



fidh



FLAWED MODELS

Implementation of international standards in Thailand's 'model' prisons for women

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1. EXECUTIVE SUMMARY

Prison conditions in Thailand have long been well below international standards. The primary cause affecting prison conditions has been the chronic overcrowding that has plagued Thai prisons – a phenomenon that negatively impacts many other aspects of prison conditions. Overcrowding has worsened in recent years. In May 2019, Thailand's prison population reached an all-time high of 386,902 inmates. Between January 2017 and November 2019, both the men and women's prison population increased, by 27% and 20% respectively. The vast majority of prisoners (290,149 inmates, or 79.4%) is incarcerated for drug-related offenses. Successive Thai governments have acknowledged prison overcrowding and repeatedly pledged to address this issue. However, significant policy reforms, such as the decriminalization of certain drug-related offenses, which would result in dramatic drop in the number of prisoners incarcerated, have not been enacted.

Women prisoners in Thailand continue to suffer from poor conditions and are adversely and disproportionately affected by the penitentiary system, especially with regard to health problems specific to women, pregnancy, and childcare. The fact that women in Thailand tend to encounter greater difficulties and discrimination within the legal system than men, is one of the key factors that contribute to the very high number of women being incarcerated. Thailand has one of the world's highest incarceration rates of women.

Since 2015, Thailand's Department of Corrections has undertaken a project in order to encourage women's prisons across the country to treat women prisoners in line with international standards. This has resulted in the designation of 12 women's correctional facilities as 'model' prisons, in which the Department of Corrections claims to have successfully implemented the United Nations (UN) Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (also known as the 'Bangkok Rules').

However, visits conducted by a team from FIDH and its Thai member organization Union for Civil Liberty (UCL) to nine of the 12 'model' prisons between May and August 2018 revealed that conditions in these facilities were below international standards. The findings documented in this report are the result of observations made during these visits.

The main issue of concern remains overcrowding. At the time of the start of the FIDH/UCL prison visits in April 2018, the occupancy levels in all the nine 'model' prisons remained high, with levels of up to 652%. Since then, the combined population of the nine prisons has increased by a total of 6%.

Other important areas where deficiencies and challenges were observed were: special arrangements for pregnant prisoners and women prisoners with babies; the water and sanitation situation, including shortage of sanitary napkins and other toiletries in many prisons; the quality of food; healthcare services, including with regard to mental health; prison labor conditions; contact with the outside world; and access to information from the outside world. Lastly, punishment and disciplinary measures used on prisoners are often inconsistent with international minimum standards, and, in some cases, may amount to torture or ill-treatment.

The report makes numerous concrete, specific, and achievable recommendations that Thailand's Department of Corrections should implement in order to improve conditions for women in prisons across the country. The implementation of these recommendations is necessary, but not sufficient to address the root cause of poor prison conditions. This would require the Thai government's political will to adopt and carry out key policy measures to reduce the country's prison population. Such measures should include: the decriminalization of certain drug-related offenses; the granting of bail to defendants awaiting trial for certain categories of crimes; and the use of home detention coupled with functioning electronic monitoring devices.

NOT-SO-MODEL WOMEN'S PRISONS



Limited access to prisons

Restrictions imposed by the authorities hamper a thorough, impartial, and independent assessment of the prison conditions.

Interactions between the FIDH/UCL visiting team and the prisoners were under the surveillance of the prison officer.

Overcrowding

Occupancy levels are high, ranging from 94% to 652%



Special arrangements insufficient

Pregnant prisoners and women prisoners with babies face challenges.

Challenging water and sanitation situation

Twenty-four-hour access to toilets is still lacking in some prisons, while at others, toilets are not always functioning.

Prisoners face a shortage of sanitary napkins and other toiletries in many prisons.



Food of poor quality

The nutritional value and quality of the food served in the prisons is a concern, especially for poor prisoners who cannot afford to buy additional food from the prison shop or from outside the prison.



Healthcare services below minimum standards

- No doctor on site or on-call in any of the prisons.
- A dentist visits every two to three months.
- Mental healthcare lacking.



Prison labor conditions fall short of international standards

Remuneration is not equitable.



Contact with the outside world unreasonably restricted

Prisoners are only able to receive visits from a limited number of visitors.

There is no access to a public phone for prisoners inside the prison.

Limited access to information from the outside world

Lack of access to news items.



Complaints lack anonymity

Prisoners can write a complaint and put it in the complaint box, but it is difficult for them to do this in complete anonymity.

Punishment and disciplinary measures inconsistent with international standards

The types of punishment used on prisoners are inconsistent with international minimum standards, and, in some cases, may amount to torture or ill-treatment.



2. GENERAL SITUATION OF PRISONS: SOARING OVERCROWDING

Thailand's ongoing failure to enact comprehensive reforms of its criminal justice and correctional systems has created conditions for human rights violations to be rife in the country's prisons. Prison conditions are inconsistent with international standards and in breach of Thailand's obligations under international human rights instruments to which it is a state party.

Overcrowding remains the most serious issue in Thai prisons. In October 2019, Thailand had the world's sixth largest prison population and the fifth highest incarceration rate.¹ Thailand's prison population has steadily increased in recent years, reaching an all-time high of 386,902 inmates in May 2019 [See below, *Annexes, TABLE 5*]. In November 2019, Thailand had a prison population of 365,384 inmates (318,245 men and 47,139 women) – a 26% increase since January 2017.² Between January 2017 and November 2019, both the men's and women's prison populations increased, by 27% and 20% respectively [See charts below, *Thailand's men prison population (January 2017 - November 2019)* and *Thailand's women prison population (January 2017 - November 2019)*]. The vast majority of prisoners (290,149 inmates, or 79.4% of the total prison population) is incarcerated for drug-related offenses.³ The granting of amnesty for prisoners has traditionally been the primary way to reduce the prison population. However, since January 2017, there has been only one amnesty to release prisoners on the occasion of the royal coronation in May 2019.⁴

In a concerning statement on 22 July 2019, Justice Minister Somsak Thepsuthin said he aimed at limiting the total number of inmates nationwide to around 370,000 – a level at which Thailand's prisons are already severely overcrowded.⁵

