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NATIONAL HUMAN RIGHTS COMMISSION ACT

B.E.

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Whereas it is expedient to have a law on the National Human Rights Commission;

This Act contains provisions relating to the restriction of rights and liberties of the people which Section 29 together with Section 33 and Section 41 of the Constitution of the Kingdom of Thailand allow to be done by virtue of provisions of laws;

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Section 1. This Act is called the “National Human Rights Commission Act, B.E.”

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The National Human Rights Commission Act, B.E. 2542 shall be repealed.

Section 4. In this Act:

“Human Rights” means human dignity, rights, liberty and equality of people which are guaranteed or protected under the Constitution of the Kingdom of Thailand or under Thai laws or under international treaties which Thailand has obligations to comply;

“Commission” means the National Human Rights Commission;

“Member” means a member of the National Human Rights Commission;

“Victim” means a person or a group of persons affected by human rights violation;

“Secretary General” means the Secretary General to the National Human Rights Commission;

“Competent Officials” mean the Secretary General and all government officials under the affiliation of the Office and all kinds of government employees appointed by the Commission for the execution of this Act;

Section 5. The Chairman of the National Human Rights Commission shall have charge and control of the execution of this Act.

Section 6. Regulations and Notifications under paragraph one that are of general applicability shall come into force after their publication in the Government Gazette.

CHAPTER I

The National Human Rights Commission

Section 7. There shall be the National Human Rights Commission consisting of a Chairman and six other Members appointed, by the King with the advice of the Senate, from the persons having apparent knowledge or experiences in the protection of rights and liberties of the people, having regard also to the participation of men and women and representatives from private organizations in the field of human rights.

Section 8. Members shall have the qualifications and shall not be under any prohibition as follows:

- (1) Being of Thai nationality by birth;

- (2) Being not less than thirty five years of age;
- (3) Not being a member of a local assembly or a local administrator;
- (4) Not being a member of the House of Representatives or the Senate, a political official or a holder of any position of a political party, within a period of two years prior to the nomination day;
- (5) Not being of unsound mind or of mental infirmity;
- (6) Not being addicted to drugs;
- (7) Not being a bankrupt;
- (8) Not being a person sentenced by a judgment to imprisonment and being detained by a warrant of the Court;
- (9) Not being a person having been discharged for a period of less than five years on the nomination day after being sentenced by a judgment to imprisonment for a term of two years or more except for an offence committed through negligence;
- (10) Not having been expelled, dismissed or removed from the official service, a State enterprise or from a private agency on the ground of dishonest performance of duties, gross misconduct or corruption;
- (11) Not having been ordered by a judgment or an order of the Court that his or her assets shall dissolve on the State on the ground of unusual wealthiness or an unusual increase of his or her assets;
- (12) Not being an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Economic and Social Council;
- (13) Not having been removed from office by a resolution of the Senate;
- (14) Not being a person owning an apparent human rights violation profile.

Section 9. A person elected as a Member shall:

- (1) Not be a government official holding a permanent position or receiving salary;
- (2) Not be an official or employee of a state agency, state enterprise or local government organization or not be a director or advisor of a state enterprise or state agency;
- (3) Not hold any position in a partnership, a company or an organization carrying out businesses for sharing profits or incomes, or be an employee of any person;
- (4) Not earn a living with any freelance or self-employment.

In the case where the Senate has elected a person in (1), (2), (3) or (4) with the consent of that person, the elected person can commence the performance of duties only when he or she resigns from the position in (1), (2) or (3) or present any evidence proving that he or she terminates his or her freelance or self-employment in (4). This shall be done within fifteen days as from the date of election. If that person does not resign or terminate such freelance or self-employment within the specified time, it shall be deemed that such person has never been elected to be a Member and a new Member shall be selected and elected.

When he or she has been endorsed and appointed by the King, a person who resigned or terminated such freelance or self-employment in paragraph two shall be compensated the amount equalizing with salary and other benefits of a Member. This shall be calculated and counted from the date of resignation or termination of such freelance or self-employment till the date of endorsement and appointment by the King, as the case may be.

