



Executive Summary

Handling Complaint

In fiscal year 2021, the Ombudsman received a total of 4,866 complaints. After fact-finding investigation, decisions and recommendations to relevant State agencies were made on 2,675 (56.97 percent) of these complaints, especially those concerning revisions and amendment of laws, rules, regulations, orders or operative procedures that cause grievances or unfairness to people. The remaining 2,191 complaints (45.03 percent) are still under investigation. Apart from redressing grievances and complaints under the powers and duties under the provisions of the Constitution of the Kingdom of Thailand, 2021 (B.E. 2560), the Ombudsman has attached importance to solving people's grievances in a systematic way namely problems affecting the majority of people or any issues inclining to cause unfairness. The Ombudsman can conduct a study to solve systemic problem and to find preventive measures proactively. In the fiscal year 2021, a number of systematic problem-solving studies were conducted as follows:

1. Assistance provided to the performance of medical professionals and public health personnel at all levels during the Corona Virus Disease 2019 (COVID-19) pandemic.
2. Land management in Thailand: a case study of the problem of issuing documents of right.
3. The solving of public health problems of people and tourists in Ko Pha-Ngan.
4. A study on the suitability of fee rate defined for water supply system installation: a case study of the Metropolitan Waterworks Authority.
5. A Study of impacts from the Bang Sue Central Station development project.
6. The development of a maritime medical emergency system, according to the policy of "Ombudsman enhances water safety" and the operation of the Khao Lak Medical Center, Phang Nga Province, and the establishment of the Maritime Emergency Response Center (Andamun Hub Medical Network).

Examples of Ombudsman resolutions to protect public interest and redress individual grievances have been summarised in the Annual Report of the Ombudsman 2021 (B.E.2564).



In addition to considering and investigating complaints, the Ombudsman administered a questionnaire to survey the satisfaction of complainants. The results of the survey have been used to improve operation of the Ombudsman and the Office of the Ombudsman and to enhance the satisfaction of complainants with the services provided. In fiscal year 2021, satisfaction of complainants was at a high level averaging 3.91 (78.20 percent) for the following matters:

1. Lodging and receiving complaints (82.60 percent);
2. Fact-finding and investigation of complaints (74.00 percent);
3. Consideration and handling of complaints (72.80 percent);
4. Following-up on complaints (62.00 percent);
5. Satisfaction with fact-finding and consideration of complaints (71.40 percent);
6. Image and service of the Office of the Ombudsman (84.40 percent).

Monitoring the performance of State agencies Pursuant to Chapter V - Duties of the State as stipulated in the Constitution

Section 230 (3) of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) stipulates that the Ombudsman has the duty and power to submit a report to the Cabinet regarding State agencies that have not complied correctly and completely with Chapter V - Duties of the State which prescribes that “the State has a duty to the people” and is committed to performing its obligations for “all people” or “all communities” in general. Each person or community does not have to exercise the “right to appeal” but if the State does not comply with the said provisions of the Constitution, or does not fulfill its obligations to its full capacity, the people and the community have the right to follow up and urge the State to perform its obligations as well as to take legal proceedings against any relevant State agency.

In fiscal year 2021, the Ombudsman made five recommendations to the Cabinet regarding State agencies that did not fulfill their duties in compliance with Chapter V - Duties of State as follows:

1. Plastic debris overflowing in the seas of Thailand;
2. The children's lunch management programme;



3. The prominent role of private electricity generation companies, granted by the Ministry of Energy, resulting in a significant drop in the proportion of electricity generation by the state-owned enterprises to less than fifty-one percent;
4. Impacts from foreign-owned tourism business in Thailand;
5. Effective prevention and reduction of road accidents.

Referring matters to the Constitutional Court or the Administrative Court

Section 23 of the Organic Act on Ombudsmen, B.E. 2560 (2017) prescribes that the Ombudsman may submit a case to the Constitutional Court or the Administrative Court in the following cases:

1. Case of any provision of a law begging the question of constitutionality, according to Section 23 (1);
 - There were 48 complaints received for consideration, according to Section 23 (1), none was submitted to the Constitutional Court with the Ombudsman's opinion, and all of these complaints were ceased with no further action being taken.
2. Case of any rule, order or action of a Government agency or State official begging the question of constitutionality or legality, according to Section 23 (2);
 - There were 34 complaints received for consideration, according to Section 23 (2). Of these complaints, 1 case was submitted to the Administrative Court with the Ombudsman's opinion, and 33 complaints were ceased with no further action being taken.

