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Thailand's Prison System at Breaking Point: From Mass Incarceration to Community-Based Rehabilitation



Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group



Joint UPR Submission: Thailand's Prison System at Breaking Point: From Mass Incarceration to Community-Based Rehabilitation (2025-2028)
April 2026

Submission by

The Union for Civil Liberty (UCL), Manushya Foundation, Young Pride Foundation and the Thai CSOs Coalition for the UPR and UN Mechanisms

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1. Introduction

1.1 In this submission, *the Union for Civil Liberty (UCL), Manushya Foundation, Young Pride Foundation, Non-Binary Thailand* and the Thai CSOs Coalition for the UPR present findings on the structural crisis within the Thai correctional system under the framework of the Universal Periodic Review (UPR). This report aims to reflect the widening gap between Thailand's international human rights obligations and the current reality of its penal system, which has transitioned from a manageable capacity issue into a systemic breakdown. The findings are based on evidentiary documentation, case studies, and data collected by the Union for Civil Liberty (UCL), the International Federation for Human Rights (FIDH), Freedom Bridge, highlighting how current judicial policies threaten national stability and the Rule of Law, and from Manushya Foundation and Young Pride Foundation, stressing the inhumane conditions of immigration detention centers. .

1.2 Thailand is a State party to key international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (UNCAT), which establish obligations to ensure the humane treatment of detainees and the right to a fair justice system.

1.3 During the third cycle of the Universal Periodic Review (UPR), Thailand received 278 recommendations, supported 218, and noted 60. A number of the recommendations accepted by Thailand are directly relevant to the issues addressed in this submission, including those calling for the improvement of prison conditions, the reduction of overcrowding, and ensuring that the judicial system adheres to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Notably, Thailand supported specific recommendations to provide health-care services to migrants, refugees, and asylum seekers in detention centres (recommendation 52.70, Iraq), to reform the penitentiary system to ensure humane conditions of detention in accordance with international standards (recommendation 51.75, Russian Federation), and to improve conditions for detainees and sentenced persons to guarantee their right to humane treatment in detention (recommendation 51.76, Ukraine). These recommendations are inextricably linked to the Sustainable Development Goals (SDGs), particularly Goal 16 on peace, justice, and strong institutions, and Goal 10 on reducing inequalities within the legal framework. Overall, implementation remains uneven. While some progress has been observed, including steps toward establishing a National Preventive Mechanism and improvements in healthcare provision, significant gaps persist.

1.4 Although Thailand has formally committed to these international standards, data indicates that the implementation of reforms remains insufficient. As of 2025, the correctional system has reached a breaking point: **120 out of 143 prisons (84%)** are operating beyond standard capacity, with the total inmate population reaching **301,020 individuals**. This surpassing of the 300,000 threshold for the first time since 2021 demonstrates a failure to transition from punitive mass incarceration toward

rehabilitative justice. Furthermore, the **43% recidivism rate** confirms that the current model functions as a revolving door rather than a corrective process.

1.5 Current monitoring indicates that previous progress has been effectively reversed, with a sharp **7% increase** in the inmate population within a single year (2025). These findings suggest that the surge is driven by regressive policy pivots rather than an increase in violent crime. Efforts to address these issues remain largely at the policy discussion stage and have not resulted in the necessary strategic shift toward community-based rehabilitation or public health-led interventions. This lack of concrete legal adoption has hindered the protection of rights for those within the justice system during the 2021–2026 implementation period.

1.6 This submission indicates that Thailand's current judicial and penal policies are no longer sustainable and require an immediate reallocation of resources to preserve systemic integrity. These issues will be discussed in the following manner:

- **Section 2** discusses Thailand's current prison population demographics and the breach of the 300,000-inmate threshold.
- **Section 3** discusses the critical failure of facility capacity and the resulting human rights implications.
- **Section 4** discusses the economic impact of mass incarceration on the national treasury.
- **Section 5** discusses the systemic causes of the 43% recidivism rate and the failure of the rehabilitative model.
- **Section 6** discusses the regressive policy pivots identified by civil society organizations (FIDH, UCL, and Freedom Bridge).
- **Section 7** provides recommendations for transitioning toward community-based rehabilitation and public health-led interventions.

2. Quantitative Analysis of Prison Demographics and Overcrowding

2.1 Comparative Growth of Inmate Population (2025)[1]

2.1.1 Data collected between January and December 2025 indicates a significant increase in Thailand's correctional population. The total inmate population rose from **280,790** to **301,020**, representing a **7%** overall growth rate within a twelve-month period. Disaggregated by gender, the male population increased from **246,173** to **262,784 (7%)**, while the female population grew from **34,617** to **38,236**, reflecting a higher growth rate of **10%**.

[1] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 9, Available at : https://www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

Category	January 2025 (Persons)	December 2025 (Persons)	Growth Rate (%)
Male	246,173	262,784	7%
Female	34,617	38,236	10%
Total	**280,790**	**301,020**	**7%**

2.2.2 The geographic distribution of the inmate population shows extreme density in specific provincial facilities. As of the reporting period, the following occupancy rates were recorded:

- **Buriram Provincial Prison:** 517% occupancy.
- **Roi Et Provincial Prison:** 221% occupancy.
- **Krabi Provincial Prison:** 194% occupancy.

