

The NHRCT Chairperson in the Seminar on “The Impact of COVID-19 on Human Rights”

Distinguished participants,

On behalf of the National Human Rights Commission of Thailand (NHRCT), I am pleased to have the opportunity to exchange information and experiences related to the impact of COVID-19 pandemic on human rights and the role of the NHRCT, with colleagues from national human rights institutions in the region.

The coronavirus pandemic has posed big challenges to all countries, both developed and developing ones. Thailand was one among the countries where confirmed cases were reported soon after the outbreak in China. The first case was found and reported on January 12, 2020. It can be said that the Thai government was relatively effective in controlling the pandemic at its first wave, and can cope with the situation as there were only 6,884 cumulative cases in 2020.

However, during the second outbreak in mid-December 2020 and the third wave of the pandemic in April 2021, the number rapidly rose to a total of 2,015,262 cumulative infected cases as of November 18, 2021. The situation has affected not only people's health but also the economy, employment, education, and their daily life. Vulnerable groups bear the brunt of the coronavirus crisis even harder. The measures to control disease issued by the government such as the cross-provincial travel ban, group activities, and gatherings have restricted peoples' freedom of movement and other rights.

Given the government's duty to safeguard people's right to health, a number of measures have been implemented which include the provision of COVID-19 test, medical treatment, and vaccine. Remedies or compensation are also provided for people whose employment was suspended; or their business halted due to economic recession during the COVID-19 pandemic. Many people lost their income and were unable to feed and care for their families. Such remedial measures can somehow alleviate people's hardship, particularly for those with low income. This is in accordance with Section 47 of the Constitution of the Kingdom of Thailand, B.E. 2560, which states that a person shall have the right to the protection and eradication of harmful contagious diseases by the State free of charge, and Section 55 which states that the State shall ensure that the people receive efficient public health services universally. This is also the compliance with Thailand's obligations under Articles 11 and 12 of the International Covenant on Economic, Social, and Cultural Rights, which affirm the right to a sufficient standard of living for themselves and their families and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Since the outbreak of COVID-19, the NHRCT has continuously monitored the situation and followed up on human rights' impact on people. Attention has been made to labor and vulnerable groups who suffer in the crisis situation.

In terms of impact on labor, the COVID-19 pandemic has curtailed foreign travel, which severely affects the tourism industry and its workers. Furthermore, during the second

and third outbreaks, the government has implemented more severe disease control measures, resulting in a greater impact on the country's economy. Some businesses are unable to continue or are forced to close down temporarily and permanently. Many people are laid off or have their wages lowered. Workers in informal sector experienced greater impacts since most of them are not covered by social security. Some laid-off migrants were forced to seek out new jobs and became illegal because the type of work or the new name of the employer was different from the document first specified. In the quarantined camps, some migrant workers who fell sick and resided in infectious areas did not have enough food, lost lodging and income, and were unable to receive medical treatment. They also had difficulty in getting access to information and communication, and also the COVID-19 vaccine.

In terms of public health services, some groups of the population, such as prison inmates, get limited access to COVID-19 prevention and treatment services due to the constrained resources of the Department of Corrections. They include few medical personnel, insufficient facilities in prisons' hospitals, and the inability to refer cases to outside hospitals in areas with a large number of infected people. Homeless people, ethnic groups, and people with disabilities have also faced difficulty in getting preventive screening and vaccination because of no identification card, language barrier, or their remote living areas. Furthermore, as a result of the COVID-19 pandemic, people were unable to reach some health services. For example, the number of unplanned pregnancies is on the rise as a result of the lack of reproductive health services. Some HIV-positive workers did not obtain antiretroviral medications on a constant basis. Patients had to postpone appointment with doctors for medical check-ups or treatment since some hospital departments were closed for the treatment of inundated COVID-19 patients.

In terms of education, the COVID-19 outbreak has prompted the government to close schools and require schools to teach students online instead. Some children, particularly the impoverished, handicapped, and ethnically diverse, have difficulties in getting and using technology and equipment, resulting in their exclusion from the educational system. Furthermore, online learning is not as successful as onsite learning since parents may have constraints in the home setting that are acceptable and favorable to online learning. This has a long-term impact on children's learning ability and development.

