Thailand: Flawed Selection Process Leads to Controversial Human Rights Commission

The Asian NGO Network on National Human Rights Institutions (ANNI) deplores the flawed selection process that has led to the nomination of seven new candidates for the National Human Rights Commission of Thailand (NHRCT). The lack of a participatory, transparent and merit-based selection process has even resulted in the nomination of a candidate with a proven poor track record on human rights. This selection has once again weakened the credibility of the NHRCT.

The Selection Committee included the President of the National Legislative Assembly, which was appointed by the junta, the President of the Supreme Court, the President of the Constitutional Court, an individual selected by the Supreme Court Assembly, and an individual selected by the Administrative Court Assembly. The Committee selected seven candidates to be nominated out of 121 applications.

Of these only one candidate has clear expertise and experience in the area of human rights. Angkhana Neelapajitj, a prominent woman human rights defender, has long been campaigning against enforced disappearance and human rights violations in the three Southern provinces.

The other nominees include two medical doctors, with no track records on human rights, a senior Supreme Court judge, an associate judge of the Provincial Juvenile and Family Court, the Chair of the Association of Women Lawyers of Thailand and most controversially, an ultra-royalist network leader, Baworn Yasinthorn. The latter has previously filed lese majeste (defamation of monarchy) charges against civil society activists and has even called for harsher enforcement and penalties under Article 112 of the Penal Code.

“The closed-door selection process falls abysmally short of the prescribed minimum standards set by the Paris Principles and its General Observations. It weakens the institutional legitimacy of and public confidence in the NHRCT,” says Evelyn Balais-Serrano, the Executive Director of the Asian Forum for Human Rights and Development (FORUM-ASIA), the Secretariat of ANNI.

The NHRC was criticised heavily for its lack of independence and neutrality, as well as its inability to address human rights violations in a timely manner. In its performance review in November 2014, the International Coordinating Committee of National Human Rights Institutions recommended for the NHRC to be downgraded to “B” status. To date, the government has not taken any measurable or progressive steps to address the fundamental flaws raised. The final decision on its status will be taken in November 2015.

“There are no illusions that the government is bent on ensuring that the NHRCT remains impotent. Especially during the coup d’état, the NHRC should have been more vigilant and proactive in the protection of the liberties and rights of the Thai people,” stresses Joses Kuan, the NHRI Advocacy
Officer of FORUM-ASIA. “Instead of rubber-stamping the appointments, the National Legislative Assembly must reject all current candidates. The new comprehensive and inclusive process for the selection and eventual appointment for the NHRCT must be initiated. Otherwise, the NHRCT will not be taken seriously and continue to be an opportunity for window dressing for the government.”