai-CAN and the Human Rights Education for law enforcers and the implicit violators have been initiated to re-function the proper procedures for obliging the International Treaty Bodies in Thailand vigorously.<sup>5</sup>

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<sup>4</sup> Principle relating to the Status of NIs (the Paris Principles) GA Res.48/134(1993) <[www.unhchr.ch](http://www.unhchr.ch)> (13 November 2006)

<sup>5</sup> See Appendix I, p.11



Table I: The overall review of the lesson-learnt of the NHRCT in respect of the Human Rights Treaties

Level	Concrete practices	Operators/Animators
Policy Master Plan on Human Rights (Road Map/Mind Map)	1) Enhancing Law Enforcement Exploring and developing the jurisprudence relating to article 2, ICCPR	The NHRCT, the government and the relevant bodies
	2) Enhancing Human Rights Education Additional focusing on comprehensive expositions of the implications of article 2, ICCPR Providing law enforcement agencies with human rights education	
	3) Capacity building for Human Rights Institutions and Human Rights Culture Encouraging the reform of law-enforcement agencies Encouraging NGOs and civil society with an active role in exposing the limitations of the existing human rights model and exploring ways to initiate change. Strengthening multi level network linkage - building partnership Subsiding financial resources (partial-fully) for the achievement of ICCPR and all mechanisms	
Protection Strategic Plan	Accurate Interrogation, Transparency litigation Good governance Institution enhancement to enshrine Human Rights Protection The Independent Truth Commission on Suspicious Deaths (on proposal) The appointment of an Independent Commission to Control Law Enforcers Affairs (on proposal) The Commission of Inquiry into the Involuntary Removal or Disappearance of Persons (on proposal) Supreme Court 's intervention Cooperation with the Advisory Court of Jurists (established on September 9,1998 at the 3rd Annual Meeting of the Asia-Pacific Forum of National Human Right Institutions, Jakarta, Indonesia)	The NHRCT, the Law Enforcement Institutions: e.g. Ministry of Justice, Ministry of Social Development and Human Security, Ministry of Interior, Ministry of Defence
Promotion Strategic Plan	Human Rights Education inside 'Law Enforcement Institutions' or Educational programs about human rights for law enforcement officers (i.e. School of Law, Cadets, School of Human Rights, Informal Education system etc) <sup>6</sup> The International Human Rights Training Programs (for the NHRCT's members and some colleagues) i.e. The Bangalore Law Scholl, India; The Folk Scholl <sup>7</sup> , Hong Kong and South Asia; and The International Human Rights Training Program, Canada The Development and Improvement of the Quality of the Justice Process in the Thai Society, Thailand The New Paradigms towards Ethnic Highlanders' Community Development : Rights-based approach, Thailand The Human Rights – Human Dignity Initiative : Rights-based approach, Thailand The Awareness Raising for Migrant Worker's Rights in Thailand	The NHRCT, the Law Enforcement Institutions: e.g. Ministry of Justice, Ministry of Social Development and Human Security, Ministry of Interior, Ministry of Defence
Network Enhancement strategic Plan	Working group for 'Human Rights Treaty bodies capacity enhancing' <sup>8</sup> , Thailand The Urgent Appeals Programme of the Asian Human Rights Commission The Exchanging – Interning Program between multi linkage agencies	The NHRCT, Academic, Media, Civil Society

<sup>6</sup>The National Human Rights Commission of Thailand, The Executive Summary of the Cooperation Project between NHRC and CIDA,2005

<sup>7</sup> Folk school is an annual workshop on Human Rights fundamental practice for mixed target group as human rights workers and vulnerable groups. All the participants are encouraged to participate in the discussions. The topics to be discussed will include the rule of law, the right to life, right not to be tortured, the right to a fair trial, the right to food and land, the right to non-discrimination. It will be useful for everyone to hear about the experiences regarding these rights in different countries. Its particular technique is 'Right to speak loudly'.

<sup>8</sup>The Thai Civic Action Network (Thai-CAN), Summarizing report to the delegations panel of Civil Society in Thailand according to 'the compliance of ICCPR', 15 July



## Experiences, Analysis and Challenges

8. After the NHRCT's inauguration in 2001 and during the first 3-years, several international human rights materials were translated into the Thai mediums. The five core ratified Treaties as: the CRC; the CEDAW; the ICCPR; the ICESCR and the CERD were developed as the bilingual mediums. Then, a pack of related documents e.g. the General Recommendations, the Resolutions and the Regulations was translated and distributed widely. Some international human rights workshops were applicably replicated for the capacity-building of its staff members and some key actors for human rights education. The NHRCT played its role as a focal point which provided the expertise on both national and international human rights mechanisms.<sup>9</sup> The conflict of laws regarding the international human rights laws, the 1997 Constitution and the domestic laws were studied and discussed in public while some recommendations were steadily proposed to the legislative, political and administrative bodies.<sup>10</sup>

