



**fidh**



# THAILAND ANNUAL PRISON REPORT 2022

March 2022 / N° 791a

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Cover photo: In this handout photo from the Thai Army taken in late May 2021, military medical personnel in protective suits attend to a prisoner during a joint operation with local authorities to control a COVID-19 outbreak at Chiang Mai Central Prison in Chiang Mai Province. © Handout / ROYAL THAI ARMY / AFP

## Executive summary

In the year 2021, the Thai prison system witnessed the continuation of a number of concerning trends and the emergence of some positive developments.

The authorities' slow and inadequate response to the COVID-19 pandemic in prisons was a central issue of concern. Despite alarms raised by non-governmental organizations at the beginning of the pandemic over the inadequacy of the measures adopted by the government to tackle the spread of COVID-19 in the prison system, more than a year later authorities were caught unprepared by the surge of infections. Ineffective preventive measures, an inadequate budget allocation, and a slow vaccine rollout failed to stop the spread of the virus among correctional facilities across the country.

The COVID-19 measures and new restrictions in prisons also undermined many human rights of inmates, particularly as a result of increased isolation, the lack of social contact and activity, and being cut off from the outside world - including families - and, as a result, access to essential supplies.

Another issue of ongoing concern was the situation of prison conditions, which remained below international standards in 2021. Based on interviews conducted by FIDH with 11 former prisoners, numerous recurring matters emerged. They included: 1) prison overcrowding; 2) prisoners being subjected to cruel punishment, degrading treatment, and discrimination; 3) poor hygienic conditions; 4) insufficient access to medical services, including for mental health; 5) increased isolation from the outside world and lack of recreational opportunities; and 6) ineffective complaint mechanisms.

In addition, an investigative report published by the international news agency *Thomson Reuters Foundation (TRF)* in December revealed the use of abusive labor practices in various Thai prisons. The report found that prisoners were being forced to work for private companies under the threat of punishment, including beatings and delayed release, if they did not meet stringent production targets. Prisoners were also barred from receiving visits to prevent them from recounting the abuses to their relatives. Their work was compulsory and very poorly remunerated, or not remunerated at all. The damning findings of the *TRF* investigation raised concerns over the government's push to dispatch prisoners to work in the industrial sector.

With regard to the positive developments, in 2021 Thailand saw a 27% progressive decrease in its total prison population. While the prison population remained high and the Thai prison system remained plagued by chronic overcrowding, the total occupancy level of the prison system was below the prisons' total official capacity in the second half of the year.

As prisoners incarcerated for drug-related offenses continued to account for the overwhelming majority (nearly 82%, as of December 2021) of Thailand's total prison population, in 2021 the Thai Justice Ministry promoted long overdue amendments to drug-related legislation in an attempt to reduce prison overcrowding. New legislation passed in 2021 emphasized prevention and treatment rather than punishment for possession of small amounts of drugs for personal use. It also aimed at adjusting penalties related to the production, import, export, drug possession, and drug abuse to be proportionate to the severity of the offense. In addition, amendments to other drug-related legislation resulted in the decriminalization of offenses related to the production and possession of kratom, which led to the dismissal of charges against about 12,000 of defendants previously convicted for kratom-related offenses and the release from prison of nearly 10% of them.

Lastly, the number of prisoners under a death sentence significantly decreased in 2021. From January to December 2021, the number of such prisoners dropped by 31%. The decrease in the

number of prisoners facing capital punishment was part of a continued downward trend, which saw a 59% decline between January 2017 and December 2021.

The annual prison report 2022 seeks to provide an independent assessment of conditions in Thai prisons, analyze significant stats, figures, and trends related to the Thai prison system, and present relevant key developments. The report also makes numerous practical recommendations for the improvement of prison conditions.

The 2022 annual prison report follows the publication of two other reports by FIDH and UCL on prison conditions in recent years: “Behind the walls – A look at prison conditions in Thailand after the coup,” published in February 2017;<sup>1</sup> and “Flawed models – Implementation of international standards in Thailand’s ‘model’ prisons for women,” published in December 2019.<sup>2</sup>

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1. FIDH, *Behind the walls – A look at prison conditions in Thailand after the coup*, February 2017; [https://www.fidh.org/IMG/pdf/rapport\\_thailand\\_688a\\_web.pdf](https://www.fidh.org/IMG/pdf/rapport_thailand_688a_web.pdf)

2. FIDH, *Flawed models – Implementation of international standards in Thailand’s ‘model’ prisons for women*, December 2019; <https://www.fidh.org/IMG/pdf/thailande744aweb.pdf>

## List of acronyms

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DoC	Department of Corrections
EM	Electronic monitoring
FIDH	International Federation for Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
KKF	Khon Kaen Fishing Net
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, and queer
NHRCT	National Human Rights Commission of Thailand
TRF	Thomson Reuters Foundation
UCL	Union for Civil Liberty
UN	United Nations
UNGPs	UN Guiding Principles on Business and Human Rights
UPR	Universal Periodic Review
WGAD	Working Group on Arbitrary Detention

### 2021 in a nutshell

#### ***Negative developments***

- Sub-standard prison conditions.
- Slow and inadequate COVID-19 response.
- Exploitative labor practices.

#### ***Positive developments***

- Progressive decrease of the total prison population.
- Successful efforts to amend drug-related laws.
- Decline in the number of prisoners under death sentence.



## 2021 in numbers

**27%**

Decline in the total prison population

**20.17%**

Percentage of pre-trial prisoners

**81.86%**

Percentage of prisoners incarcerated for drug-related offenses

**31%**

Decrease in the number of prisoners under a death sentence

**42%**

Percentage of recidivist prisoners

**87,326**

Number of COVID-19 cases reported in prisons nationwide<sup>3</sup>

**185**

Number of COVID-19 deaths reported in prisons nationwide<sup>4</sup>

**95.5%**

Percentage of prisoners fully vaccinated by 31 December 2021

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3. From 12 May to 31 December 2021

4. From 12 May to 31 December 2021

# 1. Introduction

The annual prison report is the first and only independent and comprehensive review of prison conditions in Thailand. The 2022 report covers developments, trends, facts, and figures from 1 January to 31 December 2021. It is based on the following information: 1) interviews with former prisoners who were detained during the reporting period; 2) reliable news articles and reports; 3) reports from other non-governmental organizations; and 4) official documents published by Thai government agencies and other institutions.

With regard to interviews with former prisoners, FIDH interviewed 11 former prisoners (eight men and three women) detained (and subsequently released) at various times in 2021.<sup>5</sup> The interviews were conducted between 25 August 2021 and 25 January 2022. It is likely that the information gathered through these interviews is reflective of similar trends and conditions that exist in other prisons in the country.

## 2. Stats, figures, and key trends

The Thai penitentiary system has long been characterized by three elements: 1) high incarceration rates for both men and women; 2) overcrowding; and 3) a majority of inmates incarcerated for drug-related offenses.<sup>6</sup>

Successive Thai governments have failed to enact comprehensive policy reforms to effectively and sustainably reduce prison population and improve living conditions in prisons to be in compliance with international standards.

However, in 2021, Thailand's overall prison population decreased. According to the Department of Corrections (DoC), the decrease in the overall prison population was a result of the releases of prisoners through royal amnesties, parole, and sentence reduction mechanisms.<sup>7</sup> In addition, the Thai government has made some progress in amending certain drug laws, the enforcement of which has traditionally been a major contributing factor to the country's high prison population levels [See below, 5. *Drug laws amended to ease prison overcrowding*]. The vast majority of inmates remained incarcerated for drug-related offenses. And while some people on remand benefitted from release schemes, the percentage of pre-trial detainees compared to the prison population increased through the year [See below, 2.2. *Number of pre-trial detainees remains high*].

The existing challenges faced by the Thai prison system were exacerbated by the outbreak of COVID-19 in prisons across the country, particularly as a result of chronic overcrowding, inadequate sanitation facilities, and the lack of proper healthcare.<sup>8</sup>

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5. The eight men were detained at: 1) Bangkok Remand Prison in Bangkok; 2) Thanyaburi District Prison in Pathumthani Province; 3) Rangsit Temporary Prison in Pathumthani Province; and 4) Kalasin Provincial Prison in Kalasin Province. The three women were detained at: 1) Central Women's Correctional Institution in Bangkok; 2) Thonburi Women's Correctional Institution in Bangkok; and 3) Chiang Mai Women's Correctional Institution in Chiang Mai Province.

6. FIDH, *Behind the walls - A look at Thailand's prison conditions after the coup*, February 2017; FIDH, *Flawed models - Implementation of international standards in Thailand's 'model' prisons*, December 2019 for women

7. Department of Corrections, *A Year of Quick Wins "365 days towards success of the Department of Corrections"*, 30 December 2021

8. FIDH, *Thailand: Joint letter on prison conditions and COVID-19*, 19 July 2021

Currently, the Thai prison system comprises 143 prisons and correctional facilities, with a total official capacity for 310,157 inmates.<sup>9</sup>

Below is an analysis of some of the key trends in Thailand's prison system and its population, between January and December 2021.

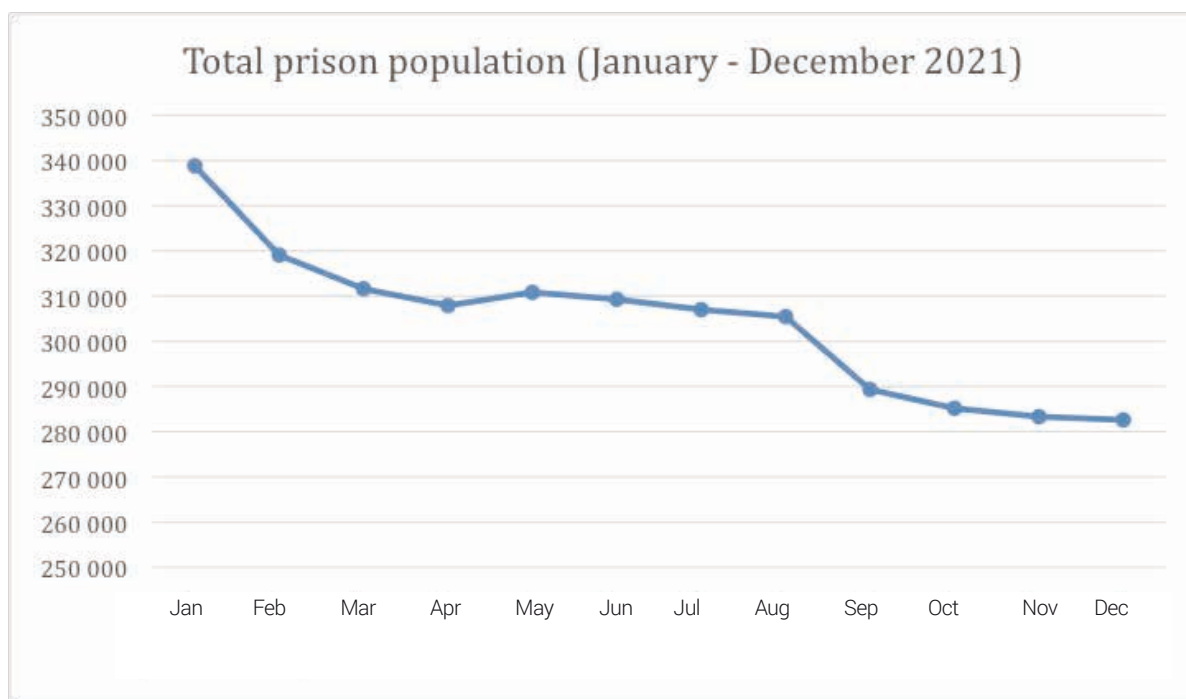
## 2.1. Total prison population decreases

Between January and December 2021, Thailand's prison population steadily declined. As of 1 December 2021, the total prison population numbered 282,620 inmates (249,678 men and 32,942 women). The number represents a 27% decrease from 1 January 2021, when the population stood at 388,806 (296,429 men and 42,377 women).

<b>Total prison population (January - December 2021)</b>			
<b>Month/year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>January 2021</b>	296,429	42,377	338,806
<b>February 2021</b>	279,454	39,628	319,082
<b>March 2021</b>	273,657	37,948	311,605
<b>April 2021</b>	270,704	37,206	307,910
<b>May 2021</b>	273,465	37,365	310,830
<b>June 2021</b>	272,369	36,913	309,282
<b>July 2021</b>	270,599	36,408	307,007
<b>August 2021</b>	269,475	35,972	305,447
<b>September 2021</b>	255,986	33,346	289,332
<b>October 2021</b>	252,207	32,975	285,182
<b>November 2021</b>	250,644	32,686	283,330
<b>December 2021</b>	249,678	32,942	282,620

9. The official capacity is the maximum number of people that can be accommodated in the prison system without overcrowding, based on the standards of the country concerned.





Despite the decrease observed in 2021, the total prison population remained high. The number recorded in December 2021 was only slightly lower than that recorded in January 2017, when the total prison population stood at 289,675 inmates.<sup>10</sup>

<b>Total prison population (January 2017 - December 2021)</b>			
<b>Month/year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>January 2017</b>	250,339	39,336	289,675
<b>January 2018</b>	N/A	N/A	N/A
<b>January 2019</b>	326,439	49,324	375,763
<b>January 2020</b>	320,737	47,256	367,993
<b>January 2021</b>	296,429	42,377	338,806
<b>December 2021</b>	249,678	32,942	282,620

10. The all-time high was recorded in May 2019, when Thailand's total prison population stood at 386,902 inmates.

**Categories of crimes (as of 1 December 2021)**

Category	Male	Female	Total	%
Drug-related offenses	164,698	22,506	187,204	83.44
Property-related offenses	11,543	2,445	13,988	6.24
Life-related offenses	10,146	304	10,450	4.66
Sexual-related offenses	6,401	185	6,586	2.94
Body-related offenses	1,026	30	1,056	0.47
Public danger-related offenses	41	1	42	0.02
Others	4,414	605	5,019	2.24
<b>Total</b>	<b>198,269</b>	<b>26,076</b>	<b>224,345</b>	<b>100.00</b>

**Length of prison sentences (as of 1 December 2021)**

Category	Male	Female	Total	%
Less than 3 months	139	30	169	0.08
More than 3-6 months	1,268	146	1,414	0.63
More than 6 months - 1 year	2,749	217	2,966	1.32
More than 1-2 year	18,774	2,632	21,406	9.54
More than 2-5 years	75,066	9,452	84,518	37.67
More than 5-10 years	36,909	4,237	41,146	18.34
More than 10-15 years	19,255	3,404	22,659	10.10
More than 15-20 years	11,455	1,928	13,383	5.97
More than 20-50 years	23,988	3,329	27,317	12.18
More than 50 years	1,019	102	1,121	0.50
Life sentence	2,615	328	2,943	1.31
Death sentence	64	6	70	0.03
Unidentifiable	4,968	265	5,233	2.33
<b>Total</b>	<b>198,269</b>	<b>26,076</b>	<b>224,345</b>	<b>100.00</b>

## 2.2. Number of pre-trial detainees remains high

Despite the decrease in prison population and efforts to ease prison overcrowding, Thailand continued to hold significant numbers of defendants in pre-trial detention, placing extra burden on the penitentiary system, particularly during the COVID-19 pandemic.<sup>11</sup>

According to DoC statistics, the proportion of pre-trial detainees compared to the total saw a slight increase over the course of 2021. As of 1 December 2021, 57,005 prisoners, or 20.17% of Thailand's total prison population, were held in remand, up from January 2021, when 16.50% of prisoners were held in pre-trial detention.