2.2.3 These density levels impact the operational capacity of the state to facilitate the classification and separation of violent and non-violent offenders within these facilities.[2]

2.2 Status of Pre-trial Detention and Fiscal Impact: A significant portion of the current prison population consists of individuals held in pre-trial detention. Currently, **30,428** individuals, representing **10%** of the total inmate population, are being held in custody pending a final court judgment. The management of this population is serviced under a national correctional budget of **17 billion baht**. The current volume of unconvicted detainees directly contributes to the total population burden and influences the allocation of fiscal resources intended for the maintenance of physical human rights standards.

[2] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 10, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

3. Human Rights Gap Analysis: International Standards vs. Local Reality

3.1 Thailand's global reputation and its ability to fulfill humanitarian obligations depend on adherence to international treaties. However, the documented gap between international standards and prison reality is now a liability.

International Minimum Standards vs. Documented Reality[3]

Comparison Metric	Nelson Mandela Rules (Standard)	Documented Reality (Thai Prisons)
Minimum Floor Space	1.6 sqm per person	**0.48 sqm** (minimum recorded)
Bedding/Equipment	Mattress and blanket	**One towel** per person
State Duty of Care	Adequate hygiene and sleep	Fundamental breach of physiological safety

3.2 A floor space of 0.48 sqm represents a fundamental breach of the state's duty of care, creating a physical environment where basic physiological functions—like sleeping on one's back—are physically impossible. This environment directly contradicts the **Nelson Mandela Rules**.[4]

3.3 Conditions of Detention in Immigration Detention Centers (IDCs) in Thailand: According to a 2024 Report by UCL and FIDH, Immigration Detention Centers (IDCs) in Thailand are characterized by systemic and chronic human rights violations, including extreme overcrowding, with occupancy rates reaching up to 155%, squalid living conditions, and inadequate sanitation. Detainees, including women and children, are frequently held in congested and poorly ventilated cells, with severely limited personal space and restricted access to hygiene facilities and basic necessities. The report further indicates inadequate access to food, minimal healthcare, and instances of physical abuse and ill-treatment by authorities, raising serious concerns under international human rights law. The absence

[3] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 35-37, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]
[4] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 35, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

of clear legal time limits on immigration detention results in prolonged and, in some cases, indefinite detention, with individuals held for months or even years.[5] Notably, facilities such as the Suan Phlu Immigration Detention Centre have been repeatedly documented for life-threatening conditions, while specific groups, including Uyghur detainees, have reportedly been held for over a decade in cramped environments with limited access to exercise or adequate facilities.[6] These concerns have been explicitly echoed by the Committee Against Torture, which in its 2024 Concluding Observations expressed grave concern over the use of indefinite immigration detention, the lack of judicial review, and reports of deplorable and life-threatening conditions in immigration detention centres, including cases resulting in deaths of detainees.[7] Despite the severity of these conditions, independent monitoring remains highly restricted, making it difficult to obtain comprehensive and up-to-date information on the situation within IDCs.

3.3.1 An emblematic case highlighting the life-threatening consequences of prolonged immigration detention is the death of a Uyghur asylum seeker in 2023. The individual had been detained in Thailand for nearly a decade under immigration custody without durable solutions, in conditions marked by overcrowding, lack of adequate healthcare, and prolonged uncertainty. According to reports, he died in detention after suffering from serious health complications that were not adequately treated, raising grave concerns regarding the State's failure to ensure access to timely and adequate medical care. This case underscores the human cost of indefinite detention practices in Thailand and reflects broader patterns affecting Uyghur detainees, many of whom have been held for years in precarious conditions without access to basic rights, durable protection, or effective remedies. It further illustrates the urgent need for Thailand to end prolonged detention and uphold its obligations under international human rights law, including the right to life and the prohibition of cruel, inhuman, or degrading treatment.[8]

[5] Union For Civil Liberty (UCL) and International Federation for Human Rights (FIDH), *"Out of sight - Human rights violations in Thailand's immigration detention centers",* (October 2024), available at: http://ucl.or.th/wp-content/uploads/2024/11/out_of_sight_-_human_rights_violations_in_thailand_s_idcs-Eng.pdf (accessed April 2026).

[6] Global Detention Project, *"Asylum Seeker's Death Highlights Brutal Impact of Thailand's Detention Policies"*, (21 February 2023), available at: https://www.globaldetentionproject.org/asylum-seekers-death-reveals-the-brutal-impact-of-thailands-indefinite-detention-measures-and-paltry-treatment-of-people-fleeing-persecution (accessed April 2026).

[7] UN Committee Against Torture (CAT), *Concluding observations on the second periodic report of Thailand*, UN Doc. CAT/C/THA/CO/2, 9 December 2024, paras. 14, 28, 32–33. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FTHA%2FCO%2F2&Lang=en

[8] Human Rights Watch, *Thailand: Detained Uyghur Asylum Seeker Dies*, 27 April 2023, available at: https://www.hrw.org/news/2023/04/27/thailand-detained-uyghur-asylum-seeker-dies (accessed April 2026). See also: Global Detention Project, *"Asylum Seeker's Death Highlights Brutal Impact of Thailand's Detention Policies"*, (21 February 2023), available at: https://www.globaldetentionproject.org/asylum-seekers-death-reveals-the-brutal-impact-of-thailands-indefinite-detention-measures-and-paltry-treatment-of-people-fleeing-persecution (accessed April 2026).

