

**Topic : Proactive Ombudsman through Mass Media**

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I am honoured to address the media workshop today along with other esteemed participants and colleagues from all over the world. This morning I am going to contribute on behalf of the Thai Ombudsman office regarding our work with the media and the strategies we devised to make it work.

We at the office keep in mind the major challenges we face during the course of our sixteen-year existence; one of which is that our communication with the public has not always been perfect since we do not have provincial offices to connect us directly to those living outside Bangkok, especially in remote areas. Throughout the years, we have come up with initiatives and programmes in order to reach out to everyone, making sure that no one was left behind and that justice was served when needed. For instance, we provided numerous channels for people to lodge their complaints including the office's website (<http://www.ombudsman.go.th>), a call centre service (Tel. 1676), facsimile (+66 2 143 8362), a mobile phone application, and mobile units which served as our portable offices traveling all over the Kingdom. However, these channels are merely guises of responsive measures designed to accommodate people in need. We also need to work proactively, that is, to initiate our side of the communication with the public, not only being able to reply on-demand. At its core, the Ombudsman's proactive approach is led by two guiding questions;

1) How can we make the Thai society become aware of **our existence?**

2) How can we make people know **what we do?**

In other words, working proactively is about reaching out, and being seen, so that other voices have a chance to be heard. This concept relates directly back to public relations – for which we also have the Corporate Communication and Public Relations Bureau being responsible but that alone is insufficient since we are a small agency with a relatively low number of staff and ever faced with financial constraints.

Thus, the media caught our attention; through them, we saw the opportunity to fulfill our mandates while working proactively to approach the public. As I will further explore in detail, both questions helped us in shaping our communication strategy which were adapted to suit our needs.

### **I. Crafting the Message: From Duties and Obligations to Accomplishments**

While the two questions bode of existential issues rather than communication problems, it is more important to view them as the starting point from which the message we want to convey to the public can be crafted. The Ombudsman's duties and obligations provided by the Constitutions of Thailand and its accomplishments are combined to form the very essence of such message. It is vital for the people, regardless of their locations and personal ordeals, to understand these points so that they know that we can help them; that they do not have to suffer from public misconduct all by themselves.

I will take this instance to explain briefly the dynamics of our mandate and accomplishments over the past sixteen years to provide a general idea of the Thai Ombudsman's working environment and how they can be effectively communicated to the public;

#### *i) Duties and Obligations*

When the Thai Ombudsman first opened its doors to the public in 2000, the 1997 Constitution of Thailand, provided that our primary function was that of the classical model; which emphasised the investigation of cases regarding public maladministration, unlawful and unfair practices of public officials; and the recommendations provided for related agencies to solve the grievances. However, a new mandate was

enforced by the 2007 Constitution, transforming the Ombudsman into the hybrid model by extending the obligations to having active roles in the establishment and supervision of the Code of the Ethics adhered by public agencies; and monitoring existing regulations whether they complied with the Constitution. Moreover, the law also allowed the Ombudsman to utilise own motions by selecting issues of public interest, studying them at length, and proposing new regulations. In addition, the Ombudsman could also submit cases to the Constitutional Court and the Administrative Court in case unconstitutional rules and regulations were found.

In 2014, the National Council for Peace and Order Maintaining (NCP0) abolished the 2007 Constitution and replaced it with the 2014 Interim Constitution. However, the Ombudsman could continue to function since the Interim Constitution's Section 47 – together with NCP0's announcement number 11/2014 and number 24/2014 – allowed all independent public organisations, including the Ombudsman, to operate under the provisions of the then defunct 2007 Constitution.

Another change came in August 2016 when Thais ratified the draft of the 2016 Constitution, indicating an end of a period of political uncertainty. When the 2016 Constitution becomes enforced, the Ombudsman will have a new mandate; the roles related to ethics and constitutional compliance will be removed and the Thai Ombudsman will once again be geared towards the classical model.