<b>Categories of prisoners (as of 1 December 2021)</b>				
<b>Category</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>%</b>
<b>Convicted prisoners</b>	198,584	26,090	224,674	79.50
<b>Remand prisoners</b>	50,266	6,739	57,005	20.17
<b>1. Court of Appeals, Supreme Court</b>	20,738	2,494	23,232	8.22
<b>2. Investigation - trial</b>	14,232	2,254	16,486	5.83
<b>3. Inquiry</b>	15,296	1,991	17,287	6.12
<b>Juveniles in detention</b>	19	0	19	0.01
<b>Sentenced to relegation<sup>12</sup></b>	36	8	44	0.02
<b>Confined</b>	773	105	878	0.31
<b>Total</b>	<b>249,678</b>	<b>32,942</b>	<b>282,620</b>	<b>100.00</b>

<b>Number of pre-trial/ongoing trial prisoners (January - December 2021)</b>		
<b>Month/year</b>	<b>Pre-trial prisoners</b>	<b>%</b>
<b>January 2021</b>	55,907	16.50
<b>February 2021</b>	55,596	17.42
<b>March 2021</b>	59,709	19.16
<b>April 2021</b>	58,842	19.11
<b>May 2021</b>	59,995	19.30
<b>June 2021</b>	59,907	19.37
<b>July 2021</b>	57,224	18.63
<b>August 2021</b>	55,192	18.06
<b>September 2021</b>	52,149	18.02
<b>October 2021</b>	52,865	18.53
<b>November 2021</b>	56,042	19.78
<b>December 2021</b>	57,005	20.17

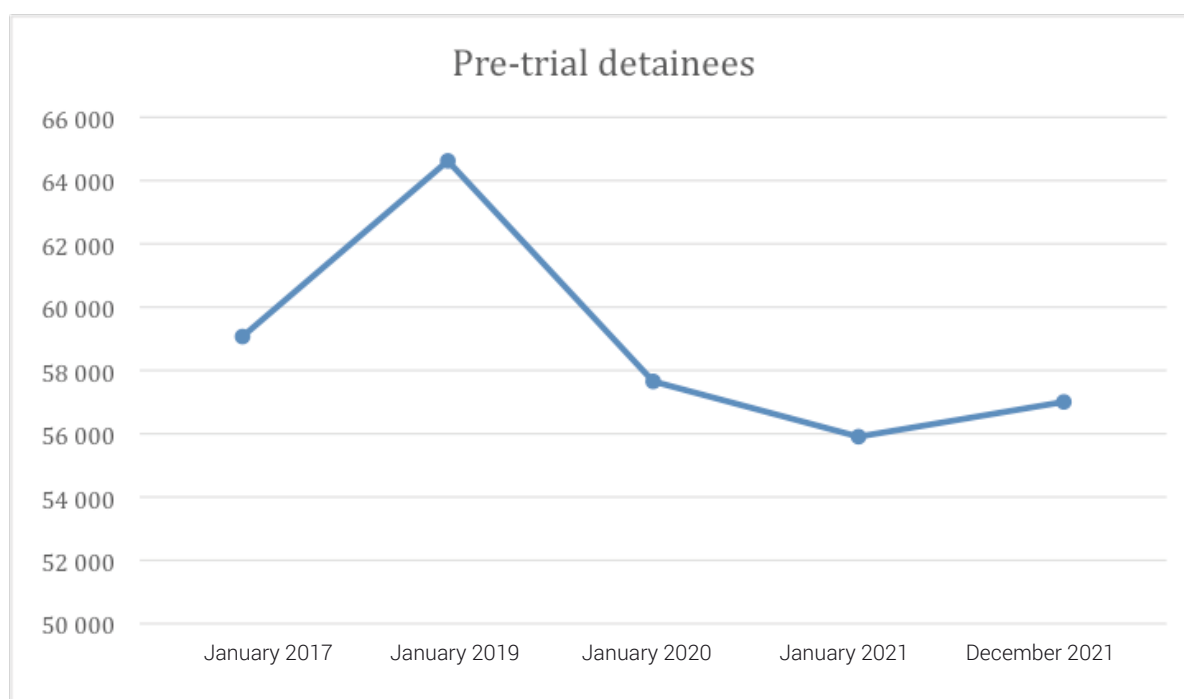
The number of pre-trial detainees fluctuated between 2017 and 2021, reaching an all-time high in January 2019, with 64,621 people in pre-trial detention. The number of pre-trial detainees recorded

11. Thailand Institute of Justice, *Report on the COVID-19 situation in prisons and policy recommendations for Thailand*, 31 March 2020

12. Serious repeat offenders. A house of relegation is an institution that keeps recidivist offenders who have committed offenses more than three times and whom the court believes are less likely to be rehabilitated.

in December 2021 was only slightly lower than that of January 2017, when the pre-trial detainee population stood at 59,070.

<b>Number of pre-trial/ongoing trial prisoners (January - December 2021)</b>			
<b>Month/year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>January 2017</b>	51,654	7,416	59,070
<b>January 2018</b>	N/A	N/A	N/A
<b>January 2019</b>	56,292	8,329	64,621
<b>January 2020</b>	50,661	6,992	57,653
<b>January 2021</b>	49,316	6,591	55,907
<b>December 2021</b>	50,266	6,739	57,005



### 2.3. Overcrowding persists

According to the DoC, Thailand's 143 prisons and correctional facilities are able to accommodate 310,157 inmates.<sup>13</sup> This means that for nearly half of 2021 (January to May), the total occupancy level of the prison system exceeded its official capacity [See above, 2.1. *Total prison population decreases*].

However, the occupancy level says little about the situation of overcrowding in Thai prisons. In recent years the DoC masked the overcrowded conditions by increasing the official capacity of the Thai prison system by building additional platforms in sleeping dormitories in 81 prisons

13. Department of Corrections, *A Year of Quick Wins "365 days towards success of the Department of Corrections"*, 30 December 2021 [in Thai]

nationwide.<sup>14</sup> This resulted in an increased ability to “accommodate” 38,473 more inmates.<sup>15</sup> Moreover, the official calculation of occupancy levels is based on a space of 1.2 m<sup>2</sup> allocated to each prisoner by the DoC, which is significantly below the recommended international standard [See below, 7.1. *Cramped dormitories and communal space, insufficient bedding*].

## 2.4. Non-custodial measures fall short of target

New measures introduced by the government seeking to decongest prisons fell short of the target.

In May, as COVID-19 began ravaging prisons nationwide [See below, 3. *Slow and inadequate COVID-19 response*], Justice Minister Somsak Thepsutin estimated about 50,000 prisoners could be released in June as part of urgent plans to tackle the spread of COVID-19 in prisons.<sup>16</sup> The DoC said inmates would be able to apply to the court with appropriate jurisdiction for a temporary release and the criteria for those eligible for parole would be expanded. Released prisoners would be required to wear electronic monitoring (EM) bracelets.<sup>17</sup> The DoC said it was also considering offering prisoners a reduction in their sentences and facilitating the granting of bail to certain pre-trial detainees.<sup>18</sup>

However, according to DoC figures between 1 May and 1 July, only 29,499 prisoners were released nationwide, and the overall prison population did not significantly decrease.<sup>19</sup> By the end of the year, the total prison population had decreased by 28,210 inmates (or 9%).

The granting of royal amnesties for prisoners continued to be the most effective way to reduce the prison population. In 2021, convicted prisoners were released as a result of royal amnesties on two occasions – King Rama X’s birthday on 27 July and the late King Rama IX’s birthday on 5 December. It was reported that around 30,000 prisoners from prisons nationwide were expected to be released as a result of the royal amnesty on the occasion of King Rama X’s birthday,<sup>20</sup> and approximately 32,000 prisoners were expected to be released following the royal amnesty on the occasion of King Rama IX’s birthday.<sup>21</sup>

According to DoC statistics, between January 2021 and December 2021, 42,890 convicted prisoners were released on parole, in accordance with Article 52(7)<sup>22</sup> of the Penitentiary Act 1936 (amended in 2017).<sup>23</sup> Under the Ministerial Regulation on the Designation of Convicted Prisoner’s Benefits, and the Conditions for Prisoners to be released on Good Conduct Time Allowance and Parole 2019, convicted prisoners eligible for parole include those who almost completed their offenses, those with good behavior, and those convicted of non-serious offenses.<sup>24</sup> There was also an effort to

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14. Department of Corrections, *A Year of Quick Wins “365 days towards success of the Department of Corrections”*, 30 December 2021 [in Thai]

15. Department of Corrections, *A Year of Quick Wins “365 days towards success of the Department of Corrections”*, 30 December 2021 [in Thai]

16. Nation, *50,000 inmates set for release as Covid explosion hits Thai prisons*, 17 May 2021; Bangkok Post, *Govt considers releasing 50,000 inmates as Covid hits prisons*, 18 May 2021

17. Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021

18. Bangkok Post, *‘Parole or reduced sentences’: Inmates face fierce overcrowding, Covid*, 20 May 2021

19. FIDH, *Thailand: Joint Letter on Prison Conditions and Covid-19*, 19 July 2021

20. Matichon, *Over 200,000 prisoners granted royal amnesties 2021 to receive ‘sentence reduction’*, 27 July 2021 [in Thai]

21. Matichon, *Department of Corrections director reveals 130,000 prisoners to receive royal amnesties*, 5 December 2021 [in Thai]

22. Article 52(7) of the Penitentiary Act 1936 prescribes that: “A convict who shows good conduct, diligence, progress in education and works satisfactorily, or renders distinguished services in special cases may be released on parole when a convict has served not less than six months or one third of the term mentioned in the warrant of the Court whichever is more, or not less than ten years in case of imprisonment of life that changed to imprisonment of specific term, and a period determined for following the conditions must be equal to the remaining sentence. For these, in calculating the period of being on parole, if there is a reduction of imprisonment under (6), such reduction shall be included to the parole period.”

23. Department of Corrections, *Statistics of released prisoners in fiscal year 2021*, 9 March 2022; [http://www.correct.go.th/rt103pdf/report\\_dist\\_month.php?year=2021](http://www.correct.go.th/rt103pdf/report_dist_month.php?year=2021); Department of Corrections, *Statistics of released prisoners in fiscal year 2022*, 9 March 2022; [http://www.correct.go.th/rt103pdf/report\\_dist\\_month.php?year=2022](http://www.correct.go.th/rt103pdf/report_dist_month.php?year=2022)

24. Government Gazette, *Ministerial Regulation on the Designation of Convicted Prisoner’s Benefits, and the Conditions for Prisoners to be released on Good Conduct Time Allowance and Parole B.E. 2562*, 14 January 2019 [in Thai]

promote the use of EM bracelets for prisoners on parole.<sup>25</sup> According to Justice Minister Somsak Thepsutin, as of November 2021, there were 80,000 released prisoners wearing EM bracelets.<sup>26</sup>

Despite some announcements relating to the release of prisoners on special parole to stop the spread of COVID-19 in places of detention, including those who were critically ill, physically disabled, and prisoners over the age of 60, it was not officially reported how many prisoners were released under this scheme.<sup>27</sup>

## 2.5. High rate of prisoners jailed for drug-related crimes

Despite some successful efforts to amend drug laws to shorten prison sentences for minor drug-related offenses [See below, 5. Drug laws amended to ease prison overcrowding], incarcerations for drug-related offenses continued at an alarming rate. As of 1 December 2021, a total of 231,362 inmates (or 81.86% of the total prison population) were incarcerated for drug-related offenses. Of this number, 203,862 were men and 27,500 were women. These figures remained constant throughout 2021.

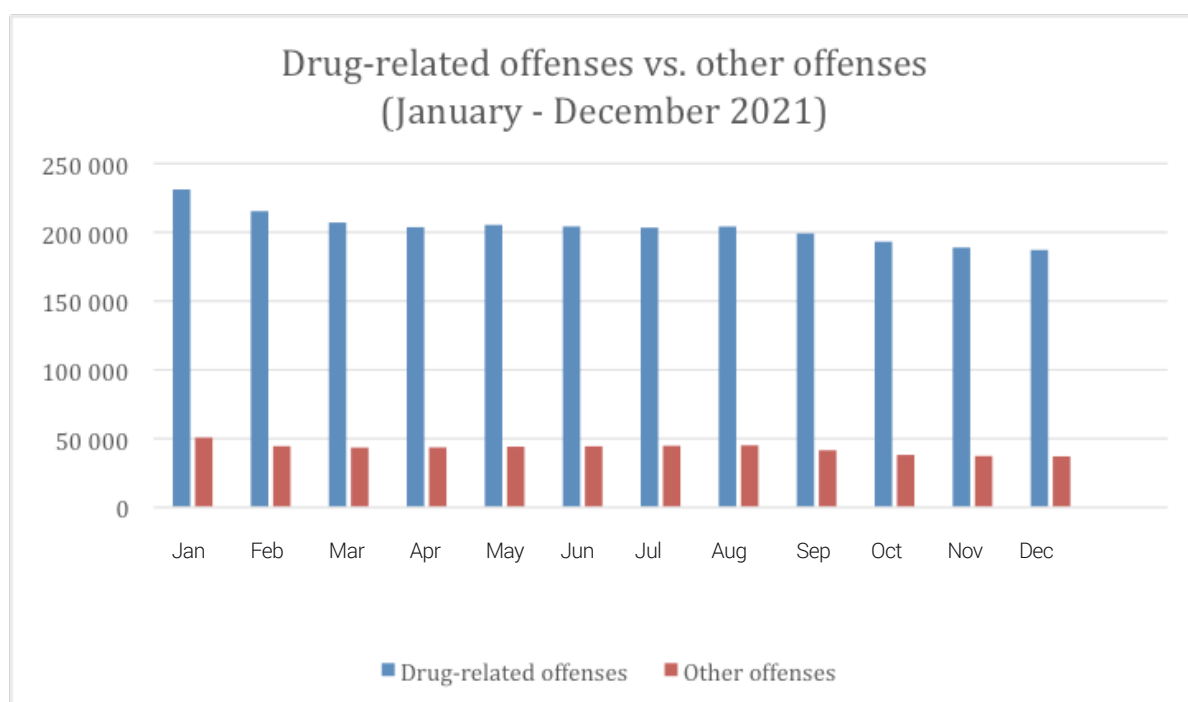
<b>Prisoners detained for drug-related offenses (January - December 2021)</b>				
<b>Month/year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>%</b>
<b>January 2021</b>	238,516	35,771	274,287	80.96
<b>February 2021</b>	226,476	33,794	260,270	81.57
<b>March 2021</b>	221,413	32,083	253,496	81.35
<b>April 2021</b>	218,986	31,301	250,287	81.29
<b>May 2021</b>	221,431	31,318	252,749	81.31
<b>June 2021</b>	220,648	30,874	251,522	81.32
<b>July 2021</b>	219,127	30,390	249,517	81.27
<b>August 2021</b>	218,116	30,009	248,125	81.23
<b>September 2021</b>	209,335	28,428	237,763	82.18
<b>October 2021</b>	206,614	28,052	234,666	82.29
<b>November 2021</b>	205,005	27,495	232,500	82.06
<b>December 2021</b>	203,862	27,500	231,362	81.86

25. Matichon, 'EM bracelets' incarceration (semi-free) outside of prison, reducing prisoners, easing decongestion, 15 September 2020 [in Thai]; Matichon, Ministry of Justice leads 'Samut Prakan Model' using EM bracelets for prisoners on parole released to work for private companies, 11 October 2021 [in Thai]

26. Thairath, Somsak answers to Parliament on prison overcrowding, job building, reducing recidivism rate, 23 November 2020 [in Thai]

27. Department of Corrections, Urgently proceed to release on special parole convicted prisoners who are critically ill, disabled, or of 70 years or older, and convicted elderly prisoners over the age of 60, 16 April 2021 [in Thai]; Bangkok Post, 'Parole or reduced sentences', 20 May 2021; Channel News Asia, COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding, 26 May 2021





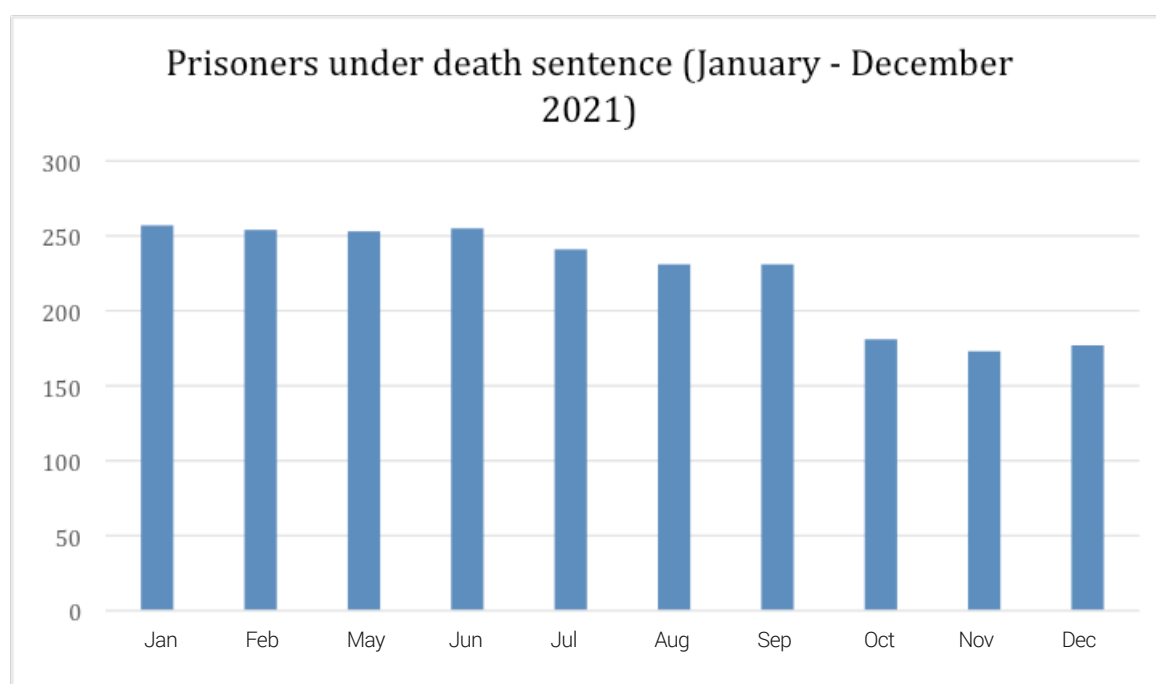
Between January 2017 and December 2021, the number of prisoners detained for drug-related offenses went up by 11%, from 208,391 in January 2017 to 231,362 in December 2021.

