

Thailand Country Report 2018

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The Constitution of the Kingdom 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, gender, age, disability..... shall not be permitted.”

State Agencies

- ◉ The Department of People's Rights Protection and Legal Aid, the Office of the Attorney General
 - ◉ The Office of the Court of Justice
 - ◉ The Lawyer Council of Thailand
 - ◉ The Rights and Liberties Protection Department, Ministry of Justice
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- ◉ (E.g. The Criminal Procedure Code, Witness Protection Act 2003, the Justice Fund Act 2015)

Non-Governmental Organizations

The Innocence International Thailand (IIT)

- ◉ Found by **Dr. Namtaee Meeboonsalang** and **multi-disciplinary team** in 2015.
- ◉ To provide legal aid to innocent people in criminal proceeding at all stage...
- ◉ Planning to international cooperation for helping innocent nationals of ally countries..
- ◉ **Planning to hold international Conference In 2019**

UN Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems 2012

- “states should ensure that all persons regardless of age, race, colour, gender.....should be provided legal aid equally under all process of criminal justice systems”
- In process of drafting the Act on the Rights of People to Access to Legal Aid.

The Act Prohibiting the Collection of Interest at an Excessive Rate 2017

- Preventing and suppressing **illegal usury loan problem** (overcharging interest) with stringent penalties, tax investigation and money laundering law.
- Interest Overcharging mostly concealed under **the sale with right of redemption** which cause social problems and endanger economics systems.

Presiding Mediation



Investigating details of contracts



Returning 10,000 land's deeds in 2018



Thailand National Report on Legal Aid

Dr. Namtaee Meeboonsalang

Thailand

Country				
Country	Population	GDP	Poverty Line & Percentage of Population in Poverty	Total No. of Practicing Lawyers in the Country
Thailand	66 Millions	2017: USD\$455,211 million; GDP growth rate: 4.8% (2018 Q1); 4.6% (2018 Q2)	- 90 USD/person/year - 8.6 percent of the population lives below the national poverty line in 2016	Over 10,000 graduated law degree each year
Organisation				
Name of Legal Aid Organization(s)	Date of Establishment	Total No. of Applications Received in the Past Year	Total No. of Applications Approved in the Past Year	Total No. of Applications Rejected in the Past Year
Department of People' Rights Protection and Legal Aid, Office of the Attorney General	15 Sep 1982	Over 1600 cases Jan-July 2017 And 250,000 persons/year	1600 cases And 250,000 persons/year	No collected data
Total No. of Legal Aid Lawyers (including staff and private lawyers)	Total No. of Non-Legal Professionals (e.g. social workers, counselors, community/culture workers)	Government Budget for the Legal Aid Organisation in the Past Year	Total Legal Aid Expenses in the Past Year	Proportion of Legal Aid Budget Funded by the Government
500 staff, 250 prosecutors, 100 lawyers in the Office of the	Over 500 persons	1 Rights and Liberties Protection Department, Ministry of Justice 190	1. Ministry of Justice 56.6764 millions 2. The Office of the Attorney General 147 millions	No data

Attorney General		millions		
		2 The Office of the Attorney General 147 millions		

According to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, state is responsible to establish legal aid system. Thailand is obliged to international human rights laws to which the Kingdom of Thailand is party. In order to guarantee that the people will be able to access to justice and be entitled to a fair trial, and to ensure equal protection of everyone's rights and liberties, the rights of people to access to legal aid in Thailand is warranted in article 27 of the Constitution of the Kingdom of Thailand 2017 which stated...

“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.”

In addition to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the United Nations Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems 2012 said that states should ensure that 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 should be provided legal aid equally under all process of criminal justice systems. Funding the nationwide legal aid system is said in the Guideline 12. It is, therefore, Thailand is in process of drafting the Act on the Rights of People to Access to Legal Aid.

Thailand is a developing country that has achieved remarkable economic growth over 40 years. Thailand has around 66 million populations with GDP growth rate in Q1 of 2018 is 4.8% and Poverty Line is 90 USD/person/year. There are approximately 7.1 million people are living in poverty, and 80 percent of these people are living in rural areas. The social and economic progress led the country to move from a low-income country to an upper-middle income in 2011. The economic growth also reduces the poverty rate, from 67 percent in 1986 to 8.6 percent of the population lives below the national poverty line in 2016.

Inequality between the rural and urban regions is the major causes of poverty in Thailand. Inequality exists among various sectors; the most inequality is the education sector. Uneducated in legal knowledge means unrecognized on their rights. These people are easily to be taken advantaged. Although over 10,000 graduated law degree each year, many of them are employee of capitalist system which is not tended to be lenient toward the poor people. The stand out example is a problem of illegal high interest on the loan contract. Department of People' Rights Protection and Legal Aid in the Office of the Attorney General plays crucial role in freeing those debtors who are victims of cruel capitalist system and lost their lands because of cruel interest. The "Udon model" setting by Dr. Namtaee Meeboonsalang, the Udon Provincial Chief Public Prosecutor in 2017, is using as an example for all Thai government agencies to solve illegal interest loan contract's problems around Thailand.

The following are state organizations/agencies and civil society sector with the mission or work to provide legal aid to people.

1. State Sector

1.1 The Office of the Court of Justice, provides a lawyer to individuals who need legal adviser as required by law in case of capital punishment and provide subsidies for litigation costs.

1.2 The Office of the Department of People's Rights Protection and Legal Aid, the Office of the Attorney General provides court proceeding related services to the public as prescribed by law to be under the authority of and under the duties of public prosecutors. The office is in charge for dissemination on legal knowledge to people and provide legal advices on contracts and legal transaction for the poor. Arbitrations and dispute resolution for amendable civil and criminal offenses are services under the office's duties.

1.3 The Lawyer Council of Thailand disseminates legal related knowledge and provide legal assistance by counseling or recommendation services the poor who are suffering injustice. In case where the suspects are under 18 of age or are accused of criminal offence punishable by death penalty, legal adviser to the suspect is required. In case where injured person is under 18 of age, legal adviser and psychologist are compulsory.

1.4. The Rights and Liberties Protection Department, Ministry of Justice provides protection of people's rights and liberties by disseminating legal knowledge, conflict management and community dispute resolutions. The Department also provides legal counseling to suspects who are under criminal investigation according to Section 134/1 of the Criminal procedure Code. Missions under the Witness Protection Act 2003 and bail money to poor accused under the Justice Fund Act 2015 are considered under the areas of legal aid.

2. Non-Governmental Organizations

There are non-government organizations providing legal aid in various areas depending on their expertise such as in environment case, child and lady field, victim of crime assistance. The Innocence International Thailand (IIT) is an organization found by Dr. Namtaee Meeboonsalang in 2015. The main objective is to provide legal aid to innocent people in criminal proceeding at all stage of the criminal

proceeding. The IIT also work on legal knowledge dissemination in order to achieve criminal justice reform. The IIT is working on international cooperation for helping for innocent nationals of ally countries