In addition, the new mandate may allow us to pursue the process of litigation against public agencies not adhering to the Ombudsman's recommendations; an ability non-existent under the previous Constitutions. This will further strengthen our credibility and empower us to serve the people more efficiently. Our public image will also be improved despite having been referred to as 'a paper tiger' and 'a giant without a mace.' Both indicated the Ombudsman's lack of power to effectively enforce its recommendations – which were not legally binding – on public agencies..

### *ii) Notable Accomplishments*

Our mandates – despite being altered over the years – ultimately provided us with a vast array of complaints ranging from inconveniences caused by redundant bureaucratic procedures, government officials not doing their jobs, to rights-based issues and other unlawful practices.

Some of the prominent examples of our accomplishments include successfully pushing for the right of people with disabilities to become assistant judges in the Thai Courts of Justice in 2011. We also – in 2014 – simplified the notarisation process of National ID card copies which used to require both sides of the card being photocopied although all important information appeared only on one side. More importantly, we also abolished the Bangkok Metropolitan Waterworks Authority's practice of charging a minimal rate of the monthly water bill in 2015 and replaced it with a fair system of charging each household according to its respective real usage.

These are the examples of information we want to tell the public. In my opinion, as long as the people are being constantly informed of our latest achievements together with the precise knowledge regarding our duties and obligations, they will hold us in high regard and will allow us to relieve their grievances.

## **II. Sending the Message: Working Proactively through the Media**

We now place our attention on how we want the message to be sent. Having the information ready does not necessarily guarantee successful communication; for example, our mandate - as provided by the Constitution - is not written in the language that is easy to understand. Thus, it is possible that people may have a copy of the Constitution in their homes, listening to the news about us in their cars, but will not be able to explain what we do and what we have done so far.

Thus, I would like to propose four guiding principles to set the course for effective communication with the public – to present ourselves properly before them;

*i) True Story*

The message conveyed to the public has to be always factual. This is to ensure that trust is established between the Ombudsman and the public; and that the Ombudsman does not compromise the sanctity of truth and honesty.

*ii) Clear Message*

We should always try to the best of our abilities to communicate as clearly as possible, with little or no room for our message to be interpreted otherwise in order to prevent misunderstanding between us and the public and other agencies.

*iii) Persuasive Text*

It is also important to keep ourselves interesting as well as being honest and communicating clearly; this is especially true with complex issues such as legal procedures. A convincing text will surely draw the attention of those with whom we want to communicate.

*iv) Public Interest Issues*

This principle concerns the art of selecting issues to attract public attention. People would be easily drawn to them since they could relate themselves to such problems and would surely be interested in the recommendations or at least legal advices we can provide.

### **III. Proactive Ombudsman through mass media**

Now that I have shared with you the strategy and principles behind the Thai Ombudsman's proactive approach, we shift our focus to another point; who is going to be responsible in giving the message to the public?

Certainly, the Ombudsman, along with the staff at the office, will contribute tirelessly to make it happen. However, as I have mentioned earlier, we are a small agency. In fact, as of 2016, we employ less than 250 people, while sixteen years ago we started with 62. This is not a large workforce overall compared to the 77 provinces of Thailand, all of which under our care.

This challenge provides the gap where the media can fill; despite a small staff, with favourable arrangements with broadcasting companies and media agencies, we can appear on television programmes, radio transmissions, newspapers and many others. Mass media allows us to appear and be heard in many places at once; making it cost-and-time effective for the Ombudsman to be in touch with the public.

Throughout the years, we came up with many attempts to use the media to our advantage. In 2006, we produced a series of promotional spots aired on national televisions which was graced by the presence of General Prem Tinsulanonda, former Prime Minister of Thailand, Head of the Privy Council, and Statesman and featured the Ombudsman's duties and obligations, including the channels to lodge complaints. As a result, in 2006 alone, the number of complaints lodged at the office rose to the 5,202, a dramatic increase in our annual figures which usually rested at the average of 2,000.

We have come a long way since then. Producing advertisements proved to be costly due to technical complications and the fact that we had to purchase air time from the broadcasters made this option less attractive over time. The financial constraints also left us with the primary concern of having to rely on complimentary services from the media which put us at a disadvantage since our presence on the air could easily be cast aside should the media encounter other issues they find more appealing to public interest.