<i><b>Prisoners detained for drug-related offenses (January 2017 - December 2021)</b></i>			
<b>Month/year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>January 2017</b>	176,212	32,179	208,391
<b>January 2018</b>	N/A	N/A	N/A
<b>January 2019</b>	247,423	40,626	288,049
<b>January 2020</b>	252,557	39,481	292,038
<b>January 2021</b>	238,516	35,771	274,287
<b>December 2021</b>	203,862	27,500	231,362

## 2.6. Steady decline in the number of prisoners under death sentence

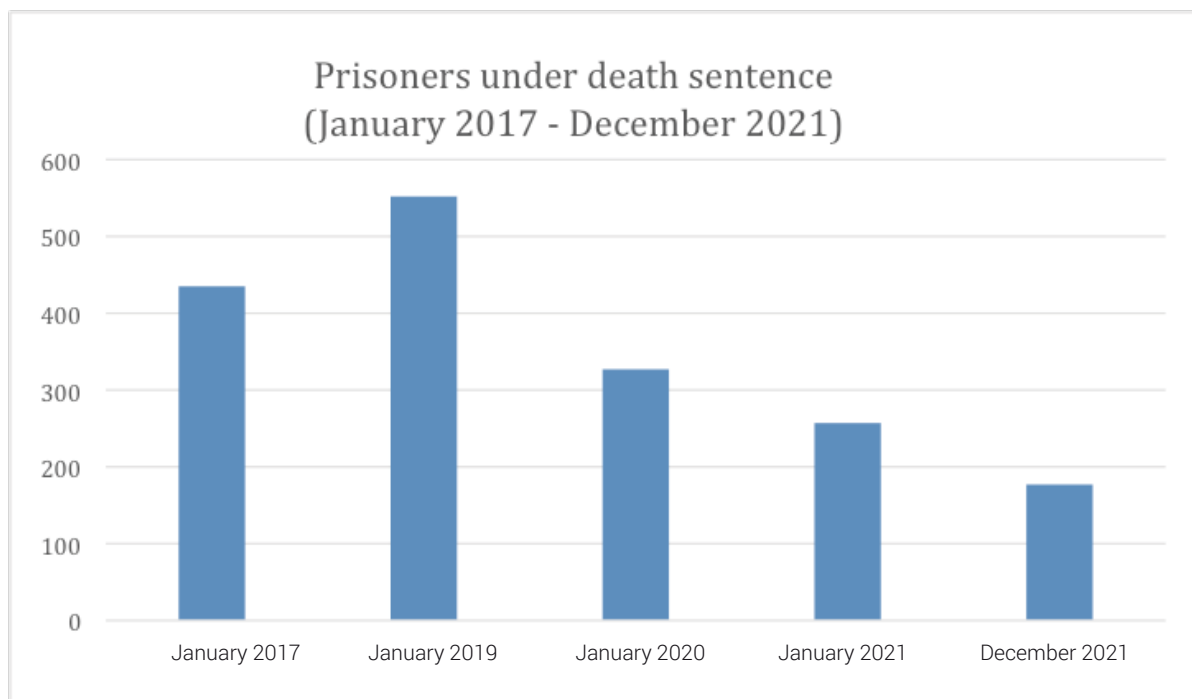
Official figures from the DoC showed a steady decline in the number of prisoners under death sentence throughout 2021. In January 2021, there were 257 inmates (228 men and 29 women) under death sentence. By December 2021, the number had decreased by 31%, to 177 inmates (152 men and 25 women).

<i>Prisoners under death sentence (January - December 2021)</i>			
Month/year	Male	Female	Total
January 2021	228	29	257
February 2021	221	33	254
March 2021	N/A	N/A	N/A
April 2021	N/A	N/A	N/A
May 2021	224	29	253
June 2021	225	30	255
July 2021	211	30	241
August 2021	205	26	231
September 2021	206	25	231
October 2021	159	22	181
November 2021	151	22	173
December 2021	152	25	177



The decrease in the number of prisoners facing capital punishment in 2021 was part of a continued downward trend in death sentences since 2017. In January 2017, the number of prisoners under death sentence stood at 453. The number peaked to 552 in January 2019, before declining. The number recorded in December 2021 represents a sharp decline of 59% from January 2017.

<b>Prisoners under death sentence (January 2017 - December 2021)</b>			
<b>Month/year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>January 2017</b>	364	71	435
<b>January 2018</b>	N/A	N/A	N/A
<b>January 2019</b>	466	86	552
<b>January 2020</b>	267	60	327
<b>January 2021</b>	228	29	257
<b>December 2021</b>	152	25	177



Nevertheless, drug-related offenses continued to represent a disproportionate share of the crimes for which a death sentence was imposed. As of December 2021, 62% of the prisoners under death sentence had been convicted of drug-related offenses, a category of crimes that does not meet the threshold of the “most serious crimes” for which the death penalty can only be imposed in accordance with international standards. Contrary to the reduction of prisoners under death sentence in 2021, the rate of prisoners sentenced to capital punishment for drug-related offenses remained constant over the year.

***Prisoners under death sentence for drug-related offenses vs. other offenses (January 2021 – December 2021)***

Month/year	Drug-related crimes	Other crimes	Total	%
January 2021	162	95	257	63.03
February 2021	163	91	254	64.17
March 2021	N/A	N/A	N/A	N/A
April 2021	N/A	N/A	N/A	N/A
May 2021	157	96	253	62.05
June 2021	157	98	255	61.56
July 2021	159	82	241	65.97
August 2021	151	80	231	65.36
September 2021	146	85	231	63.20
October 2021	115	66	181	63.53
November 2021	107	66	173	61.84
December 2021	110	67	177	62.14

Despite the steady decline in the number of prisoners under death sentence, the percentage of prisoners under death sentence for drug-related offenses compared to other offenses rose from 49% in January 2017 to 62% in December 2021.

***Prisoners under death sentence for drug-related offenses vs. other offenses (January 2017 – December 2021)***

Month/year	Drug-related crimes	Others	Total	%
January 2017	214	222	436	49.08
January 2018	N/A	N/A	N/A	N/A
January 2019	319	233	552	57.78
January 2020	206	121	327	62.99
January 2021	162	95	257	63.03
December 2021	110	67	177	62.14

## 2.7. High recidivism rates

According to DoC statistics as of 1 December 2021, a total of 94,512 out of 224,345 convicted prisoners (42%) were reoffenders.

<b>Convicted prisoners, categorized by the number of times in detention (as of 1 December 2021)</b>				
<b>Time in detention</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>%</b>
<b>1<sup>st</sup> time in detention</b>	109,616	17,964	127,580	56.87
<b>2<sup>nd</sup> time in detention</b>	61,572	6,082	67,654	30.16
<b>3<sup>rd</sup> time in detention</b>	18,025	1,344	19,369	8.63
<b>4<sup>th</sup> time in detention</b>	4,728	359	5,087	2.27
<b>5<sup>th</sup> time in detention or more</b>	2,210	192	2,402	1.07
<b>Detained for 2-5 times or more</b>	86,535	7,977	94,512	42.13
<b>Uncategorizable</b>	2,118	135	2,253	1.00
<b>Total</b>	<b>198,269</b>	<b>26,076</b>	<b>224,345</b>	<b>100.00</b>

## 2.8. National budget allocation for prisoners

For the fiscal year 2021 (from 1 October 2020 to 30 September 2021), the DoC received 14.195 billion baht (about US\$427 million)<sup>28</sup> for prison administration.<sup>29</sup> This represented a 22% increase from the 11.610 billion baht (about US\$386 million) allocated to the DoC in 2017.<sup>30</sup> For the fiscal year 2022, the budget was reduced to 13.528 billion baht (about US\$407 million) (or a 4.93% decrease).<sup>31</sup>

According to the DoC, prisons and correctional facilities across the country were allocated an annual budget of 1,380 baht (about US\$42) per male prisoner and 1,600 baht (about US\$48) per female prisoner to cover their expenses for basic necessities, including clothes, bedding, sanitary products, eating utensils, and medical services.<sup>32</sup> This means that only 3.7 baht (US\$0.11) was spent on each male prisoner per day, or 115 baht (US\$3.46) per month, and 4.3 baht (US\$0.13) was spent on each female prisoner per day, or 133 baht (US\$4) per month.

In addition, as part of the COVID-19 prevention policy, in May 2021 the DoC allocated an amount of 750,000 baht (US\$22,556) for prisons nationwide to procure necessary protective equipment, such as facemasks, hand sanitizers, and thermometers.<sup>33</sup> However, at the time, Thailand had a total population of 310,830 inmates. As a result, an average of only 2.41 baht (US\$0.07) was spent on each prisoner for COVID-19 prevention.<sup>34</sup>

28. 1 US\$ = 33.25 Thai baht

29. Parliamentary Budget Office, *Analysis of budget expenditure for the fiscal year 2022*, 14 September 2021; [https://www.parliament.go.th/ewtdadmin/ewtdparbudget/download/article/article\\_20210813153433.pdf](https://www.parliament.go.th/ewtdadmin/ewtdparbudget/download/article/article_20210813153433.pdf) [in Thai]

30. Parliamentary Budget Office, *Comparative budget expenditure for the fiscal year 2017-2019*, 14 March 2022; [https://www.parliament.go.th/ewtdadmin/ewtdparbudget/ewtd\\_dl\\_link.php?nid=509](https://www.parliament.go.th/ewtdadmin/ewtdparbudget/ewtd_dl_link.php?nid=509) [in Thai]

31. Parliamentary Budget Office, *Analysis of budget expenditure for the fiscal year 2022*, 14 September 2021; [https://www.parliament.go.th/ewtdadmin/ewtdparbudget/download/article/article\\_20210813153433.pdf](https://www.parliament.go.th/ewtdadmin/ewtdparbudget/download/article/article_20210813153433.pdf) [in Thai]

32. Department of Corrections, *A Year of Quick Wins "365 days towards success of the Department of Corrections"*, 30 December 2021

33. Department of Corrections, *Budget allocation for the prevention and control the spread of COVID-19*, 11 May 2021; <http://www.correct.go.th/infosaraban64/letter/filepdf/1620712991.pdf?fbclid=IwAR3fYrIZBASGA3pWFETJqMC5fAIYEQ-MP-ZBXNegpFG4azkPFEn2fNUwySoY> [in Thai]

34. Thai PBS, *Only a few Baht per inmate for COVID-19 prevention in prisons, says former Transport Minister*, 18 May 2021

### 3. Slow and inadequate COVID-19 response

The slow and inadequate response to the COVID-19 pandemic in prisons led to the virus spreading to correctional facilities across the country.

In May 2021, COVID-19 cases surged in prisons across Thailand, during the third COVID-19 wave that hit the country in April 2021. The severity of the COVID-19 situation in the prison system only surfaced after at least eight pro-democracy activists held in several prisons tested positive for the virus during their pre-trial detention or shortly after being released on bail.<sup>35</sup>

The Department of Corrections (DoC) first publicly reported about the new wave of COVID-19 infections in prisons on 12 May,<sup>36</sup> after which it began providing regular statistics on COVID-19 cases in prisons. According to DoC figures, from 12 May to 31 December, 87,326 COVID-19 cases were reported in prisons nationwide, with 185 deaths. In many prisons, outbreaks affected a significant part of their populations – in some cases representing up to more than half of the prisoners.<sup>37</sup> The DoC claimed the high number of cases was the result of widespread testing,<sup>38</sup> despite the lack of comprehensive testing statistics.<sup>39</sup>

#### 3.1. Authorities caught unprepared

Since the beginning of the COVID-19 pandemic in 2020, prisons and correctional facilities had been at risk of COVID-19 outbreaks.<sup>40</sup> Persistent overcrowding made physical distancing practically impossible to enforce.<sup>41</sup> Cramped and unhygienic living conditions in prisons continued to be major contributing factors for the rapid outbreaks and spread of COVID-19.

Despite the challenges and the potential serious impact posed by the pandemic in its early stages, the DoC's measures aimed at preventing the spread of the virus did not go far enough to protect the health and wellbeing of prisoners and failed to control the spread of the virus in prisons.<sup>42</sup>

Even though there were screening and quarantine rules for prisoners, such procedures were not carried out regularly and systematically for all inmates. Some former prisoners said that they did not receive a COVID-19 test at the time of admission to prison, but rather after three or four days of being in quarantine, while some said that only those showing serious symptoms would be tested for COVID-19. One former prisoner at the Bangkok Remand Prison commented: "Even when the regular temperature check showed that somebody had a temperature of over 37 degrees, the prison guard's assistant would make him wipe his face with some water before checking the temperature again. [...] So, nobody ever actually knew who had COVID-19."<sup>43</sup> Testing was not conducted when prisoners ended their quarantine.<sup>44</sup>

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35. Channel News Asia, *Almost 3,000 inmates, officials in Thai prisons test positive for COVID-19*, 12 May 2021; Prachatai, *2,835 people infected with Covid-19 inside Bangkok prison complex*, 13 May 2021

36. Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021

37. Prachatai, *2,835 people infected with Covid-19 inside Bangkok prison complex*, 13 May 2021; Bangkok Post, *Prison sealed off after more Covid cases found*, 19 September 2021

38. Bangkok Post, *Blanket testing begins as virus hits 10,000 inmates*, 18 May 2021

39. Guardian, *Thai prisons holding democracy activists drive record Covid figures*, 13 May 2021

40. FIDH, *Thailand - COVID-19: Release prisoners, ensure the health and safety of all those in detention facilities*, 15 April 2020

41. Inter-Agency Standing Committee, *Interim Guidance on COVID-19: focus on persons deprived of their liberty*, March 2020

42. These measures included the suspension of in-person visits as well as the controls on movement in and out of prison facilities. Medical screening (i.e. temperature check) was required for new inmates, those who were transferred from other prisons, and those who returned from court hearings. Prisoners showing COVID-19 symptoms would then be diagnosed or treated by local public health officials, while those with no symptoms would have to undergo quarantine of seven to 14 days in a newly established zone within the facility designated for COVID-19 monitor and quarantine. Prisons were also advised to clean the compound, sleeping dormitories, and the overall facilities, while prisoners were recommended to maintain good hand hygiene and wear face masks to reduce COVID-19 risks.

43. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

44. Thai Lawyers for Human Rights, *A report of Covid-19 situation in the prison, 30 political prisoners are found to have tested positive for Covid-19 amidst shoddy access to treatment*, 27 January 2021



Access to protective equipment such as face masks and hand sanitizers was seriously inadequate as well, according to most interviewed former prisoners. Some of them, including a former prisoner at the Central Women's Correctional Institution and a former prisoner at Chiang Mai Women's Correctional Institution, reported being provided with one face mask that was made of thin fabric.<sup>45</sup> Meanwhile, former prisoners at the Bangkok Remand Prison said they were not given any face mask at all.<sup>46</sup> Hand sanitizers were available in certain places within the facility, such as the gate, communal area, and visiting rooms, but not in the sleeping dormitories or distributed to individual inmates. One former inmate at the Bangkok Remand Prison recalled that the prison claimed that hand sanitizer was not provided for each prisoner for safety reasons, because "prisoners might drink it."<sup>47</sup> Most former prisoners noted that better quality face masks and hand sanitizers were sold at the prison shop. "If you want to have good hygiene in prison, you have to pay for it," commented a former prisoner at the Central Women's Correctional Institution.<sup>48</sup>

Somewhat better conditions existed in the prisons' quarantine zone, which was typically one dormitory building used as a quarantine facility. In the quarantine building, each sleeping dormitory tended to be less crowded as newly admitted prisoners were held together in batches. Prisoners undergoing quarantine spent 24 hours together in the sleeping dormitory. They showered in the dormitory bathroom. Food was brought to them three times a day. Former prisoners at the Central Women's Correctional Institution and the Bangkok Remand Prison also reported that thin plastic sheets were used to cover the iron bars on the sleeping dormitories in the quarantine zone.<sup>49</sup> "It's scorching hot, and you can't go anywhere during quarantine, you are stuck there in the dormitory. It's actual hell," commented a former prisoner at the Bangkok Remand Prison.<sup>50</sup> A former prisoner at Kalasin Provincial Prison reported that at the time of his admission to prison, he was quarantined alone in a newly established quarantine zone. He recounted: "[I was in quarantine] for 16 – 17 days without being able to go anywhere, in a single cell of about 3 x 2 m<sup>2</sup> in size, with an open bathroom, placed in the middle of the prison. Everyone could see me and whatever I did in there, including taking a shower, using the toilet."<sup>51</sup>

Some former prisoners said they were placed in solitary confinement as part of the isolation measures.<sup>52</sup> One former inmate at the Bangkok Remand Prison said he and around 10 other prisoners who had contracted COVID-19 were put in separate cells used for punitive solitary confinement: "At that time they had not set up a field hospital. [...] Nobody had any extra clothes or personal hygiene products, or anything to eat with them. [...] None of our families knew we were sick. [...] There was also no TV in the cell, which made it more stressful for everybody."<sup>53</sup> He also reported difficulties in having access to doctors and effective medical treatment.

Despite alarms raised by non-governmental organizations at the beginning of the pandemic over the inadequacy of the measures adopted by the government to tackle the spread of COVID-19 in the prison system, including the release of certain categories of prisoners,<sup>54</sup> more than a year later authorities were caught unprepared by the surge of infections.

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45. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021; FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

46. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

47. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

48. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

49. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

50. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

51. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

52. iLaw, *Chukiat 'Justin Thailand': The fight for change is a shared responsibility*, 27 January 2022

53. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

54. FIDH, *Thailand - COVID-19: Release prisoners, ensure the health and safety of all those in detention facilities*, 15 April 2020

### 3.2. New preventive measures ineffective

Despite the DoC's claim that it could "control the situation" and that every prison had "strict measures,"<sup>55</sup> these measures largely failed to contain the spread of COVID-19.