Cooperation with local networks and international organisations

1. Cooperation with local networks

The Ombudsman created and developed a network of participation of all sectors (private sector, civil society, government agencies, etc.) to promote good public governance in order to redress people's grievance and to deliver justice.

In the fiscal year 2021, there were an increasing number of networks operating in accordance with the principles of good governance as a mechanism for redressing people's grievance. There were total 14 networks established as follows:

- 1.1 Networks according to the mission of the Ombudsman – there were 2 networks established in cooperation with the Constitutional Court and the Administrative Court.



1.2 Increasing 7 public relations networks were as follows:

1.2.1 The Government Public Relations Department – to assist the ombudsman to widely publicise information of the Ombudsman regarding duties and powers, complaint submission channel, including important performance of the Ombudsman contributing to the society.

1.2.2 The Office of the Princess Mother’s Medical Volunteer Foundation (the Volunteer Medical Doctors Mobile Units, PMMV) - to disseminate information of the Ombudsman regarding duties and powers, complaint submission channel, important performance of the Ombudsman contributing to the society.

1.2.3 The following 5 networks of government/private sectors – to assist the Ombudsman to work in public relations by advertising on LCD screens and other formats:

(1) BNO Group Co., Ltd. – to disseminate publicly through LCD screens at 15 locations at road intersection in Bangkok, Pattaya, and Hua Hin.

(2) Transport Co., Ltd. – to advertise on LCD screens and vinyl banners, and to distribute brochures and leaflets at 123 bus stations countrywide.

(3) The Governor’s office of every province – to advertise on 113 LCD screens across the country.

(4) Network of agricultural cooperatives in Phetchaburi province – to publish in the form of vinyl banners at 83 locations.

(5) The higher education institutions – to publicise the print, electronic, and online media at 155 locations.

1.3 Developing 6 networks of good governance of the Ombudsman as follows:

According to the Project of Promoting Good Governance to Fight Corruption (Moralistic district), the project implementation continued to develop additional 6 Sub-Districts in Lat Bua Luang, Phra Nakhon Si Ayutthaya province, namely; the sub-district of Lat Bua Luang, Lakchai, Sam Mueang, Singhanat, Khu Salot, and Khlong Phraya Banlue to achieve further success.

2. Cooperation with the international organisations

The Ombudsman has committed to building a network of international cooperation as a mechanism for solving people’s problems, promoting the exchange of knowledge among the international partners to develop their work system to be increasingly effective in monitoring of the exercise of administrative power, in fulfilment of the principles of good governance, the



protection of civil rights and freedoms, and enhancing good governance, both at the domestic and international levels. In the fiscal year 2021, the Ombudsman cooperated with foreign network partners as follows:

2.1 The Memorandum of Understanding (MOU) for cooperation with the international Ombudsman organisations

The Memorandum of Intent on the Establishment of the South East Asian Ombudsman Forum (SEAOFF) was signed by three Ombudsman originations, namely Ombudsman Republik Indonesia (ORI), the Office of the Ombudsman of the Republic of the Philippines (OMB); and the Office of the Ombudsman, Thailand, in order to enhance the multilateral cooperation among regional Ombudsman organization.

2.2 The participation in international cooperation activities:

2.2.1 The participation in the international webinar on the topic of "COVID-19 and the Ombudsperson - Challenges to the Pandemic", hosted by the International Ombudsman Institute (IOI).

2.2.2 The participation in the international webinar of "UN Resolution on the role of the Organization of the International Ombudsman (IOI) and the African Ombudsman Research Center (AORC)

2.2.3 The arrangement of the International Ombudsman Institute's Asian Region General Meeting by means of teleconferencing.

2.2.4 The participation in a seminar on "Systemic Investigations", organized by the African Ombudsman Research Center (AORC).

2.2.5 The arrangements for the Chief Ombudsman of Thailand to apply for the position of Asian Regional Director of the International Ombudsman Institute.