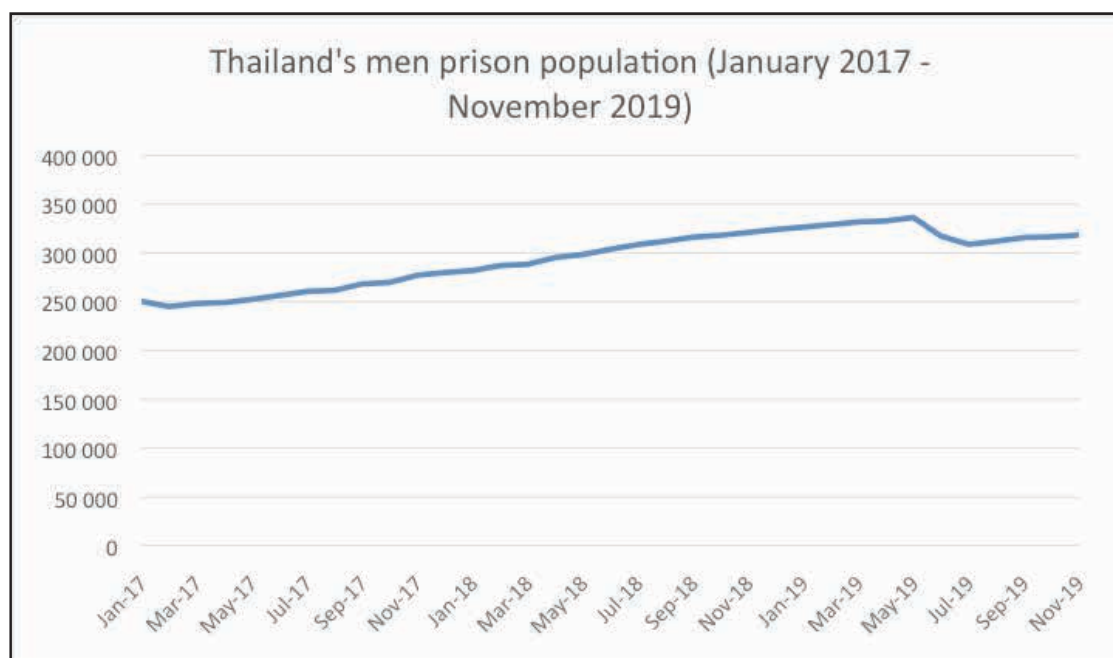
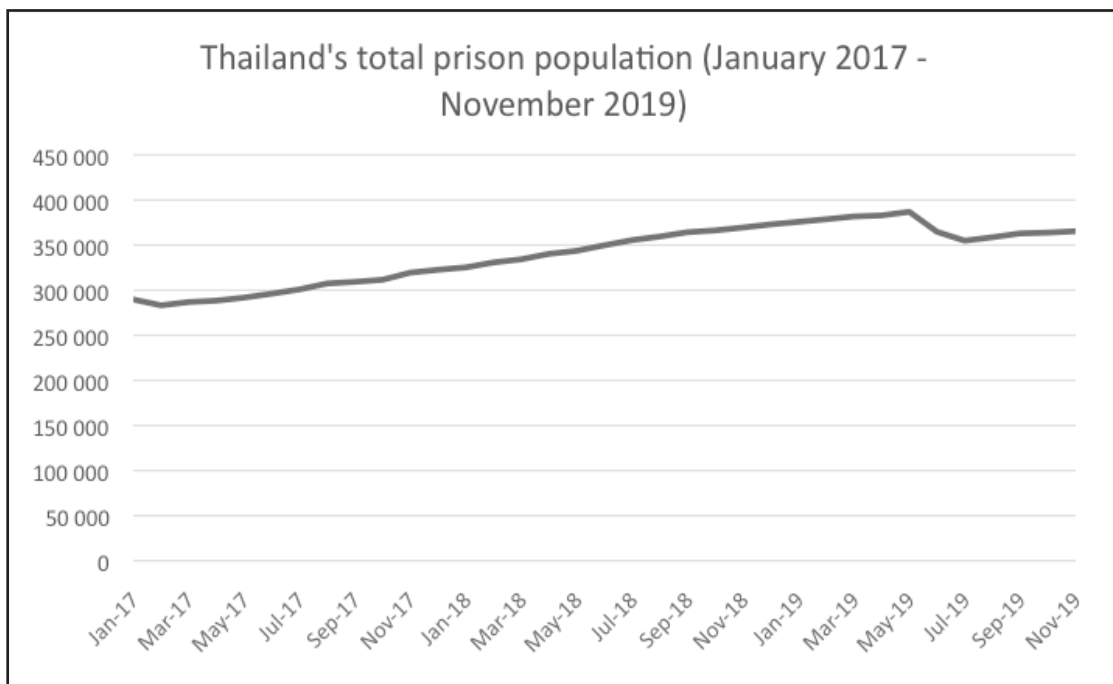
1. According to the World Prison Brief, Institute for Criminal Policy Research's Highest to Lowest – Prison Population Rate ranking of 223 territories, based on October 2019 data for Thailand. World Prison Brief, *Institute for Criminal Policy Research, Highest to Lowest – Prison Population Total*, accessed on 14 November 2019, http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All; World Prison Brief, *Institute for Criminal Policy Research, Highest to Lowest – Prison Population Rate*, accessed on 14 November 2019, http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All

2. Department of Corrections, *Statistics of incarcerated persons nationwide*, 1 November 2019 [in Thai], http://www.correct.go.th/rt103pdf/report_result.php?date=2019-11-01&report=

3. Department of Corrections, *Statistics of incarcerated persons under Narcotics Act nationwide*, 1 November 2019 [in Thai], http://www.correct.go.th/rt103pdf/report_result.php?date=2019-11-01&report=drug

4. Thai government Gazette, *Amnesty*, 3 May 2019 [in Thai], http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/059/T_0001.PDF

5. Nation, *Justice Ministry eyes prison reform*, 19 August 2019; Bangkokbiznews, *Justice Minister visited Khao Prik Prison, wants to reduce the number of prisoners and not build more prisons*, 23 July 2019 [in Thai], <https://www.bangkokbiznews.com/news/detail/841463>





Overcrowding negatively impacts other aspects of prison conditions. Inadequate access to medical treatment, insufficient food and potable water, and poor sanitation facilities continue to plague prisons. Medical care and special arrangements for pregnant women are particularly lacking. In addition, prisoners are often subjected to exploitative labor practices characterized by harsh working conditions and insufficient remuneration. Punishment in prisons contravenes international standards and, in some cases, may amount to torture and ill-treatment. Finally, inmates have reported unreasonable restrictions placed on visits and correspondence with family and friends.

For more than a decade, UN human rights bodies have expressed concern over prison conditions in Thailand. Regrettably, successive Thai governments have failed to make much progress on the implementation of the UN committees' recommendations and to uphold their own commitments to improve prison conditions.⁶ After the May 2014 military coup, Thailand's junta enforced measures that exacerbated the situation, causing conditions in prisons to further deteriorate.

In April 2017, following the review of Thailand's second periodic report under the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee (CCPR) issued its Concluding Observations, which expressed concerns over, and made recommendations on, high levels of overcrowding and poor conditions in places of detention, including poor sanitation and hygiene conditions, lack of access to healthcare, and lack of adequate food and water, among other issues.⁷ The CCPR's Concluding Observations echoed many of the concerns and recommendations contained in *"Behind the walls: A look at conditions in Thailand's*

6. Human Rights Committee, 84th session, *Concluding observations of the Human Rights Committee, Thailand*, 8 July 2005, UN Doc. CCPR/CO/84/THA; Committee against Torture, 52nd session, *Concluding observations on the initial report of Thailand*, 20 June 2014, UN Doc. CAT/C/THA/CO/1; Committee on Economic, Social and Cultural Rights, 55th session, *Concluding observations on the combined initial and second periodic reports of Thailand*, 19 June 2015, UN Doc. E/C.12/THA/CO/1-2

7. Human Rights Committee, *Concluding observations on the second periodic report of Thailand*, 25 April 2017, UN Doc. CCPR/C/THA/CO/2, Paras. 33 and 34

prisons after the coup," a report released by FIDH and UCL ahead of the CCPR review.⁸ The CCPR identified conditions of detention as one of the three priority issues, on which the Thai government was required to provide information regarding the implementation of the committee's recommendations on this issue.⁹

Thailand submitted its follow-up report to the CCPR in July 2018. While the government's report acknowledged that overcrowding in prisons remained an issue,¹⁰ it failed to show what tangible steps had been taken to reduce overcrowding, guarantee that detainees be treated with humanity and dignity, or ensure that conditions of detention in all prisons be in line with international standards.¹¹

8. FIDH/UCL, *Behind the walls: A look at conditions in Thailand's prisons after the coup*, 28 February 2017, <https://www.fidh.org/en/region/asia/thailand/thailand-report-calls-for-urgent-prison-reforms>

9. Human Rights Committee, *Concluding observations on the second periodic report of Thailand*, 25 April 2017, UN Doc. CCPR/C/THA/CO/2, Para. 46

10. Human Rights Committee, *Concluding observations on the second periodic report of Thailand, Addendum, Information received from Thailand on the follow-up to the concluding observations*, 10 August 2018, UN Doc. CCPR/C/THA/CO/2/Add.1, Para. 27

11. Human Rights Committee, *Concluding observations on the second periodic report of Thailand, Addendum, Information received from Thailand on the follow-up to the concluding observations*, 10 August 2018, UN Doc. CCPR/C/THA/CO/2/Add.1, Para. 30. Six alternative criminal sanctions to imprisonment were recommended in the Concluding Observations: (1) internment detention, (2) detention during specified hours, (3) detention within the specified place of detention, (4) community service, (5) travel restrictions in accordance with Article 89/2 of the Criminal Procedure Code, and (6) any other sanction specified by the Department of Corrections.

3. OVERVIEW OF WOMEN INCARCERATED IN THAILAND

Women prisoners in Thailand continue to suffer from poor conditions and are adversely affected in a disproportionate manner by the penitentiary system.¹² The fact that women in Thailand tend to encounter greater difficulties and discrimination within the legal system than men, is one of the key factors that contribute to the very high number of women being incarcerated.

Thailand has one of the world's highest incarceration rates of women. According to the latest comparative figures available, in 2015 Thailand had the world's second highest incarceration rate of women, with 130 women prisoners per 100,000 of the national female population.¹³ In December 2018, Thailand's incarceration rates of women had further risen, to 145 women prisoners per 100,000.¹⁴

Imprisonment rate (or incarceration rate or prison population rate): Refers to the number of persons under the jurisdiction (or legal authority) of correctional officers per 100,000 of the national population.