3.3.2 Voices from Lived Experiences - Overcrowding and Unequal Living Conditions: Reports from former and current detainees **(CHC, PM, PP, and ALU)** indicate that living conditions in Immigration Detention Centers (IDCs) in Thailand are severely overcrowded and inadequate. Cells are often small and congested, with approximately 20 to 30 individuals confined within a single room, leaving extremely limited space for movement or rest. Sleeping arrangements are particularly difficult, as many detainees are required to sleep on the floor in tightly packed conditions.[9] Access to slightly improved conditions appears to depend on financial means. Detainees who are able to pay additional fees may secure marginally more space or obtain basic items such as thin, foldable mattresses, with reported prices ranging from 1,000 to 4,000 Thai Baht per night. This creates unequal conditions within detention facilities, where those with financial resources experience comparatively better treatment than others.[10]

3.3.3 Voices from Lived Experiences - Access to food and basic necessities: Testimonies also highlight concerns regarding access to food and basic necessities. The detainee **CHC** reported that after arriving late for a meal due to lack of information about schedules and procedures, food was discarded in front of her rather than being provided, leaving her without a meal for that day. Such incidents point to a lack of communication, flexibility, and consideration for detainees unfamiliar with procedures, particularly those facing language barriers.[11] Additionally, detention centers reportedly operate small internal shops where detainees can purchase food, beverages, and other basic items. However, access to these goods depends entirely on detainees' financial capacity, further reinforcing inequalities within the detention environment.[12]

3.3.4 Voices from Lived Experiences - Punitive measures and language barriers: Detainees who do not understand Thai language or detention procedures face heightened vulnerability to punishment. **CHC** also reported that a detainee disposed of waste incorrectly due to an inability to read or understand Thai instructions. As a result, she was required to clean toilets for ten consecutive days as a form of punishment. This reflects a broader concern regarding the absence of interpretation services and the failure to accommodate non-Thai-speaking detainees.[13]

3.3.5 Voices from Lived Experiences - Mental health and lack of transparency: Conditions in detention have significant impacts on detainees' mental health. **PM** indicated that one woman died by suicide

[9] Manushya Foundation, *Primary data gathered through interviews with Manushya's clients and survivors of transnational repression*, from January 2026-April 2026. (Case of JA, CHC, PM and PP)
[10] Manushya Foundation, *Primary data gathered through interviews with Manushya's clients and survivors of transnational repression*, from January 2026-April 2026. (Case of CHC)
[11] Manushya Foundation, *Primary data gathered through interviews with Manushya's clients and survivors of transnational repression*, from January 2026-April 2026. (Case of CHC)
[12] Manushya Foundation, *Primary data gathered through interviews with Manushya's clients and survivors of transnational repression*, from January 2026-April 2026. (Case of CHC)
[13] Manushya Foundation, *Primary data gathered through interviews with Manushya's clients and survivors of transnational repression*, from January 2026-April 2026. (Case of CHC)

while in detention; however, information surrounding the incident was not disclosed to other detainees, raising concerns about transparency and accountability. Furthermore, she reported that visits by embassy officials to identify individuals particularly those in exile or holding UNHCR refugee documentation create additional psychological distress. Such practices reportedly increase fear and anxiety among detainees, particularly those at risk of persecution or refoulement.[14]

4. Gender-Specific Impacts and Intersectionality

4.1 Under the **Bangkok Rules**, the state is mandated to provide gender-sensitive healthcare. In reality, the Central Women's Correctional Institution houses 120–140 women in 110-sqm rooms, making specialized health screening for elderly or vulnerable women impossible.[15]

4.2 Furthermore, **LGBTIQN+** (Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer) inmates face severe risks. Transgender women in male facilities are frequently victims of violence. Because this abuse is "hidden" under administrative power without independent oversight, the implementation of a National Preventive Mechanism (NPM) is a strategic necessity to protect these populations from state-facilitated harm.[16]

4.3 **LGBTIQ+ refugees and migrants face harassment and discrimination in detention centres:** Owing to the lack of legal recognition of refugees and asylum seekers, all the persons entering in Thailand without a legal permission, are treated according to the 1979 Immigration Act that provides for arbitrary arrest and detention. LGBTIQ+ refugees and irregular migrants facing arbitrary arrests, as a result of their entry and stay in the country, are further exposed to harassment and discrimination from the authorities who often deny them protection. LGBTIQ+ migrants in an irregular situation may be even more vulnerable to harassment, violence and exploitation, as their migratory status may discourage them from seeking redress for the human rights violations they endure. These negative experiences are compounded for trans persons, as they are frequently detained in wards that do not correspond to their self-identified gender or are held in solitary confinement for long periods of time. The placement of LGBTIQ+ people in solitary confinement is recognised as physically and psychologically destructive and can lead to permanent mental and physical health issues.[17]

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[14] Manushya Foundation, *Primary data gathered through interviews with Manushya's clients and survivors of transnational repression*, from January 2026-April 2026. (Case of PM)

[15] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 35, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

[16] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 53, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

[17] Manushya Foundation, JPF, Thai CSOs Coalition for the UPR, Thai Business & Human Rights Network (2021). *Thailand is a Paradise, but only for the 1% #FightRacism. Joint Civil Society Report on the Implementation of the ICERD (Replies to the List of Themes (CERD/C/THA/Q/4-8), for the Review of the Combined Fourth to Eight Periodic Reports of Thailand* (CERD/C/THA/Q/4-8) at the 105th session of the Committee on the Elimination of Racial Discrimination (15 November – 3 December 2021), para 103. Available at: https://www.manushyafoundation.org/joint-civil-society-cerd-shadow-report.