Section 10. The selection and election of Members shall be proceeded as follows:

(1) There shall be a Selection Committee consisting of seven members as: the President of the Supreme Court, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of Opposition in the House of Representatives, a person whom selected from the General Meeting of the Supreme Court and a person whom selected from the General Meeting of the Arbitrators of the Administrative Court and the Secretary-General of the Senate as secretary.

A person whom selected from the General Meeting of the Supreme Court and a person whom selected from the General Meeting of the Arbitrators of the Administrative Court shall not be a judge or arbitrator and at the same time shall not be a member of any Selection Committee for members of any position in the other organizations established in accordance with the Constitution.

All members of the Selection Committee in accordance with paragraph one shall elect among themselves, one member shall be the Chairman of the Selection Committee.

The Selection Committee shall have the duties to select and finalize a list of persons who own proper qualifications and do not be under any prohibition within the period of thirty days from the date of any course of selection of such members, then the Committee shall propose such list of persons who are suitable to be members under Section 7 with the consent of those nominated persons including documents or evidence showing that they are suitable

to be members and have the qualifications and are under no prohibitions to the President of the Senate.

(2) The President of the Senate shall convoke the Senate for passing, by secret ballot, a resolution selecting the nominated persons under (1) within thirty days as from the date when the receipt of name-list of nominated persons. In the case where the Senate passes a resolution by adoption of such nominated persons, the President of the Senate shall tender the matter to the King for further appointment, and in the case where the Senate has a dissenting resolution with any person in such name-list, either overall or some, such name-list shall be sent back to the Selection Committee with a reason for re-selection. But if the Selection Committee disagrees with a resolution of the Senate and continuously reaffirms its previous resolution with unanimity, such name-list shall be delivered to the President of the Senate for tendering to the King for further appointment, and in the case where the Selection Committee reaffirms its previous resolution with any dissenting opinion, the new selection process shall be proceeded and shall be completely conducted within thirty days as from the date of such cause for re-selection.

The persons endorsed by a resolution of the Senate or reaffirmed by a previous resolution with unanimity of the Selection Committee under (2) shall meet and elect among themselves the Chairman and notify the President of the Senate of the result.

Section 11. Members shall be a State official under the organic law on counter corruption.

Section 12. Member shall hold office for a term of six years from the date of their appointment by the King and shall serve for only one term.

Members who vacate office upon the termination of the term shall remain in office to continue to perform their duties until the newly appointed Members take office.

The proceeding of selection and election for the new Members shall be proceeded not less than ninety days but not exceeding one hundred and eighty days prior to the termination of the term of office of the outgoing Members.

Section 13. In addition to the vacation of office upon the termination of the term, a Member vacates office upon:

- (1) death;
- (2) resignation;
- (3) coming to the age of seventy years old;
- (4) being disqualified or being under any of the prohibitions under Section 8;
- (5) acting in contravention of Section 9;
- (6) being removed from office by a resolution of the Senate under Section 14;
- (7) being removed from office by a resolution of the Senate under the organic law on counter corruption.

When a case under paragraph one occurs, the remaining Members may continue the performance of duties and it shall be deemed that the Commission consists of the remaining Members.

The proceeding of selection and appointment for a new Member under Section 10 substituting a Member vacating office under paragraph one shall be proceeded sixty days prior to the date of such cause and a newly appointed Member shall hold office for a remaining term of such substituted Member.

Section 14. Members of the House of Representatives or Senators of not less than one-fourth of the total number of existing Members of each house have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution removing a Member from office on the grounds of manners as follows:

- (1) the performance of duties without giving regard to the interests of the country and the public or with partiality;
- (2) the performance of duties with misconduct or immoral conduct that may seriously affect or damage the performance of his or her duties or the promotion or protection of human rights;
- (3) having any interest in any activity or business which has directly affected or caused the same damage therein and seriously damage the performance of his or her duties or the promotion or protection of human rights;
- (4) having had a conduct in violation of human rights or being defensive in performing his or her duties in severity;

The resolution of the Senate under paragraph one shall be passed by votes of not less than three-fifths of the total number of the existing Members of the Senate.

Section 15. At the meeting, the presence of not less than one-half of the total number of existing Members shall constitute a quorum.

The Chairman shall preside over the meeting. If the Chairman does not attend the meeting or is unable to perform his or her duties, the Members present shall elect one among themselves to preside over the meeting.

