

Legal Aid in Thailand

Dr. Namtaee Meeboonsalang



International Convention on the Elimination of All Forms of Racial Discrimination 1969

The Kingdom of Thailand

- ▶ Does not interpret and apply the provisions of this Convention as imposing upon the Kingdom of Thailand any obligation beyond the confines of the Constitution and the laws of the Kingdom of Thailand.
- ▶ The obligations under other international human rights instruments to which the Kingdom of Thailand is party.

Legal Aid

- ▶ The Universal Declaration of Human Rights 1948
- ▶ The International Covenant on Civil and Political Rights 1966
- ▶ The United Nations Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems 2012
- ▶ The Constitution of Thailand 2017

The United Nations Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems 2012

Principle 6

States should ensure the provision of legal aid to all persons regardless of age, race, colour, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status or other status.

Guideline 12

Funding the nationwide legal aid system.....
(In process of drafting law)

ASEAN Intergovernmental Commission on Human Rights (AICHR) on Migrant Workers

- ▶ Human Rights Dialogue between the Royal Thai Government and AICHR in 2014
- ▶ More than 3,000,000 migrant Workers
- ▶ Fishing workers centers to promote legally activities

One Stop Service Centers

1. Province Office of Labor Protection and Welfare
2. Access to legal Aid and fundamental services
3. Providing legally worker registration
4. Protect human rights base on humanity
5. Prevent human trafficking

The Constitution of Thailand 2017

Article 27

All persons are **equal before the law**, and shall have rights and liberties and be protected equally under the law.....

Unjust discrimination against a person on the grounds of **differences in origin, race**, language, sex, age, disability..... shall not be permitted.

Legal Aid in Thailand

▶ The Constitution of Thailand

- ▶ It is the State's duty to arrange for and provide legal aid to the people.
- ▶ Numbers of government agencies provide legal aid to Thai people including foreigners.
- ▶ Non-Governmental Organizations
 - ▶ Lawyers Council of Thailand

1. The Office of the Attorney General

Office of Provincial Civil Rights Protection, Legal Aid and Legal Execution (76 provinces)

1.1 Legal knowledge dissemination

1.2 Legal advice

1.3 Legal transactions and contracts assistance

1.4 Mediation Service

1.5 Lawyer to poor and disadvantaged people

2. The Rights and Liberties Protection Department

Assistance to

- ▶ Injured persons
- ▶ Suspects
- ▶ Accused persons
- ▶ Defendants
- ▶ People who have been infringed on rights and liberties

The Rights and Liberties Protection Department

1. Legal advice and access to justice system
2. Compensation from offenders and the Government
3. Witness protection
4. Social welfare services

1. Legal advice and access to justice system

Lawyers at Justice Clinic /Call center 1111 press 77

- Advice relating to the rights to request compensation
- Criminal proceeding
- Langue interpreter
- Bail money from the Justice Fund Act 2015

2. Compensation

The compensation and expense to Injured Persons and the Accused in Criminal Case Act 2001

- ▶ Provide financial assistance to the injured and the accused in criminal Proceeding.
- ▶ Actual medical expense -- 40,000 B
- ▶ Physical and Psychological recovery -- 20,000 B
- ▶ Loss of income (minimum wage rate) 1 year
- ▶ Compensation and reimbursement for imprisoned during the procedure and case acquitted later
- ▶ **No compensation to a detained accused if prosecutor order non-prosecution**

3. Witness protection

- ▶ The Witness protection Act 2003
- ▶ All government agencies must provide witness protection and legal aid under their processes

4. Social welfare services

Forward cases to relevant agencies

- ▶ The Ministry of Social Development and Human Security
- ▶ The Ministry of Education
- ▶ The Ministry of Public Health

3. Non-Governmental Organizations

- ▶ Innocence International Thailand
- ▶ Lawyers Council
- ▶ The Cross Cultural Foundation
- ▶ Human Rights and Development Foundation

- ▶ Provide legal aid to innocent people
- ▶ Human rights protection
- ▶ Lawyers to poor, disadvantaged and underprivileged people
- ▶ Case representative in courts

Innocence International Thailand



- ▶ Found by **Dr. Namtaee Meeboonsalang** in 2015
- ▶ Provide legal aid to innocent people
- ▶ Legal knowledge dissemination for criminal justice reform
- ▶ International cooperation for innocent nationals of ally countries

4 Lawyers Council of Thailand

Legal Adviser

- ▶ In Criminal Court Process

Legal Aid

- ▶ To provide legal knowledge
- ▶ To provide legal advice in general

Criminal Procedure Code

Article 134/1

- In case where **death penalty** or accused person is **under 18 years** of age
- **Legal adviser is compulsory** during the interrogation

Article 134/3

- Accused person has **rights to lawyer** during the interrogation

Criminal Procedure Code

Article 13

- ▶ **Interpreter for foreigners** during the course of criminal procedure is compulsory

Criminal Procedure Code

Article 133

- ▶ Injured person or witness is under 18 years old
- ▶ Prosecutor, Psychologists or Social worker is required at the interrogation
- ▶ Under recording

Criminal Procedure Code

Article 133

- In sexual offence
- **Female interrogator** for female injured person is compulsory

Legal Aid Provincial Committee

1. All Provinces hold a meeting monthly
2. Committee consist of
 - 2.1 Governor
 - 2.2 Provincial Chief Public Prosecutor
 - 2.3 Police
 - 2.4 Delegate from private sectors..
3. Provide money and lawyer for poor people

Disadvantage

- ▶ Police accused suspects and get detention order from court
- ▶ Innocence might be in custody up to 84 days at the first place
- ▶ In case public prosecutor give non-prosecute order, innocence is detained without guilt
- ▶ No compensation for wrongful accused and detention at this stage
- ▶ Serious human rights violation

Thank You

Dr. Namtaee Meeboonsalang