In addition, many women are likely to be detained far from home because of the small number (eight) of women-only prisons in Thailand,¹⁵ and the fact that women are assigned to certain prisons based on the length of their sentence.¹⁶ This situation disadvantages women prisoners because they receive fewer visits from their families, which has been shown to have a detrimental impact on their mental health and well-being, as well as prospects for meaningful social integration when released.¹⁷

Women imprisoned in Thailand are overwhelmingly poor and generally commit crimes for economic reasons.¹⁸ Thailand's harsh drug laws disproportionately affect women, particularly poor women. As of November 2019, 34,000 women – or 85.5% of the women's prison population – were incarcerated for drug-related offenses [See below, *Annexes, TABLE 2*], higher than the 79.5% of the men's prison population incarcerated for drug-related offenses.¹⁹

12. FIDH/UCL, *Female inmates: Discrimination behind bars - Joint shadow report on Thailand's implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for the review of Thailand's sixth and seventh periodic reports*, July 2017, https://www.fidh.org/IMG/pdf/fidh_-_ucl_thailand_shadow_report_-_female_inmates_-_discrimination_behind_bars.pdf

13. Prison Policy Initiative, *States of Women's Incarceration: The Global Context 2018*, June 2018, <https://www.prisonpolicy.org/global/women/2018.html#methodology>

14. The calculation of Thailand's women incarceration rate is based on the official population of Thailand in December 2018, Thai government Gazette, *Thai population number*, 31 December 2018; http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/036/T_0032.PDF [in Thai]

15. These are the eight prisons that are designated to house women only: Thanya Buri Women's Penitentiary (Special Women's Correctional Institution); Chonburi Women Correctional Institution; Phitsanulok Women's Correctional; Khae Noi Temporary Prison, Phetchabun; Songkhla Women's Correctional Institution; Bangkok's Central Women Correctional Institution; Thonburi Women Correctional Institution; Nakhon Ratchasima Women's Correctional Institution.

16. Thailand Institute of Justice, *Women Prisoners and the Implementation of the Bangkok Rules in Thailand*, November 2014, Page 44

17. Thailand Institute of Justice, *Women Prisoners and the Implementation of the Bangkok Rules in Thailand*, November 2014, Page 44; Penal Reform International, *Discrimination of women in criminal justice systems*, January 2012, Page 8

18. Thailand Institute of Justice, *Women Prisoners and the Implementation of the Bangkok Rules in Thailand*, November 2014, Page 58

19. Department of Corrections, *Statistics of incarcerated persons under Narcotics Act nationwide*, 1 November 2019 [in Thai], http://www.correct.go.th/rt103pdf/report_result.php?date=2019-11-01&report=drug

The imposition of death sentences for drug-related crimes also disproportionately impacts women. Among women prisoners sentenced to death, 58 out of 59, a staggering 98%, had been found guilty of drug-related offenses, as of October 2019 [See below, *Annexes, TABLE 3*].

In July 2017, following the review of Thailand's combined sixth and seventh periodic reports under the Convention on the Elimination of all Forms of Discrimination Against Women, the Committee on the Elimination of Discrimination against Women (CEDAW) issued its Concluding Observations, which recommended that the Thai government take measures to reduce the number of women in detention, "including by applying non-custodial sentences and addressing the root causes of delinquency among women, including poverty." The CEDAW called on the Thai government to improve conditions in women's detention facilities in accordance with the Standard Minimum Rules for the Treatment of Prisoners (also known as the 'Nelson Mandela Rules') and the Bangkok Rules to address overcrowding and ensure the provision of adequate facilities and services, "in particular for pregnant women and women detained with their children." CEDAW also urged Thai authorities to "prohibit and take immediate action to discontinue invasive physical searches of women."²⁰

20. Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, 24 July 2017, UN Doc. CEDAW/C/THA/CO/6-7, Paras. 44 and 45

4. THE IMPLEMENTATION OF THE BANGKOK RULES IN THE 'MODEL' PRISONS FOR WOMEN

In 2018, UCL was granted access to nine of the 12 correctional facilities that Thailand's Department of Corrections has designated as 'model' prisons for women. This designation was the result of the Model Prison Project, an initiative that the Department of Corrections and Thailand Institute of Justice (TIJ)²¹ began in 2015.²² As of December 2018, the Department of Corrections had designated 12 prisons as 'model' prisons, because it claimed these facilities had successfully implemented the Bangkok Rules.²³

Between May and August 2018,²⁴ a team from FIDH and UCL conducted visits to nine of the 'model' prisons. The findings documented below are the result of observations made during the visits. A request for a visit to a tenth prison (Uthai Thani Provincial Prison) was rejected [See below, *Limited access to prisons*], and two other facilities (Rattanaaburi District Prison in Surin Province and Nakon Ratchasima Provincial Prison) received the designation in late 2018, after the conclusion of the FIDH/UCL mission.

The **UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders**, also known as the Bangkok Rules, are an additional set of rules that supplement the **UN Standard Minimum Rules for the Treatment of Prisoners (SMRs)**, which focus on the specific needs of women prisoners. They were adopted by the UN General Assembly on 21 December 2010.²⁵

The SMRs are universally acknowledged as the minimum standard for the treatment of prisoners and provide guidelines for what are generally accepted as being good principles and practices in the treatment of prisoners and the management of institutions. The rules were initially approved in 1957 and subsequently revised and adopted by the UN General Assembly on 17 December 2015.²⁶

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21. Thailand Institute of Justice (TIJ) is a public organization established by the Thai government in 2011 and officially recognized by the United Nations Office on Drugs and Crime as the latest member of the United Nations Crime Prevention and Criminal Justice Program Network Institutes in 2016.
 22. In 2015, TIJ in cooperation with Thailand's Department of Corrections established the Model Prison Project, with the aim to enhance understanding of prison staff about the Bangkok Rules and to encourage women's prisons/correctional institutes across Thailand to carry out their policies and practices on the treatment of women prisoners in line with the Bangkok Rules.
 23. Thailand Institute of Justice, *TIJ invites all sectors to the 8th anniversary of the Bangkok Rules*, 21 December 2018; Thailand Institute of Justice, *The Model Prison Project for the implementation of the UN Bangkok Rules*, January 2019.
 24. (1) Phra Nakon Ayutthaya Provincial Prison – 11 April 2018; (2) Samut Sakhon Central Prison – 23 April 2018; (3) Thanya Buri Women's Penitentiary (Special Women's Correctional Institution) – 25 April 2018; (4) Chiang Mai Women's Correctional Institution – 9 May 2018; (5) Fang District Prison – 10 May 2018; (6) Chiang Rai Central Prison – 11 May 2018; (7) Phitsanulok Women's Correctional Institution – 6 August 2018; (8) Tak Central Prison – 8 August 2018; (9) Chonburi Women's Correctional Institution – 31 August 2018.
 25. The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders were adopted under UN General Assembly Resolution A/RES/65/229.
 26. The SMRs were initially adopted by the UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and approved by the UN Economic and Social Council in 1957. The revised version of the SMRs was adopted under UN General Assembly Resolution A/RES/70/175.

Prison	Year of construction	Province	Women prisoner population (April 2018/ November 2019) ²⁶	Capacity (as of April 2018) ²⁷ (for women prisoners), based on 2.25m ² per person	Occupancy level (as of April 2018) ²⁸	Number of prison officers (male/female) / Officer-to-prisoner ratio (as of October 2019) ²⁹	Number of nurses (M/F) ³⁰
Thanya Buri Women's Penitentiary (Special Women's Correctional Institution)	1979	Pathum Thani	2,050/1,698	314	652%	66 (55/11) / 1:25	3 (0/3)
Fang District Prison	N/A	Chiang Mai	180/188	43	418%	48 / 1:4	2 (0/2)
Phra Nakhon Si Ayutthaya Provincial Prison	1977	Ayutthaya	474/571	159	298%	83 / 1:6	4 (3/1)
Tak Central Prison	N/A	Tak	116/206	45	257%	62 / 1:2	2 (1/1)
Phitsanulok Women's Correctional Institution	N/A	Phitsanulok	980/1,029	436	225%	65 (4/61) / 1:16	2 (0/2)
Samut Sakhon Central Prison	1938	Samut Sakhon	416/440	214	194%	75 / 1:5	1 (0/1)
Chiang Rai Central Prison	1908	Chiang Rai	955/969	496	192%	181 / 1:5	5 (2/3)
Chiang Mai Women's Correctional Institution	N/A	Chiang Mai	2,014/2,202	1,152	175%	107 / 1:19	3 (0/3)
Chonburi Women's Correctional Institution	1986	Chonburi	97/1,369	1,032	94%	61 (3/58) / 1:22	2 (0/2)

27. Department of Corrections, *Thailand prison population statistics*, 1 April 2018 [in Thai], http://www.correct.go.th/rt103pdf/report_result.php?date=2018-04-01&report=; Department of Corrections, *Thailand prison population statistics*, 1 November 2019 [in Thai], http://www.correct.go.th/rt103pdf/report_result.php?date=2019-11-01&report=

28. Department of Corrections, *Thailand prison capacity surveyed on 2 April 2018*, April 2018 [in Thai], <http://www.correct.go.th/?p=12360>

29. Department of Corrections, *Thailand prison capacity surveyed on 2 April 2018*, April 2018 [in Thai], <http://www.correct.go.th/?p=12360>

30. Statistics obtained by UCL from the Department of Corrections on 7 October 2019.

31. Statistics obtained by UCL from the Department of Corrections on 7 October 2019.

4.1 Limited access to prisons

In several prisons visited, restrictions imposed by the authorities on the joint FIDH/UCL team hampered a thorough, impartial, and independent assessment of the compliance of conditions in the women's 'model' prisons with the Bangkok Rules.