The decision of the meeting shall be made by majority of votes; in case of an equality of votes, the person presiding over the meeting shall have an additional vote as casting vote.

In a meeting, if there is a consideration of a matter in which a Member has a private interest, that Member has no right to attend such meeting.

Section 16. The Commission has the powers and duties as follows:

(1) to promote the respect for and the practice in compliance with human rights principles;

(2) to examine and report the commission or omission of acts which violates human rights or which does not comply with obligations under international treaties relating to human rights to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further proceeding;

(3) to submit the case together with opinions to the Constitutional Court in the case where the Commission agrees with the complainant that the provisions of any law are detrimental to human rights and beg the question of the constitutionality as provided by the organic law on rules and procedure of the Constitutional Court;

(4) to submit the case together with opinions to the Administrative Courts in the case where the Commission agrees with the complainant that any rule, order or administrative act is detrimental to human rights and begs the question of the constitutionality and legality as provided by the law on establishment of Administrative Courts and Administrative Court Procedure;

(5) to bring the case to the Courts of Justice for the injured person under Section 46;

(6) to propose the policies and recommendations with regard to the revision of laws, rules or regulations to the National Assembly and the Council of Ministers for the promotion and protection of human rights;

(7) to promote , encourage and provide coordination to persons in general, government and private organizations for education, researches and the dissemination of knowledge and development of strength on human rights;

(8) to promote co-operation and co-ordination among government agencies, private organizations and international organizations in the field of human rights;

(9) to prepare an annual report for the appraisal of situations in the sphere of human rights in the country and an annual report of the performance of the Commission , then submit them to the National Assembly and the Council of Ministers, and also disclose to the public;

(10) to propose opinions to the Council of Ministers and in the case where Thailand is to be a party to a treaty concerning the promotion and protection of human rights;

(11) to appoint a sub-committee to perform the tasks as entrusted by the Commission;

(12) to issue regulations prescribing the rates of meeting and travel allowances for operations of sub-committees, competent officials or assistants appointed by the Commission;

(13) to perform its duties as provided by this Act or other laws.

In the case where it is necessary, the Commission shall appoint any person to be an assistant for supporting the performance of duties of Members or competent officials.

Section 17. In the performance of duties, Members shall commit them with independency and impartiality and shall mainly uphold the interests of the country and the public.

Section 18. The Chairman and the Members shall work regularly on a full-time basis and shall receive salary, monthly remuneration, other benefits and travel allowances for operations, including pensions after the termination of their office term, in accordance with the rules, conditions and rates as prescribed by a Royal Decree.

CHAPTER II

The Office of National Human Rights Commission

Section 19. There shall be the Office of the National Human Rights Commission having the status of a Government agency with independency in accordance with the Constitution and shall be a juristic person under the supervision of the Commission.

Section 20. The Office of the National Human Rights Commission has the responsibility in the general affairs of the Commission and shall have the powers and duties as follows:

- (1) to receive petition of human rights and investigate or examine then propose it to the Commission as prescribed by a regulation regulated by the Commission;
- (2) to co-operate and follow-up results of work as entrusted by the Commission;
- (3) to study , compile and analyze data and provide recommendations on policies and legal amendments, covering laws, regulations or obligations regarding human rights to the Commission;
- (4) to conduct and support study, research and the dissemination of knowledge in the field of human rights;
- (5) to study on problems and constraints of the implementation in compliance with the international treaties and propose them to the Commission;
- (6) to promote and encourage the networking in the field of human rights in both national and international arenas;
- (7) to carry out any other performances as prescribed by law or entrusted by the Commission.

Section 21. Competent Officials of the Office of the National Human Rights Commission shall be placed into office positions and appointed to be officials under this Act.

Competent Officials of the Office of the National Human Rights Commission shall be officials under the laws of the Government Pension Fund.

Competent Officials of the Office of the National Human Rights Commission shall be entitled rights to receive pensions and all benefits in accordance with all relevant laws as civil servants in general.

