

NHRC Thailand: Beyond Activism

- Saneh Chamarik -

The NHRC of Thailand is set up under the People's Constitution of 1997 as one among the 8 independent state agencies, being elected by the Senate through a selection committee, and royally appointed. It is required to be representative of the broad streams of thought in society, including the civil society groups and NGOs, as well as with a fair participation of male and female. All these criteria are well reflected in the current 11-member Commission. The whole idea is to make it accessible and responsive to people from all walks of life, particularly those underprivileged and disadvantaged. That also means that the NHRC does not work entirely on its own, but in close and continuing cooperation and networking with the civil society groups and organizations concerned. A good number of them are even brought in to participate in the Commission's decision-making process through its various sub-Commissions in the specific fields of human rights problems. Of course, the final decision and responsibility rests with the Commission.

Like its counterparts elsewhere, the Thai NHRC is constitutionally assigned with a comprehensive set of tasks for the common purpose of human rights promotion and protection. It ranges from examining and rectifying cases of human rights violation, policy recommendation, education and research and dissemination, cooperation and coordination with both government and private sectors, and annual report. But in the context of Thailand, like many other non-western nations, where modern human rights standards are something new and somewhat inconsonant with traditional culture of authoritarianism and patronage and also with fresh and adverse experiences of military dictatorships sponsored, ironically, by the liberal West itself, all this is no simple matter. There is real and urgent need to do a rethinking, that is to say, far beyond a mere dealing with the specific cases at hand. As stressed in the 3rd ASEAN Workshop, May 2003, we need to clarify our own position as to who we are as the people and in what direction to go.

From the ASEAN dialogue and the Thai NHRC's own experiences, there are at least three considerations that need to be taken care of in the process of carrying out our mission for the promotion and protection of human rights. First and foremost is the task of common people's capacity building. Here human rights education has a most vital role to play. This is not just the matter of formal one in schools or universities, though. It needs to be carried through the investigating process right on the spot where the incidents of human rights violation take place. The point is to draw upon the participation of all the parties concerned with a view to promoting social learning and training in real life. Then relevant research could be taken up in a systematic way to have disseminated all such concrete experiences to the public at large. All these case studies could indeed very well be fed back into the curricula of those educational institutions concerned. In sum, to make human rights a truly objective and relevant as social learning, both in and out of school, with civil society participation and people-to-people cooperation.

Secondly, is a holistic view to be taken with fellow human beings in question as the centre of attention, not on the basis of which and which category of human rights they belong to in the reductionist fashion of current international standard and practice. For, again, in real life especially in the non-western world, both the CPRs and ESCRs are closely inter-related and interdependent in the incidence of infringements on human right and human dignity. Indeed, more often than not, they form a unifying whole. In Thailand, we have been witnessing cases of ESCRs violation spilling over into CPRs problems. The legitimate public protests against the gas pipelines project in the South is one such good example that soon gives rise to violence on the part of state authorities. And, interestingly, according to the NHRC's examining report, those involved in the incident are not confined only to the operating police officers, but also include the ones in higher up accountable both at the level of field command and at ministerial policy level. Nothing has been done about all these wrong doings so far, despite the NHRC's report accordingly. At any rate, it is one of those cases that is clearly valuable and relevant in the process of human rights education as mentioned above.

And finally, there currently emerges the collective and communal dimension of human rights that has been widely and increasingly articulated and demonstrated under the adverse social and cultural impact of post-war economic development and globalization. And now the community rights come to be recognized and guaranteed under the current reform-inspired 1997 Constitution. This is characteristic of Thailand as part and parcel of the world's tropical resource-based regions, and for that matter the ASEAN as a whole. Indeed, the NHRC of Thailand earnestly looks forward to close and concrete cooperation and coordination in this particular field within the region. In a sense, this is in contradistinction to unbridled individualism and private property rights of the West. All of which is not quite universal as it is made out to be. So the common efforts in this direction would greatly help contribute to the process of universalizing human rights with a view to cultural pluralism and diversity, while doing away with both essentialism and relativism: one claiming monopoly of the partial definition of human rights, while the other denying the universality of human aspiration for freedom.

All these lines of thought are within the purview of the NHRC of Thailand, and hopefully we can get somewhere. At least, a sense of direction has been set, and this is what we have been trying to do in a most tedious process of institution building and development of human rights culture at all levels of society.