9. In 2004, Thailand submitted the first periodic report of the ICCPR compliance with the delay of over six years after its official enforcement in 1997, at that time, the Thailand's record on crucial human rights violations; especially the War on Drugs and the Southern Violence raised many concerns among the international community. The case of Somchai Neelapaijit, a Thai-Muslim lawyer who was forcibly disappeared on 11 March 2004 was fully exercised within several Human Rights Treaties. The NHRCT found that Somchai was on the top of military blacklist because of his involvement with the tortured detainees and the calling for an end of martial law in the Southern violence and tried to exercise within all domestic judiciaries. But when these procedures were absolutely exhausted, the Individual Complaint and Communication had been used. The Special Representative of the UN Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, came to investigate this case directly. Many constructive dialogues had been conveyed and were acquiring the government to comply with the Treaties and minded some gaps that might be existed.<sup>11</sup> The NHRCT played its role as the Urgent Appeal coordinator which bridged the gap between the international and national protection systems. The Article 2 of the ICCPR, especially right to effective remedy, had been strongly intensified for all affected persons.<sup>12</sup>

10. In 2005, the 10 Thai representatives from multi sectors as follows: the NHRCT; the civil society and the media attended a workshop entitled "Strengthening the implementation of Human Rights Treaty Recommendations through the enhancement of National Protection Measures", hosted by the OHCHR and the European Council. Later on, the NHRCT, as a focal point, initiated the Thai Civic Action Network (Thai-CAN) as an innovative mechanism for monitoring and strengthening the Human Rights Treaties in Thailand.<sup>13</sup> The series of meetings and focus groups were convened for drafting either the

<sup>9</sup> The NHRCT, the 2001 – 2003 Annual Report of the NHRCT (Bangkok: the Office of NHRCT, 2004)

<sup>10</sup> The Sub-Committee on the judiciary process of the NHRCT, The study about the conflict of laws in accordance with the international human rights laws, the 1997 Constitution and the domestic laws (Bangkok: the Office of NHRCT, 2004)

<sup>11</sup> More detail can be retrieved from the Nations Newspaper <[www.nationmultimedia.com](http://www.nationmultimedia.com)> as: (1) UN probes government war on drugs, 19 April 2003; and (2) Thailand in the dock, 19 July 2005. Some can be retrieved from the Bangkok Post Newspaper <[www.bangkokpost.net](http://www.bangkokpost.net)> as: (1) A disquieting update on human rights, 1 Nov 2005; (2) Treaty body reporting process, 31 Jul 2005; (3) A rights dialogue, 31 Jul 2005; (4) Sant's job loss linked to Somchai, 25 Jul 2005; (5) Family 'traumatised', 24 Jul 2005; (6) Emergency declaration 'breaks rules', 22 Jul 2005; (7) Angkhana tells of torment felt by her family, 20 Jul 2005; (8) Rival human rights report released, 14 Jul 2005; (9) Make way for the rule of law, 10 Jul 2005; (10) A last resort for justice, 19 Jun 2005 and (11) Gone (missing) but not forgotten, 12 Mar 2005.

<sup>12</sup> With the cooperative assistance from the Asian Human Rights Commission (AHRC) and some consultative agencies

<sup>13</sup> See Appendix II, p.12



alternative reports or the written statements to build some constructive dialogues at the 84<sup>th</sup> ICCPR examining session, the consideration of the Thailand report in 2005.<sup>14</sup> Notably, some had been used for the list of issues from the Human Rights Committee of the ICCPR i.e. some inquiries regarding the compliance with the recommendations of the NHRCT. Moreover during this session, the distinguished representative with the visible role of the NHRCT, Khunying Ambhorn Meesook, presented some concerns with an additional report to the Committee while some representatives of the Thai-CAN, the affected persons and the vulnerable groups i.e Ms.Angkhana Neelapaijit, the wife of Somchai Neelapaijit, and Wiwat Tamee, a representative of the hill tribe in Thailand, had publicly conveyed some concerns in this session as well. These crucial dialogues were overwhelmingly reported to the Thai society by the media members.<sup>15</sup>

11. Therefore, the Committee strongly recommended the government about the full and impartial investigations; the immediately adequate redress for the affected persons and the establishment of independent civilian body to investigate complaints filed against law enforcers.<sup>16</sup> The Committee also recommended the government to spend more endeavor to give full and serious follow-up with the recommendations of the NHRCT. Besides, the government should endow the NHRCT with sufficient resources to enable its mandated activities in accordance with the Paris Principles. Hence two weeks later, the government re-brushed up the Human Rights Master Plan with the full recognition to the role of NHRCT. Then, several independent bodies i.e. the fact-finding and the reconciliation committees were established for balancing all contentious issues and finding some appropriate resettlements again. During the ICCPR follow-up period, the NHRCT translated the Concluding Observations of the Committee into Thai and kept going to build the social dialogues and recommendations to the relevant authorities endlessly.