Section 22. The Commission has powers to issue regulations and notifications regarding the general administration, human resource management, budgeting, finances and property, treasury, material procurement and all matters of the Office of the National Human Rights Commission, including the following issues, as:

- (1) the designation of organizational sections of the Office with scopes of duties and powers of such sections;
- (2) the designation of qualification, selection, recruitment, appointment and trial of work of officials, removal, promotion of position, termination of position, promotion of salary and extra remunerations, vacation of or resignation from office, suspension of work; order for temporary vacation of office; disciplines, examination and penalization upon disciplines, complaint and appeal of penalization for officials of the Office;
- (3) the acting of and the work for any positions of officials in the Office;
- (4) the working days and working hours, public holidays in tradition, public holidays in year and leave of absence of officials of the Office;
- (5) the design of uniforms and dressing up of officials of the Office;
- (6) the employment and appointment of persons to be advisors or experts, including secretaries and assistant secretaries to the Members with designation of salary-scale and other remunerations;
- (7) the securities and welfares, additional money for positions with special causes, temporarily increased money for living cost; extra remunerations and other rewards for officials and employees of the Office;
- (8) the maintenance and storage of personal profiles and control of retirement of officials of the Office;
- (9) the designation of procedures, methods and conditions for employment of employees of the Office, including the design of uniforms and dressing up and the working days and working hours, public holidays in tradition, public holidays in year and leave of absence of employees of the Office.

Section 23. The Office of the National Human Rights Commission shall have the Secretary-General of the National Human Rights Commission who is responsible for the performance of duties of the Office of the National Human Rights Commission, directly answerable to the Chairman and who is the superior of officials and employees of the Office of the National Human Rights Commission. There shall also be Deputy Secretary-General of the National Human Rights Commission to assist the Secretary-General in the performance of duties.

The Secretary-General has to be an official of the Office.

In the matters of the Office regarding the external personnel, the Secretary-General shall be a representative of the Office, in this regard the Secretary-General shall authorize any person acting on particular matters on behalf of him or her, and this shall be in compliance with regulations prescribed by the Commission.

Section 24. The placement of persons in positions as officials of the Office and the appointment for positions, the persons, as follows, shall be authorized to order such placement and appointment, as:

(1) the Chairman, with the approval of the Commission, is authorized to order the placement and appointment for position of the Secretary-General, the Deputy Secretary-General and other positions in equivalence, by presenting such placement and appointment to the Prime Minister to tender the matter to the King for further appointment;

(2) the Secretary-General is authorized to order the placement and appointment for the other positions apart from (1).

Section 25. The Secretary-General shall hold office for a term of four years and shall be reappointed, but shall not continually hold office exceeding the period of two terms.

In addition to the vacation of office upon the termination of term, the Secretary-General vacates office upon:

(1) the vacation of office by law;

(2) the resignation from position with the submission of a letter of resignation to the Chairman;

(3) the resolution of the Commission to dismiss the Secretary-General because of his or her deficiency in performing his or her duties, having had a misconduct or immoral conduct or lack of competency;

The resolution of the Commission under (3) shall not less than two-third of the total number of the existing Members.

Section 26. The Commission shall be in charge of the center for personnel administration of officials for the Office with authorities to set up positions, salaries and remunerations for positions of officials of the Office. This administration shall be comparatively considered with the designation of positions as prescribed by the laws on regulations of civil service.

The operation of performance of duties of the Commission as the center for personnel administration, “the Civil Service Commission (CSC)” shall be implied to the National Human Rights Commission and “a government section” shall be implied to the Office of the National Human Rights Commission.

The Commission shall appoint qualified persons who have apparent knowledge and experience on personnel administration to be a committee for operation of the center for personnel administration.

In the matters of personnel administration of the Office of the National Human Rights Commission, the Commission shall appoint a sub-committee in charge of the Sub-Committee of Officials of the Office of the National Human Rights Commission with components, powers and duties in accordance with regulations and methods prescribed by the Commission.

The appointed Sub-Committee shall work on duties in equivalence with a standing sub-committee of a ministry under the laws on regulations of civil service.

The Commission in charge of the center for personnel administration of officials for the Office of the National Human Rights Commission and the appointed Sub-Committee shall be entitled the right to get meeting allowances equally with the Civil Service Commission or the Sub-Committee of the Civil Service, as the case may be.

