



**The Role of National Human Rights Commission of Thailand
in facilitating access to remedy for business-related human rights impact**

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Distinguished participants,

Commissioner Prakairattana Thontiravong, from the National Human Rights Commission of Thailand (NHRCT). It is my honor to have the opportunity today to share the experiences of the Thai NHRIs.

Within 5 minutes, I try to highlight key issues to respond to the questions on the role of NHRCT in facilitating access to remedy for business-related human rights impact.

According to the 2017 Constitution, the NHRCT will obtain the status of “an independent constitutional body” including powers and duties to examining and reporting the correct facts on violation of human rights in all cases without delay, and suggesting suitable measures or guidelines in order to prevent or redress human rights violation including the provision of remedy to the person affected by the violation of human rights to the relevant State agencies or private sector;

Therefore, the NHRCT has the explicit mandate obtain from section 247 of the Constitution to investigate or conduct inquiry about alleged human rights abuses by businesses. Apart from the Constitution of Thailand, the organic act on the National human rights commission of Thailand clearly state that when it appears to the Commission in any manner whatsoever, whether or not through an informant or petitioner, that a human rights violation has occurred, the Commissioner shall examine the matter in order to obtain correct facts and establish truth without delay.

Moreover, any person affected by or witnessing an act of human rights violation shall have the right to inform or submit a petition to the Commission.

For the benefit of performing the investigation duty the Commission shall have the following powers, which shall be exercised only insofar as it is necessary:

- 1) To request a state agency, an official, a staff member or employee of the agency, or any person involved, to present in writing a statement of fact or opinion or to submit any related object, document, proof or other evidence for consideration
- 2) To enter into any place to examine facts or gather related evidence.

In exercising these powers the Commission may assign a Commissioner or a competent officer to perform the tasks on its behalf. The human rights investigative officers of the human rights protection bureau are the main officers who are in charges of the complaint investigation duty.

There are many forms of remediation that the NHRCT shall provide to the victims or community. Those are for 1) the individual cases 2) the criminal offence case 3) the urgent case 4) the serious human rights violation 5) alternative dispute resolution

(1) If the Commission deems that the human rights violation is an individual case, it shall notify the concerned state or private agency and request it to redress such human rights violation in accordance with its duties and powers within a period of time prescribed by the Commission, which shall not be less than sixty days.

The Commission shall also propose appropriate measures or guidelines for the prevention or redress of such human rights violation, including provision of remedy for the person affected by human rights violation, as the case may be.

(2) In the case where an act of human rights violation constitutes a criminal offence and the injured person is not in a position to submit a petition or report such violation on his or her own, the Commission or the person assigned by the Commission shall have the power to submit the petition or report such violation as the injured person in accordance with the Criminal Procedure Code.

(3) In the case where a Commissioner has witnessed a human rights violation and deems it necessary to take urgent action as further delay would put the life or security of the person subject to human rights violation in danger, or it would not be possible to provide remedy later, the commissioner may inform and request the competent authority to provide assistance and remedy to the victim of human rights violation according to its duties and powers and then notify the Commission. In case of unavoidable necessity, the Commissioner may order an administrative official or a police officer in nearby area or a competent officer to provide assistance as he or she deems appropriate.

(4) In case there is a situation that seriously affects human rights or constitutes a serious human rights violation, the Commission shall conduct an examination and prepare a report presenting an assessment of such specific human rights situation of the country for prompt submission to the National Assembly and Council of Ministers and dissemination to the general public.

(5) The role as a mediator according to the Draft Dispute Settlement Act. Realizing the important of the effective remedies emphasized in the Pillar 3 of the UNGPs, the NHRCT can use mediation as one means to settle the complaints which are not a serious human rights violation to provide victims prompt remedies.

In additions, the NHRCT also provided indirect effective remedies by building a capacity building on the knowledge of UNGPs to courts, public prosecutors, lawyer and officials of the governance organization. Recently, the NHRCT together with UNDP Asia Pacific convened the seminar on “Access to the Effective Remedy According to the UN Guiding Principles on Business and Human Rights”