12. In the matter of legislation, the NHRCT cooperated with some agencies initiates several projects to envisage the Human Rights Treaties within the ongoing human rights circumstances. Some innovative Guiding Principles particularly the community rights entitlement and the natural resources management, are introduced and replicated to the domestic arena. The projects on highlanders and urban poor conducted the community-capacity building processes with the people-driven upgrading activities and the full scale participation. The statutory proposals as the drafts of the Bill of Community Forests and the Bill of Housing Rights are being provoked to re-consider in the legislative processes again while the comprehensive solutions to problems of land and housing are being drawn out and proposed as the life-long community plan simultaneously. The relevant ratified Human Rights Treaties as: the ICCPR; the ICESCR; and the CERD have been applicably intensified within these processes. The examples of these projects are: A New Paradigm

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<sup>14</sup> In case of Thailand's ICCPR (1) Reported submitted : Consideration of Reports submitted by the State Parties under article 40 of the Covenant – Initial Report : Thailand – 02/08/2005 CCPR/C/THA/2004/1 <<http://daccessdds.un.org>> (10 November 2006) (2) Report considered – summary records of proceedings : Summary Record of the 2294th meeting : Thailand – 25 /07/2005 CCPR/C/SR2294 (Summary Record) <[www.unhchr.ch](http://www.unhchr.ch)> (10 November 2006) and (3) Concluding observations/comments of the treaty body : Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee : Thailand – 08 /07/2005 CCPR/CO/84/THA <[www.unhchr.ch](http://www.unhchr.ch)> (11 November 2006)

<sup>15</sup> The NHRCT, Assessing Thailand's Compliance with the Obligations under the International Covenant on Civil and Political Rights and in Relations with the Constitution, (Bangkok: the Office of National Human Rights Commission of Thailand,2005)

<sup>16</sup> The Human Rights Committee, Consideration of Reports submitted by State Parties under Article 40 of the ICCPR- Thailand,[CCPR/CO/84/THA],8 July 2005

towards Ethnic Highlanders' Community Development: A Human Rights Approach and; the Human Rights-Human Dignity Initiative: Rights-based approach.<sup>17</sup>

13. Regarding within all processes, the human rights education activities have been initiated for either specific actors or ordinary people pervasively. They draw some potential portions, especially the law enforcers, the educators, the persons related to the justice processes and the affected people together. The guidelines of human rights study in education, non-education and character are being developed and used to design the various schemes for the human rights education. Some existing knowledge, skills and abilities have been harmonized with the human rights standards. These activities can be found within some projects as: the Development and Improvement of the Quality of the Justice Processes in the Thai Society;<sup>18</sup> and the Comparative Study through Enhancing Process on the Right to Life and the Right to Self-Determination for Internally Displaced Persons among Risky Areas under the Thai Government Policy (2005-2006).<sup>19</sup>

14. In the matter of CRC and CEDAW, some active networks of NGOs and related agencies have existentially developed around these Treaties. The NHRCT is translating the latest Concluding Observation of the Committee on the Rights of the Child towards the periodic report of Thailand in 2006 and will distribute it to the relevant agencies later.

15. Currently, the cooperative working group called "the MAJESTIC", an informal group of like-minded government and NGOs representatives including the NHRCT members which aims to revise the Thai law to incorporate with the CRC and the CEDAW, is working on a research entitled "Irregular Migrant Children and Their Legal Status in Thailand". This research aims to urge the government to remove the reservation of the CRC, article 7 regarding the birth registration and the implementation of the child rights in accordance with its national laws. Its outcome will be proposed on the National Children Day, early January 2007.

16. The NHRCT closely works with the Sub-Committee on Combating Trafficking in Children and Women in the Maekong Sub-region, the Ministry of Social Development and Human Security which Dr.Saisuree Chutikul is the Chairperson. The several MOU between Thailand and its neighboring countries, especially Myanmar, Laos and Cambodia, is being revised to comply with the relevant standards again. This cooperative mechanism is responsible for most initiatives to improve Thailand's laws on trafficking. And during 2007 – 2010, Dr. Saisuree will work as a member of the CEDAW Committee; the NHRCT will play the supportive role for providing some additional information; preparing the gender equality and non-discrimination dialogues as well as fact-finding in some relevant cases.