Section 27. The Board shall have powers and duties to set up the salary scale and remunerations for positions of officials of the Office of the National Human Rights Commission. The salary scale and remunerations for positions of officials of the Office shall be comparatively considered with the salary scale and remunerations for positions of ordinary civil servants as prescribed by the laws on regulations of civil services.

The salary scale in paragraph one shall come into force after the publication in the Government Gazette and shall be used to calculate the pensions in lump sum or monthly basis under the laws on the pensions in lump sum or monthly payment of officials.

The disbursement of salary and remunerations for positions to officials of the Office of the National Human Rights Commission shall be acted under the laws on regulations of civil service.

Section 28. The transference of official under the other laws to place as officials of the Office of the National Human Rights Commission shall be made with consent of that transferring, the competent authority in charge of such order for placement shall make an understanding with an affiliated agency of such transferring, then shall propose the Commission for an approval. The Commission shall consider the appointment of such person with position, line of work, level and salary, but such given salary shall not be higher than officials of the Office of the National Human Rights Commission who have qualifications, competency and expertise in the same level.

And for the sake of accumulation of time of service as a government official, the time of such transferring serving as a government official in paragraph one shall be the time of such person serving as a government official of the Office of the National Human Rights Commission in accordance with this Act.

The transference of political official or official whom are being in the probation period of work to be officials of the Office of the National Human Rights Commission under this Act shall not be made.

Section 29. The Office of the National Human Rights Commission shall, with the consent of the Commission, submit an estimated annual budget to the Council of Ministers for its consideration of appropriation budgets, adequate for the independent administration of

the Commission, in an annual appropriations bill or supplementary appropriations bill, as the case may be.

In the case where the Office considers that such allocated budget is not enough, the Office shall, with the consent of the Commission, directly request to give explanations to the Standing Committees for Consideration of Budget of the House of Representatives.

Section 30. After the Office of the Auditor General had completely audited and verified all accounts and financial statements of the Commission and the Office of the National Human Rights Commission, the results of this audit shall be presented to the House of Representatives, the Senate and the Council of Ministers in the due course.

CHAPTER III

Examination of Human Rights Violations

Section 31. The Commission shall have the duties to examine and propose remedial measures under this Act for the commission or omission of acts which violates human rights.

In the case of paragraph one, if a case is being litigated in the Court, the Commission shall not be able to examine that case in the same aspects of the Court, unless such examination shall be conducted with the aim to make a policy recommendation and legal improvement as well as laws to the Senate or the Council of Ministers for the promotion and protection of human rights in general.

Section 32. Any person whose human rights are violated or who sees human rights violation has the right to lodge a petition in writing to the Commission. Such petition shall contain details as follows:

- (1) name and address of the petitioner;
- (2) facts and circumstances which are causes of the commission or omission of acts which violates human rights;
- (3) signature of the petitioner.

The petition shall be submitted at the Office of the National Human Rights Commission or by registered post with return receipt or to any Member or via a private

organization in the field of human rights to be referred to the Office of the National Human Rights Commission or by any other mean in accordance with a Regulation issued by the Commission.

Upon receiving the petition under paragraph one, the Office of the National Human Rights Commission shall, without delay, notify the petitioner; provided that notification shall be made no later than three days as from the date the petition is received.

Section 33. Apart from all means under Section 32, the petition shall be made via other means in accordance with a Regulation issued by the Commission.

Section 34. In the case where the Commission deems it appropriate to examine any case of human rights violation or where the Commission has received a petition of human rights violation then conducted preliminary examination and found that it is a prima facie case which is under its powers and duties, the Commission shall notify a person or an agency involved to give responded statements of facts. Such person or agency shall give responded statements of facts in written forms within the period specified by the Commission.

For the operation in accordance with paragraph one, the Commission shall be able to entrust the Office acting on behalf of the Commission.

In the case where the Commissioner deems the received matter is not within its powers and duties or has rejected to consider such matter, the Commission shall, without delay, notify the petitioner, and, for the interest of protecting human rights, may refer the matter to a person or agency involved with the matter as it deems appropriate.

In the case where the Commission deems the matter should be appropriately considered by another responsible agency, it may refer the matter to such agency regardless of the stage of proceeding of the matter.

In making a referral to another agency, the Commission shall, without delay, notify the petitioner.