2.3 Collaborative activities with partners under the Memorandum of Understanding (MOU)

There were 7 important collaborative activities carried out with MOU partners under the Memorandum of Understanding (MOU) as follows:

2.3.1 The Office of the Ombudsman hosted the live webinar, streamed on Zoom programme on the topic "The Ombudsman's Roles during and after the COVID-19 Pandemic" commemorating the 21st Anniversary of the establishment of the Ombudsman of Thailand, on April 2, 2021. All of MOU partners from the Republic of Korea, Republic of



Indonesia, People's Republic of China, Republic of Uzbekistan, Japan, Republic of the Philippines, Western Australia, and New Zealand, together with the International Ombudsman Institute's executive committees and board of directors, as well as Chief Ombudsman of Republic of Turkey, were invited to be speakers and participants at the webinar.

2.3.2 The participation in the Bilateral academic cooperation activities under the Memorandum of Understanding between the Ombudsman of the Kingdom of Thailand and the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman), as follows:

Activity 1: The presentation of the Chief Ombudsman of Thailand with a video presentation on the topic "National Human Rights Institutions during the COVID-19 Pandemic" in an international seminar, entitled "Digitalization of the Ombudsman's activities: innovative mechanisms for ensuring and protecting human rights and freedoms"

Activity 2: The participation in the International Video Conference on "Digitalization of the Ombudsman's activities: innovative mechanisms for ensuring and protecting human rights and freedoms" organized by the Institute of the Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) on the topic "National Human Rights Institutions during the COVID-19 Pandemic"

2.3.3 The participation in the bilateral academic cooperation activities under the Memorandum of Understanding between the Ombudsman of the Kingdom of Thailand and the Ombudsman of New Zealand as follows:

Activity 1: Joint Technical Working Group meetings with the Office of the New Zealand Ombudsman were organized via Zoom programme.

Activity 2: The Office of the Ombudsman, Thailand participated in a knowledge exchange webinar, titled "OPCAT Prison Inspection Practice", the Optional Protocol-Based Inspection Guidelines for the Convention against Torture and Other Cruel, Inhuman or Degrading Acts" hosted by the Office of the Ombudsman of New Zealand, MOU partner.

Activity 3: The Office of the Ombudsman, Thailand participated in a knowledge exchange webinar, titled "Making Disability Rights Real in a Pandemic" (Promoting the Rights of Persons with Disabilities Amid the Coronavirus 2019 Crisis), hosted by the Office of the Ombudsman of New Zealand, MOU partner.



2.3.4 The Office of the Ombudsman, Thailand participated in a bilateral academic cooperation development activity under the Memorandum of Understanding between the Ombudsman of the Kingdom of Thailand and the National Commission of Supervision of the People's Republic of China (NCS), by sending 3 officers to attend the online seminar on "Anti-Corruption for Belt and Road Countries" organized by the China Academy of Discipline Inspection and Supervision (CADIS).

Operations of the Office of the Ombudsman

Budget disbursement

In pursuance with the Budget Expenditure Act for fiscal year 2021 as published in the Government Gazette, on 7 October B.E. 2563 (2020), coming into force as from 1 October 2020, the Office of the Ombudsman was allocated an expenditure budget for fiscal year 2021 of 320,886,100 baht. The total disbursement was 276,902,854.56 baht (86.29 percent) covering the following expenses:

Table 1: Allocated budget and budget disbursement results of the fiscal year 2021

Work plan / Expense category	Budget allocated (Quarter 1 - 4)	Disbursement Results			
		Disbursement	Disbursement percentage	Remaining budget	Remaining percentage
Costs for manpower and operations	239,300,200.00	226,618,033.54	94.70	12,682,166.46	5.30
1. Cost of manpower	221,501,300.00	210,298,980.34	94.94	11,202,319.66	5.06
2. Cost of operations	17,798,900.00	16,319,053.20	91.69	1,479,846.80	8.31
Costs for undertaking activities and projects to develop public sector management	78,171,700.00	50,086,160.32	64.07	28,085,539.68	35.93
1. Cost of operations	73,725,500.00	45,688,460.32	61.97	28,037,039.68	38.03
2. Cost of investment	4,446,200.00	4,397,700.00	98.91	48,500.00	1.09
NACC Integration plan	3,414,200.00	198,660.70	5.82	3,215,539.30	94.18
Total	320,886,100.00	276,902,854.56	86.29	43,983,245.44	13.71