17. For the sake of ICMW, referring to the 2006 Santa Cruz Declaration certainly, the NHRCT has been co-organizing the systematic activities towards the cooperative project between the International Organization for Migration (IOM) and the Ministry of Labour entitled "Awareness-Raising on Migrant Rights and Welfare for Government Officials, Employers, Migrants and Host Community Members in Thailand" since early 2006. Some

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<sup>17</sup> These projects were conducted by the NHRCT and the Canadian International Development Agency (CIDA) during January 2003 – December 2005.

<sup>18</sup> *Ibid*

<sup>19</sup> This project is being conducted by the NHRCT and the APF/Brookings-Bern Project on Internal Displacement during December 2005 – November 2006.



standards of ICMW have been used to cooperate with the existing knowledge, skills and abilities in Thailand and the migrant well-being awareness workshops have been carried out for the target audiences. Due to these activities, the law enforcers have been familiarized with the role and situation of migrants, particularly the protection of their basic rights in accordance to the Thai laws and international standards. In the long run, the Government will be urged to ratify the ICMW by these cohesive forces.

18. Analytically, the social cooperation is an appropriate bridge which can be the value-added process for implementing the International Human Rights Treaties. Recently, the 5 regional workshops on the ICESCR had been completely done and summed up that the 10 countrywide-pilot activities in a project entitled “Economic, Social and Cultural Rights Networking” would be conducted within the thematic areas during 2006-2007 while the Thai-CAN still keeps functioning as well as the new networks are always emerging from the wide range of the target groups with the self-determined and right-based activities i.e. the Thai Working Group on Human Rights Initiative and Development for Highlanders Communities (Thai-HRIDHC); the Internally Displaced Persons Network and the Ethical Justice Processes Network, ect.<sup>20</sup> The 3 most prioritized issues are the community rights envisagement; the justice for natural resources management in different situations; and the human security development. So concludingly, the NHRCT will focus on the synergy, the offshoot and the sustainability of these collaborative mechanisms. The NHRCT will be a focal point for them which aim to raise the ethical standard of practice levels and human rights awareness, likewise, to amend or draft some policies and regulations in accordance with the International Treaties.

19. And the current challenges, the abolishment of the 1997 People Constitution and the overthrow of the powerful former Prime Minister by the 2006 military coup have trembled the rooted democracy and human rights again. The 2006 interim Constitution roughly stipulates the human rights fundamental principles within article 3 while the considerable characters of this Constitution i.e. the constitutional monarchy; the rule of law; the good governance; the international human rights standard compliance; and the people participation are briefly mentioned in its Preamble part only. During this period, the new Constitution is being drafted within a year and expectably promulgated in late 2007. So challengingly, the concrete ideas and processes how a set of appropriate procedural safeguards could be collaboratively formulated with the Human Rights Treaties should be proceeded strategically and systematically. During this period, the NHRCT and its coordinated networks will spend their endeavor to ensure the harmonization of national legislation, regulations and practices with the International Human Rights Treaties thoroughly.<sup>21</sup>

### **Observation and Further Implementation**

20. As the aforementioned activities and analysis, the NHRCT’s current challenges, as a member of the ICC and the UN, is to enhance the effectiveness of procedures and institutions established to promote the accountability of the government under these Treaties. Anyhow, there are many difficulties to suggest which procedures in each Treaty should be in which particular implementing ways. In additional, there is a need for other arrangements to implement each Treaty as: the participatory process for implementation

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<sup>20</sup> See Appendix IV page 14.

<sup>21</sup> *Supra* note 4

with the diverse members and the rooms for constructive dialogues with the Treaty Bodies and special mechanisms i.e. the UN and its specialized agencies in specific areas or themes.

21. So in principle, the NHRCT and some relevant authorities should be rendered more support for national capacity-building in relations with either ratified or non-ratified Treaties of the state such as: the pool of national and regional consultants to help guide the process and the policy or law reforms.

22. For the appropriate implementation in the current situation, the lawmaking and legislative processes should be the high priority activities. The NHRCT will amply conduct the human rights learning processes for the law enforcers and political actors i.e. the members of the National Legislative Assembly; the members of the Constitution Drafting Assembly; the members of the Committee on Drafting Constitution; the members of the National Convention and the relevant working groups. Simultaneously, the appropriate mediums will be translated, created and distributed to these relevant actors. Hence, the government should provide the budget for these Treaties implementation thoroughly.