4.4 When they are detained, they are likely to be subjected to inadequate vulnerability screenings, non-gender-appropriate searches, forced nudity, verbal and psychological abuse, physical and sexual violence, and a general lack of medical treatment. Due to the strict binary gender partition of prisons, LGBTI+ inmates are subjected to forced nudity and individual genital exams in order to decide if a transgender refugee should be placed in the male or female cell. Forced disclosure of gender identity not only violates rights to personal dignity, it also puts LGBTIQ+ persons at serious risk of harm within the detention environment. If a transgender woman has not had gender reassignment surgery, she will most likely be placed in a male cell and ordered to cut her hair. Also, transgender women refugees might not be allowed by men in the cell to use the bathroom with them. This situation further exposes transgender detainees to risks of physical, sexual and psychological violence from both immigration detention officers and their cellmates. In addition to that, their access to the medical treatment required by them is very limited in detention centres, while hormone replacement therapy and other treatment associated with gender affirming care are prohibited. In this setting, LGBTI+ migrants' physical and mental health are jeopardised while in detention, as the inability to continue hormone therapy can have grave medical consequences. Several arrested transgender women refugees reported that their transitions were abruptly disrupted and that their facial hair reappeared, causing them severe psychological distress.[18]

4.5 **A widely documented case illustrating these patterns is that of Nur Sajat** (also known as Nur Sadat), a Malaysian transgender woman and refugee, who fled to Thailand in 2021 after facing persecution in Malaysia for her gender identity and expression. Despite being recognized by UNHCR, she was arrested by Thai authorities for irregular entry and detained under immigration procedures. During her detention, she faced significant risks linked to her identity as a transgender woman, including potential placement in male detention facilities, lack of access to gender-affirming care, and heightened exposure to harassment and abuse. Her case highlights how Thailand's immigration detention framework fails to incorporate adequate protection safeguards for LGBTIQ+ refugees, particularly transgender individuals, and demonstrates the real and immediate risks of violence, discrimination, and refoulement faced by those seeking safety. It further underscores the systemic gap between international protection standards and the realities experienced by LGBTIQ+ persons in detention in Thailand.[19]

[18] Manushya Foundation, JPF, Thai CSOs Coalition for the UPR, Thai Business & Human Rights Network (2021). *Thailand is a Paradise, but only for the 1% #FightRacism. Joint Civil Society Report on the Implementation of the ICERD (Replies to the List of Themes (CERD/C/THA/Q/4-8), for the Review of the Combined Fourth to Eight Periodic Reports of Thailand* (CERD/C/THA/Q/4-8) at the 105th session of the Committee on the Elimination of Racial Discrimination (15 November – 3 December 2021), para 104. Available at: https://www.manushyafoundation.org/joint-civil-society-cerd-shadow-report.

[19] BBC News, *"Malaysia transgender woman Nur Sajat 'arrested in Thailand'"*, 10 September 2021, available at: https://www.bbc.com/news/world-asia-59286774 (accessed April 2026).

5. Policy Analysis: Drug Legislation and the Escalation of Capital Punishment

5.1 The primary driver of the 2025 population surge is not criminal behavior, but regressive penal policies that act as a "feeder" for overcrowding.

- **Policy Reversal:** The **June 2024 Ministerial Regulation** regarding drug quantities lowered thresholds for "intent to sell," effectively criminalizing small-scale users. This single policy move reversed a three-year decline in inmate numbers and caused a 4% surge in drug-related incarcerations in 2025 alone. Narcotics offenses now account for 70% of the total population[20].

- **The Death Penalty:** There are currently 429 individuals on death row, a **13% increase**. Most alarming is the surge in women on death row, which has increased by **36%**. Given that **98% of these women** were convicted for drug offenses, this constitutes a disproportionate use of capital punishment and a clear violation of the **ICCPR** (International Covenant on Civil and Political Rights).[21]

- **Fiscal Negative ROI:** The "Arrest-First" model costs the state approximately 9,893 THB per individual for initial processing. When contrasted with a 43% recidivism rate, it is evident the state is investing billions into a system that fails nearly half the time. This represents a massive "sunk cost" with zero dividend for public safety.[22]

6. Operational Failures: Sanitation, Healthcare, and Labor Rights

6.1 Dignity is a functional tool for reintegration, not a "perk." Operational failures result in institutionalization, making post-release stability nearly impossible.

