



The Administrative Court of Thailand

Violation of Human Dignity and Right to Privacy by Requiring an Applicant to Remove Clothing in Front of Other Applicants for a Physical Examination *

Miss P (Plaintiff) applied for the admission of police cadet at the Royal Police Cadet Academy and passed the first-round selection. In the second-round selection, she was required to have a physical examination. On the physical examination day, the Royal Thai Police (Defendant)'s official requested her to remove her clothes and stand in a line for a physical examination. She argued that a regulation and rule regarding to the physical examination violated human right, human dignity and social morality and that recruitment procedure was inappropriate and severely affected her emotion. Thus, she filed a case with the Administrative Court requesting the Court to award compensation for loss of honor.

The Supreme Administrative Court held that the procedure of physical examination was not appropriate for a female examinee. The Royal Thai Police arranged the physical examination by calling applicants in a group and everyone in the group were asked to take off their clothing and stand in a line to be examined by a doctor. The procedure created an inappropriate scene and unduly violated the right to privacy. There was no laws, regulations, rules, or practices allow this examination procedure. Moreover, the Royal Thai Police acted without due negligence and did not provide any measures to protect the human right of a female examinee. Therefore, it unduly violated human dignity and the right to privacy of Miss P. under Sections 4, 26 and 29 paragraph one of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) and it committed a wrongful act against Miss P. under Section 420 of the Civil and Commercial Code. The Royal Thai Police as a state agency shall be liable for damage resulting from the act committed by its official in the course of his performance of duty, pursuant to Section 5 paragraph one of the Act on Liability for Wrongful Acts of Officials, B.E. 2539 (1996). After considering the age, occupation and social status of the Royal Thai Police including the appropriateness of remedy, compensation in the amount of 100,000 Thai Baht shall be awarded.

(Supreme Administrative Court Judgment No. A. 1113/2561)

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