23. Regarding the draft Constitution hearing with public referendum in accordance with this interim Constitution, the NHRCT will draw all networks to meet together for sharing their values and potentialities towards the human rights standards implementation. These will become the significant channels to transmit the human rights knowledge and make a mobilization for a change. The pack of trainings on the functioning and use of the human rights mechanisms will be pervasively provided.

24. As regards the respective Concluding Observations of the different Treaties, the NHRCT will repeatedly discuss them with the relevant authorities. In the same time, the actively engaged agencies and civil society will be organized for the effective follow-up processes with the practical action plan.

25. Within the interim Constitution period, the Intellectual Unit which draws up knowledge and expertise from the NHRCT and relevant agencies will be established to closely monitor the legal reform through the legislative, political and administrative bodies and to propose some recommendations for either amending the conflict of laws regarding these International Human Rights Treaties or drafting the new safeguards with the respect to these Treaties.

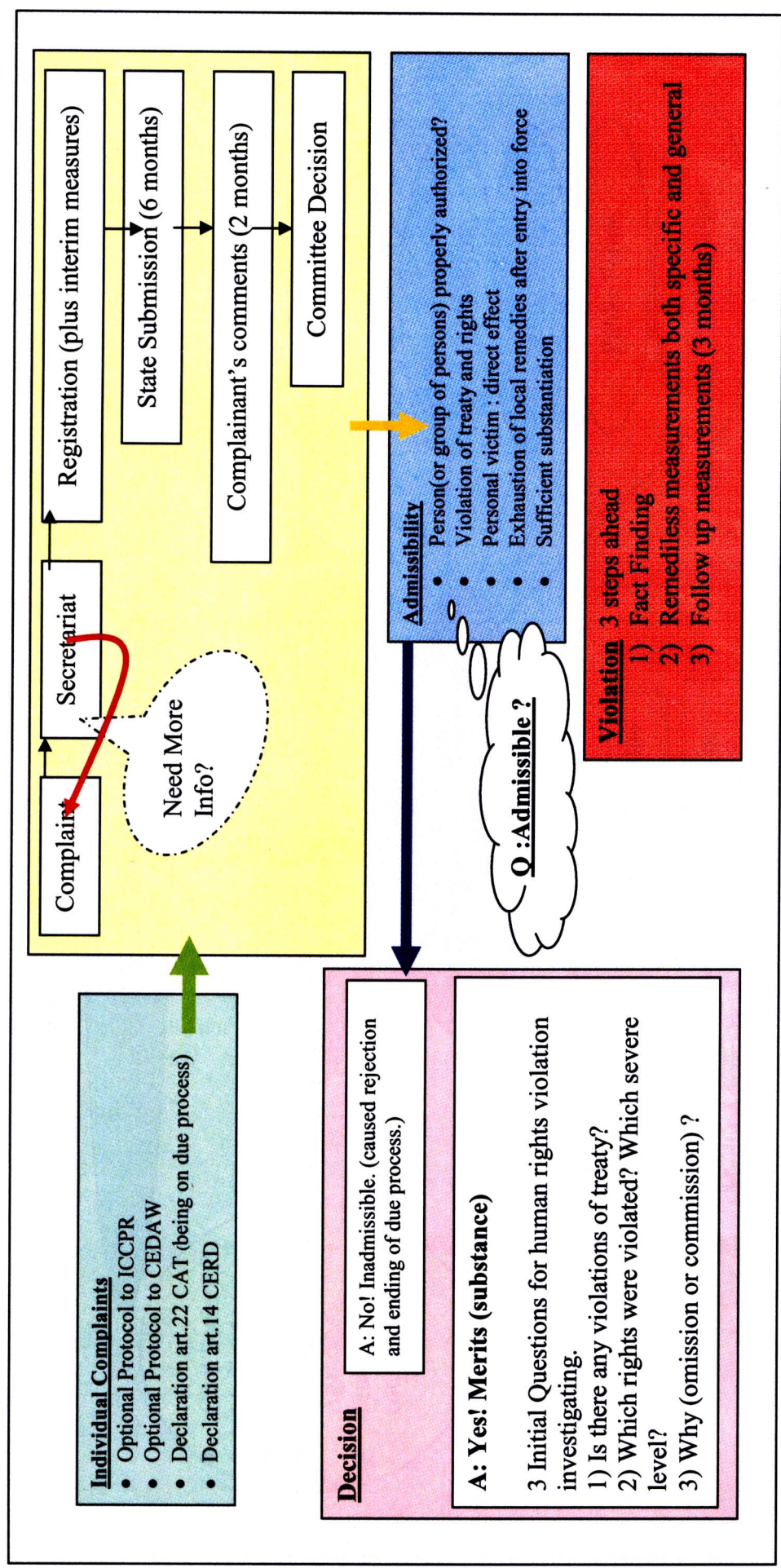
26. The NHRCT will also play its role as the Warning System or Precaution Unit. The human rights networking will be vigorously enhanced to implement the Human Right Treaties with the concrete action plans and ideas how a set of compliant procedures and safeguards should be formulated. The ordinary people, as the right bearers, will be encouraged to monitor the lawmaking and the enforcement processes. It will help to fulfill the loopholes in the existing laws and eliminate the circumventions. Henceforth, some bridges will be preceded thoughtfully and gradually for incorporating the International Human Rights Treaties within Thai society.