We eventually shifted our tactics to form partnerships with major broadcasting companies so that we were guaranteed a definite amount of air time while paying a definite amount of money spent on public relations. Our major partners are the Thai Public Broadcasting Service (TPBS) and Channel 3. Both provided us with opportunities to appear on their programmes and spread the desired message to those watching on the other side of the screen.

In 2010, the Thai Ombudsman signed a Memorandum of Understanding (MoU) with TPBS – a public broadcasting agency, allowing us to be featured on a television programme. During which the staff would appear on screen to provide legal consultation to those in need. Other instances include the reporters travel with the Ombudsman on our on-site investigations in the provinces. After the Ombudsman provided recommendations on cases which may prove to be of public interest, the TPBS would then produce the investigating process of such cases in the form of documentary. Recent examples include the mismanagement of waste in Ratchaburi province and the ill effects of petroleum extraction survey in Buriram province.

Our collaboration with Channel 3, a private company, is different from that of the TPBS since we did not enter into a formal agreement. However, we maintained a constant presence on a programme called “News Post Box” since early 2015. The programme aims at broadcasting issues of public interest by – in the same manner as the TPBS – visiting the site of grievances with the Ombudsman and making the society become aware of the problems.

Apart from our partnerships with two major Thai broadcasters, we also launched an outreach programme to include other media agencies to witness our working environment on site. Earlier this year, they accompanied the Ombudsman to Samui Island, Surat Thani province, after a complaint was lodged regarding another case of waste mismanagement in the area which involved more than two hundred thousand tonnes of garbage exposed to the public. As part of the programme, we also invited prominent figures such as Dr. Wissanu Krea-ngam, deputy Prime Minister, to provide expert opinions on future trends of the duties and obligations of the Thai Ombudsman.

#### **IV. Future Prospects**

While having forged strong partnerships with prominent media agencies, I am considering reaching our hands toward social media. In addition to being a cost-effective channel to publicise our works, platforms such as Facebook and Twitter also bypass the media agencies, allowing us to communicate with the public directly and will effectively enhance our presence in the Thai Society. However, it should be considered that such as an open space, social media is not easy to supervise; further studies should be made on the extent we can regulate the flow of information coming through the pages, especially in the comment section which people may try to lodge their complaints or provide opinions which may at times deem inappropriate.

#### **V. Conclusion**

I believe it is safe to say, to a certain extent, that we have achieved more than we hoped for over the past sixteen years. With the combination of responsive and proactive measures, we are becoming increasingly visible in the eyes of the public. Being relatively new in the Thai bureaucracy, and having to inspect the instances of public maladministration committed by institutions which have been in existence well over a century, can prove to be challenging at times. However, some figures show that we are following the right path and that people are progressively resting their trust upon us;

First of which is the tremendous increase in the number of complaints lodged annually. When we started in 2000, only 184 complaints were lodged but by 2015, the number hiked to 3,603. While I can assume that such figures reflected the complexities of the world we live in, it can also be interpreted that more voices are being heard and that the people are more confident to come to us in order to seek justice.

Another figure is the Confidence Index administered annually by King Prajadhipok's Institute (KPI) – a prominent research body under the Thai Parliament. The index is based on a survey regarding the levels of confidence Thais have on judicial and pre-judicial bodies including the Ombudsman. In 2016, the Ombudsman came first among public independent organisations at 69.9 per cent well above other agencies such as the National Anti-corruption Commission (67.6 per cent); the Auditor General (63.5 per cent); and the National Human Rights Committee (59.3 per cent).

The success we enjoy today did not simply occur overnight; the development of the Ombudsman institution in Thailand took many years to bear fruit; and along the road countless contributions from the staff as well as prolific partnerships with other agencies from both the public and the private sectors, were found.

I hope that everyone finds the information I shared during this session to be of use. I am looking forward to receiving opinions from the workshop during the remaining time and I also hope that in the future we will have more opportunities to share our knowledge in order to advance the works of the Ombudsman Institutions around the world, so that we can collectively respond to problems, no matter how hard, no matter how strong our challenges may be.

Thank you.