Starting in May, "additional measures" imposed by the DoC included: separation of inmates at high risk of severe symptoms - such as those aged over 60 or who suffered from underlying illnesses - from the main prison population; a 24-hour mask mandate for all prisoners; testing of non-infected prisoners every seven days; a halt to prison transfers; a 21-day quarantine requirement and two COVID-19 tests for newly admitted prisoners; and the administration of vaccines for people detained.<sup>56</sup> Prison authorities were also instructed to convert prison facilities to be used as field hospitals for COVID-19 patients or transfer them to be treated at medical facilities outside prisons.<sup>57</sup> In addition, court proceedings for pre-trial detainees were ordered to be conducted via video conference.<sup>58</sup>

All prisons were also required to inform the families of all COVID-19 infected detainees by phone to keep them updated about their relatives' health.<sup>59</sup> Lastly, inmates who were due to be released were required to be placed in quarantine for 14 days and undergo COVID-19 testing three times before being freed.<sup>60</sup>

Many of these measures failed to contain the spread of COVID-19 in prisons due to the chronic and severe overcrowding and sub-standard conditions in correctional facilities [See below, 7. *Prison conditions still below international standards*].

A former prisoner at the Central Women's Correctional Institution reported she was held in a crowded cell with 19 other inmates, no hand sanitizer was provided during her detention, and inmates were each given two thin face masks.<sup>61</sup> Former prisoners at the Bangkok Remand Prison reported that up to 30 inmates shared the same 50-m<sup>2</sup> cell around the clock, heightening their risk of infection.<sup>62</sup> One former prisoner told his lawyer that the situation in the prison was "really bad" and that nearly all cells had inmates with "COVID-19-like symptoms."<sup>63</sup> Another former prisoner said the COVID-19 measure in prison was to give five face masks per week, but not on the weekend, or sometimes not at all, so people kept reusing them. "No hand sanitizer. They sprayed disinfectant, but not in the cell," he recounted.<sup>64</sup>

In addition, the delayed access to healthcare services and medicine put the health and lives of infected prisoners at heightened risk of suffering the potentially fatal effects of COVID-19.

Following the establishment of field hospitals, prisoners who tested positive for COVID-19 were transferred to these structures to receive medical care and treatment.<sup>65</sup> Former prisoners who tested positive for COVID-19 reported that they were given paracetamol and green chiretta (a local

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55. Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021

56. Government Public Relations Department, *Department of Corrections guarantees proper care of prisoners, increased testing to detect the virus, separating sick prisoners for treatment*, 13 May 2021; [in Thai] Prachatai, *2,835 people infected with Covid-19 inside Bangkok prison complex*, 13 May 2021; Bangkok Post, *1,480 more prison Covid infections raise total to 11,670*, 18 May 2021; Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021; Interpreter, *Thailand's overcrowded prisons hit by Covid-19 surge*, 27 May 2021

57. Bangkok Post, *Field hospitals readied for more Covid patients*, 19 May 2021

58. BBC Thai: *Department of Corrections confirms "Mike Panupong" contract COVID-19, while suspecting "Rung Panusaya" infected with the virus after released*, 13 May 2021

59. Bangkok Post, *'Parole or reduced sentences': Inmates face fierce overcrowding, Covid*, 20 May 2021

60. Bangkok Post, *Prison sealed off after more Covid cases found*, 19 September 2021

61. Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021

62. Thai PBS World, *Thailand's overcrowded prison system a COVID-19 timebomb*, 14 May 2021

63. Thai PBS World, *Thailand's overcrowded prison system a COVID-19 timebomb*, 14 May 2021

64. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

65. BBC Thai, *COVID-19: Department of Corrections prepares to vaccinate prisoners, while new infections reach almost 1,000*, 20 May 2021 [in Thai]; Thai Lawyers for Human Rights, *A report of Covid-19 situation in the prison, 30 political prisoners are found to have tested positive for Covid-19 amidst shoddy access to treatment*, 27 January 2022

herbal remedy)<sup>66</sup> to treat the symptoms.<sup>67</sup> One former prisoner at the Bangkok Remand Prison recalled that after testing positive for COVID-19, he was taken to the prison's field hospital, which he described as a "normal prison sleeping dormitory [...] used to confine COVID-19 patients together, waiting for their death."<sup>68</sup> He added that there were no beds or mattresses, and sick prisoners slept next to each other on the floor. According to the former prisoner, there were thermometers, blood pressure monitors, and oximeters available, but infected prisoners had to use these devices themselves: "Those who were not so sick helped people with more serious symptoms. A doctor would come, fully equipped, to the door to give us medicine, [which was] paracetamol." Another former prisoner who contracted COVID-19 at Rangsit Temporary Prison gave a similar account about the conditions of the field hospital, where about 60 infected prisoners of varying ages were confined together: "It was a prison sleeping dormitory [...], but a more spacious one."<sup>69</sup> He reported that everybody slept next to each other on a thin mattress, with three blankets provided by the prison, and food was served three times in plastic bags. There was one thermometer and a ventilator that was not functioning. The anti-viral medicine Farapiravir was prescribed for prisoners. "It was harsh, and completely depressing. [...] [The field hospital] was not an actual hospital. It's still a prison, but where people with COVID-19 were locked up together," commented the former prisoner.<sup>70</sup>

While elderly prisoners, inmates with underlying medical conditions, or those whose symptoms reached critical levels were transferred to hospitals outside the prison for treatment,<sup>71</sup> in some cases, prison officials refused to transfer infected prisoners to such facilities.<sup>72</sup> One former prisoner at Rangsit Temporary Prison, who was treated for COVID-19 at the prison's field hospital, made an observation about the poor treatment of elderly prisoners: "For some of them to be transferred to an actual hospital with proper, separate beds, and where physical distancing was possible, they had to be almost in a coma. I saw one person who could no longer eat, was coughing blood, unable to speak. Only then would the doctor allow him to be treated at the hospital."<sup>73</sup>

On many occasions, families of infected prisoners were not notified or able to obtain information about their health conditions from the prison authorities.<sup>74</sup> A former prisoner at the Bangkok Remand Prison who tested positive for COVID-19 said that his family only learned about his illness from his lawyer who was denied visit by the prison due to the infection. "They wouldn't contact any of the ill prisoners' relatives," commented the former prisoner.<sup>75</sup> A former prisoner at Rangsit Temporary Prison said that prisoners infected with COVID-19 staying in the prison's field hospital were not allowed to contact their families to inform them about their ailments. He stated: "Some people were in critical condition and their families still had no idea they had COVID-19. It was heartbreaking."<sup>76</sup>

The COVID-19 measures and new restrictions in prisons were not only largely ineffective, but also undermined many human rights of detainees, particularly as a result of increased isolation, the lack of social contact and activity, and being cut off from the outside world - including families - and access to essential supplies [See below, *"Absolutely disgusting" food, undrinkable water*; 7.6. *Women, LGBTIQ prisoners face additional challenges*; and 7.7 *Increased isolation from the outside world and*

66. Conversation, *Thailand inmates are taking green chiretta to fight mild COVID – here's what we know about this herbal drug*, 18 October 2021

67. Department of Corrections, *A Year of Quick Wins "365 days towards success of the Department of Corrections"*, 30 December 2021 [in Thai]

68. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021

69. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 24 January 2022

70. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 24 January 2022

71. Thai PBS, *71% of inmates in Phitsanulok prison found infected with COVID-19*, 14 December 2021; Thai Lawyers for Human Rights, *A report of Covid-19 situation in the prison, 30 political prisoners are found to have tested positive for Covid-19 amidst shoddy access to treatment*, 27 January 2021

72. Bangkok Post, *No bail for protest leader 'Penguin' with Covid-19*, 19 August 2021

73. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison*, 24 January 2022

74. BBC Thai, *Son of 'Hia Song' recounts his father's delayed release procedures leading to ICU treatment*, 19 May 2021 [in Thai]; Prachatai, *Detained activist's family member denied access to medical information*, 2 September 2021

75. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021

76. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison*, 24 January 2022

lack of recreational opportunities].<sup>77</sup> Former prisoners also reported that the lack of social contact and activity as well as the uncertainty and inconsistency of the COVID-19 measures contributed to the deteriorating mental health of inmates. A former prisoner at the Bangkok Remand Prison commented: "In prison, the only time you are hopeful about life is at night, when you are dreaming, and when your family visits. [...] When there is no news, no family, no social life, many people wanted to kill themselves."<sup>78</sup>

Lastly, all former prisoners raised the issue about the lack of accurate, transparent, and timely information on the virus and preventive health measures for detained people. According to former prisoners, inmates were unaware of the seriousness of the disease, the situation of the pandemic outside the prison, and how to effectively protect themselves. A former prisoner at the Central Women's Correctional Institution said: "Every morning the prison guard would tell prisoners not to worry and that the prison is completely protected from COVID-19 and the virus. They kept saying it's safe in there, and that prison is like an escape from COVID-19. [...] But one day we knew somebody in prison was definitely infected with COVID-19 because they came with full protective equipment, like face masks, face shields, or gloves. It made prisoners really panic. But no matter how scared we were, there was no way of protecting ourselves."<sup>79</sup> Similarly, a former prisoner at the Bangkok Remand Prison remarked: "Inside the prison, nobody knew who had COVID-19. The staff wouldn't tell us when somebody got sick. [...] There is no available information in there."<sup>80</sup> In addition, a former prisoner at Thonburi Women's Correctional Institution commented: "People in detention had no idea how severe the situation of COVID-19 was outside, how many people were infected or died, they knew absolutely nothing. Because they were unaware of this, they were unaware of [how to protect themselves from] the virus. They did the minimum because there were rules or because somebody told them to."<sup>81</sup>

### 3.3. Inadequate budget

Inadequate budgetary allocation may have also contributed to the lack of an effective response to the COVID-19 crisis in prisons.

As part of the COVID-19 prevention policy, in May 2021 the DoC allocated an amount of 750,000 baht (US\$22,556) for prisons nationwide to procure necessary protective equipment, such as face masks, hand sanitizer, and thermometers.<sup>82</sup> However, at the time, Thailand had a total population of 310,830 inmates. As a result, an average of only 2.41 baht (US\$0.07) was being spent on each prisoner for COVID-19 prevention.<sup>83</sup>

In May, the DoC admitted that the budget allocated for COVID-19 prevention was inadequate, in light of the surge in cases across prisons nationwide. As a result, the DoC asked the Bureau of the Budget for an additional 411 million baht (about US\$12.4 million) from the central fund to tackle the spread of COVID-19.<sup>84</sup> However, on 25 May, the cabinet approved the allocation of only 311.6 million baht (about US\$9.4 million). Forty-six percent of the amount was earmarked for the building of field hospitals for COVID-19 patients; 26% for the purchase of COVID-19 test kits; 16% for the building and the improvement of quarantine sections; and 12% for the purchase of protective gear.<sup>85</sup>

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77. iLaw, "Prison within prison": The lives of inmates during the third wave of COVID-19, 27 July 2021

78. FIDH, Interview with a former prisoner at the Bangkok Remand Prison, 1 October 2021

79. FIDH, Interview with a former prisoner at the Central Women's Correctional Institution, 25 August 2021

80. FIDH, Interview with a former prisoner at the Bangkok Remand Prison, 25 January 2022

81. FIDH, Interview with a former prisoner at Thonburi Women's Correctional Institution, 4 October 2021

82. Department of Corrections, Budget allocation for the prevention and control the spread of COVID-19, 11 May 2021; <http://www.correct.go.th/infosaraban64/letter/filepdf/1620712991.pdf?fbclid=IwAR3fYrIZBASGA3pWFTSJqMC5fAIYEQ-MP-ZBXNegpFG4azkPFn2fNUwySoY> [in Thai]

83. Thai PBS, Only a few Baht per inmate for COVID-19 prevention in prisons, says former Transport Minister, 18 May 2021

84. Bangkok Post, 1,480 more prison Covid infections raise total to 11,670, 18 May 2021; Bangkok Post, Prison infections keep rising, 19 May 2021; Prachatai, Covid-19 infections in prisons hit 11,670, says Corrections Dept, 19 May 2021

85. Bangkok Post, B311m approved to fight Covid-19 in prisons, 25 May 2021

### 3.4. Slow vaccine rollout

Despite the Justice Minister's proclamation that the administration of vaccines to inmates and correctional officers was a top priority,<sup>86</sup> the COVID-19 vaccination rollout in prisons started late and proceeded at a slow pace.<sup>87</sup> Inoculation of the prison population began in late May, about three months after the government began vaccinating others belonging to priority and at-risk categories among the general population.

By 21 May, when the DoC reported that 95% of officers in prisons in Bangkok had already been vaccinated, no prisoners nationwide had received their jab.<sup>88</sup> On 22 May, the DoC started vaccinating 1,500 inmates at Minburi Remand Prison in Bangkok, the first facility to receive COVID-19 vaccine.<sup>89</sup>

On 2 June, the DoC said the vaccine would be delivered to 122 prisons throughout the country with no cases of COVID-19, with an initial consignment of 100,000 doses of vaccine allocated to the DoC.<sup>90</sup> By 15 October, only 21 of the 143 prisons nationwide had administered the first jab to all inmates.<sup>91</sup>

According to DoC figures, by 31 December, 268,821 (95.5%) inmates had been fully vaccinated.<sup>92</sup>

## 4. Exploitative labor practices exposed amid push to put more prisoners to work

In December, an investigative report published by the international news agency *Thomson Reuters Foundation* (TRF) revealed the use of abusive labor practices in various Thai prisons.<sup>93</sup>

The report found that prisoners were being forced to make fishing nets for private companies under the threat of punishment, including beatings and delayed release, if they did not meet stringent production targets. Prisoners involved in the production of fishing nets would also be barred from receiving visits to prevent them from recounting the abuses to their relatives.<sup>94</sup>

Former prisoners interviewed by TRF said the work was compulsory, unless they had connections with prison officers, paid a bribe, or gave others money to do the work on their behalf.<sup>95</sup>

Former prisoners also said they were paid only a fraction of Thailand's minimum wage.<sup>96</sup> One prisoner said he earned three baht (US\$0.09) per net. Most of those interviewed said they earned about 30 baht (US\$0.90) a month. Some said they received no pay at all.<sup>97</sup> Some of the former

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86. Bangkok Post, *Govt considers releasing 50,000 inmates as Covid hits prisons*, 18 May 2021; Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021

87. Bangkok Post, *Govt considers releasing 50,000 inmates as Covid hits prisons*, 18 May 2021

88. Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021

89. Bangkok Post, *Minburi inmates in line for jab*, 23 May 2021; Bangkok Post, *523 more Covid infections found in prisons: National total passes 14,000 as vaccinations behind bars begin*, 22 May 2021

90. Bangkok Post, *112 prisons free of Covid infection*, 2 June 2021

91. Nation, *Inmates in Thailand to be allowed visitors soon*, 1 November 2021

92. Department of Corrections, *COVID-19 situation in prisons and correctional facilities as of 31 December 2021*, 31 December 2021 [in Thai]

93. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

94. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

95. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

96. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021; In 2021, Thailand's minimum wage ranged from 313 to 336 baht (US\$9.95 - 10.11) per day, depending on the province.

97. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021



prisoners said their guards benefited financially from their work.<sup>98</sup> “[E]veryone inside knows it’s a moneymaker [for officers],” one former prisoner commented.<sup>99</sup>

Former prisoners said their work took place in jail, though some inmates at the Khon Kaen Central Prison worked at factories belonging to Khon Kaen Fishing Net (KKF), a company that exports to the US.<sup>100</sup>

According to promotional material from the Department of Corrections (DoC), prison labor is intended to provide on-the-job training that could help inmates secure paid work after their release. However, none of the former prisoners interviewed by *TRF* went on to make fishing nets after being freed.<sup>101</sup>

In response to the *TRF* investigation, on 24 December, the DoC denied that prisoners were forced to work under the threat of violence, noting that such practice would be “unacceptable.”<sup>102</sup> The DoC asked the public to maintain trust in the prisoner rehabilitation project.<sup>103</sup> By contrast, on 27 December, KKF acknowledged abuses had taken place and announced that it would immediately terminate employment contracts with any prisons that were found to be involved in “unrighteous acts” that violated the DoC’s policies.<sup>104</sup>

The damning findings of the *TRF* investigation raised concerns over the government’s push to dispatch prisoners to work in the industrial sector.