Best-Case vs. Worst-Case Operational Scenarios[23]

[20] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 33, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]
[21] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 15, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]
[22] Thailand Institute of Justice (TIJ), *Cost and Time in Thailand's Justice System (2025)*, Page 119, Available at : https://www.tijthailand.org/publication/detail/cost-and-time-in-thailand-justice-system [Access 7 April 2026]
[23] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 42 - 53, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

Welfare Metric	Best-Case Facility	Worst-Case Facility	Reference/Concern
Daily Water Access	4 hours/day	**1 hour/day**	Insufficient hygiene
Medical Wait Times	1 hour	**1 week**	Risk of preventable death
Sanitary Napkins	12 pieces/month	**6 pieces/6 months**	Severe Bangkok Rules violation
Daily Food Budget	48 THB	**48 THB**	**Universal Failure/Malnutrition**

The 48 THB daily food budget is a universal failure. As noted by the Ombudsman, this rate is insufficient to prevent malnutrition, creating a health liability that the state eventually pays for through emergency medical care.[24]

6.2 Labor Rights and Vocational Training

Vocational programs like garland making are misaligned with the modern job market and pay as little as 90 THB per month. Furthermore, the **2020 Ministerial Regulation** mandating a 70% profit-sharing rule for inmate labor is not transparently implemented, depriving inmates of the transition capital required to prevent re-offending.[25]

7. Comparison between Cycle 3 UPR Recommendations and the Current Situation

7.1 Areas of Alignment (Shared Priorities): Both the UPR Cycle 3 recommendations and the FIDH 2026 report prioritize the alignment of Thailand's correctional system with international human rights standards.

[24] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 47, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]
[25] International Federation for Human Rights (FIDH), Union for Civil Liberty (UCL), and Freedom Bridge, *Thailand: Annual Prison Report 2026*, Page 55-56, Available at : https:/00/www.fidh.org/IMG/pdf/thailande_853a_2026web_-final.pdf [Access 7 April 2026]

- **Penitentiary Reform:** International states recommended that Thailand reform its system to ensure humane conditions. FIDH findings show that while some efforts exist, conditions in most facilities remain below the Nelson Mandela and Bangkok Rules.[26]
- **Prevention of Torture:** UPR recommendations urged the ratification of the Optional Protocol to the Convention against Torture (OPCAT). This remains a key advocacy point in the FIDH report as ratification is still pending.[27]
- **Vulnerable Groups:** Both reports emphasize the rights of women and LGBTIQN+ inmates, specifically following the Bangkok Rules.[28]
- **Decarceration:** UPR highlighted the need for alternatives to incarceration, a sentiment echoed by FIDH as a necessary solution to structural overcrowding.[29]

7.2 Positive Developments (Progress Made): Several advancements in 2025 directly respond to concerns raised during the 3rd UPR Cycle:

- **Specialized Healthcare:** Gender-affirming hormone therapy has become available for transgender women in at least one facility. (No specific recommendation issued on this sub-topic in the 3rd UPR cycle.)
- **Chronic Illness Management:** Most inmates with chronic conditions now receive consistent medication and treatment. (No specific recommendation issued on this sub-topic in the 3rd UPR cycle.)
- **Transparency and Accountability:** Authorities have conducted investigations into "VIP treatment" and corruption, leading to the suspension of several high-ranking officials. (No specific recommendation issued on this sub-topic in the 3rd UPR cycle.)
- **NPM Preparedness:** The Cabinet has designated the National Human Rights Commission of Thailand (NHRCT) to serve as the National Preventive Mechanism (NPM) upon the eventual ratification of OPCAT.[30]

7.3 Ongoing Concerns and Regressions: Despite previous recommendations, several key indicators moved in a negative direction in 2025:

[26] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 51.75-76, Available at : https://docs.un.org/en/A/HRC/49/17.
[27] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 51.6-9, Available at : https://docs.un.org/en/A/HRC/49/17.
[28] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 12 (Presentation by the State under review), Available at : https://docs.un.org/en/A/HRC/49/17.
[29] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 44 (Presentation by the State under review), Available at : https://docs.un.org/en/A/HRC/49/17.
[30] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 51.8, Available at : https://docs.un.org/en/A/HRC/49/17.

- **Worsening Overcrowding:** The prison population surpassed 300,000 for the first time since 2021, with 84% of prisons operating above official capacity.[31]
- **Drug Policy Impact:** New regulations enacted in 2024, which lowered the threshold for personal possession, led to an increase in drug-related prosecutions and convictions. (No specific recommendation issued on this sub-topic in the 3rd UPR cycle(2021).)
- **Death Penalty:** The number of inmates under death sentence increased for the third consecutive year, reaching 429 individuals, 73% of whom were convicted of drug offenses.[32]
- **Basic Welfare Gaps:** Access to clean water remains restricted to a few hours a day in many facilities, and the provision of sanitary pads for female inmates is often insufficient (e.g., as low as 6 pads for 6 months in some zones). (No specific recommendation issued on this sub-topic in the 3rd UPR cycle.)
- **Failure to Separate Detainees:** Despite the launch of "Pre-trial Detention Centers," many individuals awaiting trial are still held in the same cells as convicted prisoners.[33]
- **Restricted Monitoring:** Access for independent human rights organizations to monitor prison conditions remains severely limited, contrary to UPR transparency recommendations.

8. Recommendations

This roadmap serves as an urgent proposal for the Ministry of Justice to restore the sustainability of the penal system.