Section 35. When the period for responding statements of facts under Section 34 has lapsed, the Commission shall proceed its examination of human rights violation by giving the petitioner or those involved and those alleged an opportunity to provide details and present appropriate evidence to prove facts concerning the act alleged to be a human rights violation.

In conducting the examination of the human rights violation under paragraph one, if the parties are required to be presented before the Commission, the parties have the right to bring lawyers or their counsel to the examination proceedings in accordance with the rules prescribed by the Commission.

In conducting the examination of a human rights violation, the Commission may appoint a sub-committee or a competent official to carry out investigation and making factual inquiry, hearing responding statements of facts and evidence and preparing a report in accordance with a Regulation prescribed by the Commission and submit it to the Commission.

Section 36. In conducting the examination of the Commission under Section 35, if the affected person from human rights violation and those violated human rights shall reach an agreement irrespectively because of the mediation of the Commission or not, and the Commission considers that such agreement does not further violate human rights, the Commission shall terminate such case.

Section 37. If the Commission is, subject to Section 37 and when the examination is completed, of the opinion that there is a commission or omission of acts which violates human rights, the Commission shall prepare a report of the examination which shall specify details of the circumstances of human rights violation, witnesses and evidences with appropriateness, root causes of such violation and remedial measures for solving human rights violation which shall clearly set forth the duties and methods of performance of a person or agency, by virtue of which law in specific, or it deems to additionally amend which law, including the period for implementation of such measures.

In setting forth the remedial measures under paragraph one, the Commission may require a person or agency to perform his or its duties by appropriate methods to prevent a recurrence of similar human rights violation.

In the case the Commission is of the opinion that the said commission or omission of acts does not violate human rights but there is an unjust practice from which the aggrieved person deserves a remedy, the Commission may set forth remedial guidelines and notify a person or agency to appropriately perform within the scope of powers and duties of such person or agency.

The Commission shall promptly notify the examination report to the person or agency having duties to perform and to the petitioner in case a petition has been lodged with the Commission.

Section 38. The person or agency shall, upon receiving the examination report under section 37, implement the remedial measures for solving the problem of human rights violation within the period specified by the Commission and shall notify the results of the implementation to the Commission. And in the case where the implementation of the remedial measures for solving the problem of human rights violation cannot be completed with any reason, the person or agency shall notify the Commission within thirty days after the completion of specified period.

Section 39. When the period under Section 38 is lapsed, if the person or agency has not implemented the remedial measures for solving the human rights violation or has not completed the implementation without justifiable reasons, the Commission shall report to the Prime Minister or in the case where it is an independent organization or independent agency, the Commission shall report to the supervisor of such organization or agency. Then the Prime Minister or the supervisor of such organization and agency, as the case may be, orders an implementation of the remedial measures within sixty days as from the date the report is received.

Section 40. In the case where no proceeding or order for the implementation of remedial measures for solving the human rights violation under Section 39 has been taken, the Commission shall report to the National Assembly for further proceeding. The Commission may disseminate such report to the public.

Section 41. In the performance of duties, the Commission shall have the powers as follows:

(1) to summon the Government agency, State agency or State enterprise to give written statements of facts or opinions concerning the performance of official duty or other duties or to deliver objects, documents or other related evidence or to send a representative to give statements for consideration;

(2) to summon a person concerned to give statements or to deliver objects, documents or other related evidence;

(3) to request the Court of proper jurisdiction to issue a warrant for entering into a dwelling or any place for the benefits of examining facts or gathering related evidence ;

(4) to issue a Regulation concerning rules and methods of paying living expense and travel allowance for the witness and operation of the competent official appointed by the Commission for execution of this Act;

In the operations under (1), (2) or (3), the Commission may entrust a Member, a member of sub-committee or a competent official to act on behalf of the Commission.

The operation under (3) shall be conducted in the presence of an owner or caretaker of such dwelling or place or a person involved, and if such person is not found, it should be conducted in the presence of other, at least two persons, for being witnesses. In this regard, an owner or caretaker of such dwelling or place or a person involved shall give cooperation for accommodating the operation of a Member, a member of sub-committee or a competent official entrusted.

Section 42. In the performance of duties under this Act, Members, members of the sub-committee or officials entrusted by the Commission to examine human rights violation shall be officials under the Penal Code.

