



Solving problems during the pandemic of COVID-19 in 2020

1. “No one left behind (เราไม่ทิ้งกัน)” relief measure

The complaint is about the Ministry of Finance’s “No one left behind” income compensation scheme of which cash support of 5,000 baht for 3 months are given out to workforces getting affected from the pandemic of COVID-19. An error, caused by the Artificial Intelligence (AI) system, occurs in the screening process of applicants’ occupation and results in disqualifying eligible applicants from getting the remedial cash.

Chief Ombudsman has discussed with pertinent agencies consisting of Ministry of Finance, Ministry of Interior, Fiscal Policy Office, Comptroller General’s Department, and Krung Thai Bank PLC to immediately identify appropriate solutions. The discussion reveals that the procedure and guidelines have been set up by the Ministry of Finance in order to ensure the eligibility of applicants in this package. In the screening process, the AI system works on screening the occupation of applicants who registered through website www.เราไม่ทิ้งกัน.com which is linked to databases of related government agencies. Thus, the accuracy of screening depends on 2 portions of data i.e. the input data in the website and the database of related government agencies which were used in the screening process.

For those who are disqualified or those who disagree with the screening result, Ministry of Finance has set up the eligibility review as part of the registered information screening. The assigned officials make their site visits, nationwide, to verify the eligibility and impact from the COVID-19 outbreak of disqualified applicants in order to certify the accuracy of screening procedure and to support the purpose of 5,000-baht relief package. This can be considered that the Ministry of Finance has already set up the occupation screening procedure and made it accessible to those who request their eligibility to be reviewed. Therefore, the issue raised in the complaint is not in accordance with Section 22 (2) of the Notification of the Ombudsmen, B.E. 2562 (2019) which prescribes the matters that the Ombudsman is prohibited from accepting for consideration under section 37 (8) of the Organic Act of the Ombudsmen B.E. 2560 (2017) pursuant to Section 37 paragraph two of the Organic Act on the Ombudsmen B.E. 2560 (2017). The Ombudsman has decided to cease the complaint. However, the Ombudsman looks forward to see all COVID-19 affected people thoroughly entitle to appropriate relief measures including city and rural people especially low-income workforces. The Ombudsman, then, had recommendations to pertinent agencies as follows:



1) The Ministry of Finance and the Ministry of Interior have set up “Local rights defender team”, of which its officials are assigned to visit and to verify the occupation and impact from the COVID-19 outbreak of those who request the eligibility review. Until now, there possibly are some COVID-19 affected people who are fully qualified but have not been considered for the payment because they aren’t able to access and complete their registration through the website e.g. they don’t have a smart phone, they don’t have a bank account, or they don’t know how to register through the website. The Ombudsman, then, requests the Ministry of Finance and the Ministry of Interior to add on proactive measures in urgently identifying and providing assistance to this group of people.

2) Regarding the published news about the relief measure for farmers that the government approves the cash payment per farming household, this may create a redundancy between the qualified farmers and the qualified applicants in “No one left behind” package because the farmer’s family members often earn their livings from additional type of works; saying that, they do farming in the harvest season and do other types of work afterwards e.g. general workers, workers in the construction site, taxi driver, or motorcycle rider. With this reason, the financial aid for farmers should be considered as an individual basis, vice a household basis. Also, the cash amount in the relief measure for farmers should be equal to the one for those in the “No one left behind” package to remove the disparity and redundancy of eligibility.

After the Ombudsman notifies the decision to all relevant agencies including the Prime Minister, the Secretariate of the Prime Minister has a written notice to the Ombudsman that the Prime Minister has been informed of the Ombudsman’s recommendations and agrees to command, per the Ombudsman’s recommendations, all relevant agencies to urgently develop proactive measures in identifying vulnerable group of people who have not been certified for the 5,000-baht relief package.