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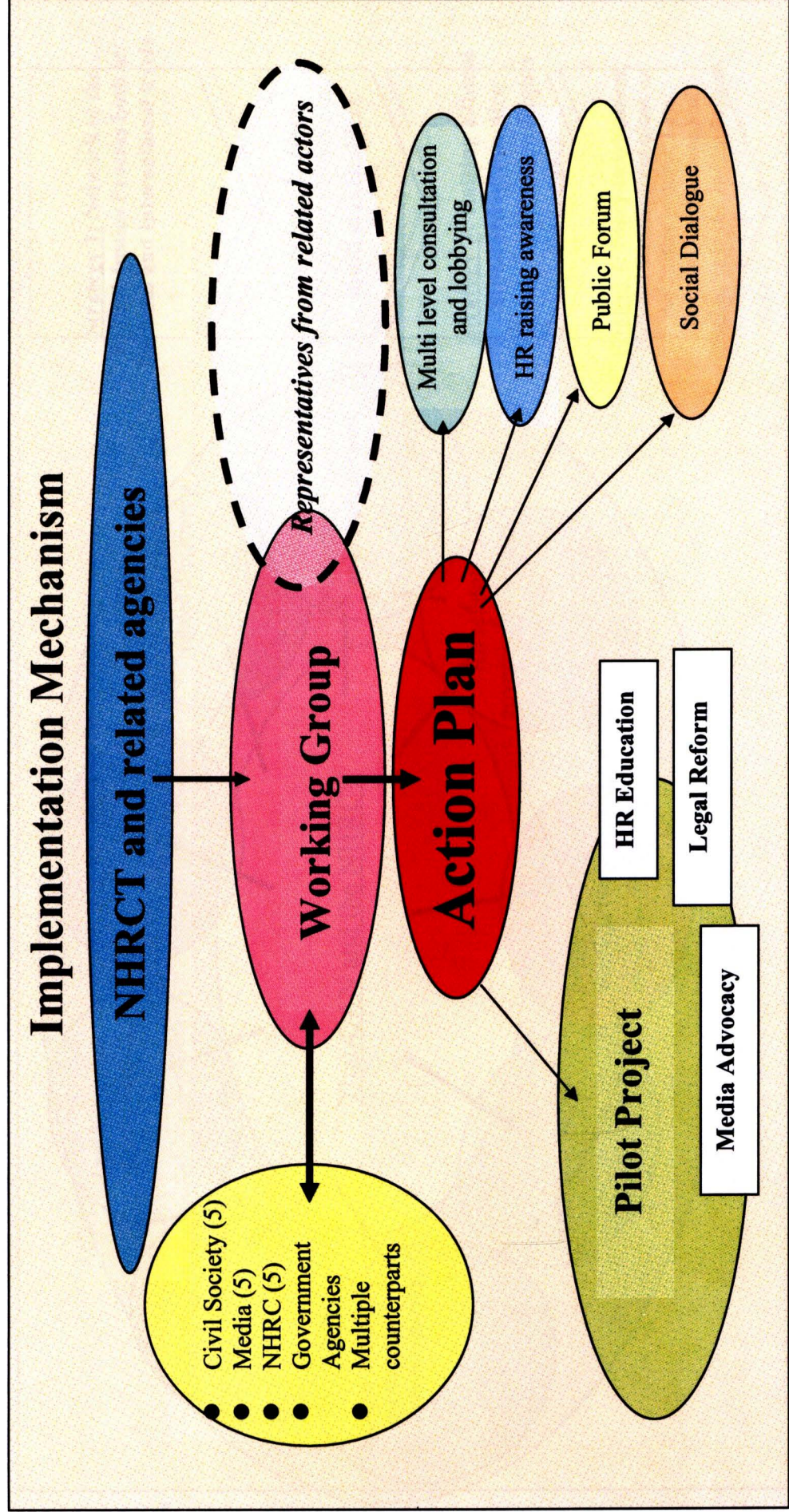
# Appendix I: The Procedures of the Individual Complaints and Communications within the International Human Rights Treaties

ศูนย์สารสนเทศสิทธิมนุษยชน สำนักงาน กสม.