For the total remaining budget shown in the above table, according to the Ombudsman Regulation on Budget (No. 2) B.E. 2563, Article 14, it states that “at the end of the fiscal year if there is money left to pay, the said money will be used as the office’s savings for administrative expenses in accordance with the objectives and mission of the Ombudsman and the Office”. The Office of the Ombudsman has allocated such money to contribute to important and urgently needed activities / projects, which has not been granted the budget for the fiscal year 2022 or has been partially allocated for implementation. It was also spent for cost of officials’ benefits and welfare which has not been granted each year the annual budget, i.e. retirement pension and medical welfare. In order to achieve the implementation of such budget management, plan, the Office of the Ombudsman always strictly recognises and considers financial and fiscal discipline fiscal discipline and the benefits of activities/projects implementation to the general public.

In respect to the achievement of organizational development, in the fiscal year 2021, the Office of the Ombudsman has participated in the Integrity and Transparency Assessment (ITA) for the fifth consecutive year. The process development project was initiated to enhance the Office’s Good Governance. In order to emphasise its integrity and transparency according to ITA indicators, the Office of the Ombudsman set up measures to promote integrity and transparency within the organisation and to improve the Office’s performance by analyzing the results of ITA by criteria of the previous year. In taking the measure, emphasis has been placed on the participation of officials of all levels, the organization and management development, public information disclosure.

In this regard, the Office of the Ombudsman has effectively adopted the abovementioned measures to promote morality and transparency within the organisation. Thereafter, according to the results of ITA in the fiscal year 2021, it was found that the Office of the Ombudsman, passing the ITA assessment criteria, received a score of 90.44, 3.85 points higher than the fiscal year 2020. The Office of the Ombudsman received A rating level, in other words, was the third-ranking among the independent organizations.

In addition, according to the Office of the Ombudsman Strategic Plan, 4th edition (2018 - 2022), the Office of the Ombudsman has also adopted the approach of Public Sector Management Quality Award (PMQA) covering all three dimensions of the national development strategy of “Thai Bureaucracy 4.0”, to be a guideline to for improvement of service delivery and management.



The assessment of the Public Sector Management Quality Development (PMQA 4.0) showed that the performance of the Office of the Ombudsman was rated at “very good” level. In particular, in the dimension of “Open & Connected Government”, there were 3 projects/activities, passing the criteria. In the dimension of “Citizen-Centric Government”, there were 4 projects/activities passing the criteria and 1 project/activity failing to meet such criteria. In the dimension of “Smart & High Performance Government”, 1 projects / activities fulfilled the criteria while other 3 projects / activities did not.

Regarding the achievement of human resource development, according to the Office of the Ombudsman Strategic Plan, 4th edition (2018 - 2022), Strategy 3, - “Building the Office to be a Learning Organisation”, it has focused on the capacity building for officials to develop and strengthen their knowledge, skills and key competencies to have specialisation, great potential, and adaptability to technological change and digital transformation, to effectively support the Ombudsman.

In the fiscal year 2021, during the COVID-19 pandemic, the Office of the Ombudsman realised the safety of staff and also attached great importance to the continuous staff development to their highest potential. In addition to organizing internal training (In-House Training), method of staff development was change to a combination with online training through electronic communication systems in order to comply with COVID-19 prevention and social distancing measures and relevant strategies. The Office of the Ombudsman conducted staff development programmes, including 3 projects of In-house staff development and 31 external training courses/projects.

Challenges, Obstacles and Recommendations for operation of the office of the Ombudsman

Due to the situation of the COVID-19 pandemic in the fiscal year 2021, the Office of the Ombudsman has to adjust its work procedures to be in line with the guidelines of the Centre for the Administration of the Situation due to the Outbreak of the Communicable Disease Coronavirus 2019 (COVID-19). The risk management analysis of work procedures / impacts of the circumstance can be done in accordance with the COSO-ERM framework as follows:



1. Strategic Risk

Operational Policy

The Office of the Ombudsman must adjust work policies and methods by assigning all executives and staff to work remotely at their residences (work from home policy) and focusing on incessant working via digital means (virtual platforms).