For all prisons, authorities agreed to allow visits only after sufficient time had been given to them to prepare. In addition, the FIDH/UCL team was not able to visit Uthai Thani Provincial Prison as the authorities rejected a request for a visit on grounds that the prison was undergoing extensive renovation.

Restrictions imposed by prison officers were encountered during four of the nine prison visits: at Thanya Buri Women's Penitentiary (Special Women's Correctional Institution), Phra Nakon Si Ayutthaya Provincial Prison, Chiang Mai Women's Correctional Institution, and Phitsanulok Women's Correctional Institution. The visiting team had to follow the prison officers around the facilities. The officer rejected the team's requests to visit areas apart from where the officer took the visitors. The reason they gave for the rejection was that there was not enough time. At Thanya Buri Women's Penitentiary (Special Women's Correctional Institution), the visiting team was only able to talk to the prisoners who had been selected by the prison officer, who closely monitored the conversations. Prison officers at Tak Central Prison and Chiang Mai Women's Correctional Institution answered in place of the prisoner for some interview questions. In contrast, at Fang District Prison and Tak Central Prison the visiting team was allowed unrestricted access to many areas of the prison. The interview sessions with the prisoners in these two prisons were conducted without the presence of an officer.

During a number of the visits, prisoners sat on the floor in an orderly fashion waiting for the visiting team. It was obvious that the prisoners had been organized by the prison officer before the visit. In most prisons, the officer walked with the visiting team to several areas in the prison. Mostly, the visit and interactions between the visiting team and the prisoners were under the surveillance of the prison officer.

4.2 Overcrowding persists, special arrangements insufficient

High levels of overcrowding remain a persistent problem in the nine 'model' prisons visited by FIDH and UCL. At the time of the start of the FIDH/UCL prison visits in April 2019, the occupancy levels in all these nine 'model' prisons were high. The lowest occupancy level of 94% was in Chonburi Women's Correctional Institution, while the highest occupancy level of 652% was in Thanya Buri Women's Penitentiary (Special Women's Correctional Institution). This calculation of the occupancy is based on the Department of Corrections standard to provide a surface area of 2.25m² per prisoner.

However, the Department of Corrections has established three different capacity measurements for its official prison capacity: 1) 'standard capacity,' whereby the amount of space per person is set at 2.25m²; 2) 'full capacity,' whereby the amount of space per person is set at 1.1m²,³² and 3) 'full capacity 30%,' which reduces the amount of space per person by a further

Official capacity: The maximum number of people that can be accommodated in the prison system without overcrowding based on the standards of the country concerned.

Occupancy level: Official (un-crowded) capacity of the prison system compared to the total prison population as a percentage of the capacity figure. The percentage is the occupancy level, which demonstrates whether a prison system holds more prisoners than it is intended to hold, and by how much.

Note that the occupancy level is not the same as the level of overcrowding. This is because the official capacity is the maximum number of people that can be accommodated in the prison system, based on the standards of the country concerned.

32. The amount of space per person is set at 1.1m² for women, and 1.2m² for men.

23%, to 0.85m².³³ Depending on the measurement used, this has allowed authorities to claim lower occupancy levels and thus downplay the issue of overcrowding in Thai prisons. In comparison, the International Committee of the Red Cross (ICRC) puts the minimum space for accommodation at 3.4m² per person in shared or dormitory accommodation.³⁴

According to statistics from the Department of Corrections, between April 2018 and November 2019, the number of women prisoners increased in eight of the nine 'model' prisons visited by FIDH/UCL, and also increased by 6% overall.

While the official statistics show that the 'model' prisons are significantly overcrowded (based on the 'standard capacity' measurement), it was difficult for the visiting team to assess the occupancy level in the nine prisons visited due to restrictions on their visit. The visits were largely supervised and the team was not allowed to visit all of the dormitories or interact with the prisoners free of supervision or intermediaries.

Samut Sakhon Central Prison appeared to be overcrowded. When the visiting team entered the area, the prisoners sitting on the floor had to move in order for the team members to walk. At the larger prisons, such as Chiang Mai Women's Correctional Institution, the prison separated the convicted prisoners from prisoners on, or awaiting, trial. At Chiang Mai Women's Correctional Institution, prison officials said that the normal capacity was 50 prisoners for rooms of 55.5m², which were designed to hold 38-43 inmates. The combined space available for a mother and her baby when lying down was 1.26 m².

According to the ICRC, no more than 40-50 persons should be accommodated in a room where inmates sleep and only when the available space, ventilation, and lighting meet the ICRC's recommended specifications.³⁵ The ICRC has observed that when this number is exceeded, it becomes increasingly difficult for inmates to access essential services, such as toilets and water. It also becomes difficult to ensure the safety of all inmates without compromising minimum standards.³⁶

The UN Standard Minimum Rules for the Treatment of Prisoners state that all accommodation provided for the use of prisoners, in particular all sleeping accommodation, "shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation."³⁷

At Phra Nakon Si Ayutthaya Provincial Prison, the prisoners reported that lights were kept on all night in the dormitories. A prisoner at Fang District Prison also reported that lights kept on during the night made it difficult for them to sleep at night (both in terms of vision and heat). They demanded, without success, that the lights be dimmed at night. The ventilation was adequate in many prisons. In winter, the prisons would distribute extra blankets.

The ICRC states that artificial lighting should not be kept on 24 hours a day in areas where detainees sleep and should not be so powerful that it disturbs the sleep of prisoners.³⁸ The ICRC also states that the total size of windows and openings in a cell or accommodation area should be no less than 10% of the floor space, and that windows should allow inmates to see part of the external environment.³⁹

33. Department of Corrections, *Thailand prison capacity surveyed on 2 April 2018*, April 2018 [in Thai], <http://www.correct.go.th/?p=12360>

34. International Committee of the Red Cross (ICRC), *Water, Sanitation, Hygiene and Habitat in Prisons*, August 2005, p. 25; ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance*, April 2012, p. 32-33

35. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons*, August 2005, p. 25-26

36. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance*, April 2012, p. 36

37. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 13

38. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance*, April 2012, p. 20, p. 37

39. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance*, April 2012, p. 37

Mothers with babies

While there have been some efforts to accommodate pregnant prisoners and women prisoners with babies, the 'model' prisons are still not in compliance with the Bangkok Rules.



Thai female inmate poses with her one-month-old son at Phra Nakon Si Ayutthaya Provincial Prison © William Davies / AFP

At Phra Nakon Si Ayutthaya Provincial Prison and Chonburi Women's Correctional Institution, there is a specific room for mothers with babies, separate from other prisoner dormitories. At Chonburi Women's Correctional Institution, the visiting team was taken to see the dormitory for mothers with babies. Tak Central Prison allows babies to stay in prison with their mothers until they reach the age of one. After that, they must leave the prison to stay with other relatives or go to an orphanage. At Chiang Mai Women's Correctional Institution and Fang District Prison, the address on the birth certificate of a baby born inside a prison is the same as the prison's address, which could lead to social stigma in the future.

The UN Standard Minimum Rules for the Treatment of Prisoners state: "In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate."⁴⁰

The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders provide for pregnant or breastfeeding women prisoners to "receive advice on their health and diet under a program to be drawn up and monitored by a qualified health practitioner," and that "[a]dequate and timely food, a healthy environment and regular exercise opportunities" be provided "free of charge for pregnant women, babies, children, and breastfeeding mothers."⁴¹

Elderly, disabled, and sick prisoners

At Fang District Prison, elderly, disabled, and very sick prisoners stay in the same dormitory. At Chiang Rai Central Prison, prisoners with tuberculosis, lymphoma, human immunodeficiency virus (HIV), and elderly prisoners stayed in the same dormitory.

40. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 28

41. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 48(1)

4.3 Challenging water and sanitation situation

Water and sanitation remain a challenge in the prisons, particularly in the summertime when water shortages can occur. Twenty-four-hour access to toilets is still lacking in some prisons, while at others, toilets are not always functioning. Officers at Tak Central Prison only allow prisoners to use the toilet every two hours. Prisoners at Chiang Rai Central Prison reported that the toilets are usually clogged.

The UN Standard Minimum Rules for the Treatment of Prisoners stipulate that “sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.”⁴²

In all nine prisons, prisoners are allowed to take showers twice a day. The amount of water and time spent for a round of showers depends on the management of each prison. In terms of water control, the prison officer or a prisoner ‘assistant’ controls when the water is turned on and off. The prisoners shower in a group in every prison. No prison has separate individual shower rooms for prisoners. At Samut Sakhon Central Prison, Tak Central Prison, and Chiang Mai Women’s Correctional Institution, they use a blue shower pipeline that provides individual shower heads, which is more hygienic than a common water tank system. The common water tank system is used at Phra Nakon Si Ayutthaya Provincial Prison.

The prisoners at Fang District Prison and Chiang Rai Central Prison reported that they used groundwater for bathing and laundry. In the summertime, water shortages affect these prisons, resulting in some prisoners only being able to take one shower a day. The clothes drying area is not big enough at Chiang Rai Central Prison, meaning that the prisoners sometimes wear wet clothes, which can cause various skin problems.

The UN Standard Minimum Rules for the Treatment of Prisoners state that showering and bathing areas must provide for adequate hygiene.⁴³ In addition, the ICRC states that water supply must be sufficient to provide an adequate flow of water to showers and toilets throughout the day, particularly at times of heavy demand.⁴⁴

Prisoners face a shortage of sanitary napkins and other toiletries in many prisons. There is also an insufficient supply of laundry detergent. Sometimes, prisoners have to share their towels because not every prisoner has one. Sanitary napkins are distributed to prisoners on a monthly or quarterly basis, depending on the prison officer. At Thanya Buri Women’s Penitentiary (Special Women’s Correctional Institution), Phra Nakon Si Ayutthaya Provincial Prison, Chiang Rai Central Prison, and Chiang Mai Women’s Correctional Institution, prisoners reported that the number of sanitary napkins distributed was insufficient, and they had to buy more from the prison shop themselves. Prisoners at Chiang Rai Central Prison reported that the underwear distributed to prisoners was also insufficient. In cases in which a prisoner does not have visitors (who would typically bring additional items for the prisoner during a visit), she must request the prison to recognize her as a ‘poor prisoner.’ If this status is awarded, the prison will distribute additional laundry detergent and soap to her. The designation of this status to the prisoner is made at the officer’s discretion.

42. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 15

43. Rule 16 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.”

44. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance*, April 2012, p. 54

The ICRC states that women should be provided with a sufficient supply of suitable sanitary products to deal with menstruation to meet individual needs.⁴⁵ The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders state that the accommodation of women prisoners should have materials required to meet specific hygiene needs, including sanitary pads, provided free of charge.⁴⁶

4.4 Food of poor quality

The nutritional value and quality of the food served in the prisons is a concern, especially for poor prisoners who cannot afford to buy additional food from the prison shop or from outside the prison.

Three meals are served daily in all nine prisons. Prisoners from Tak Central Prison and Chiang Rai Central Prison reported that the taste of the food was not good. The prisoners usually add monosodium glutamate (MSG) to the food to make it tastier. The meals served in the prisons contain very little meat, and the meat is of poor quality. Sometimes prisoners buy more food from the prison shop. Halal food for Muslim prisoners is available in all nine prisons. Occasionally, at Fang District Prison, Thanya Buri Women's Penitentiary (Special Women's Correctional Institution), Samut Sakhon Central Prison, and Tak Central Prison, fresh fruit or dessert is served at the end of the meal. At Tak Central Prison, the prisoners can ask a prison officer to order food and have it delivered to the prison.

At Chiang Rai Central Prison, mothers with babies receive one boiled egg and one box of milk per day, and babies receive one egg per day, in addition to regular rations.

The UN Standard Minimum Rules for the Treatment of Prisoners state that "every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served."⁴⁷

Empty plastic or glass bottles are distributed to each prisoner to fill with filtered drinking water. In many prisons, both cold and hot drinking water are available.

The UN Standard Minimum Rules for the Treatment of Prisoners state that "drinking water shall be available to every prisoner when he or she needs it."⁴⁸

4.5 Healthcare services do not meet minimum standards

While some healthcare services are available, there are still many gaps between what is provided in the prisons compared to what is stipulated by international minimum standards.

No doctor on site

There is no doctor on site or on-call in any of the prisons. Only Phitsanulok Women's Correctional Institution, Chiang Mai Women's Correctional Institution, and Thanya Buri Women's Penitentiary (Special Women's Correctional Institution) have a nurse on standby at the prisons 24 hours a day. At the other prisons, a nurse visits only during the day. If there were an emergency during the night, a prison officer would send the prisoner to a nearby hospital. At Chonburi Women's Correctional Institution and Tak Central Prison, prisoner 'assistants' help the nurse.

45. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance*, April 2012, p. 61

46. Rule 5 of the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders states: "The accommodation of women prisoners shall have facilities and materials required to meet women's special hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating."

47. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 22(1)

48. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 22(2)

According to a study conducted by the Institute for Population and Social Research (IPSR) in 2017, the medical check-up program in prisons can be separated into two types: the check-up by the general doctor from the hospital and the check-up by the mobile health unit.⁴⁹ The frequency of the medical check-up (either by the hospital's doctor or the mobile health unit) is different in each prison, ranging from once a week to one-two times a year.⁵⁰ According to the study, authorities sometimes refused prisoners' requests to receive medical treatment at an outside hospital. At Samut Sakhon Central Prison, the majority of the prisoners (57%) were refused on the basis that the medical treatment inside the correctional hospital would be sufficient for their ailment. Twenty-eight percent were refused as they were not entitled to universal health coverage (available only for Thai citizens), and another 14% were refused on the grounds that there was no prison officer to escort them to the hospital. Similarly, at Chiang Rai Central Prison, the majority of prisoners whose requests were refused (43.8%) were given the reason that the medical treatment could be done inside the correctional hospital, while 37.5% were refused because of the lack of prison officers, 6% were not entitled to universal health coverage, and 12% were refused for other causes (such as that no doctor was available).⁵¹

The UN Standard Minimum Rules for the Treatment of Prisoners state that "the provision of healthcare for prisoners is a state responsibility. Prisoners should enjoy the same standards of healthcare that are available in the community, and should have access to necessary healthcare services free of charge without discrimination on the grounds of their legal status."⁵²

Inadequate dental care

In many prisons, a dentist visits every two to three months. A prisoner at Chiang Mai Women's Correctional Institution said that she took her braces off herself because she did not have a chance to see a dentist. At Chonburi Women's Correctional Institution, the dentist visits only once a year. The situation is better in Phitsanulok Women's Correctional Institution because a dentist visits the prison every month. At Chiang Mai Women's Correctional Institution, there is a room for dental exams. At Chiang Mai Women's Prison and Fang District Prison, the only service provided is tooth extraction.

The UN Standard Minimum Rules for the Treatment of Prisoners state: "The healthcare service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner."⁵³

Mental healthcare lacking

The Department of Corrections has a standard mental health screening survey called the 'Prisoner Mental Health Questionnaire,' which is distributed in every prison. Thanya Buri Women's Penitentiary (Special Women's Correctional Institution) has a 'Happy Center' where mental health evaluations are conducted and counseling sessions are provided. A psychiatrist occasionally visits the prisons. However, a prisoner at Fang District Prison said that this was just a "quick process." No counseling is provided at Fang District Prison.

49. Mobile health unit refers to medical staff who travel to provide medical services to prisons. These visits are generally carried out under special projects or on special occasions.