8.1 Pillar 1: Legal Reform & Decarceration

- **Vulnerable Group Release:** Immediately activate Section 89/1 of the Criminal Procedure Code and the **Department of Corrections Regulation B.E. 2566 (2023)** to move the elderly and chronically ill to non-prison detention within six months, with progress reports every 90 days.
- **Public Health Pivot:** By 2027, revise drug legislation to prioritize "Public Health over Punishment," decriminalizing possession for personal use to reduce prison entry rates.
- **Parole for Security and Ideological Prisoners:** Immediately implement a parole consideration process for prisoners held due to differences in thought, provided they meet the criteria for **"Excellent Class" inmates** or have served **two-thirds of their sentence**, without seeking arbitrary grounds to disqualify their petition.

[31] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 44 (Presentation by the State under review), Available at : https://docs.un.org/en/A/HRC/49/17.
[32] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 51.65-71 (Presentation by the State under review), Available at : https://docs.un.org/en/A/HRC/49/17.
[33] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Thailand, UN Doc. A/HRC/49/17 (21 December 2021), para. 51.76 (Presentation by the State under review), Available at : https://docs.un.org/en/A/HRC/49/17.

- **Inmate Classification Review:** Immediately revert the criteria for prisoner classification review to **every six months** as previously practiced, to increase opportunities for **parole and royal pardons**.
- **Unlocking Royal Pardon Eligibility:** By 2028, amend laws and regulations to ensure that inmates in **all categories of cases** have the right to petition for a **Royal Pardon**.
- **Responsible Agencies:** Ministry of Justice, Department of Corrections, Office of the Narcotics Control Board (ONCB).

Recommendation: Right to Health Without Discrimination for LGBTIQN+ Persons

- Take all necessary legislative, administrative, and other measures to ensure the enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity. This is particularly urgent given that LGBTIQ+ people continue to experience stigma and discriminatory practices when accessing health services in Thailand, including insensitive conduct, irrelevant questioning, breaches of confidentiality regarding SOGIE, and denial of medical services.
- Intensifying measures for all LGBTIQ+ persons, with particular attention to those facing intersecting marginalization, including trans people in detention, youth, people living with HIV, sex workers, and migrant workers ensuring access to gender-affirming care, HIV and AIDS services, sexual and reproductive health and rights (SRHR), and mental health support
- Removing existing limitations within Universal Health Coverage (UHC) related to gender-affirming healthcare
- Establishing institutional measures to protect clients' privacy, with mandatory personnel training on these policies and their implementation.

Recommendations: Immigration Detention in Thailand (IDCs)

- Establish a clear legal framework recognizing refugees and asylum seekers, in line with international standards, to prevent their criminalization and detention under immigration laws and ensure full respect for the principle of non-refoulement.
- End arbitrary and indefinite immigration detention by amending the Immigration Act B.E. 2522 (1979) to ensure that detention is used only as a measure of last resort, for the shortest possible period, and subject to regular and effective judicial review, in line with international human rights standards.
- Adopt and expand non-custodial, community-based alternatives to detention, particularly for refugees, asylum seekers, stateless persons, children, and other individuals in vulnerable situations, ensuring that children are never detained on the basis of their or their parents' migration status.

- Ensure that conditions in Immigration Detention Centers comply with international standards, including the Nelson Mandela Rules, by addressing overcrowding, improving sanitation, ventilation, access to bedding, and guaranteeing adequate food, clean water, and hygiene products free of charge.
- Guarantee equal treatment of all detainees by prohibiting any system in which access to basic necessities or improved living conditions depends on financial capacity, and ensure that all essential services are provided without discrimination.
- Ensure access to adequate healthcare, including mental health services, for all detainees, and establish protocols for the timely identification and treatment of serious medical conditions, with particular attention to vulnerable groups.
- Prevent deaths in detention and ensure accountability by mandating prompt, independent, and transparent investigations into all deaths in custody, in line with the Minnesota Protocol, and ensuring that families are informed and provided with access to remedies.
- Ensure transparency and independent monitoring of detention facilities by granting full, regular, and unannounced access to all places of detention to the National Human Rights Commission of Thailand, civil society organizations, and international monitoring bodies, and guarantee the ability to conduct confidential interviews with detainees without risk of reprisal.
- Provide access to interpretation and information by ensuring that all detainees receive information on their rights, detention procedures, and services in a language they understand, and are not subjected to punishment due to language barriers.
- Protect detainees from refoulement and intimidation, including by regulating interactions with foreign embassy officials to ensure they are voluntary, confidential, and do not expose detainees to risks of persecution or coercion.
- Ensure access to legal safeguards and remedies, including the right to legal counsel, to challenge the lawfulness of detention, and to seek asylum or international protection through fair and individualized procedures.

Recommendation: Protection of LGBTIQ+ Refugees and Migrants in Detention

- Take all necessary legislative, administrative, and policy measures to ensure that LGBTIQ+ refugees, asylum seekers, and migrants are protected from discrimination, violence, and arbitrary detention, including by prohibiting placement in detention facilities that do not correspond to their self-identified gender and ending the use of solitary confinement as a form of "protection."
- Establish mandatory, rights-based vulnerability screening procedures upon arrest and prior to detention, with specific safeguards for LGBTIQ+ individuals.
- Ensure access to gender-affirming healthcare, including hormone replacement therapy, and prohibit forced medical examinations, forced disclosure of gender identity, and degrading treatment in detention settings.

- Develop and implement non-custodial, community-based alternatives to immigration detention for LGBTIQ+ persons, in line with international human rights standards and the principle of non-refoulement.

