THAILAND UPR III 2021 – UPR FACTSHEET

PRISON CONDITIONS IN THAILAND

Brief Assessment of the Implementation of the 2nd Cycle UPR Recommendations

During Thailand's second UPR, the government accepted all four recommendations related to prison conditions, including one that called for the establishment of a policy to decrease the high levels of overcrowding. Despite these commitments, prison conditions remained below international standards during Thailand's second UPR cycle. The ongoing failure by successive governments to enact comprehensive prison reforms created conditions for human rights violations to be rife in the prison system in breach of Thailand's obligations under international instruments to which it is a state party.

Overcrowding remained the most pressing issue in prisons, with an increase in the number of prisoners during the country's second UPR cycle. In June 2016, Thailand had a prison population of 321,372 inmates, according to official figures from the Department of Corrections. In May 2019, the number reached an all-time high of 386,902 inmates. As of 1 September 2021, the prison population stood at 289,332 inmates (255,986 men and 33,346 women) – a 10% decrease from June 2016. The vast majority of prisoners (237,763 inmates or 82%) remained jailed for drug-related crimes.

In a concerning statement on 22 July 2019, Justice Minister Somsak Thepsuthin said he aimed at limiting the total number of inmates nationwide to around 370,000 – a level at which Thailand's prisons were already severely overcrowded. Given the Thai prison system's official capacity for 123,000 inmates, jails have been regularly operating well over their capacity.

REALITIES ON THE GROUND

Challenges	Cases, Facts, Comments

Challenge 1: Failure to address overcrowding in prisons

In an attempt to downplay the issue of overcrowding, the authorities progressively lowered capacity measurement standards by reducing the space per person to less than one square meter.

An official from Samut Prakan Central prison, on the eastern outskirts of Bangkok, confirmed that an "area of one square meter must be allocated for a pair of inmates," and that prisoners had to "sleep diagonally." This situation prompted Justice Minister Somsak Thepsuthin to say that such capacity measurements provided "less room for a body than the inside of a coffin."

In late December 2019, the surveillance cameras at Lang Suan prison in Chumphon Province were hacked and footage showing inmates living in overcrowded conditions was posted online on YouTube. In a puzzling response, Justice Minister Somsak Thepsuthin said the leaked footage damaged the reputation of Thai prisons and may have violated the rights of inmates.

This UPR Factsheet was prepared by the International Federation for Human Rights (FIDH) on the basis of their Joint NGO Submission with the Union for Civil Liberty (UCL).
Please access the Joint NGO Submission at the following link: https://www.fidh.org/IMG/pdf/20150921_thailand_upr_dp_en.pdf

REALITIES ON THE GROUND

Challenges | **Cases, Facts, Comments**

Challenge 2: Failure to adopt effective policy measures to decongest prisons

Aside from the granting of royal amnesties, the government failed to adopt any effective policy measures to decongest prisons and instead pursued a piecemeal approach in an attempt to address overcrowding in correctional facilities. In February 2020, it was reported that the government had approved a plan to expand the size of sleeping quarters in 93 of the country's 143 prisons.

Timid attempts to implement non-custodial measures failed to reduce prison congestion

In April 2020, the Department of Corrections said that between October 2019 and March 2020, 7,890 prisoners were released as a result of a government's plan to suspend the sentences of certain categories of inmates. However, during the same period of time, Thailand's prison population increased by more than 15,000 inmates. In July 2021, about 35,000 prisoners were released on parole as a result of a royal amnesty on the occasion of King Rama X's birthday.

Challenge 3: Deaths of prisoners

Ongoing reports of deaths of prisoners raised concerns over the seriously inadequate detention conditions, as well as the neglect of prisoners by prison authorities.

With regards to their deaths: In early January 2020, Thai authorities initially attributed their death to toxic goiter caused by the consumption of contaminated food. However, a subsequent statement by Department of Corrections' Director-General that reported that "the environment and food sanitation at the prison were up to safety standards" was in stark contrast to the Justice Minister's decision a few days later to transfer the Phitsanulok prison chief to the Department of Corrections for "negligence and bad management" in connection with the death of the four inmates. The results of an investigation into the cause of death of the four were pending as of late January 2020.

Challenge 4: Prisons conditions below international standards

Between April and August 2018, a team from FIDH and UCL conducted visits to nine of the 12 correctional facilities that, as of December 2018, Thailand's Department of Corrections designated as "model" prisons for women. The designation stemmed from the Department of Corrections' claim that these facilities had successfully implemented the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (also known as the "Bangkok Rules").

The result of observations conducted by FIDH and UCL during their visits revealed that conditions in these facilities were below international standards.

At the time of the start of the FIDH/UCL visits (April 2018), the main issue of concern remained overcrowding. According to Department of Corrections statistics, eight of the nine "model prisons" visited by FIDH and UCL had occupancy levels above 100%, with a maximum of 652% in Thanyaburi Women's Penitentiary.

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

RECOMMENDATIONS

1. On Challenge 1: Failure to address overcrowding in prisons

1.1. Address and resolve the issue of overcrowding in prisons by finding sustainable and effective measures to reduce the prison population.

2. On Challenge 2: Failure to adopt effective policy measures to decongest prisons

2.1. In line with the United Nations Standard Minimum Rules for Non-custodial Measures (also known as the "Tokyo Rules"), **increase the use of alternatives to prison sentences, by developing non-custodial measures within the legal system, including measures aimed at: the avoidance of pre-trial or remand detention and alternatives to prison terms during sentencing.**

2.2. Impose mandatory rehabilitation, as a preferred method of treatment to prison terms, for drug users and drug addicts, and for those convicted of drug use or drug consumption.

3. On Challenge 3: Deaths of prisoners

3.1. **Improve living conditions in prisons** to be in line with the United Nations Standard Minimum Rules for the treatment of Prisoners (also known as the "Nelson Mandela Rules"), **particularly with regard to the amount of space allocated per prisoner, sanitation facilities, and the availability of adequate healthcare.**

4. On Challenge 4: Prisons conditions below international standards

4.1. **Improve conditions for women in prison** in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (also known as the "Bangkok Rules"), **by acknowledging the specific needs of women in prison and ensuring they have adequate medical care and facilities, especially in the case of pregnant women and women with young children.**

4.2. Allow non-governmental organizations with a relevant mandate to conduct visits to places of detention, interview inmates, and assess conditions without undue hindrance.

4.3. Arrange a country visit for the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

REFERENCES

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For more information, evidence and data, please refer to the References and/or contact Mr. Andrea Giorgetta, Director of Asia Desk, Southeast Asia, FIDH (International Federation for Human Rights). Email contact: ag@fidh.org