<sup>22</sup> Summarily conceptualized from the Optional Protocol to the ICCPR, the Optional Protocol to the CEDAW, the Article 22 of the CAT and the Article 14 of the CERD, <[www.ohchr.org](http://www.ohchr.org)> (12 November 2006)

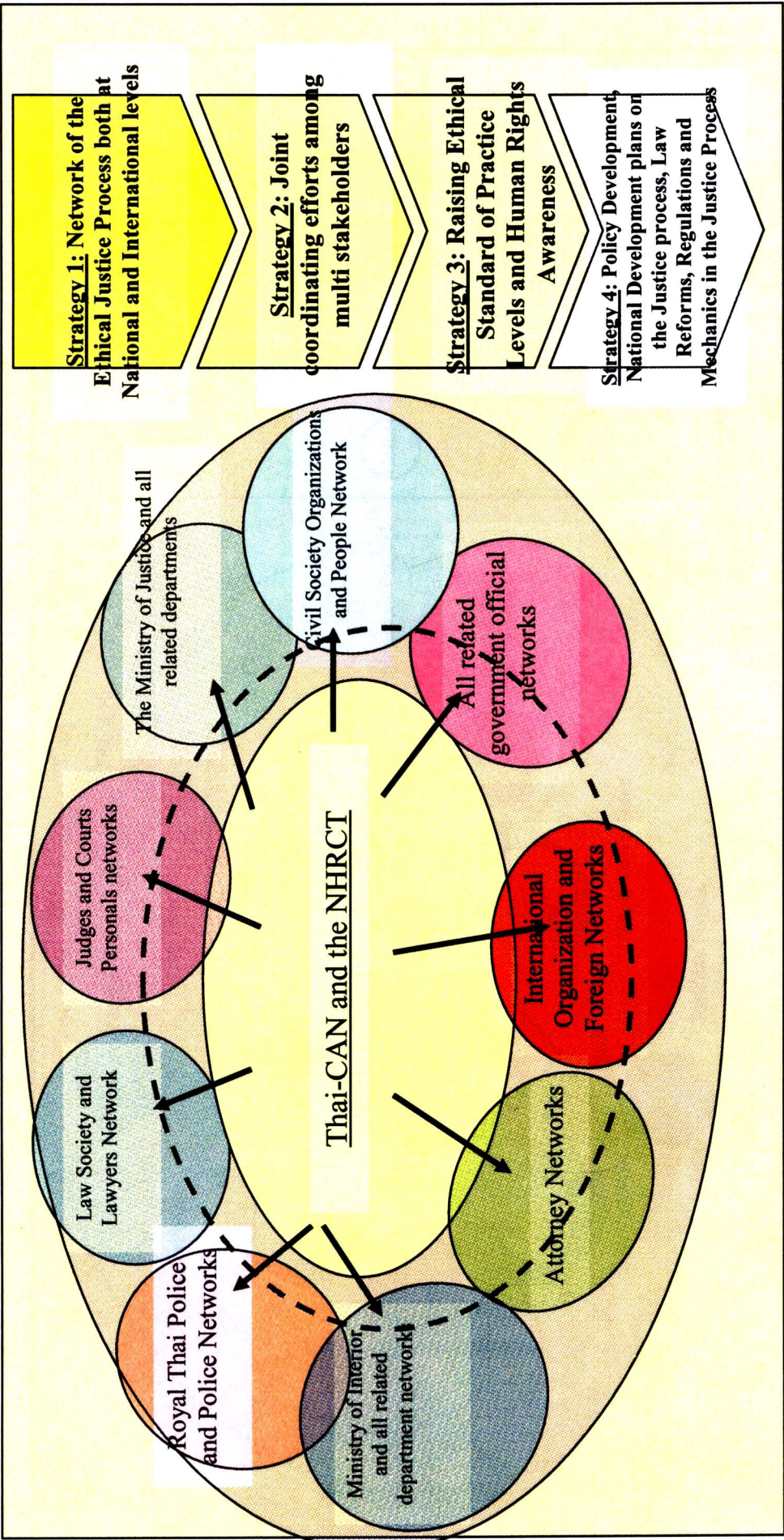




<sup>23</sup> Analyzed and summarized from the Thai Civic Action Network(Thai-CAN) action plans 2005 - 2007