In terms of occupation and quality of life, vulnerable groups, such as homeless persons, street children, persons with disabilities, the elderly, LGBTIQN+ people, and ethnic groups, have experienced problems of a lack of income and inaccessibility to government compensation schemes, which must be obtained through a phone application. ///Many of them cannot afford cellphones, lack skills in information technology, or face language barrier. Consequently, they do not know about the government's assistance and unable to reach remedies and thus lack basic necessities and maintain a decent level of living for themselves and their families. Nevertheless, the government has adjusted the scheme so that target groups can get easier access through state-owned banks.

The current NHRCT will focus on human rights protection with speed and fairness, resolving people's problems timely, promoting a culture of respect for human rights and human dignity, and collaborating with its network organizations to advance human rights work. In the event of a COVID-19 pandemic, we have consulted with various sectors to exchange information and discuss issues of common concern. The NHRCT has quickly proposed recommendations to government agencies to redress problems to ensure that people, particularly vulnerable groups, have access to public health services including adequate remedial measures thoroughly.

Here are some examples of our roles in response to the impact of COVID-19:

1. The role in monitoring and following up the COVID-19 pandemic situation and its impact on vulnerable groups including regular field visits

Soon after the widespread COVID-19 outbreaks in prisons with a large number of infectious inmates, the NHRCT visited the Department of Corrections and discussed our concerns with the Director-General. We visited the hospital of Bangkwang Central Prison to examine the situation and later issued recommendations to the government to redress the worrying situation of prison conditions.

When the government announced that accommodation for workers both inside and outside of the construction sites, building transformation sites or demolition of building sites shall be temporarily closed, the NHRCT promptly visited the area to inspect several construction sites and workers' camps and collect information on the living conditions of workers and their families. Afterward, we held a meeting with the Ministry of Social Development and Human Security and Ministry of Labor to discuss the dire situations of the vulnerable who need the government's assistance. Information on the problems and the NHRCT's proposed recommendations have been made public through press releases/statements with the aim to raise awareness and protect human rights of people.

2. Complaints on alleged human rights violations related to the COVID-19 pandemic and investigation

In 2021, the NHRCT received several complaints related to the COVID-19 pandemic. These complaints involved the inability and thus inequality in online school learning, the inability and inadequacy of medical treatment for prison inmates, the mismanagement of COVID-19 test resulting in the delayed and difficult access to the service, the delay in public health services, and the government's failure to remedy affected people. In a number of complaint cases, the NHRCT has communicated and coordinated with relevant agencies to quickly solve problems such as the assistance of COVID-19-infected pregnant women in receiving timely medical care.

3. Recommendations to the government on measures or guidelines for the promotion and protection of human rights in the context of the COVID-19 pandemic

In March 2021, the NHRCT issued the first recommendation to the Prime Minister, in his capacity of Director of the Center for COVID-19 Situation Administration (CCSA). The recommendation encouraged the authorities to address the impact of human rights in the situation of COVID-19 as follows:

- To provide people with correct knowledge and understanding so that COVID-19 patients are not stigmatized in society;
- To ensure respect for the right to privacy;
- To ensure universal and fair access to vaccines;
- To conduct a survey of those who are neglected and unable to access aid schemes; and
- To care for poor students who are disadvantaged in education and other aspects

Later, the CCSA positively responded to the NHRCT's recommendations, and the Prime Minister has directed relevant agencies to implement measures in line with the recommendations. The CCSA also instructed local authorities to survey those who have been unable to access the government's remedial measures in order to provide additional assistance.

During the third wave of COVID-19 pandemic, the NHRCT issued the second recommendation to the Prime Minister to redress the situation as follows:

- To speed up the provision of vaccines with appropriate quality for vulnerable groups;
- To establish ad hoc operation centers as a one-stop service at the local or community level to provide comprehensive and timely care;
- To search for vulnerable people who fail from vaccine registration;
- To undertake proactive screening of infected people;
- To effectively improve patient referral system;
- To thoroughly provide food and medicine to persons affected by COVID-19 and requiring quarantine or isolation;
- To provide vulnerable groups with necessary COVID-19 protective devices, including essential consumer items.

Considering human rights implications of the COVID-19 pandemic, it can be concluded that a strong social protection system covering with universal coverage, particularly workers in informal sector and vulnerable groups, is essential when there is a crisis threatening people's livelihood. I sincerely believe that the exchange of information and the NHRCT's experience today will be useful for participants in your respective organization to safeguard human rights of all people in the situation of no end in sight to the COVID-19 crisis.

Thank you.