Later, the Ombudsman receives several complaints about 5,000-baht relief package. The Ombudsman then commands the Office of Ombudsman to resolve the complaints by providing assistance, guidelines, and explanations – to people and complainants – about the procedure of registration and eligibility verification to accurately educate and give them a full access to the data of consideration under the 5,000-baht relief package. Also, the Ombudsman has followed up, in meetings, the execution of the Ombudsman’s decision and



recommendations and made a site visit to the complaints center, at the Government Public Relations Department, to learn about the problems and support the officials working at the complaint center.

2. Assistance measures from Telecommunication Sector to support people working from home during the pandemic of COVID-19

In April 2020, Thailand has experienced the Corona Virus 2019 pandemic (COVID-19). The government has declared the state emergency, leveled up preventive measures, and advised people to stay at, work from and learn from home using electronic devices with internet connection. The Chief Ombudsman has considered that the telecommunication sector should provide support to this measure. It is under the direct authority and responsibility of the Office of National Broadcasting and Telecommunication Commission (NBTC). Simultaneously, NBTC generates measures to support people working from home. By virtue of Section 32 of the Organic Act on the Ombudsmen B.E. 2560 (2017), Chief Ombudsman invites NBTC to discuss about aforementioned measures.

From the discussion, NBTC generates two preliminary measures to assist people as follows:

1) Offer 10 GB internet service to people using mobile phone to support the work from home campaign. This aims at the most affected group of people which are low-income workers, SMEs in size of 4 - 5 employees which there are about 300,000 – 400,000 SMEs, totally over a million of people getting affected. The reason is that although the low-income workers don't have working equipment such as tablet or computer, they have mobile phone. Thus, offering extra internet service on mobile phone, for use in 30-day period, can help them working from home during the COVID-19 pandemic.

2) Increase the speed and capacity of internet service at home to reach its maximum level e.g. home internet using ADSL cable (copper wire) which has the maximum level of signal capacity at 30 Mbps and home internet using Fiber Optic cable which has the maximum level of signal capacity at 100 Mbps. If the users don't get the maximum capacity level of each cable type, the maximal capacity is offered to the users for use in 30-day period. In addition, NBTC receives the request from academic sector about the online learning through distance learning television which quarterly costs about 400 baht per person and approximately



500,000 poor and low-income students have completed their registration. This is being considered as an urgent agenda.

On the matters of facts and the related laws, the Ombudsman decides that NBTC's support measures – offering 10 GB internet service for qualified people using mobile phone and on increasing the speed and capacity of home internet service to 100 Mbps – are in observance to the government policies that urges people working or learning from home. The aforementioned internet support measures mainly aim at low-income people and school or college students, plus another internet support measure for college student that is in the pipeline of urgent consideration. Therefore, there is insufficient fact to conclude that NBTC's assistance measures to support people working from home are out of its scope of authority. Consequently, this case is not in accordance with Section 22 (2) of the Notifications of the Ombudsmen B.E.2562 (2019), which specifies the issues that the Ombudsman of Thailand shall not accept for consideration under Section 37 (8) of the Organic Act on the Ombudsmen B.E.2560 (2017). By virtue of Section 37 paragraph two of aforementioned Organic Act, the Ombudsman has decided to cease this complaint.

Nevertheless, in order to make the best advantage for people in using the NBTC measures and for the best value of budget used in operating these measures including the social responsibility of private companies that provide telecommunication services, the Ombudsman has following recommendations delivered to NBTC for further actions:

1) Discuss with the private companies to extend the using period of 10 GB internet to exceed 30 days or until the qualified people completely finish all given 10 GB. NBTC has asked for the cooperation and voluntary from the private companies that are willing to help people and country during the crisis.

2) Send out SMS to notify the users about an increase of home internet speed and permit them to change the location of use as long as it's under the same account.

3) Regarding the internet for education, NBTC works with the universities to identify and support their demands of using internet for online learning. If NBTC has inadequate budget to do so, it can request from the government.

4) During the most people working from home via great demand of internet service, NBTC is requested to regularly observe the service providers in efficiently providing sufficient internet service to meet the people's demand of use.



NBTC has the Ombudsman's recommendations operated as follows:

1) Regarding the home internet, people is able to use the maximum speed and capacity with no need to register. The service providers will send a notification to eligible people, and shifting their eligibility is also permissible.