Related National Law

- National Health Security Act B.E. 2545 (2002), which establishes Thailand's UHC system. In 2025
- 5th National Human Rights Plan (2023–2027) ensures that all actors are committed to promoting human rights and gender equality

Alignment with Prior UN Recommendations

- **UN Special Rapporteur on the right to health, Preliminary Observations following her official visit to Thailand (2025, page 4:** The Special Rapporteur, Ms. Tlaleng Mofokeng, highlighted that "there are varied experiences within the public sector regarding the needs of LBQ women and transmasculine people in accessing reproductive health services." She emphasized that LGBTIQA+ health must be meaningfully integrated into the realization of their rights as citizens, extending beyond a narrow focus on gender-affirming or reassignment surgeries, particularly those framed within the medical tourism industry.
- **Visit to Thailand, Report of the Working Group on discrimination against women and girls (page 15-16, para 90-93),:** LBTIQ+ women also face difficulty in accessing housing and healthcare, and these difficulties are exacerbated for migrants, refugees and asylum-seekers. The experts were told that gender-affirming care and critical medication, such as hormone replacement therapy, are not always covered in the public healthcare scheme and are prohibitively expensive for many LBTIQ+ women.
- SDG 3 Good health and well being: SDG 3.8 (achieve universal health coverage, including access to quality essential health-care services); SDG 3.4 (reduce premature mortality from non-communicable diseases through prevention and treatment, and promote mental health and well-being).

8.2 Pillar 2: Fiscal Reallocation

- **Harm Reduction Fund:** By the 2028 fiscal year, reallocate the 9,893 THB "Arrest Cost" per head into a community-based fund for harm reduction and addiction support.
- **Welfare Floor:** By the 2028 fiscal year, increase the daily food budget to reflect actual living costs and ensure 24-hour water access in all facilities to meet Mandela Rules.
- **Essential Goods:** By the 2028 fiscal year, provide basic commodities, including **bedding suitable for fundamental needs**. This must include a **sufficient supply of sanitary pads based on actual demand**.

- **Medical Services:** By the 2028 fiscal year, ensure **adequate and easily accessible medical and emergency services**. This includes providing **transgender inmates with consistent access to gender-affirming hormone therapy**.
- **Transgender Spaces:** By the 2028 fiscal year, provide **separate and partitioned sleeping quarters and bathrooms** specifically for transgender inmates.
- **Responsible Agencies:** Budget Bureau, Ministry of Justice, Ministry of Public Health

8.3 Pillar 3: Structural Reform & Oversight

- **JSOC Act Activation:** Utilize **Article 5 of the JSOC Act (Act on Measures to Prevent Repeat Offenses in Sexual or Violent Offenses, B.E. 2565 (2022))** to formally involve Civil Society Organizations (CSOs) in designing gender-sensitive rehabilitation programs by the end of 2026.
- **Independent Oversight:** Ratify **OPCAT** by 2027 to establish an independent **National Preventive Mechanism (NPM)** for unannounced prison inspections.
- **Capital Punishment:** Move to abolish the death penalty for drug offenses by 2028 to align with the ICCPR.
- **Responsible Agencies:** Parliament, Cabinet, National Human Rights Commission.

The cost of inaction is the continued operation of a multi-billion-baht recidivism factory. Transitioning to a model of human dignity and community rehabilitation is the only path to fiscal and social sustainability.

Annex: Compendium of International Instruments

- **ICCPR:** International Covenant on Civil and Political Rights.
- **OPCAT:** Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- **Bangkok Rules:** United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.
- **Nelson Mandela Rules:** United Nations Standard Minimum Rules for the Treatment of Prisoners.
- **CEDAW:** Convention on the Elimination of All Forms of Discrimination against Women.
- **Yogyakarta Principles:** Principles on the application of international human rights law in relation to sexual orientation and gender identity.

Joint UPR Submission: Thailand's Prison System at Breaking Point: From Mass Incarceration to Community-Based Rehabilitation

April 2026

Submission by

The Union for Civil Liberty (UCL) is a non-governmental organization dedicated to the promotion and protection of human rights and democratic principles in Thailand. Founded in the wake of the 1973 democratic movement, UCL works to empower marginalized communities, advocate for legal reform, and monitor state actions to ensure compliance with international human rights standards. Our mission is to foster a society where justice, liberty, and human dignity are guaranteed for all.