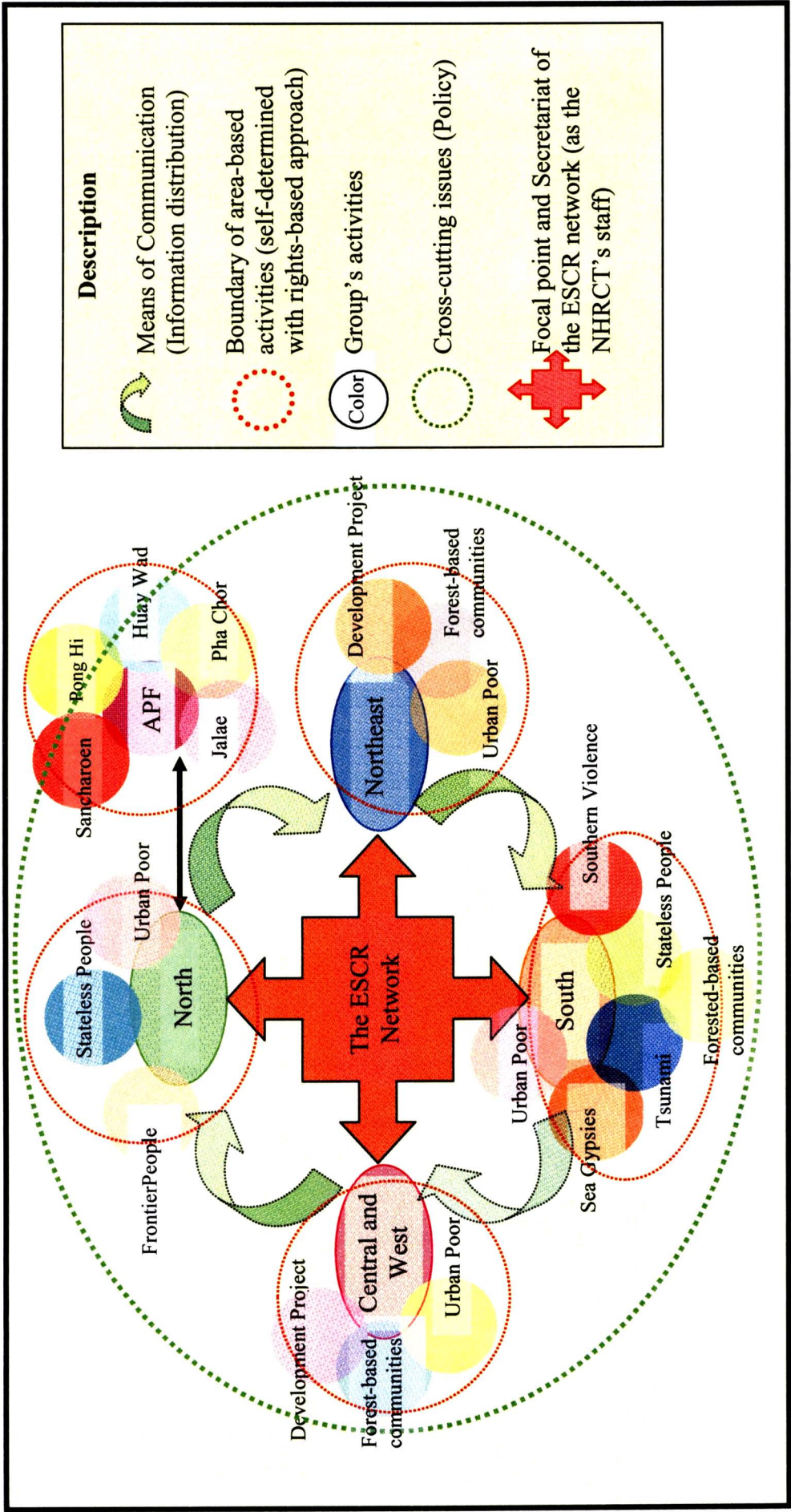
Appendix III: The Networking of Ethical Justice Process as an implementation mechanism in Thailand<sup>24</sup>



<sup>24</sup> Analyzed and summarized from the action plan of the Sub Commission on Human Rights Education, The National Human Rights Commission of Thailand (2004 – 2007)



Appendix IV: The Conceptual Framework of the Economic, Social and Cultural Rights networking<sup>25</sup>



<sup>25</sup> Analyzed and summarized from the action plan of several Sub Commissions as follows: Sub Commission on the ICESCR; Sub-Commission on the Ethnic Issues; Sub-Commission on the Education and Development; and Sub Commission on the Housing Rights, The National Human Rights Commission of Thailand (2004 – 2007)