2) Regarding the internet on mobile phone, the service providers give additional 10 GB to people that use an under 10 GB promotional package. This mainly aims at a group of people using prepaid package which largely is low-income people. There should be the system set up to have the eligibility reviewed carefully and concisely.

3) Regarding the internet for education, the controlling authorities of telecommunication sector is delighted to support and have the Ombudsman's recommendations executed in collaboration with related government agencies and several universities.

4) Regarding an extension of using 10 GB internet to exceed 30 days, NBTC attempts to discuss with the service providers but is not able to reach an agreement since the service providers claim that they are also impacted from the aforementioned measures.

3. The shortage of medical equipment (face mask, alcohol gel and medical equipment) which impacts a large group of people.

The pandemic of COVID-19 has largely impact on Thailand's industry, tourism and economy. Accordingly, the Ombudsman receives the complaint about an inefficient control and monitor the dissemination of face masks to hospitals, stores and people for their uses in protecting the spread of Corona Virus 2019 (COVID-19). This creates a trouble, for people and healthcare professionals, which significantly impacts a large group of people.

The Ombudsman seeks out the facts from all pertinent sectors, randomly inspects face mask manufacturers to observe the production process, quality, production quantity and distribution system and discusses with relevant agencies i.e. Ministry of Commerce, Department of Internal Trade, Food and Drug Administration, Bureau of Environmental Health, Department of Health, Customs Department, Excise Department, Government Pharmaceutical Organization, Liquor Distillery Organization, Ramathibodi Hospital, Bamrasnaradura Infectious Diseases Institute, Thammasat University Hospital, Vajira Hospital, Phramongkutklo Hospital, including private manufacturers and suppliers – Textile Prestige Public Company Limited and



Thai Hospital Products Co.,Ltd. – to resolve aforementioned problem. The Ombudsman, by virtue of Section 22 (2) pursuant to Section 32 of the Organic Act on the Ombudsmen B.E.2560 (2017), recommends the followings to the Center for COVID-19 Situation Administration for further actions:

1) The issue of face masks:

1.1) Assign the Department of Trades Negotiation and the Department of Intellectual Property to identify how to domestically use – given first priority to the health professionals – the remaining stocks of copyright face masks produced per overseas purchase orders and are currently prohibited to export.

1.2) Assign the Customs Department to reduce tax rate or adjust to zero rate in importing of medical supplies and equipment for use in protection, control or treatment of infectious Corona virus disease 2019.

1.3) Assign the Comptroller General's Department to provide an exempt or reduce steps of procedure in the – Regulation of the Ministry of Finance on Public Procurement and Supplies Administration B.E.2560 (2017) for use in protection, control or treatment of infectious Corona virus disease 2019.

1.4) Assign the Food and Drug Administration to provide an exempt or a relief measure as well as a reduction in procedure of permission request to import face mask, medical equipment for use in protection, control or treatment of infectious Corona virus disease 2019; and to control the price of imported face mask.

1.5) Assign the Ministry of Commerce to develop an acquisition plan for ingredients that are used to produce face masks and to control the price of those particular ingredients.

1.6) Survey the demand of using face masks and necessary medical tools and equipment.

1.7) Manage the distribution of face masks and should also have them directly distributed to the citizens.

2) The issue of managing denatured alcohol in producing hand sanitizer and disinfectant products:

2.1) Assign the Excise Department to establish the timeline of request to use three overlapping denatured alcohols in producing hand sanitizer and disinfectant products; and



to alert licensees and people to follow the purposes and submit their request of permission within specific timeline to prevent the hoarding and shortage of three overlapping denatured alcohol which is the main ingredient of aforementioned products.

2.2) Assign the Ministry of Commerce to follow up with the Excise Department licensees of three overlapping denatured alcohols, about the distribution of alcohol-based hand sanitizer and disinfectant products; and use as a database administration in appropriately handling people demands of aforementioned products.

The Prime Minister, as the director of the Center for COVID-19 Situation Administration, has already notified the Ombudsman about his commands for government actions in observance to the Ombudsman's recommendations.