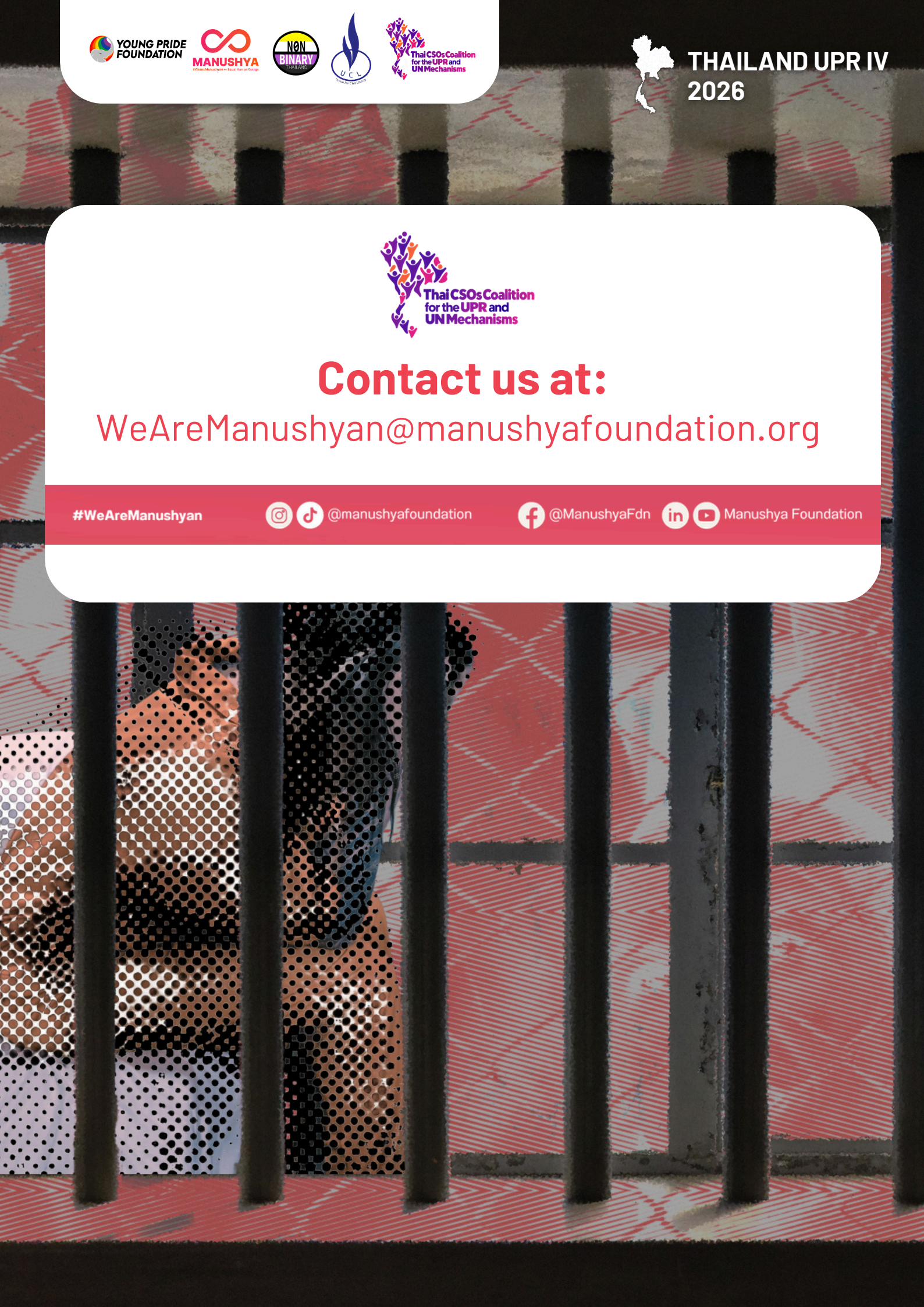
Young Pride Foundation is a trans- and youth-led organization dedicated to achieving full, meaningful participation for LGBTQ+ youth in Thailand's decision-making processes. Through nationwide workshops, digital advocacy, and the organization of major events like Youth Pride Thailand and Chiang Mai Pride, the Foundation empowers young activists to lead the movement for marriage equality, gender recognition, and inclusive education.

Non-Binary Thailand Established in 2015, Non-Binary Thailand is established to advocate for the community of non-binary people across the country. The organization operates at the intersection of gender identity and systemic reform, working to ensure the fundamental human rights, legal recognition, and social inclusion of non-binary individuals nationwide. The group has an organised structure with board members responsible for guiding the core advocacy vision and overall strategy, and two divisions exercising the advocacy work, consisting of the democracy unit and the international relations (IR) unit. These two units have their own functions that complement each other. For the democracy unit, the aim is to promote and participate in democracy movements within the country, as the IR units have the task of building and sustaining strategic networks with regional CSOs, international human rights activists, and ensuring that localized struggles in Thailand are amplified on the ASEAN and global stage.

Manushya Foundation is a women-led, decolonial and intersectional feminist organisation building cross-border safety nets of protection, solidarity, and accountability across Asia. We strengthen the political power and decision-making leadership of feminists, youth movements, and frontline communities. Our work shifts power by bridging emergency protection for activists facing repression and transnational repression, movement lawyering to confront corporate abuse and false climate solutions, defense of digital rights and civic space in increasingly surveilled environments, and grassroots-led advocacy engaging international accountability systems to advance structural justice.
For more, see https://www.manushyafoundation.org/.

The **Thai CSOs Coalition for the UPR and UN Mechanisms (Universal Periodic Review)**, established during Thailand's Second UPR cycle, is a people-led, intersectional feminist movement bringing together local communities and national civil society organisations across all human rights sectors. As one of the largest intersectional grassroots-led movements in Thailand, it engages with the UPR and UN treaty bodies, connecting struggles from Indigenous Peoples' rights, land and environmental justice, and labour rights to digital rights, freedom of expression, transnational repression, and the protection of human rights defenders, migrants, political refugees, youth, LGBTIQ+ individuals, and communities facing systemic marginalization. It fosters solidarity among communities facing shared challenges and strengthens collective action to demand accountability from the state and companies for their international human rights obligations.





THAILAND UPR IV
2026

Thai CSOs Coalition for the UPR and UN Mechanisms

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