50. IPSR, Vajanasara, *Getting sick behind bars: Health issues and prison healthcare*, October 2018, p. 123 [in Thai], <http://www.ipsr.mahidol.ac.th/ipsrbeta/FileUpload/PDF/Report-File-562.pdf>

51. IPSR, Vajanasara, *Getting sick behind bars: Health issues and prison healthcare*, October 2018, p. 111 [in Thai], <http://www.ipsr.mahidol.ac.th/ipsrbeta/FileUpload/PDF/Report-File-562.pdf>

52. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 24(1)

53. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 25(2)

The UN Standard Minimum Rules for the Treatment of Prisoners stipulate: "So far as possible, prison staff shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors."⁵⁴ Similarly, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders state: "Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programs" be made available for women prisoners with mental healthcare needs [...]."⁵⁵

Insufficient health screenings specific to women's health

Tuberculosis and cervical cancer screenings are arranged annually at Fang District Prison. At Samut Sakhon Central Prison, prisoners can register for a Pap smear to test for cervical cancer. At Chonburi Women's Correctional Institution, annual HIV, cervical cancer, and breast cancer screenings for prisoners aged over 30 are arranged by the prison. HIV and cervical cancer testing are conducted at Tak Central Prison every year. Training for basic breast cancer screening is provided at Chiang Mai Women's Correctional Institution, Chiang Rai Central Prison, Tak Central Prison, and Samut Sakhon Central Prison.

The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders stipulate that, preventive healthcare measures of particular relevance to women, such as Pap smear tests and screening for breast and gynecological cancer, "shall be offered to women prisoners on an equal basis with women of the same age in the community."⁵⁶ They also state that "prison authorities shall encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education."⁵⁷

Chronic diseases common

The prisons have a list of medicines that are provided by the Department of Corrections. At many prisons, chronic diseases such as kidney disease and high blood pressure are common. At Chonburi Women's Correctional Institution, diabetes and anxiety are common among inmates. There is no treatment for prisoners suffering from drug withdrawal at Chonburi Women's Correctional Institution, where a prison officer said that they only provided such inmates with a lot of sweet-tasting food.

The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders state: "Prison health services shall provide or facilitate specialized treatment programs designed for women substance abusers [...]."⁵⁸

A death was recorded in early 2018 at Chiang Rai Central Prison, where an inmate died as a result of Systemic Lupus Erythematosus. The prison sent her to the hospital once, and then sent her back to the prison. The prison said that her condition was so advanced that the doctor could not do anything, so she stayed in one of the prisoner dormitories with her prisoner friends and some former-nurse prisoners until her death.

At the time of the visit, there were approximately 30 HIV-positive prisoners at Chonburi Women's Correctional Institution.

Alternative medical treatment

Only Fang District Prison has prisoners that practice alternative medical treatments. A group of inmates in this prison uses a treatment method called 'goa,' whereby they put several cups on the patient's skin on various parts of their body in order to create suction and increase blood flow to certain areas. There is no information as to whether this treatment has any positive or negative effects.

54. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 78(1)

55. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 12

56. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 18

57. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 14

58. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 15

4.6 Prison labor conditions fall short of international standards

The use of prison labor and conditions of work falls significantly short of international minimum standards regarding “equitable remuneration.”

All nine prisons provide job training for prisoners. The wage rate for prison labor is lower than the minimum wage rate under the 1998 Labor Protection Act (amended in 2019), because prison labor is recognized as ‘job training.’ The wage rate, human resource management policy, and payment period are decided at the prison officer’s discretion in each prison.

Shirt sewing, ironing, baking, hairdressing, massage, and garment work are common tasks done by the prisoners in many prisons. In some cases, the status of a prisoner affects what types of jobs are assigned to her. At Thanya Buri Women’s Penitentiary (Special Women’s Correctional Institution), there is more variety in the types of jobs available, including rubber cutting, hand-making gold necklaces, call center service, and glitter needlework.

The UN Standard Minimum Rules for the Treatment of Prisoners state that there should be be “a system of equitable remuneration of the work of prisoners,”⁵⁹ and that prison labor “must not be of an afflictive nature.”⁶⁰ They also state: “So far as possible the work provided shall be such as will maintain or increase the prisoners’ ability to earn an honest living after release.”⁶¹

Informal employment among the prisoners themselves at Chonburi Women’s Correctional Institution consists in washing clothes. A prisoner can make approximately 300 THB (US\$10)⁶² per month washing other prisoners’ clothes. Prisoners who work in the bakery section at Tak Central Prison said that some weeks they must work on Saturday and Sunday as well. At Chiang Rai Central Prison, the prison set up a hair salon shop providing hair services to the prisoners and also offering hairdressing career training. Prisoners with hairdressing skills can work in the shop and get paid around 900-2,000 THB (US\$30-US\$66) a month. Chiang Mai Women’s Correctional Institution also opened a prison massage shop. They train prisoners to provide massage services for tourists.

The UN Standard Minimum Rules for the Treatment of Prisoners state: “The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workers.”⁶³ They also provide that the working hours are fixed in order to “leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of prisoners.”⁶⁴

There are outside-prison jobs for prisoners as well. Even though these jobs are unpaid, the prisoners still want to do them because they offer an opportunity to spend time outside of the prison. The prisoners who can do these jobs must have a record of good behavior and not be a repeat offender.

4.7 Contact with the outside world unreasonably restricted

Rules regulating prisoners’ contact with the outside world are unreasonably restricted. Prisoners are only able to receive visits from a limited number of visitors, and there is no access to a public phone for prisoners inside the prison.

At Tak Central Prison, the prison arranges special visits every Friday for mothers with children aged younger than 18 months. A prisoner reported to the visiting team that communicating

59. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 103(1)

60. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 97(1)

61. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 98(1)

62. US\$1 = THB 30 (exchange rate in November 2019)

63. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 102(1)

64. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 102(2)

with her lawyer by telephone in the visiting room makes her feel uncomfortable due to the lack of privacy. It is different at Chonburi Women's Correctional Institution, where prisoners can communicate with their lawyers through balusters. A Department of Corrections regulation on prisoner visits stipulates that prisoners must prepare a list of 10 names in advance in order to receive visits.⁶⁵ On special days, such as Songkran [Thai New Year] and New Year, Samut Sakhon Central Prison and Fang District Prison arrange special visits between prisoners and their children or relatives, during which physical contact is allowed.

Public phones are not available for prisoners in any of the prisons. As for letters, each prison has a different system. For instance, Fang District Prison and Tak Central Prisons allow prisoners to send two letters per week and the letter writing must be done on weekends. All letters are screened by a prison officer and each letter must not be longer than 15 lines. Thanya Buri Women's Penitentiary (Special Women's Correctional Institution) dictates the number of letters that prisoners can send out based on their prisoner class.⁶⁶ (Bad class prisoners are able to send one letter per month; moderate class: two letters per month; good class: four letters per month; and excellent class: eight letters per month.) A special activity at Chonburi Women's Correctional Institution is for prisoners to have pictures of them sent to their families, organized by the prison officer.

The UN Standard Minimum Rules for the Treatment of Prisoners state: "Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing [...]; and (b) By receiving visits."⁶⁷

4.8 Limited access to information from the outside world

In most prisons visited by FIDH/UCL, prisoners' access to information from the outside world remains severely restricted. One concerning aspect is prisoners' lack of access to news items.

There are televisions in the prisoner dormitories in every prison except at Chiang Rai Central Prison. The prison officer decides which programs can be shown. In all of the prisons, only pre-recorded programs or re-runs are allowed. This excludes the news from being shown. The officer normally puts on a recorded TV series or the 'royal news.' Newspapers are not allowed.

The FIDH/UCL visiting team was not able to gather much information on possibilities for exercise within the prisons. However, at Chonburi Women's Correctional Institution, the team was informed that the prison arranges an annual sports day.

65. Chapter 1 'visiting prisoners by outsiders,' Article 8 of the Department of Corrections regulation on prisoner visits, contact from outsiders, and observational study B.E. 2555 (2012) states, "For the sake of the control and the security of the prison, the commander of the prison prescribes the prisoners notify the prison in advance of the names of outsiders who will visit them at the prison by providing a list of not more than 10 names. If a prisoner wants to edit or change the list, they need to notify the prison not less than 30 days in advance."

66. There are six classes of prisoner: Excellent; Very good; Good; Moderate; Bad; and Very bad. The class promotion of prisoners is made at the discretion of the prison officers. New prisoners start out as "very bad" class prisoners.

67. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 58(1)



A Thai prison officer (L) cheers next to women prisoners during the woman prisoner boxing competition in Pathum Thani Province near Bangkok on 23 July 2004 © Pornchai Kittiwongsakun / AFP

The UN Standard Minimum Rules for the Treatment of Prisoners state: "Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the prison administration."⁶⁸

The UN Standard Minimum Rules for the Treatment of Prisoners stipulate: "Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners."⁶⁹

4.9 Complaints lack anonymity

The complaint mechanism for many prisons is a complaint box. A prisoner can write a complaint and put it in the box, but it is difficult for them to do this in complete anonymity.