The government said the implementation of such an initiative would contribute to prison decongestion and compensate for labor shortage caused by the return of many foreign migrant workers to their home countries as a result of the COVID-19 pandemic.<sup>105</sup> The government also claimed the initiative was aimed at providing prisoners with new skills, facilitating their reintegration into society, and preventing them from re-offending.<sup>106</sup> “It helps companies and inmates, and it saves taxpayers’ money,” said Justice Minister Somsak Thepsutin in March 2021.<sup>107</sup> The DoC said inmates nearing the end of their jail sentences and prisoners serving terms for non-violent crimes - such as drug-related offenses - would be eligible to work in industrial estates.<sup>108</sup>

Regarding working conditions, Mr. Somsak said prisoners working in the industrial estates were expected to receive 331 baht (US\$9.95) per day, and entrepreneurs would provide lodging and other benefits as required by labor laws.<sup>109</sup> Prisoners would be required to wear electronic monitoring ankle bracelets while working and “officers and volunteers” would be deployed to monitor prisoners at workplaces.<sup>110</sup>

It was reported that the establishment of the industrial parks for prisoners was being considered in Samut Sakhon, Samut Prakan, and Chonburi Provinces.<sup>111</sup> In September, the DoC announced it

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98. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

99. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

100. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

101. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

102. Reuters, *Prisoners forced to make fishing nets under threat of violence*, 23 December 2021

103. Prachatai, *Company to revoke job contract with prisons accused of using forced labour*, 28 December 2021

104. KKF, *Official statement addressing the cases of Thai inmates being forced into making fishing nets for a private company*, 27 December 2021; Prachatai, *Company to revoke job contract with prisons accused of using forced labour*, 28 December 2021

105. Bloomberg, *Prisoners Put to Work in Thai Factories Desperate for Labor*, 5 March 2021; Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Bangkok Post, *Department recruits 74,000 prison inmates: prisoners to work at ministry-run estate*, 1 October 2021; Nation, *Samut Prakan sends prisoners to work in industrial sector*, 12 October 2021; Bangkok Post, *IEAT to speed up correctional estate study*, 25 October 2021

106. Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Nation, *Samut Prakan sends prisoners to work in industrial sector*, 12 October 2021

107. Bloomberg, *Prisoners Put to Work in Thai Factories Desperate for Labor*, 5 March 2021

108. Bloomberg, *Prisoners Put to Work in Thai Factories Desperate for Labor*, 5 March 2021; Bangkok Post, *Inmates to be offered jobs*, 23 September 2021

109. Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Nation, *Samut Prakan sends prisoners to work in industrial sector*, 12 October 2021

110. Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Nation, *Samut Prakan sends prisoners to work in industrial sector*, 12 October 2021

111. Bloomberg, *Prisoners Put to Work in Thai Factories Desperate for Labor*, 5 March 2021; Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Bangkok Post, *IEAT to speed up correctional estate study*, 25 October 2021



had selected about 74,000 prisoners to work in the industrial sector in Samut Prakan Province.<sup>112</sup> On 22 September, Mr. Somsak claimed the DoC had reduced overcrowding in prisons by providing thousands of prisoners convicted of committing minor crimes with temporary leave permits to work outside correctional facilities.<sup>113</sup> In October, it was reported that Samut Prakan Central Prison had sent 145 prisoners to work with selected entrepreneurs in the industrial sector in the province as part of the “Samut Prakan Model” initiative.<sup>114</sup>

## 5. Drug laws amended to ease prison overcrowding

In 2021, the Thai Justice Ministry sought to reduce the chronic prison overcrowding by promoting long overdue amendments to drug-related legislation.<sup>115</sup> In May 2021, Justice Minister Somsak Thepsutin said that the proposed revisions would result in the reduction of sentences for about 50,000 inmates convicted of non-serious drugs offenses. Those released would be required to wear electronic monitoring (EM) bracelets.<sup>116</sup> Prison decongestion became an even more urgent priority as COVID-19 spread across prisons nationwide [See above, 3. *Slow and inadequate COVID-19 response*].

On 24 August, Parliament passed the Act on Promulgating the Narcotics Code and the Narcotics Code, which emphasized prevention and treatment rather than punishment for possession of small amounts of drugs for personal use, which could lead to a drop in the numbers of inmates in the Thai prison system.<sup>117</sup> This legislation came into effect on 9 December 2021.<sup>118</sup>

The new law aims at adjusting penalties related to the production, import, export, drug possession, and drug abuse to be proportionate to the severity of the offense.<sup>119</sup> The law also allows drug convicts who were previously given penalties more severe than those under the new law to petition the courts to seek a reduction of their sentences.<sup>120</sup> Key changes include: a newly established category of “serious drug offenses;”<sup>121</sup> the removal of minimum sentences for most drug offenses, except for serious drug offenses with aggravating circumstances;<sup>122</sup> and the court’s discretion on sentencing and prioritization of rehabilitation over imprisonment for personal use offenses.

Additional amendments to other drug-related legislation resulted in the decriminalization of offenses related to the production and possession of the plant *mitragyna speciosa*, commonly

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112. Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Nation, *Samut Prakan sends prisoners to work in industrial sector*, 12 October 2021

113. Bangkok Post, *Inmates to be offered jobs*, 23 September 2021

114. Nation, *Samut Prakan sends prisoners to work in industrial sector*, 12 October 2021

115. Bangkok Post, *Inmates to be offered jobs*, 23 September 2021; Bangkok Post, *Drug bill changes to ‘lighten sentences’*, 16 October 2021

116. Channel News Asia, *COVID-19: Provisional release on the cards for some inmates in Thailand amid overcrowding*, 26 May 2021; Nation, *50,000 inmates set for release as Covid explosion hits Thai prisons*, 17 May 2021; Reuters, *Thai parliament passes new narcotics bill that could ease overcrowded prisons*, 24 August 2021

117. Reuters, *Thai parliament passes new narcotics bill that could ease overcrowded prisons*, 24 August 2021

118. Government Gazette, *The Act on Promulgating the Narcotics Code and the Narcotics Code B.E.2564*, 8 November 2021; Gazette, *The Act on Promulgating the Narcotics Code and the Narcotics Code B.E.2564*, 8 November 2021; [http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/073/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/073/T_0001.PDF)

119. Reuters, *Thai parliament passes new narcotics bill that could ease overcrowded prisons*, 24 August 2021; Department of Corrections, *New Narcotics Bill in use this December*, 30 November 2021

120. Department of Corrections, *New Narcotics Bill in use this December*, 30 November 2021; Bangkok Post, *Drug bill changes to ‘lighten sentences’*, 16 October 2021

121. Under the 2021 Narcotics Code, serious drug offenses include production, import, export, distribution, and possession of drugs, except possession for personal use, as well as conspiring, supporting, assisting, or attempting to commit such offenses.

122. Aggravating circumstances include: the purpose of trading or widespread distribution; the distribution of drugs to minors under the age of 18; the use of physical force or threats; or the use of weapons.

known as kratom.<sup>123</sup> Effective on 24 August, the plant was reclassified as an herb that could be legally grown and consumed.<sup>124</sup> It was reported that about 12,000 people who had been previously convicted for kratom-related offenses would have the charges against them dismissed and that 1,038 prisoners would be released as a result.<sup>125</sup>

## 6. Access to prison restricted

Independent access to Thai prisons has been traditionally limited and tightly controlled. Since March 2020, prisons across the country were closed to external visitors, including for research, data collection, and documentation purposes, as restrictions were imposed to limit transmission of COVID-19.<sup>126</sup> As a result, independent monitoring and inspection of places of detention was not allowed for most of 2021.

Starting in September 2021, the National Human Rights Commission of Thailand (NHRCT) was the only organization that had access to prisons to assess detention conditions and interview inmates, particularly regarding the situation of COVID-19, health measures, medical treatment and vaccination of prisoners.

On 6 September 2021, the NHRCT visited the Medical Correctional Hospital in Bangkok and spoke to detainees who were treated at the hospital for COVID-19.<sup>127</sup>

In December 2021, the NHRCT visited three prisons, including the Bangkok Remand Prison, Bang Kwang Prison in Nonthaburi Province, and Thanyaburi District Prison in Pathumthani Province.<sup>128</sup> There were no publicly reported findings or recommendations made by the NHRCT following these visits.

## 7. Prison conditions still below international standards

### 7.1. Cramped dormitories and communal space, insufficient bedding

Former prisoners reported high levels of overcrowding, leading to dire detention conditions that fell short of international standards related to adequate floor space and clean accommodation with proper ventilation and lighting.<sup>129</sup> The International Committee of the Red Cross (ICRC)

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123. Thai PBS, *Kratom can be grown legally, leaves sold commercially in Thailand from Aug 24*, 19 August 2021

124. Thai PBS, *Kratom can be grown legally, leaves sold commercially in Thailand from Aug 24*, 19 August 2021

125. Bangkok Post, *Kratom now listed as legal herb*, 23 August 2021; Bangkok Post, *Kratom inmates to walk free*, 17 August 2021; Thai PBS, *Kratom can be grown legally, leaves sold commercially in Thailand from Aug 24*, 19 August 2021

126. Department of Corrections, *Suspension of visit, research, and data collection*, 20 March 2020; Department of Corrections, *COVID-19 Updates*, 19 April 2021 [in Thai]

127. Office of the National Human Rights Commission of Thailand, *NHRCT visited Department of Corrections Hospital to coordinate protection of detainees in political and other cases who contracted COVID-19 in prisons*, 6 September 2021

128. Office of the National Human Rights Commission of Thailand, *NHRCT quarantine facilities at the Bangkok Remand Prison and the Bangkok Central Correctional Institution for Drug Addicts*, 9 December 2021 [in Thai]; Office of the National Human Rights Commission of Thailand, *NHRCT visits Bang Kwang Prison to gather facts and problems related to the spread of COVID-19 in the prison*, 15 December 2021 [in Thai]; Office of the National Human Rights Commission of Thailand, *Sayamon from NHRCT visits Thanyaburi District Prison to follow up on COVID-19 response and preventive measures in the prison*, 17 December 2021 [in Thai]

129. Rule 13 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "All accommodation provided for the use of prisoners and 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."

recommends the minimum space for accommodation be 3.4 m<sup>2</sup> per person in shared or dormitory-type accommodation.<sup>130</sup> However, the minimum space currently mandated by the Department of Corrections (DoC) is 1.2 m<sup>2</sup> per person.<sup>131</sup>

Based on interviews with former prisoners, the sleeping area in dormitories varied in each prison. For instance, former female prisoners at the Central Women's Correctional Institution and Chiang Mai Women's Correctional Institution reported having to share a space of approximately 30 square meters that housed at least 30 – 60 prisoners, while former male inmates at the Bangkok Remand Prison and Thanyaburi District Prison said 40 – 70 people were put in a sleeping dormitory of approximately 40 – 50 m<sup>2</sup>. In all of the prisons in which interviewed former prisoners were detained, most prisoners slept in two rows, shoulder to shoulder, with their heads against the walls, while some had to sleep in the remaining space in the middle between other people's feet. At Thanyaburi District Prison, an additional concrete platform about one meter wide was built along one of the walls, dividing the room into two floors on which prisoners could sleep.<sup>132</sup> One former prisoner said: "When you are up there, you can only crawl, never stand up. Or even when you are downstairs, you have to bend forward. [...] There is nothing to do there but sleep because everywhere you move you are stuck."<sup>133</sup>

Due to extremely limited space, some former inmates, including at the Central Women's Correctional Institution and Thanyaburi District Prison, reported having to sleep on their sides or with their hands across their chests. Without being able to move all night while sleeping, some inmates reported having back and leg pain and cramped muscles. "There is already little space to move around in general. It gets worse at night when you are sleeping, and especially when you have to use the toilet. You have to plan your steps, skipping between the little gaps between people's legs, tiptoeing back and forth," commented a former inmate from the Central Women's Correctional Institution.<sup>134</sup>

Most former prisoners reported that the sleeping dormitory itself was well-ventilated as iron bars are used at both ends of the dormitory. However, a former prisoner at Thanyaburi District Prison described his dormitory as "constantly humid, without enough natural light and air."<sup>135</sup> A former prisoner at Thonburi Women's Correctional Institution commented that the rain could get into the cell through the iron bars, making it wet and cold for inmates.<sup>136</sup> In all of the prisons where former prisoners were detained, there were typically two to four ceiling fans in the sleeping dormitories as well as throughout the prison buildings, but the fans were only turned on at fixed times, making it too hot in the summer (from February to May) and too cold in the winter (from October to February). "Sometimes somebody has to faint until prison staff agrees to turn the fan on," a former prisoner at the Central Women's Correctional Institution noted.<sup>137</sup> A former prisoner at the Bangkok Remand Prison added that the fans did not always work because of the frequent power outages in prison: "It happens a lot in prison, sometimes 2 – 3 times a week. It drove me crazy because it was scorching hot inside."<sup>138</sup>

All former prisoners reported that prisons failed to provide prisoners with sufficient bedding.<sup>139</sup> Inmates were typically given three blankets to use as bedding – one in place of a mattress, one rolled up as a pillow, and the third one as blanket – though some former inmates, including at the Bangkok Remand Prison and Thonburi Women's Correctional Institution reported receiving only

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130. 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.

131. Department of Corrections, *A Year of Quick Wins "365 days towards success of the Department of Corrections"*, 30 December 2021 [in Thai]

132. The construction of extra platform is part of the Department of Correction's measure to increase prison capacity to ease overcrowding [See above, 2.3. *Overcrowding persists*].

133. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

134. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

135. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

136. FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

137. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

138. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

139. 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."

two blankets for sleeping.<sup>140</sup> All former inmates reported the blankets were very thin, of poor quality, and often dirty or dusty.

Apart from the sleeping dormitories, the communal facilities, such as the canteen, the shower area, or the prison yard, are also cramped as a result of the high number of prisoners. A former prisoner at the Central Women's Correctional Institution described the conditions as "so overcrowded that there is no space for people to sit without touching one another."<sup>141</sup> A former prisoner at Kalasin Provincial Prison commented: "If you get to the shower late and you can't find any space under the pipe rack, you don't get to shower. So, it depends on your luck and if you can fight for it."<sup>142</sup>

## **7.2. Prisoners subjected to cruel punishment, degrading treatment, and discrimination**

Interviews with former prisoners revealed the presence of cruel punishment, prolonged solitary confinement, disciplinary measures, degrading treatment, and discriminatory practices in the prisons where they were detained.<sup>143</sup> Former prisoners reported punishment and disciplinary sanctions that were unjustly imposed by prison guards, leading to heightened risks of abuse and ill-treatment,<sup>144</sup> which, in some cases, may have amounted to torture.<sup>145</sup>

Former prisoners at the Bangkok Remand Prison said solitary confinement was imposed for serious offenses such as conflict or fights between inmates.<sup>146</sup> However, a female prisoner detained in the Chiang Mai Women's Correctional Institution reported she was placed in solitary confinement for five days at the beginning of her detention period: "They locked me up alone in a dark cell, sandwiched between two cells [...]. The cell was always dark, with no sunlight. I never knew what time or what day it was. [...] On both sides [of the cell] were mentally ill prisoners who were constantly screaming and banging their hands on the wall."<sup>147</sup> As the COVID-19 pandemic hit prisons in 2021, former prisoners at the Bangkok Remand Prison and Kalasin Provincial Prison

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140. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021; FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021; FIDH, *Interview with a former prisoner from the Bangkok Remand Prison*, 21 January 2022

141. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

142. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

143. Rule 1 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times."

144. Rule 37 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "The following shall always be subject to authorization by law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of sanctions that may be imposed;

(c) The authority competent to impose such sanctions;

(d) Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation."; Rule 39.1 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence."

145. Rule 43 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

(a) Indefinite solitary confinement;

(b) Prolonged solitary confinement;

(c) Placement of a prisoner in a dark or constantly lit cell;

(d) Corporal punishment or the reduction of a prisoner's diet or drinking water;

(e) Collective punishment;

2. Instruments of restraint shall never be applied as a sanction for disciplinary offences;

3. Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order."

146. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 21 January 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison in Bangkok*, 25 January 2021

147. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

reported that solitary confinement was used to quarantine and isolate prisoners [See above, 3.2. *Authorities caught unprepared*].

According to many former inmates, punishment involving the excessive use of force, such as being beaten with a baton by a prison guard, was not common. However, former prisoners from the Bangkok Remand Prison and Thanyaburi District Prison noted that in many instances, prison guards would use other prisoners to beat those who broke prison rules, instead of doing it themselves.<sup>148</sup> A former prisoner at Thanyaburi District Prison said: "The prison guard would punish them by calling his assistant, who was also a prisoner, to punch or beat them. And the prison guard would be standing there, watching."<sup>149</sup>

Minor violations of prison rules or failure to obey an order of a prison guard resulted in disciplinary measures for prisoners.<sup>150</sup> According to former prisoners, violations of prison rules included: not folding blankets properly; not following the prison routine; not looking happy or friendly during prison visits; or attempting to make a complaint.<sup>151</sup> Disciplinary sanctions included: cleaning the floors; running in the prison yard; or doing other intense physical exercises or military-type training in the heat.<sup>152</sup> Other types of punishment included: losing visitation rights; not being allowed to eat prison food; or having petitions for royal amnesties withheld.<sup>153</sup>

Many former inmates reported psychological abuse, neglect, and humiliation by prison guards. A former female prisoner at Chiang Mai Women's Correctional Institution talked about her experience of being put in solitary confinement: "The prison guards were constantly keeping their eyes on me, being verbally abusive, condemning me for what I did every day."<sup>154</sup> Another former female prisoner at the Central Women's Correctional Institution said: "[Prison guards] like to assert power. They raise their voice, scold, tease, and make fun of us. These things are the norm in prison."<sup>155</sup> A former prisoner at Thanyaburi District Prison added: "Prison guards like to use aggressive and harsh language."<sup>156</sup>

Former prisoners reported they were required to display constant submission to prison guards. One common practice recalled by many former prisoners was that prisoners had to kneel down when prison staff walked by or sit on the floor at all times when reporting themselves or interacting with prison staff. A former female prisoner at the Central Women's Correctional Institution reported: "[Prisoners] cannot stand up while talking to prison guards. They have to sit on the floor, unless they are permitted to sit on a chair. This is the norm."<sup>157</sup> A former female prisoner at Chiang Mai Women's Correctional Institution commented: "I kept questioning: 'Am I a prisoner or a slave?' Whenever a prison guard walked by, I had to sit down and make sure to stay as low as possible. Whoever stood up or stood at the same level as them would be punished."<sup>158</sup> In addition, some former prisoners reported that inmates always had to address prison guards and officers as "Sir" or "Madam." A former female prisoner at the Thonburi Women's Correctional Institution noted that the failure to

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148. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021; FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

149. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

150. Rule 39.2 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established, and shall keep a proper record of all disciplinary sanctions imposed."

151. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021; FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

152. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2021; FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

153. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison in Bangkok*, 21 January 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2021

154. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

155. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

156. FIDH, *Interview with a former prisoner at the Thanyaburi District Prison*, 22 September 2021

157. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

158. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021



do so could result in punishment: "To do otherwise would then be an insult to them. They really saw themselves as being at a higher, more dominant position than us."<sup>159</sup>

The majority of interviewed former prisoners also reported discriminatory treatment by prison authorities and informal governance systems in prison, depending on the type of crime of which prisoners were accused or convicted, or their socio-economic status. For instance, a former prisoner at Thanyaburi District Prison stated: "Prison guards treat offenders of different crimes differently, based on the leverage they have with the guards. [...] Those with no power at all, such as migrants or those with no visiting family, are usually treated very badly."<sup>160</sup> A former prisoner at the Bangkok Remand Prison added that in the prison it was known that the sleeping dormitories in zone one was reserved for VIP prisoners. "[In these dormitories], there were more fans, with fellow prisoners responsible for washing clothes [for the VIP prisoners]. [VIP prisoners] also have other privileges, such as having more contact or visiting time with people outside, having access to telephones, [...] or having unlimited amount of money to spend in prison," the former prisoner said.<sup>161</sup>

Former prisoners interviewed described how the harsh conditions and human rights violations in prisons made them feel unsafe and undermined rehabilitation and reintegration efforts. The prison environment had a profound psychological impact on them. Some former prisoners said they suffered acute and irrevocable emotional trauma after they were released. A former prisoner at the Central Women's Correctional Institution commented: "Thai prison is a punishment in every way, both mentally and physically. But especially mentally, it's excruciating. It made me not believe that prison will make people better. [...] I think prison actually makes people worse, because it makes people selfish, with the strict daily routine, the scarcity of things, and the fact that you have to scheme to acquire something you want. How could that make someone a better person? There's no way."<sup>162</sup> Another former inmate at the Bangkok Remand Prison commented: "It's a terrible existence, having to survive in a place where there is nothing to survive on, having to live day by day. It's definitely not a place for self-improvement, better opportunities, or building a new life. Instead, it's full of pressure that only breaks you down, driving you insane."<sup>163</sup>

### 7.3. Poor hygienic conditions

All former prisoners revealed that the prisons where they had been detained failed to provide sanitary facilities, including toilets and showers, which were in good condition, clean, and sufficient in number.<sup>164</sup> All former inmates also reported that shortages and inadequate access to water in toilets and showers greatly affected the personal hygiene of prisoners.<sup>165</sup>

In all of the prisons where interviewed former prisoners were detained, toilets lacked privacy and were often in extremely poor and unhygienic condition. Former prisoners described that the sleeping dormitory typically had two squat toilets in an area of about 0.50 m<sup>2</sup> each, with only short walls around them and no doors. The toilets were dry latrines. A tub of water and a bowl was placed on the side for prisoners to use for both flushing and cleaning purposes. Many former prisoners reported the water was only available for a limited time during the day, resulting in prisoners not being able to flush the toilets at all. A former prisoner at the Bangkok Remand Prison described the conditions of the toilets as "terribly messy."<sup>166</sup>

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159. FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

160. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

161. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 21 January 2022

162. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution in Bangkok*, 25 August 2021

163. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison in Bangkok*, 21 January 2022

164. Rule 15 of the UN Standard Minimum Rules on the Treatment of Prisoners states: "The 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."

165. Rule 16 of the UN Standard Minimum Rules on 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."

166. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021



All former prisoners also said that prison showers were in bad condition and unclean, leading to an increased risk of diseases among prisoners, especially skin problems. In all of the prisons where interviewed former prisoners were detained, inmates showered together in an open space. The shower installation typically consisted of a plastic pipe with holes, under which prisoners washed themselves. However, the majority of interviewed former prisoners reported that inmates did not have access to enough water when showering due to time constraints. A former prisoner at Chiang Mai Women's Correctional Institution described the pipe system at the showers: "[During shower], the water runs in three short rounds. There is a concrete tank below to collect leftover water. The first round is for washing your body, the second is for rinsing off the soap, and the third is for face washing and teeth brushing. The water collected in the tank is then recycled to be used over and over. And people urinate in there. I couldn't believe this was a model prison." In the Bangkok Remand Prison, the time allocated for each round of water could be as short as 15 seconds, according to a former prisoner.<sup>167</sup>

A former prisoner at the Central Women's Correctional Institution added that the prison also used a bowl washing system, and prisoners were given eight bowls of water to bathe, which was extremely difficult for bigger inmates.<sup>168</sup> A former prisoner at Thonburi Women's Correctional Institution said that inmates were typically given five bowls of water to bathe within 10 minutes. Former prisoners at Thanyaburi District Prison and the Bangkok Remand Prison made comments about the strong smell of chlorine in the water.<sup>169</sup>

As a result of the COVID-19 measures [See above, 3.2. *New preventive measures ineffective*], former prisoners reported that inmates undergoing quarantine showered in the bathroom inside the sleeping dormitory using the water in the tub. According to some former prisoners at the Bangkok Remand Prison, water was available all day in the quarantine building.<sup>170</sup>

With regard to personal sanitation, all interviewed former prisoners said they were either not provided or provided with an inadequate supply of hygiene products, including soap, shampoo, toothpaste, toothbrushes, towels, and toilet paper.<sup>171</sup> Former female prisoners did not have access to sufficient sanitary products for specific hygiene needs [See below, 7.6. *Women, LGBTIQ prisoners face additional challenges*].<sup>172</sup> For example, a former prisoner at Chiang Mai Women's Correctional Institution said that at the time of her admission to prison, she was given "half a tube of toothpaste that came in a plastic bag and tied up with a rubber band [...], three sanitary pads, and a towel the size of a face towel cut in half [...] and a tiny bag of detergent to wash my underwear." Some former prisoners at the Bangkok Remand Prison said they were not given any hygiene products at all during their period of detention.<sup>173</sup> One of them mentioned that he was provided with only a drinking cup, a spoon, and a toothbrush.<sup>174</sup>

As a result, former prisoners explained that inmates normally relied on their families for these basic necessities or bought them from the prison shop. One former prisoner at the Bangkok Remand Prison added that those who did not have any visiting family members or money then had to do other prisoners' chores, such as cleaning their sleeping dormitories or washing their clothes, in

167. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021

168. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

169. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

170. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

171. Rule 18(1) of the UN Standard Minimum Rules for the Treatment of Prisoners states: "Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness."

172. 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 specific 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."

173. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 21 January 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison in Bangkok*, 24 January 2022

174. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

exchange for those products.<sup>175</sup> During the COVID-19 pandemic, the suspension of in-person visits in response to the spread of the virus in prisons put further restrictions on prisoners' access to basic necessities [See below, 7.7 *increased isolation from the outside world and lack of recreational opportunities*].

The buildings, accommodation, and communal facilities in prisons were dirty and poorly maintained, recalled all interviewed former prisoners.<sup>176</sup> Describing the condition of the prison canteen, a former prisoner at the Central Women's Correctional Institution said: "There were so many cockroaches, everywhere I looked. [...] And [there were] rats as big as kittens trying to dig around for some food. It was unbearably filthy."<sup>177</sup>

Former prisoners reported that inmates were responsible to wash their own clothes and clean their own dormitories. However, many of them said that they were often not provided with sufficient cleaning products to keep their clothes and accommodation to an adequate hygienic standard. Former prisoners at the Central Women's Correctional Institution and Thonburi Women's Correctional Institution recalled that the prisons provided them with only cleaning brushes or cloths and detergent powder to clean their sleeping dormitories.<sup>178</sup> A former prisoner at the Bangkok Remand Prison reported that he and fellow inmates sharing the same sleeping dormitory had to "use towels to wipe the floor, because there was no broom, or any cleaning equipment provided."<sup>179</sup>

In addition, some former prisoners, including at Chiang Mai Women's Correctional Institution and Rangsit Temporary Prison, mentioned that inmates' clothes or bedding were sometimes not properly cleaned and laundered due to the limited access to water.<sup>180</sup>

#### **7.4. "Absolutely disgusting" food, undrinkable water**

All former prisoners raised consistent concerns about food and drinking water in prison. Based on the interviews with all former inmates, prisoners were not provided with food that was of good quality, varied, and nutritionally sufficient, and water was not suitable for drinking.<sup>181</sup>

Former prisoners reported they were served three meals a day at varying times. Typical prison meals consisted of a big portion of rice with a side dish, which all former prisoners reported contained very little meat or was not properly cooked. A former prisoner at Kalasin Provincial Prison stated: "[The prison authorities] focus more on quantity over quality and the nutritional value of the food. But even so, it's still not enough. [...] But because we were given a lot of rice, so people [who don't have money] put instant noodle seasonings over rice just to get by."<sup>182</sup>

All former prisoners described the prison food as being of terrible quality, small portions, tasteless, and lacking in variety and nutritional value. "It's absolutely disgusting. The rice is usually very hard, old, and probably of the lowest quality there is. The food had some vegetables, that always tasted very bland, and usually chicken, but with only scraps of meat. You never get one full piece of chicken, ever," said a former prisoner at the Bangkok Remand Prison.<sup>183</sup> A former prisoner at Chiang

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175. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

176. Rule 17 of the UN Standard Minimum Rules on the Treatment of Prisoners states: "All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times."

177. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

178. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021; FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

179. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

180. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021; FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

181. Rule 22 of the UN Standard Minimum Rules on the Treatment of Prisoners states: "1. 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.; 2. Drinking water shall be available to every prisoner whenever he or she needs it."

182. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

183. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

Mai Women's Correctional Institution added: "If they gave a piece of fruit, like a watermelon, it was very old and looked almost rotten."<sup>184</sup>

Former prisoners reported that because of the extremely poor quality of food, prisoners preferred to eat food sent from their visiting families, and those with money preferred to buy their own meals from the prison shop, which was often overpriced.<sup>185</sup> As family visits were suspended during the COVID-19 pandemic, one former prisoner at Rangsit Temporary Prison said that inmates' families had to order food through the prison's online communications channel to be delivered.<sup>186</sup>

In addition, some former prisoners reported not being provided proper and clean plates and cutlery for eating. A former prisoner at Kalasin Provincial Prison said he had to use a plastic bowl for bathing and as a food bowl, and the food was served in a used paint container.<sup>187</sup> A former prisoner at Chiang Mai Women's Correctional Institution said inmates were provided with only one thin plastic spoon for eating that had to be washed and reused.<sup>188</sup> One former prisoner at Thonburi Women's Correctional Institution recalled that prisoners undergoing COVID-19 quarantine were served food in plastic bags, as plates and bowls were not allowed in the quarantine zone. She noted: "After you finished eating, there was a trash bag [to dispose of food waste and bags]. But the trash bag was collected every four or five days. The food waste would be accumulated and sometimes rot [...], and cockroaches would then follow."<sup>189</sup>

All former prisoners reported that inmates got their drinking water for free from steel water tanks in the prison buildings. However, many former prisoners said the water filtration systems were very poor or there was no filtration system at all. The water tanks were also not cleaned regularly and properly, leading to unpleasant taste and smell of the water. A former prisoner at the Central Women's Correctional Institution said that she was warned by other prisoners not to drink the prison water because it had a bad smell and could make people sick because the water tank was never properly cleaned.<sup>190</sup> A former prisoner at Thanyaburi District Prison noted that the water tank in his prison got cleaned only once a month.<sup>191</sup> Former prisoners at Rangsit Temporary Prison and the Bangkok Remand Prison also complained about the smell of chlorine in the drinking water provided in the prison.<sup>192</sup>

As a result of the poor quality of water, all former prisoners said that inmates preferred to buy bottled water from the prison shop or get it from visitors. Inmates who could not afford to buy bottled water had no other option than to drink from the prison water tank.

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184. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

185. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

186. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

187. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

188. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

189. FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

190. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

191. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

192. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022; *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

## 7.5. Insufficient access to medical services, including for mental health

Based on the interviews with former prisoners, inmates did not have access to adequate physical and mental healthcare services that met basic standards.<sup>193</sup> Interviews with many former inmates found that limited healthcare resources in prisons, including sufficient physicians and nurses, fully equipped medical facilities, and medicine, resulted in inmates not receiving appropriate treatment for their illnesses. In 2021, the existing failure of the correctional healthcare system was further exposed by the spread of COVID-19 in prisons across the country [See above, 3.2. *New preventive measures ineffective*].

Most of the prisons where interviewed former prisoners were detained did not have medical doctors and professional nurses on duty.<sup>194</sup> Instead, prison staff with training in basic healthcare was available to provide on-site primary healthcare services and medicines to prisoners at the prison medical facility. According to many former inmates, prison healthcare staffs were often insufficient in number compared to the prison population. For example, a former prisoner at Kalasin Provincial Prison reported: "There were only two or three prison healthcare staff members available, and they were not always on duty."<sup>195</sup>

According to a former prisoner at the Bangkok Remand Prison, "[prison healthcare staff] can only give basic, over-the-counter medicines like paracetamol, diarrhea pills, cough medicine, anti-inflammatory pills, or skin cream."<sup>196</sup> All interviewed former inmates reported that paracetamol was the most common medicine given to prisoners to treat various illnesses. Access to other types of medicine was more difficult, depending on the rules and their availability in each prison. Another former prisoner at the Bangkok Remand Prison said: "In prison, paracetamol is a magic pill. No matter what symptoms you have, you get paracetamol. But it's not actually that easy to get one. The doctor has to scold and complain and question us [the prisoners], like it's such a valuable thing. They keep checking and checking in order to give you one pill."<sup>197</sup> A former prisoner at Thanyaburi District Prison noted that even paracetamol could be difficult to get, and one had to wait half a day to get one pill. This sometimes led to prisoners collecting medicines to sell or trade with food or other goods in prison, according to some former prisoners.<sup>198</sup>

Many former prisoners reported that inmates did not have direct, regular, and timely access to medical professionals for diagnosis and treatment of their health issues.<sup>199</sup> A former prisoner at the Bangkok Remand Prison reported: "Generally, you don't get to [see a doctor] at all. [When somebody is sick,] the prison will have a prison guard assistant, who is a prisoner, measure your temperature, your blood pressure, and ask what kind of pain or any other symptoms you have. Then, they will go get you paracetamol."<sup>200</sup>

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193. Rule 24 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. The provision of health care for prisoners is a state responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.; 2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence."

194. Rule 25 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation.;2. The health-care 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."

195. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

196. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

197. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021

198. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021; *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

199. Rule 31 the UN Standard Minimum Rules for the Treatment of Prisoners states: "The physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed. All medical examinations shall be undertaken in full confidentiality."

200. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 12 October 2021

Some former prisoners noted that medical doctors from outside the prison visited the facilities at irregular intervals, depending on each prison, which also resulted in the disruption in the continuity of treatment for their illnesses. Specialized services such as psychiatry, dentistry, ophthalmology, or gynecology were especially limited, according to some former prisoners. For instance, a former inmate at the Bangkok Remand Prison mentioned that the prison would get a visit from a medical doctor from outside the prison only once a week.<sup>201</sup> He also revealed that access to dental services was especially difficult: "There is a dentist that comes to visit the prison once a month, who only usually does teeth extractions. [Other services] are very hard to access and take a very long time. [...] So, if you have a toothache, you can only get it pulled out, or you have other prisoners or prison healthcare staff, help pull it out by hand."<sup>202</sup> In the Central Women's Correctional Institution, specialist doctors were scheduled to visit the prison on different days of the week: "If a pregnant prisoner has a pain on Monday, she has to wait until Thursday to see a gynecologist," said a former prisoner.<sup>203</sup>

Amid the spread of COVID-19 across prisons, some prisoners reported difficulties in having prompt and direct access to doctors and medicines. A former prisoner who was put in isolation at the Bangkok Remand Prison after testing positive for COVID-19 said he and fellow prisoners were also given paracetamol and could see a doctor only upon request: "If we didn't specifically ask [to see a doctor], only a nurse would come bring us food and medicine and check our symptoms. But an actual doctor wouldn't show up if we didn't make a request."<sup>204</sup> One former prisoner who contracted COVID-19 while he was detained at Rangsit Temporary Prison said that after experiencing initial symptoms, he was given paracetamol and green chiretta by the prison for five days before getting a COVID-19 test and being transferred to the prison's field hospital.<sup>205</sup>

Access to the prison medical facility was also a tightly regulated process, which many former prisoners said resulted in delayed diagnosis and medical treatment.<sup>206</sup> In all prisons where interviewed former prisoners were detained, inmates were not able to access the prison medical services by themselves without asking for permission from prison guards or prisoner assistants to prison guards, who had the discretionary power to determine whether a prisoner was sick and should be allowed to go to the medical facility in prison. A former prisoner at Thanyaburi District Prison commented that such consideration "was not based on the health condition, whether it's serious or not, but solely on what [the prison guard] felt at that moment."<sup>207</sup> A former prisoner at the Bangkok Remand Prison added that being transferred to an outside hospital was also extremely difficult: "Somebody broke his leg and still had to stay in the prison medical facility. [...] You have to be near death [to be treated at a hospital]."<sup>208</sup>

The slow bureaucratic process was especially problematic in case of an emergency. A former prisoner at the Bangkok Remand Prison commented: "Emergencies practically do not exist. [...] Even serious cases are subjected to an extensive, slow process. Many people couldn't just wait for that, and some would die while waiting to be taken to the hospital. [...] It doesn't matter if you are having a seizure. You can only lay there and wait for approval from various people in order to go to a hospital."<sup>209</sup>

The mental health of prisoners and their mental disorders were among the most common and serious health concerns raised by most interviewed former prisoners. In spite of that, mental healthcare or psychiatric care services in most of the prisons where interviewed former prisoners were detained were either unavailable or seriously inadequate. A former prisoner at Chiang Mai Women's Correctional

201. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

202. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

203. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

204. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

205. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

206. Rule 27 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.; 2. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff."

207. FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

208. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 21 January 2022

209. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022



Institution said that she did not receive any help after informing a prison guard about her depression and suicidal thoughts.<sup>210</sup> Some former prisoners at the Bangkok Remand Prison and Thanyaburi District Prison said they received tranquilizers by the prison to help with stress and sleep, although they were not aware of whether the medicine had been prescribed by a psychiatrist.<sup>211</sup>

Some interviewed former inmates reported incidents where prisoners with mental disabilities were exposed to serious risks of abuses, ill-treatment, and discrimination, from both prison staff and fellow inmates. A former prisoner at the Bangkok Remand Prison recalled that he once had to share a sleeping dormitory with a mentally ill prisoner who was constantly abused physically by other prisoners: "He never received any medical treatment for his illness. And he was getting slapped and beaten by other prisoners because he caused trouble for others. Or sometimes he was bullied when he needed help with going to the shower. Prison life is extremely difficult for these prisoners."<sup>212</sup>

A former prisoner from Chiang Mai Women's Correctional Institution reported that 30 – 40 prisoners with mental disabilities were kept together in one sleeping dormitory and given the same daily medication to help sedating them or putting them to sleep.<sup>213</sup> She described the detention condition for these prisoners as "totally filthy and intolerable" due to behaviors such as touching, spitting, and sleeping next to each other. She also recalled another inmate telling her about cruel treatment of prisoners with mental disabilities by prison officers: "When prisoners have a meltdown or try to kill themselves or scream, prison guards will tie them up. If they don't stop crying or if they cause too much nuisance, prison officers will use electric shocks."<sup>214</sup>

Suicide, suicide attempts, and self-harm were also common among prisoners, according to many former prisoners interviewed. A former prisoner at the Bangkok Remand Prison reported that self-harm attempts were considered a violation of prison rules that could result in disciplinary measures: "[Prison authorities] never cared about prisoners who tried to harm themselves, whether they tried to cut their arms, cut their legs, or stab themselves to death. They simply didn't care because it's the prisoners' doing when they hurt themselves. And sometimes it could lead to more time in prison as punishment."<sup>215</sup>

Lastly, some former prisoners reported that sick inmates were frequently neglected by the prison staff. A former prisoner at the Central Women's Correctional Institution said: "When somebody says they are sick, especially if it happens after four o'clock in the afternoon, when everyone goes back to their dorms, or at night, they always assume that the prisoner is lying in order to be transferred to the hospital."<sup>216</sup> A former prisoner at Thanyaburi District Prison noted: "Whenever a prisoner felt distressed, prison officers just did not care, and the solution was to take paracetamol and sleep it off."<sup>217</sup>

## 7.6. Women, LGBTIQ prisoners face additional challenges

Interviews with former female prisoners found that women in Thai prisons continued to suffer from poor detention conditions that disproportionately affected them, particularly with regard to healthcare services specific to them.<sup>218</sup> In addition to the deprivation of basic sanitation products,

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210. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

211. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

212. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

213. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

214. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

215. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

216. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

217. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

218. Rule 10 of the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders states: "1. Gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners.; 2. If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination."

all interviewed former female prisoners reported the lack of availability of sanitation necessities for their specific hygiene needs, especially sanitary pads and underwear, which seriously undermined their dignity and their right to health.<sup>219</sup>

All interviewed former female prisoners at the Central Women's Correctional Institution, Thonburi Women's Correctional Institution, and Chiang Mai Women's Correctional Institution reported that the number of sanitary pads distributed in prison were insufficient. As a result, most female prisoners had to buy more sanitary pads at the prison shop at higher prices than outside the prison, or receive them through visiting family members. However, as a result of the COVID-19 restrictions, more women did not have sanitary pads and other essential items because in-person visits as well as donations were suspended to mitigate the risk of infection.<sup>220</sup> A former prisoner at Thonburi Women's Correctional Institution said: "Some women prisoners had to wear the same sanitary pad for two or three days at a time. It's a reality for those who don't have money or family. Or they had to wait until some other prisoner hired them to wash their clothes, so they had some money to buy it at the prison shop, which was generally more expensive."<sup>221</sup>

The shortage of sanitary pads seriously affected the personal hygiene of female prisoners. All former female prisoners reported witnessing other female prisoners having to wash and reuse the same sanitary pad many times. A former inmate at Chiang Mai Women's Correctional Institution recalled: "One time I went to the bathroom, and I saw the woman next to me was having her period. But she had to take out the same sanitary pad, wash it with some water, and squeeze it dry. But it was totally unusable. It was dirty and wet. It was absolutely awful."<sup>222</sup>

A former prisoner at the Central Women's Correctional Institution reported that those who could not afford to buy sanitary pads from the prison shop were eligible to receive more pads from the prison, only if they could prove to the prison officers that they really had no money or any support from their families.<sup>223</sup> According to the same former prisoner, the officers had the sole discretion to consider and decide whether a prisoner was eligible to receive more sanitary pads from the prison.<sup>224</sup>

Underwear and bras distributed to female prisoners were also insufficient in all of the prisons in which interviewed former prisoners had been detained. Prisoners had to buy additional ones at the prison shop or receive them through visiting families. A former prisoner at Chiang Mai Women's Correctional Institution reported: "One woman with whom I shared the sleeping dormitory had to wear [her underwear and bra] over and over. When she washed them, because of the lack of ventilation in the building, they never got properly dry. So, she had to keep wearing them when they were damp."<sup>225</sup>

In addition to women, one former prisoner at Thanyaburi District Prison, who identified himself as gay, reported that lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) prisoners were another group of prisoners who were at risk of abuse, neglect, and discrimination.<sup>226</sup> According

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219. 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."

220. Prachatai, *Rung-Sai-Feminist Liberation Front donate sanitary pads and underwear to female prisoners in the Central Women's Correctional Institution*, 26 January 2021; iLaw, "Prison within prison": *The lives of inmates during the third wave of COVID-19*, 27 July 2021

221. FIDH, *Interview with a former prisoner at Thonburi Women's Correctional Institution*, 4 October 2021

222. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

223. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

224. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

225. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

226. Rule 2 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. The present rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. The religious beliefs and moral precepts of prisoners shall be respected.; 2. In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory."



to the former prisoner, the Thai correctional system failed to respect gender diversity, ignored their specific needs, and therefore, lacked adequate protection for LGBTIQ prisoners. Transgender prisoners, especially, were subject to a treatment and rules that were based on their biological gender, without taking into account their identity. He stated: “[Prison authorities] simply don’t care what your gender identity is. They treat everyone only as male or female prisoners, with no such thing as LGBTIQ people. That’s the end of it.” He explained the lack of gender sensitivity of the prison rules, which required all inmates to have their hair cut short, LGBTIQ prisoners to be put in the same sleeping dormitory with other male prisoners, and using the same bathrooms that male prisoners used.<sup>227</sup> According to the DoC, as of September 2021, around 4,000 inmates nationwide identified themselves as transgender.<sup>228</sup>

## **7.7. Increased isolation from the outside world and lack of recreational opportunities**

In all of the prisons where interviewed former prisoners were detained, the right to contact with the outside world was unduly restricted.<sup>229</sup> Authorities limited and strictly controlled access to news and external information through various media such as newspaper, television, and books.<sup>230</sup> In addition, in 2021 the COVID-19 pandemic brought increased restrictions on visits and communications between prisoners and their families and legal representatives, further isolating prisoners from the outside world.<sup>231</sup>

All former prisoners reported that in the prisons where they were detained inmates had access to a television in their sleeping dormitory, starting in the afternoon until sleeping time, with a selection of available content limited to music and various entertainment shows. Some former prisoners also reported that there was a weekly news program, which they said was inadequate for people in prison to keep in touch with developments in society, particularly during the pandemic.<sup>232</sup> Former prisoners at the Thanyaburi District Prison and Thonburi Women’s Correctional Institution said that the news reports were often untimely or irrelevant. As a result, many former prisoners said that inmates usually received news and information about current events from their visiting families or lawyers. Some former prisoners at the Bangkok Remand Prison reported they did not have access to a TV while undergoing COVID-19 quarantine or isolation.<sup>233</sup>

According to former prisoners at the Central Women’s Correctional Institution, the Bangkok Remand Prison, Thanyaburi District Prison, and Rangsit Temporary Prison, a library service was available in these facilities. However, inmates had to seek authorization from prison guards to go to the library or bring books to their dormitory to read.<sup>234</sup> Prison authorities tightly controlled the selection of books and publications. A former prisoner at the Bangkok Remand Prison commented: “The prison

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227. FIDH, *Interview with a former prisoner at the Thanyaburi District Prison*, 22 September 2021

228. Department of Corrections, *A Year of Quick Wins “365 days towards success of the Department of Corrections”*, 30 December 2021 [in Thai]

229. Rule 58 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits.; 2. Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.”

230. Rule 63 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “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.”; Rule 64 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.”

231. FIDH, *Joint letter on restrictions on prison visits and correspondence*, 30 November 2021

232. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 25 August 2021; FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

233. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2021; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2021

234. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021; FIDH, *Interview with a former prisoner at Rangsit Temporary Prison and Thanyaburi District Prison*, 21 January 2022

is especially strict when it comes to books. They have the discretionary power to decide what type of books prisoners should read. One thing for sure is that newspapers are not allowed, and any books on politics are definitely prohibited. [...] They claimed that these books would brainwash you, so they have to be controlled. And they only let you read Buddhist Dharma books.”<sup>235</sup> A former prisoner at Kalasin Provincial Prison reported the books and magazines available in the prison were mainly about Buddhist teachings, health, and technology.<sup>236</sup>

Former prisoners also reported they had little opportunities for constructive, educational, cultural, or rehabilitative activities.<sup>237</sup> According to a former prisoner at the Central Women’s Correctional Institution, pre-trial detainees were only allowed to participate in recreational activities organized by the prison, such as learning to sing songs written by fellow prisoners or occasionally doing exercises.<sup>238</sup> Space and equipment for outdoor exercises or sports were insufficient.<sup>239</sup> A former prisoner at the Bangkok Remand Prison also explained that while pre-trial detainees were subject to the same rules and treatment as convicted prisoners, they were not entitled to the same benefits as convicted prisoners, such as being able to receive educational and vocational training programs in the prison.<sup>240</sup> “Prisoners spend most of their time in the dorms. [...] Just to take a little time to go read some books at the library is a complicated process,” said a former inmate at Thanyaburi District Prison.<sup>241</sup>

Prisoners’ contact with family members were extremely limited and challenging, following the suspension of in-person visits that was imposed nationwide from March 2020 in an attempt to tackle the spread of COVID-19. For most of 2021, as a result of the prolonged imposition of those COVID-19 measures, prisoners were subject to increased isolation, less social contact, and fewer purposeful activities. Many former inmates reported that prisoners spent a lot of time in their dormitories. “There was nothing else to do but eating and sleeping,” said one former prisoner at the Bangkok Remand Prison.<sup>242</sup>

All communications between prisoners and their families could only be conducted through video or phone calls on the Line messaging application or emails, depending on the rules and availability in each prison.<sup>243</sup> Online visitation measures introduced by the DoC placed many unjustifiable obstacles for visiting families. These include limited visitation time of 10 – 15 minutes per visit, only one visit per month, and the prohibition of online meetings for inmates undergoing quarantine.<sup>244</sup> Insufficient communication equipment, such as mobile phones and computers, poor network connectivity, and power shortages resulted in limited visiting time.<sup>245</sup> A former prisoner at the Central Women’s Correctional Institution reported that as a result of the extremely long queue of family members waiting to talk to people in detention through the prison’s online visitation platform, many inmates were unable to contact their families for weeks or months.<sup>246</sup> In addition, many families of inmates who did not have access to online communications channels were incapable of having any contact with their relatives in detention. One interviewed former prisoner at the Bangkok Remand Prison said that the online communication channels were not available for people in detention to reach out to their family. He explained: “The most [prisoners] could do was to write a letter to their family,

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235. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

236. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

237. Rule 105 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners.”

238. While pre-trial detainees are subject to the same rules and treatment as convicted prisoners, they are not eligible to receive vocational training programs, probation, and royal pardons.

239. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution in Bangkok*, 25 August 2021

240. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 October 2021

241. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

242. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 24 January 2022

243. In-person prison visits were suspended as part of the government’s measures to contain the spread of COVID-19 since the beginning of the pandemic in March 2020; Department of Corrections, *COVID-19 Updates*, 16 April 2021

244. Thai Lawyers for Human Rights, *Correction authorities should ensure an adequate and safe visitation and timely and private access for lawyers*, 2 November 2021

245. Prachatai, *Lawyer reveals visits at Rangsit Temporary Prison extremely difficult – talking outdoors, slow internet, both lawyers and prisoners contracting COVID-19*, 17 August 2021

246. *Interview with a former prisoner at the Central Women’s Correctional Institution in Bangkok*, 25 August 2021

which had to be screened by prison guards. The guards would open and screen every outgoing letter. If it was not appropriate, according to their criteria, or if the guard didn't like the content of the letter, they just wouldn't deliver it."<sup>247</sup>

The suspension of in-person visits also affected prisoners' access to basic necessities, for which many relied on their family members. A former prisoner at Thanyaburi District Prison recalled that he once had to use detergent as soap and dishwashing liquid as shampoo because prison staff provided only three bars of soap for him and 50 other prisoners during their COVID-19 quarantine.<sup>248</sup>

Visits from lawyers were subject to prison authorities granting permission, pursuant to the disease prevention guidelines set out by the Ministry of Public Health.<sup>249</sup> On multiple occasions, prison authorities denied permission for meetings between lawyers and prisoners, citing the COVID-19 situation or the mandatory quarantine period for prisoners.<sup>250</sup>

According to many former prisoners, during the COVID-19 pandemic, online visits between inmates and their families as well as legal representatives lacked privacy, and their communications were routinely monitored, or interfered by, the prison authorities. In many cases, prison authorities examined documents or correspondence between lawyers and prisoners.<sup>251</sup> A former prisoner at Chiang Mai Women's Correctional Institution reported that a prison guard was present during every video call she had with her lawyer.<sup>252</sup> A former inmate at Kalasin Provincial Prison also said that the prison guards took videos of every communication he had with his lawyer.<sup>253</sup>

Extended periods of limited contact with the outside world during the COVID-19 pandemic seriously affected inmates' mental wellbeing and exacerbated their existing vulnerability to emotional and psychological stress. One former prisoner at the Bangkok Remand Prison talked about his experience of contracting COVID-19 while in detention and being placed in solitary confinement for almost three weeks as an isolation measure: "I was completely cut off from the outside world, not being able to contact anyone. [...] It was a severely stressful situation. And that level of stress made me unable to sleep and handle my own thoughts. At some point if I could kill myself, I would choose to. [...] Especially after learning that I had COVID-19, and seeing how prisoners were being treated, it made me so worried for not knowing what was going to happen."<sup>254</sup>

On 18 November, Justice Minister Somsak Thepsutin announced that 38 prisons across the country had reopened for family visits since 12 November and eight more would reopen by the end of that month. Mr. Somsak added that the remaining 97 would gradually reopen from 1 December.<sup>255</sup>

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247. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 21 January 2022

248. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

249. Department of Corrections, *COVID-19 Updates*, 16 April 2021; <http://en.correct.go.th/news/covid-19-updates/>

250. Rule 61(1) of the UN Standard Minimum Rules for the Treatment of Prisoners states: "Prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff."; Prachatai, *Lawyer reveals visits at Rangsit Temporary Prison extremely difficult – talking outdoors, slow internet, both lawyers and prisoners contracting COVID-19*, 17 August 2021; Thai Lawyers for Human Rights, *Correction authorities should ensure an adequate and safe visitation and timely and private access for lawyers*, 2 November 2021

251. Thai Lawyers for Human Rights, *Statement: Eavesdropping on confidential attorney-client conversations in prison constitutes a serious human rights violation*, 21 June 2021; Thai Lawyers for Human Rights, *Correction authorities should ensure an adequate and safe visitation and timely and private access for lawyers*, 2 November 2021

252. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

253. FIDH, *Interview with a former prisoner at Kalasin Provincial Prison*, 10 September 2021

254. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

255. Nation, *38 prisons reopen for family visits, eight more to follow suit by December*, 18 November 2021

## 7.8. Ineffective complaint mechanisms

Former prisoners reported that prisons lacked effective complaints mechanisms that were confidential, transparent, and responsive to prisoners' complaints.<sup>256</sup> In most prisons where interviewed former prisoners were detained, inmates could report a complaint to the prison authorities or external oversight bodies about any aspect of their treatment or detention conditions by writing a letter of complaint and dropping it in the complaint box. However, some former prisoners noted that the letters lacked anonymity and were routinely opened and read by prison guards, who could screen and withhold them.<sup>257</sup> One former prisoner at the Bangkok Remand Prison commented: "The problem is that when somebody made a complaint about any problem, anything that happened to him, or any right violation, he never got the help he needed because the prison staff would open the complaint box and select the ones they considered should be sent out. [...] And then prisoners whose letters were read by the prison staff would get in trouble, like being questioned about why he reported these things, being punished, or potentially creating a dangerous situation for himself."<sup>258</sup> A former prisoner at Thanyaburi District Prison added that prisoners' complaint letters were often ignored or disposed of.<sup>259</sup> As a result, many inmates saw no point in making any complaints or feared retaliation from the authorities.