Section 43. The Members, members of the sub-committee or competence officials are prohibited to disclose facts acknowledged or gained from the performance of duties under this Act, except the disclosure of the examination report in accordance with a Resolution of the Commission or the disclosure for the legal proceedings of the Court.

CHAPTER IV

Filing of the Cases and Legal Proceedings to the Court

Section 44. In the case where the Commission agrees with the complainant that the provisions of any law are detrimental to human rights and beg the question of the constitutionality, the Commission shall submit the case together with opinions to the Constitutional Court for a judicial decision.

Section 45. In the case where the Commission agrees with the complainant that any rule, order or administrative act is detrimental to human rights and begs the question of the

constitutionality and legality, the Commission shall submit the case together with opinions to the Administrative Courts in accordance with the law on establishment of Administrative Courts and Administrative Court Procedure and the Commission shall be a sufferer or injured person under the law on establishment of Administrative Court and Administrative Court Procedure.

Section 46. When the injured person's request is received and the Commission agrees that it deems appropriateness to solve problem of human rights violation in general, the Commission shall pass a resolution entrusting the Office of the National Human Rights Commission to bring the case to the Courts of Justice on behalf of the injured person. In such case, the Office shall entitle authority to bring the case to the Courts of Justice on behalf of the injured person.

Section 47. Rules, procedures and conditions regarding complaint under Section 44 and Section 45 and the request and the commission of lawsuit on behalf of the injured person under Section 46 shall be complied with a Regulation prescribed by the Commission.

Section 48. In the case where the Office of the National Human Rights Commission submits the case to the Constitutional Court under Section 44 or to the Administrative Court under Section 45, the Commission shall have powers to entrust a competent official whom owns the study qualifications not less than Bachelor of Laws to be responsible for judicial proceedings in the Constitutional Court or the Administrative Court, as the case may be, or even authorizes a public prosecutor to proceed such case on behalf.

Section 49. In the case where the Office of the National Human Rights Commission brings the case to the Courts of Justice on behalf of the injured person under Section 46, the Office may appoint a public prosecutor or lawyer to proceed such case on behalf.

In the judicial proceedings on behalf of the injured person, the Office of the National Human Rights Commission shall have powers to sue for assets or damages for the injured person with the exemption of all costs of action, unless the costs to abide the event or costs of execution which the Court of Justice sentences with final judgment that the Office of the National Human Rights Commission has to bear liabilities on behalf of its litigant.

CHAPTER V

Penalties

Section 50. Any person, who fails to give statement, deliver objects, documents or evidence as summoned under Section 41(2) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or to both.

Section 51. Any person, who resists or obstructs the performance of duties under Section 41(3) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

Section 52. Any person, who violates Section 43 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or to both.

Transitory Provisions

Section 53. The National Human Rights Commission which holds office on the date of enforcement of this Act shall be the National Human Rights Commission under this Act.

Section 54. All businesses, assets, rights, liabilities, government officials, government employees, employees and budgets of the Office of the National Human Rights Commission under the National Human Rights Commission Act, B.E. 2542, shall be transferred to be in the possession of the Office of the National Human Rights Commission under this Act.

Section 55. The Secretary-General to the National Human Rights Commission who holds office on the date of enforcement of this Act shall be the Secretary-General to the National Human Rights Commission under this Act.

Section 56. All Royal Decrees, Laws, Regulations, Notifications and Orders issued under the National Human Rights Commission Act, B.E. 2542, which are being enforced on the date of enforcement of this Act shall be continually enforced on the condition that they do not obstruct or conflict with this Act, until there shall be the adoption and enforcement of Royal Decrees, Laws, Regulations, Notifications and Orders under this Act.

Section 57. All performances and matters that the National Human Rights Commission, the Sub-Committees and officials had committed under the provisions of the National Human Rights Commission Act, B.E. 2542, before the date of enforcement of this Act, shall be validated and kept functioning.

All performance and matters that are being done or use to be done under the National Human Rights Commission Act, B.E. 2542, and are not stipulated under this Act or are not able to be executed under this Act, the National Human Rights Commission shall consider whether they are deemed to be continually executed.

Countersigned by:

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Prime Minister