The UN Standard Minimum Rules for the Treatment of Prisoners state that every prisoner "shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her,"⁷⁰ and that safeguards be in place "to ensure that prisoners can make requests or complaints safely and [...] in a confidential manner," and that such a prisoner "must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint."⁷¹

68. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 63

69. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 105

70. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 56(1)

71. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 57(2)

4.10 Punishment and disciplinary measures inconsistent with international standards

The types of punishment used on prisoners are inconsistent with international minimum standards, and, in some cases, may amount to torture or ill-treatment.

To maintain order among the prisoners, prison officers in all nine prisons use various punishment methods such as hard exercise in the sun, reducing a prisoner's mailing quota, downgrading a prisoner's status, making a prisoner sit or stand in the sun for long hours, and solitary confinement. Every prisoner must know the "10 steps of death lords" – 10 exercise steps that the Department of Corrections makes every prison teach the prisoners. Many methods of punishment, such as hard exercise and squats, are applied collectively to a group of prisoners, not individuals.

The UN Standard Minimum Rules for the Treatment of Prisoners state: "In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment."⁷² They also stipulate that the practice of collective punishment is prohibited.⁷³

There are no rules that prescribe the type of punishment for alleged prison rule infractions or misconduct. It is completely at the discretion of the prison officer. At Thanya Buri Women's Penitentiary (Special Women's Correctional Institution), the FIDH/UCL visiting team observed one officer who carried a stick with her.

The UN Standard Minimum Rules for the Treatment of Prisoners state that conduct constituting a disciplinary offense, the types and duration of sanctions that may be imposed, and the authority competent to impose such sanctions "shall always be subject to authorization by law or by the regulation of the competent administrative authority."⁷⁴ They also state that there should be "proportionality between a disciplinary sanction and the offense for which it is established [...]."⁷⁵

4.11 Pre-release and post-release arrangements need improvement

Still more needs to be done by the prisons to prepare prisoners for their eventual release. This is especially important to reduce recidivism, as well as for prisoners' reintegration back into society.



Inmates iron clothes as part of vocational training at Uthai Thani Provincial Prison © Tawatchai Kemgumnerd / Bangkok Post

72. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 43(1)

73. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 43(1)(e)

74. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 37(a), (b), (c)

75. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 39(2)

On the process of preparation for prisoners' release, prisoners can send a proposal to the prison requesting a small grant to start a new job upon their release. The prison asks the prisoner to complete a survey about her career plan. The Institution for Skill Development Eastern (under the Ministry of Labor) and Chonburi Women's Correctional Institution provide training to the pre-release prisoner. Similarly, outside organizations, such as the Faculty of Medical Technology at Chiang Mai University, have collaborated with Chiang Mai Women's Correctional Institution to organize activities for pre-release prisoners. The activities focus on making prisoners reflect on their lives and set new life goals. Chiang Mai Women's Correctional Institution also runs a four-month 'CARE Model' (correction/addiction/rehabilitation) program twice a year for drug-addicted prisoners.

In terms of post-release support, at Chiang Mai Women's Correctional Institution, prison officers sometimes visit former prisoners after their release. However, the prison does not have sufficient resources to visit every prisoner.

The UN Standard Minimum Rules for the Treatment of Prisoners state that before the completion of a sentence, "it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society."⁷⁶ They also state that there should be governmental or private agencies "capable of lending the released prisoner efficient aftercare directed towards the lessening of prejudice against him or her and towards his or her social rehabilitation."⁷⁷

The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders state that "prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations" should "design and implement comprehensive pre- and post-release reintegration programs which take into account the gender-specific needs of women."⁷⁸ They also stipulate that additional support following release should be provided to released women prisoners "who need psychological, medical, legal and practical help to ensure their successful social reintegration [...]."⁷⁹

4.12 Basic prison regulations and implementation of the Bangkok Rules

All of the prisons visited by FIDH/UCL have made some effort to comply with international minimum standards with regard to basic prison regulations. In all nine prisons, there is an orientation program for newly admitted prisoners, during which they are informed about prison regulations and given a basic medical check-up, a prisoner handbook, and a prisoner reception kit. In the kit, there are two bras, two pairs of underwear, prison uniforms, a thick blanket, a light blanket, and a rolled blanket. At Fang District Prison, the visiting team observed a prisoners' rights poster in Thai, Burmese, and Chinese on the wall.

The UN Standard Minimum Rules for the Treatment of Prisoners provides that every prisoner is "promptly provided with written information" about prison law and prison regulations; his or her rights; and his or her obligations, including applicable disciplinary sanctions.⁸⁰ This information should be available in the most commonly used languages of the prison population,⁸¹ with summaries of the information prominently displayed in common areas of the prison.⁸²

76. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 87

77. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 90

78. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 46

79. UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 47

80. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 54(a), (b), (c)

81. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 55(1)

82. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 55(3)

The UN Standard Minimum Rules for the Treatment of Prisoners require that prisoners be provided with sufficient bedding.⁸³

Only at Fang District Prison did the visiting team observe a body search room for women. However, it appeared that it was not being used because there was a prison staff bed in the room. At Fang District Prison and Chonburi Women's Correctional Institution, every prisoner who comes back from court is required to undergo a vaginal examination and be searched to make sure she is not bringing in contraband items. During the search process, the prisoner wears a sarong.

The UN Standard Minimum Rules for the Treatment of Prisoners state: "Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary."⁸⁴

Prisoners in all prisons are allowed a maximum of 9,000 THB (US\$298) of pocket money. The prison officers claimed this limit on deposits is intended to prevent money laundering. Each prison has its own cooperative bank to keep the money for the prisoners.

Prison officers at the nine prisons had varying perceptions of their ability to implement the Bangkok Rules in their respective prisons. For example, the commander at Chiang Mai Women's Correctional Institution believed that the prison had taken many measures in accordance with the Bangkok Rules. She claimed that all of the officers had knowledge of the Bangkok Rules, and were able to perform their duties following the commander's standard. It must be noted that in November 2019, five of the nine 'model' prisons for women visited by FIDH and UCL were headed by female commanders.⁸⁵ Prison officers from Fang District Prison commented that they can comply with the requirements of the Bangkok Rules but still needed many elements to make it effective. They cited infrastructure and prisoner cooperation with, and obedience to, officials among the factors on which the successful implementation of the Bangkok Rules depended.

The UN Standard Minimum Rules for the Treatment of Prisoners stipulate that "all prison staff shall be provided with training tailored to their general and specific duties,"⁸⁶ and that the prison administration should ensure "the continuous provision of in service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel [...]."⁸⁷

83. Rule 21 of the UN Standard Minimum Rules on the Treatment of Prisoners states, "Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness."

84. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 52(1)

85. The five 'model' prisons headed by female commanders in November 2019 were: Thanya Buri Women's Penitentiary; Chonburi Correctional institution; Chiang Mai Correctional Institution; Phitsanulok Women's Correctional Institution (Acting Commander); Fang District Prison (Acting Commander).

86. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 75(2)

87. UN Standard Minimum Rules for the Treatment of Prisoners, Rule 75(3)

5. RECOMMENDATIONS TO THE GOVERNMENT OF THAILAND

5.1 General recommendations

- Allow non-governmental organizations with a relevant mandate to conduct visits to prisons, interview inmates, and assess conditions without undue hindrance.
- Ensure that elderly prisoners are prioritized as beneficiaries of alternative measures to detention.
- Continue to train prison staff on international standards, notably the Mandela Rules and the Bangkok Rules.

5.2 Recommendations to address overcrowding and living conditions

- Address the issue of overcrowding in prisons by finding sustainable measures to reduce the number of prisoners within the penitentiary system. Such measures could include: rehabilitation for drug-related offenders; fines or community service for minor offenses; the granting of bail to people awaiting trial for certain categories of crimes; and repatriation of foreign prisoners.
- Encourage the implementation of non-custodial measures, by limiting the number of women that are imprisoned and keeping prison sentences as short as possible.
- Consider decriminalizing petty crimes, including certain drug-related offenses, reducing prison sentences, and favoring community service work instead of imprisonment.

5.3 Recommendations to improve conditions for mothers with babies

Ensure women prisoners and their children are able build a strong bond by:

- Providing an appropriate Mother and Child Unit within the prison area.
- Supporting parenting and relationship-building programs to build strong bonds within the family.
- Enabling teleconferencing for the non-resident child.
- Creating a child-friendly environment for the resident children including a playground and basic education, such as a nursery school.
- Considering family cell units (both parents) or a half-way house program where the mother and child can stay together at night.