Operations

The Office of the Ombudsman has appointed a working group, called “The Office of the Ombudsman Centre for the Administration of the Situation due to the Outbreak of the Communicable Disease Coronavirus 2019 (COVID-19)”, authorised to study, research, collect and analyze data for considering and sharing opinions on the COVID-19 pandemic, along with making announcements on operational guidelines towards COVID-19 for staff of the Office of the Ombudsman – whose living and work affected by COVID-19.

2. Operational Risk

2.1 Receiving complaints in order to redress grievances of people.

In terms of walk-in complaints of the complainants entering at the Office, it was found that the number of complaints decreased from the 1st and 2nd quarter of the fiscal year, due to the COVID-19 pandemic as well as the government’s policies requiring all people refrain from traveling and asked all agencies to utilise their online channels to facilitate public services.

Operations

The Office of the Ombudsman has remained open for submitting complaints at the office under the pandemic control measures of the Centre for the Administration of the Situation due to the Outbreak of the Communicable Disease Coronavirus 2019 (COVID-19). For example, people who come to the office are requested to measure body temperature, the office provides hand sanitizer (70% alcohol gel) in several areas. Additionally, the acrylic partition shields have been installed in the complaint rooms - to keep a social distance between officials and complainants. The office has also conducted a regular operation for air and surface disinfection with ozone generator in complaint rooms and all working space of executives and officers.



Regarding the COVID-19 pandemic in April 2021 - the third wave of the pandemic, the Office of the Ombudsman has prepared for supporting people who submit the complaints, as well as improving accessibility and efficiency services in terms of convenience, fast and simple. The channels for services accessibility are as follow:



As a result, in fiscal year 2021, there were a greater number of people submitting complaints to the Office through electronic means in the 3rd and 4th quarter compared to the 1st and 2nd quarter. It showed a significant change in people's behaviors of requesting more services from government agencies via online channels / Call Center.

2.2 Organizing domestic and international conferences.

In accordance with the guidelines set by the Centre for the Administration of the Situation due to the COVID-19 pandemic, as well as the government's policy (Social Distancing), all on-site conferences cannot be held due to the COVID-19 pandemic situation. Thus, the Office of the Ombudsman has to adjust the format of meeting - both inside and outside the country - into digital means.

Operations

The Office of the Ombudsman has changed various activities/projects into digital formats, such as hosting online meetings instead of field works, holding meetings with several agencies through online programs, i.e., Webinar and Zoom Meeting.

3. Financial Risk

The analysis of financial risk of government agencies has focused on the budget disbursement - which is an economic stimulus in the economy. In connection with the



budget disbursement of the Office of the Ombudsman, it was found that the disbursement results did not meet defined goals.

Operations

The situation of COVID-19 pandemic has been a high-risk and unmanageable factor which severely affected all sectors of society, both at international and national level. Under this circumstance, it is acceptable that budget disbursement could not meet the target defined. Due to the COVID-19 pandemic, the Office of the Ombudsman has changed some activities / projects to be carried out in the digital / online format to attain the goals budget. However, as expenditure arising from such activities / projects implementation was included in the Office's running costs, the disbursement of cost of operation could not be made to meet the planned disbursement target.

4. Compliance Risk

Due to the COVID-19 pandemic, government agencies need to improve their operating procedures in response to the situation. Thus, all regulations need to be revised and updated, for instance, adjusting the method of field fact-finding, changing the meeting format as well as training and seminar into electronic system.

Operations

According to the above-mentioned situation, the Office of the Ombudsman has announced the Regulations of the Ombudsman on Meetings through Electronic Media B.E. 2564 (2021) - came into force on May 14, 2021 - authorising meetings conducted through electronic means could be arranged with both internal and external meetings.

Furthermore, the Office of the Ombudsman has intently managed the risk and solve various problems arising from the COVID-19 pandemic crisis. For instance, the adapting of operation format in accordance with the situation, such as the development of digital technology in office routine operation; the determination of regulations, measures, and practices in accordance with current situation; the acceleration of complaint investigations and activities / projects undertaking in limited circumstances and in accordance with government policies; and the constant improvement of digital technology execution in various fields of work.