Some former prisoners said that inmates, instead, raised concerns or issues with their lawyers or family members during visits. But this, in many cases, led to negative consequences, such as threats or pressure from the prison. For instance, after reporting to her lawyer about the overcrowded and overall poor living conditions, a former prisoner at the Central Women's Correctional Institution was warned by a prison guard not to make any issues public.<sup>260</sup> A former prisoner at Chiang Mai Women's Correctional Institution also reported that, following a video call with her lawyer in which she complained about unjust treatment by prison authorities, the prison director threatened to sue her.<sup>261</sup>

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256. Rule 56 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. 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.; 2. It shall be possible to make requests or complaints to the inspector of prisons during his or her inspections. The prisoner shall have the opportunity to talk to the inspector or any other inspecting officer freely and in full confidentiality, without the director or other members of the staff being present.; 3. Every prisoner shall be allowed to make a request or complaint regarding his or her treatment, without censorship as to substance, to the central prison administration and to the judicial or other competent authorities, including those vested with reviewing or remedial power.; 4. The rights under paragraphs 1 to 3 of this rule shall extend to the legal adviser of the prisoner. In those cases where neither the prisoner nor his or her legal adviser has the possibility of exercising such rights, a member of the prisoner's family or any other person who has knowledge of the case may do so."

257. Rule 56 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. Every request or complaint shall be promptly dealt with and replied to without delay. If the request or complaint is rejected, or in the event of undue delay, the complainant shall be entitled to bring it before a judicial or other authority.; 2. Safeguards shall be in place to ensure that prisoners can make requests or complaints safely and, if so requested by the complainant, in a confidential manner. A prisoner or other person mentioned in paragraph 4 of rule 56 must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint.; 3. Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority in accordance with paragraphs 1 and 2 of rule 71."

258. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 25 January 2022

259. FIDH, *Interview with a former prisoner at Thanyaburi District Prison*, 22 September 2021

260. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 25 August 2021

261. FIDH, *Interview with a former prisoner at Chiang Mai Women's Correctional Institution*, 22 September 2021

## 8. Prison news in brief

### 8.1. Recommendations on prison conditions accepted

During the third Universal Periodic Review (UPR) of Thailand, which was held on 10 November 2021, the Thai government accepted two recommendations that called for: 1) The reform of the penitentiary system in order to ensure humane conditions of detention in accordance with international standards; and 2) The improvement of conditions for detainees and sentenced persons to ensure their right to humane treatment in detention.<sup>262</sup>

### 8.2. Prison officials disciplined

In late 2021, reports emerged of disciplinary actions taken against some prison officials over misconduct and abuses against prisoners.

On 5 November, the Department of Corrections (DoC) said it had fired 10 officials for serious misconduct, including corruption, gross negligence, and smuggling forbidden items into prisons.<sup>263</sup> On 16 December, the DoC announced it had fired four more officials who committed “severe disciplinary offenses” against prison inmates and their relatives. Three of the four officials were dismissed for “physically abusing inmates, which resulted in serious prisoner injuries and deaths.”<sup>264</sup> No details were provided regarding the prisons where the officials were employed.

While the DoC said the move was aimed at making prison administration transparent and accountable, no comprehensive figures were released concerning the number of complaints of abuse filed against prison officials, investigations conducted, and/or measures taken against wrongdoers.

### 8.3. Deaths in prison

Cases of deaths in Thai prisons continued to occur, although no statistical information on such incidents was released and details concerning investigations into cases of suspicious deaths in prison were also lacking. Exceptionally, some cases of deaths of high-profile detainees were reported in the media.

For example, it was reported that on 1 June, former Thai Army Lt Gen Manas Kongpan, 65, died of heart attack at the Medical Correctional Hospital in Bangkok.<sup>265</sup> In July 2017, Lt Gen Manas, was found guilty of several offenses in connection with the trafficking of Rohingya to jungle camps in the South of Thailand in 2015.<sup>266</sup> In November 2019, the Court of Appeals increased the prison term for Lt Gen Manas from 27 to 82 years.<sup>267</sup>

On 23 September, a 42-year-old drug suspect was found hanged in his cell at Bang Khen Prison in Bangkok. The suspect had been arrested with five grams of crystal methamphetamine and 180 speed pills two days earlier.<sup>268</sup>

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262. UN Human Rights Council - 49th session, *Report of the Working Group on the Universal Periodic Review – Thailand*, 21 December 2021; UN Doc. A/HRC/49/17

263. Bangkok Post, *Prison staff fired for graft, murder offences*, 6 November 2021

264. Nation, *Four prison officials axed for alleged extortion, inmate abuse*, 16 December 2021

265. Bangkok Post, *Key human trafficker dies in jail*, 3 June 2021; Thai PBS, *Key Rohingya smuggling ring leader dies in prison*, 3 June 2021

266. BBC, *Thailand general jailed for human trafficking at mass trial*, 19 July 2017

267. Bangkok Post, *Court hikes jail terms in infamous Rohingya graveyard case*, 1 November 2019

268. Bangkok Post, *Drug suspect found hanged in cell at Bang Khen prison*, 23 September 2021

#### 8.4. Prison riots break out

In December, riots in two separate prisons were reported, with reports on the use of disproportionate force by authorities emerging in at least one of the prisons.

Two riots were reported at Krabi Provincial Prison, Krabi Province. On 16 December, about 300 male prisoners began rioting to demand that at least 100 COVID-19 infected prisoners be shifted to a hospital outside the correctional facility.<sup>269</sup> Police and soldiers were called in to break up the riot, with crowd-control teams shooting rubber bullets at some of the rioting prisoners. Three prisoners who sustained injuries from rubber bullets were hospitalized.<sup>270</sup> On 17 December, a building in the same prison was set ablaze following a second riot. About 100 riot police intervened and fired rubber bullets, resulting in 14 prisoners being injured.<sup>271</sup> On 18 December, the DoC said an inquiry panel would be set up to investigate the cause of the riots.<sup>272</sup>

On 26 December, prison staff and about 50 police officers intervened to break up a brawl between two groups of inmates in Sisaket Provincial Prison, Sisaket Province. Two inmates were admitted to hospital for the treatment of injuries incurred during the brawl.<sup>273</sup>

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269. Bangkok Post, *Inmates riot over Covid-19 in Krabi prison*, 17 December 2021; Nation, *Krabi prison riot only results in 14 Covid patients being moved to hospital*, 16 December 2021; Bangkok Post, *31 moved to max security penitentiary*, 19 December 2021

270. Nation, *Krabi prison riot only results in 14 Covid patients being moved to hospital*, 16 December 2021

271. Bangkok Post, *Krabi prison dorm ablaze in second riot*, 17 December 2021; Bangkok Post, *Inmates riot again at Krabi jail*, 18 December 2021

272. Bangkok Post, *31 moved to max security penitentiary*, 19 December 2021

273. Bangkok Post, *Troublemakers moved out after riot at Si Sa Ket Prison*, 27 December 2021



## 9. Recommendations

### 9.1. Recommendations to the Thai government

#### *General recommendations*

- Ensure prison conditions comply with Thailand's obligations under international human rights treaties to which it is a state party, including: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); the Convention on the Rights of Persons with Disabilities (CRPD); and the International Labor Organization's Forced Labor Convention (No. 29).
- Comply with the UN Guiding Principles on Business and Human Rights (UNGPs), with regard to the duty to protect prisoners from human rights abuses committed by business enterprises.
- Improve conditions in prisons to be in line with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).
- Ensure that staff in all prisons receives adequate training on international standards, notably the Mandela Rules and the Bangkok Rules.
- Allow independent inspection bodies, including the National Human Rights Commission of Thailand (NHRCT) and the Ombudsman, unfettered access to all prisons in line with commitments made by Thailand during its second Universal Periodic Review (UPR).
- Allow non-governmental organizations with a relevant mandate to conduct visits to places of detention, interview inmates, and assess conditions without undue hindrance.
- Conduct thorough, impartial, and independent investigations into all cases of deaths in prisons and publicly release the findings of such investigations.
- Publish regular and comprehensive statistical information on deaths in prisons, their causes, and whether investigations into such cases were conducted.
- Publish regular and comprehensive figures about foreign prisoners detained in correctional facilities, disaggregated by gender, age, nationality, and type of offense.
- Continue the process of decriminalization of petty crimes, including certain drug-related offenses.
- Continue the process of amending legislation to ensure that, when prison sentences are prescribed, the penalties are proportionate to the offense committed, such as in the case of certain drug-related offenses.
- Ratify the Optional Protocol to the ICCPR (OP-ICCPR).
- Take concrete steps towards the abolition of the death penalty for all crimes, including by:
  - Establishing an official moratorium on executions.
  - Significantly reducing the number of criminal offenses that can be punished by death.
  - Removing the provision of capital punishment from all drug-related offenses.
  - Ratifying the Second Optional Protocol to the ICCPR (OP2-ICCPR).
- Arrange a country visit for relevant UN special procedures of the Human Rights Council, including: the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the UN Working Group on Arbitrary Detention (WGAD); the Special Rapporteur on the right to food; the Special Rapporteur on the human rights to safe drinking water and sanitation; the Special Rapporteur on the right to physical and mental health; the Special Rapporteur on the right to adequate housing; the Working Group on discrimination against women and girls; the Independent Expert on sexual orientation and gender identity; the Independent Expert on the enjoyment of all human rights by older persons; and the Special Rapporteur on the rights of persons with disabilities.



## ***Specific recommendations***

### Overcrowding

- Increase efforts to address and resolve the issue of overcrowding in prisons by adopting and implementing sustainable and effective measures to reduce the prison population.
- Increase the use of alternatives to prison sentences and detention, by developing non-custodial measures within the legal system, in line with the UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Such measures could include:
  - Mandatory rehabilitation for those convicted of certain drug-related offenses, such as drug use or drug consumption.
  - The imposition of fines for first-time offenders, when there is discretion in imposing fines and/or prison time.
  - The imposition of fines or community service for minor offenses.
  - The avoidance of pre-trial or remand detention for defendants awaiting trial for certain categories of offenses.
  - The use of home detention coupled with electronic monitoring devices to prevent the risk of flight.
  - The use of early release procedures, such as parole and conditional release.
  - Post-sentencing alternatives that facilitate prisoners' reintegration into society.
  - Repatriation of foreign prisoners.
- Ensure that when pre-trial or remand detention is used, it is for as short a period as possible, and that bail bonds are not unduly onerous and are proportionate to the offense.
- Ensure that elderly prisoners are prioritized as beneficiaries of alternative measures to detention.

### Accommodation space

- Ensure cells and dormitories have sufficient natural light, adequate ventilation supplied by fresh air, and cooling systems.
- Ensure prisoners are provided with clean and sufficient bedding suitable for the climate.

### Punishment and degrading treatment

- Ensure that all prisoners are treated with dignity and humanity and are not subject to any forms or acts of discrimination.
- Ensure that no disciplinary sanction or other penalty for violations of prison rules and conduct amounts to torture or other cruel, inhuman or degrading treatment or punishment.
- Ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review.
- Conduct thorough, impartial, and independent investigations into all allegations of torture and ill-treatment, ensure that perpetrators are punished in accordance with existing laws, rules, and regulations, and that victims receive adequate redress and compensation.

### Water and sanitation

- Ensure a sufficient water supply for personal hygiene and provide an adequate flow of water to showers and toilets throughout the day, particularly at times of heavy demand.
- Ensure that prisoners have unrestricted access to toilets at all times with the maximum possible level of privacy.
- Increase overall access to showers and allocate an adequate period of time for each prisoner to shower.
- Ensure that prisoners who are assigned cleaning duties are provided with sufficient and adequate equipment and materials.

### Food and drinking water

- Improve the overall quality and nutritional value of food served to prisoners.
- Ensure that the food is provided to all prisoners in accordance with their medical, religious, and cultural needs.
- Ensure prisoners are provided with clean eating utensils that are similar to those used outside prison.
- Ensure clean drinking water is available from a tap or a container continuously 24 hours a day.

### Healthcare services

- Conduct regular inspections with the assistance of physicians or competent public health officials to examine and address issues that may impact the health of prisoners, including: the quantity, quality, preparation and service of food; the hygiene and cleanliness of the facility and the prisoners; and the sanitation, temperature, lighting, ventilation, and bedding arrangements of the facility.
- Ensure that prisoners have immediate access to medical attention in urgent cases, and those prisoners who require specialized treatment are transferred to institutions or hospitals outside prisons.
- Ensure the health needs of special groups, such as women, LGBTIQ, elderly prisoners, and prisoners with disabilities, are addressed and met.
- Ensure female prisoners are provided with the necessary items to meet their specific hygiene needs, particularly an adequate provision of sanitary pads free of charge.
- Ensure the provision of adequate psychological and psychiatric care for prisoners.

### Prison labor

- Halt all plans to use prisoners in industrial zones and other plans to use prisoners to make up for labor shortages until appropriate safeguards are put in place to prevent exploitative labor practices involving prisoners.
- Ensure that wages for prison labor meet the minimum wage rate under the Labor Protection Act.
- Enforce the 2020 Ministerial Regulation that prescribes for prisoners to receive 70% of the profits from the work they are assigned.
- Conduct regular inspection of prisons, investigate all allegations of human rights violations related to prison labor, publicly report on the findings, and adequately compensate victims of abuses.

### Access to the outside world and opportunities for recreation

- Ensure prisoners are able to effectively communicate with their family, friends, and lawyers at regular intervals through visits, correspondence, and telecommunications.
- Ensure there is no unlawful or arbitrary interference with prisoner's privacy during both in-person and remote visits from their family members.
- Ensure the privacy and confidentiality of all communications between prisoners and their lawyers.
- Ensure that prisoners have regular access to daily newspapers, magazines, books, and other cultural, recreational, and educational material.

- Ensure that no restrictions are imposed on the type of available books and other publications that prisoners wish to read and/or consult.
- Ensure that adequate recreational and cultural activities are provided for prisoners.

#### Prison complaints

- Ensure that prisoners can file complaints anonymously and that all complaints are examined, thoroughly investigated, and adequately resolved.
- Ensure that prisoners are not subjected to any acts of reprisals from prison authorities or fellow prisoners in connection with complaints they have filed.
- Publish regular and comprehensive statistical information concerning the number of complaints of abuse filed against prison authorities, investigations conducted, and disciplinary or other measures taken against wrongdoers.

### **9.2. Recommendations to the National Human Rights Commission of Thailand (NHRCT)**

- Request and perform regular visits to all prisons to assess conditions.
- Publish findings related to visits to prison facilities and provide public regular updates on issues raised during such visits.
- Ensure that all complaints made about the prison system are investigated and resolved promptly and with appropriate remedies.
- Provide technical assistance in the training of prison staff on international standards on prison conditions.

### **9.3. Recommendations to the international community**

- Urge the Thai government to increase efforts to address and resolve the issue of overcrowding in prisons by adopting and implementing sustainable and effective measures to reduce the prison population.
- Urge the Thai government to improve conditions in prisons to be in line with the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, particularly with regard to the amount of space allocated per prisoner, sanitation facilities, and the availability of adequate healthcare.
- Urge the Thai government to honor commitments made during the second and third UPR of Thailand, including granting the NHRCT and the Ombudsman unfettered access to all prisons.
- Provide the necessary technical assistance to ensure prison conditions in Thailand comply with the country's human rights obligations and relevant international standards.



This publication is supported by the Agence Française de Développement (AFD). Nevertheless, the ideas and opinions presented shall not be interpreted as representing the views of AFD.



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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.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

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**Design:**

FIDH/CB



**Union for Civil Liberty (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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FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

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