5.4 Recommendations to address water and sanitation

- Ensure that prisoners have full access to toilets at all times with the maximum possible of privacy.
- Enhance water sanitation especially within the shower area, to prevent epidemics.

5.5 Recommendations to address food and drinking water issues

- Provides 10-15 liters of clean water per day per prisoner.
- Ensure that the food is provided to all prisoners in accordance with their medical, religious, and cultural needs.

5.6 Recommendations to address healthcare services

- Initiate efforts to ensure the health needs of special groups, such as indigenous persons and the elderly.
- Consider establishing psychiatric centers for women prisoners with mental health issues and the survivors of abuse and trauma through an intensive healing program.
- Establish an anti-smoking program and other health promotion programs under the supervision of the nurse, including therapy programs and weekly peer support groups.

5.7 Recommendations to address prison labor

- Ensure that the wage rate for prison labor meets the minimum wage rate under the 1998 Labor Protection Act (amended in 2019).
- Consider shortening the length of imprisonment based on time worked while in prison.

5.8 Recommendations to address contact with the outside world

- Relax rules regulating prisoners' contact with the outside world, in particular to allow prisoners to receive visits from a broader number of visitors, as well as to make calls from the prison.
- Affirm the right of communication and the right to contact with the family.
- Consider allowing electronic visitation through remote video calls, to facilitate contact with people who live far away.

5.9 Recommendations to address the limited access to information from the outside world and the lack of opportunities for recreation

- Ensure that prisoners have regular access to newspapers, magazines, books, and other cultural or educational material.
- Consider implementing women-oriented recreation programs such as yoga, art, and crafts.
- Encourage staff engagement in recreation activities especially in sports, to improve staff-prisoner relations.

5.10 Recommendations to address complaints mechanisms

- Ensure the right to confidential complaints both during and after imprisonment is respected.
- Consider establishing an independent agency to respond to the complaints of prisoners.
- Ensure that all complaints, including gender-sensitive issues, are investigated promptly and fairly.

5.11 Recommendations to address punishment and disciplinary measures

- Fair and unbiased adjudication shall be made before the punishment.
- The punishment shall take into account the needs of vulnerable groups, including disabled and mentally ill prisoners.

5.12 Recommendations to address arrangements for pre-release and post-release

- Explore the possibility of prison-university partnerships, allowing prisoners to receive training in their future career path as well as obtaining degrees at the end of the course.⁸⁸
- Create partnerships with the private sector to provide the specific training needed in the labor market.
- Establish a community engagement program that involves public, private, and non-governmental actors working in conjunction to prepare prisoners for a smooth community integration process, including job fairs, job interview training, and career counseling before release.
- Enhance pre-release and post-release planning by hiring former-inmates as peer mentors to help prisoners prepare for their future lives, find housing, and provide general support after their release.
- Consider erasing criminal records for non-violent offenders whose offenses were committed as a result of vulnerability (such as poverty and social exclusion), so that former inmates have more equal footing when applying for jobs, rather than facing stigma due to criminal records.

88. Thailand Institute of Justice, *The rehabilitation and social reintegration of women prisoners: Implementation of the Bangkok Rules*, May 2019

6. ANNEXES

TABLE 1: Number of women imprisoned, by age (as of November 2019)⁸⁹

Age of convicted prisoners	Women prisoner population	Percentage
Below 18 years old	43	0.1%
18-20 years old	744	1.8%
20-21 years old	657	1.6%
21-25 years old	4,059	10%
25-30 years old	7,198	18%
30-35 years old	7,392	18%
35-40 years old	6,899	17.3%
40-45 years old	4,853	12.2%
45-50 years old	3,277	8.2%
50-60 years old	3,583	9%
Above 60 years old	1,026	2.5%
Total	39,731	

TABLE 2: Number of women imprisoned, by type of offense (as of November 2019)⁹⁰

Type of offense	Women prisoner population	Percentage
Offenses against property	3,836	9.6%
Drug-related offenses	34,000	85.5%
Offenses affecting life	472	1.1%
Offenses affecting body	64	0.16%
Sexual offenses	359	0.9%
Offenses causing public danger	6	0.015%
Other (against the Forest Act, gambling, guns/weapons, Immigration Act, misdemeanors)	994	2.5%
Total	39,731	

89. Department of Corrections, *Prisoner statistics*, 1 November 2019 [in Thai], <http://www.correct.go.th/rtnew103/filepdf/1573194919.pdf>

90. Department of Corrections, *Prisoner statistics*, 1 November 2019 [in Thai], <http://www.correct.go.th/rtnew103/filepdf/1573194919.pdf>

TABLE 3: Number of women under death sentence (as of October 2019)⁹¹

	Women prisoner population	Percentage
Non drug-related offenses	1	1.7%
Drug-related offenses	58	98.3%
Total	59	100%

TABLE 4: Rates of recidivism (2017-2019)⁹²

	2017	2018	2019
Number of released prisoners	135,718	109,973	157,467
Re-arrested within one year	17,472 (12.9%)	15,229 (13.8%)	9,407 (6%)*
Re-arrested within two years	31,114 (22.9%)	-	-

*Only applied to the prisoners with Thai ID

91. Department of Corrections, *Death Penalty Statistics*, 19 October 2019 [in Thai], <http://www.correct.go.th/executed/index.php>

92. Department of Corrections, *Rates of Recidivism*, 2019 [in Thai], <http://www.correct.go.th/recstats/index.php/th/SumReportCondition/excel?lang=>

TABLE 5: Population of nine 'model' prisons for women

Prison	Date of visit	Population in April 2018	Population at the date of visit	Population as of November 2019
Phra Nakon Si Ayutthaya Provincial Prison	11 April 2018	474	474	571
Samut Sakhon Central Prison	23 April 2018	416	416	440
Thanya Buri Women's Penitentiary	25 April 2018	2,050	2,050	1,698
Chiang Mai Women's Correctional Institution	9 May 2018	2,014	2,041	2,202
Fang District Prison	10 May 2018	180	192	188
Chiang Rai Central Prison	11 May 2018	955	971	969
Phitsanulok Women's Correctional	6 August 2018	980	1,090	1,029
Tak Central Prison	8 August 2018	116	117	206
Chonburi Women Correctional Institution	31 October 2018	971	1,291	1,369
		8,156	8,799	8,672

TABLE 6: Thailand's prison population (January 2017 – November 2019)

Month / Year	Total prison population	Male	Female
Jan 2017	289,675	250,339	39,336
Feb 2017	283,217	244,962	38,255
Mar 2017	286,861	248,183	38,678
Apr 2017	288,410	249,073	39,337
May 2017	291,794	252,398	39,396
Jun 2017	296,138	256,367	39,771
Jul 2017	300,910	260,521	40,389
Aug 2017	307,500	261,645	45,855
Sep 2017	309,271	268,152	41,119
Oct 2017	311,587	269,789	41,798
Nov 2017	319,479	277,123	42,356
Dec 2017	322,634	279,862	42,772

Month / Year	Total prison population	Male	Female
Jan 2018	325,298	281,872	43,426
Feb 2018	330,774	286,945	43,829
Mar 2018	334,279	288,346	45,933
Apr 2018	340,293	295,235	45,058
May 2018	343,657	298,280	45,377
Jun 2018	349,804	303,717	46,087
Jul 2018	355,543	308,532	47,011
Aug 2018	359,508	311,950	47,558
Sep 2018	364,288	316,152	48,136
Oct 2018	366,316	318,019	48,297
Nov 2018	369,499	320,966	48,533
Dec 2018	372,979	323,975	49,004
Jan 2019	375,763	326,439	49,324
Feb 2019	378,673	328,998	49,675
Mar 2019	381,749	331,697	50,052
Apr 2019	382,895	332,751	50,144
May 2019	386,902	336,235	50,667
Jun 2019	364,725	317,196	47,529
Jul 2019	354,905	308,693	46,212
Aug 2019	358,693	311,876	46,817
Sep 2019	362,985	315,679	47,306
Oct 2019	363,825	316,449	47,376
Nov 2019	365,384	318,245	47,139



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The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

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UCL is the first human rights organization in Thailand. It was founded in 1973 to advocate for, promote, and protect human rights and democracy. It has been working to: monitor human rights violations, government policies, laws, and actions; study and disseminate human rights knowledge and information; provide legal aid to disadvantaged and marginalized people through a nationwide network of human rights lawyers; and conduct campaigns for human rights and democracy, together with other human rights groups, organizations, and networks.

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