



fidh



THAILAND ANNUAL PRISON REPORT 2023

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Executive summary

In the aftermath of the COVID-19 outbreak in its prison system in 2021,¹ Thailand made little progress in implementing lessons learned from the pandemic to improve detention conditions and guarantee the well-being of inmates in 2022.

Prison conditions remained below international standards, with prisoners facing ongoing challenges in numerous areas, including: crowded and inadequate conditions of accommodation; cruel, inhuman, or degrading treatment and punishment; unsanitary conditions; extremely poor quality of food and drinking water; inadequate access to healthcare; exploitative work; limited contacts with the outside world; lack of recreational and rehabilitative activities; and ineffective complaint procedures.

In addition, independent human rights organizations' access to prisons to monitor conditions continued to be unduly restricted.

Among the positive developments in 2022, authorities pledged to adopt measures to eradicate abusive labor practices in prisons across the country. For example, the Department of Corrections (DoC) ordered an end to the contracts for the use of prison labor for the production of fishing nets.

Another positive development was the decrease of the total prison population by 6%, which was part of a downward trend that started in 2019. However, overcrowding continued to plague prisons, with 106 of Thailand's 143 facilities operating above their official capacity. Individuals held in pre-trial detention continued to account for a significant share (nearly 20%) of prisoners.

As the COVID-19 situation eased across prisons nationwide, many measures that had been introduced to prevent the spread of the virus were relaxed or discontinued. Regrettably, among the discontinued measures were several early release schemes aimed at reducing the number of prisoners.

Although the new Narcotics Code, which came into effect at the end of 2021, foresaw greater use of non-custodial sanctions and more proportionate penalties for drug possession for personal use, the overwhelming majority (almost 80%) of prisoners remained incarcerated for drug-related offenses. In addition, the number of prisoners under death sentence increased by 14%, reversing a three-year downward trend. Meanwhile, as part of its efforts to reform the country's punitive drug laws to decongest prisons, the government removed cannabis and hemp from the list of illicit narcotic drugs.

Now in its second edition, the annual prison report 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.

1. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022

List of acronyms

AIDS	Acquired immune deficiency syndrome
BMA	Bangkok Metropolitan Authority
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/ Committee on the Elimination 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
FIDH	International Federation for Human Rights
HIV	Human immunodeficiency virus
ICRC	International Committee of the Red Cross
IEAT	Industrial Estate Authority of Thailand
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, and queer
MoJ	Ministry of Justice
NHRCT	National Human Rights Commission of Thailand
RT-PCR	Reverse transcription polymerase chain reaction
TIJ	Thailand Institute of Justice
UCL	Union for Civil Liberty
UN	United Nations
UNGPs	UN Guiding Principles on Business and Human Rights
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
WGAD	Working Group on Arbitrary Detention

2022 in a nutshell

Negative developments

- Sub-standard prison conditions.
- Denial of independent access to prisons.
- Increase in the number of prisoners under death sentence.

Positive developments

- Decrease in the total prison population.
- Ban on the use of prison labor to produce fishing nets.

2022 in numbers

6%

Decline in the total prison population

19%

Percentage of pre-trial prisoners

79%

Percentage of prisoners incarcerated for drug-related offenses

14%

Increase in the number of prisoners under a death sentence

42%

Percentage of recidivist prisoners

2.8%

Percentage of prisoners with special needs

2.8%

Percentage of foreign prisoners

74%

Percentage of prisoners who received COVID-19 booster shots

40,291

Number of COVID-19 cases reported in prisons nationwide

139

Number of COVID-19 deaths reported in prisons nationwide
(January to September)

1. Introduction

Now in its second edition, the annual prison report is the first and only independent and comprehensive review of prison conditions in Thailand. The 2023 report covers developments, trends, facts, and figures from 1 January to 31 December 2022. 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 15 former prisoners (12 men and three women) released at various times in 2022.² The interviews were conducted between 18 November 2022 and 27 December 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

In 2022, the total prison population in Thailand continued to decrease. This decrease is part of a downward trend that started in 2019. However, the number of prisoners in many facilities across the country continued to exceed their official capacity, with a significant share of the inmates held in pre-trial detention. Although the new Narcotics Code, which came into effect at the end of 2021, foresaw greater use of non-custodial measures and more proportionate penalties for drug possession for personal use, the majority of prisoners in 2022 remained incarcerated for drug-related crimes. Contrary to the decline in the overall prison population, the number of prisoners on death row increased, reversing the decrease observed between 2019 and 2021. Moreover, drug-related offenses continued to account for the majority of crimes for which death sentences were imposed.

According to the latest figures from the Department of Corrections (DoC) as of 30 September 2022, the Thai prison system comprised 143 prisons and correctional facilities³ with a total official capacity for 232,165 inmates (198,981 men and 33,247 women).⁴ In addition, in fiscal year 2022 (from 1 October 2021 to 30 September 2022), there were a total of 11,980 correctional officers, with the average staff-to-prisoner ratio of 1:23.⁵ Staff shortages led to unreasonable working hours of 94 hours per week, including 24-hour shifts, according to the DoC.⁶

2. The 12 men were detained at: 1) Nong Bua Lamphu Provincial Prison in Nong Bua Lamphu Province; 2) Bangkok Remand Prison in Bangkok; 3) Central Special Treatment Center in Bangkok; 4) Songkhla Provincial Prison in Songkhla Province; 5) Narathiwat Provincial Prison in Narathiwat Province. The three women were detained at: 1) Ratchaburi Central Prison in Ratchaburi Province and 2) Central Women's Correctional Institution in Bangkok.

3. In District prisons (for pre-trial prisoners and prisoners sentenced to less than 10 years), Central prisons (for pre-trial prisoners and prisoners sentenced to more than 15 years), and Provincial prisons (for pre-trial prisoners and prisoners sentenced to less than 15 years), male and female prisoners are held in separate sections of the same prison. There are also eight correctional institutions specifically for women (for pre-trial prisoners and prisoners sentenced to any term or the death penalty): Chonburi Women's Correctional Institution in Chonburi Province; Nakhon Ratchasima Women's Correctional Institution in Nakhon Ratchasima Province; Chiang Mai Women's Correctional Institution in Chiang Mai Province; Phitsanulok Women's Correctional Institution in Phitsanulok Province; Songkhla Women's Correctional Institution in Songkhla Province; Central Women's Correctional Institution for Drug Addicts in Bangkok; Central Women's Correctional Institution in Bangkok; and Thonburi Women's Correctional Institution in Bangkok.

4. Department of Corrections, *Summary of the policy implementation of the Director of the Department of Corrections (Next Normal) for the fiscal year 2022, fourth quarter (1 October 2021 – 30 September 2022)*, 20 October 2022 [in Thai]

5. Department of Corrections, *Report of the achievements of the annual action plan (2022) of the Department of Corrections*, 11 January 2023 [in Thai]

6. Department of Corrections, *Report of the achievements of the annual action plan (2022) of the Department of Corrections*, 11 January 2023 [in Thai]

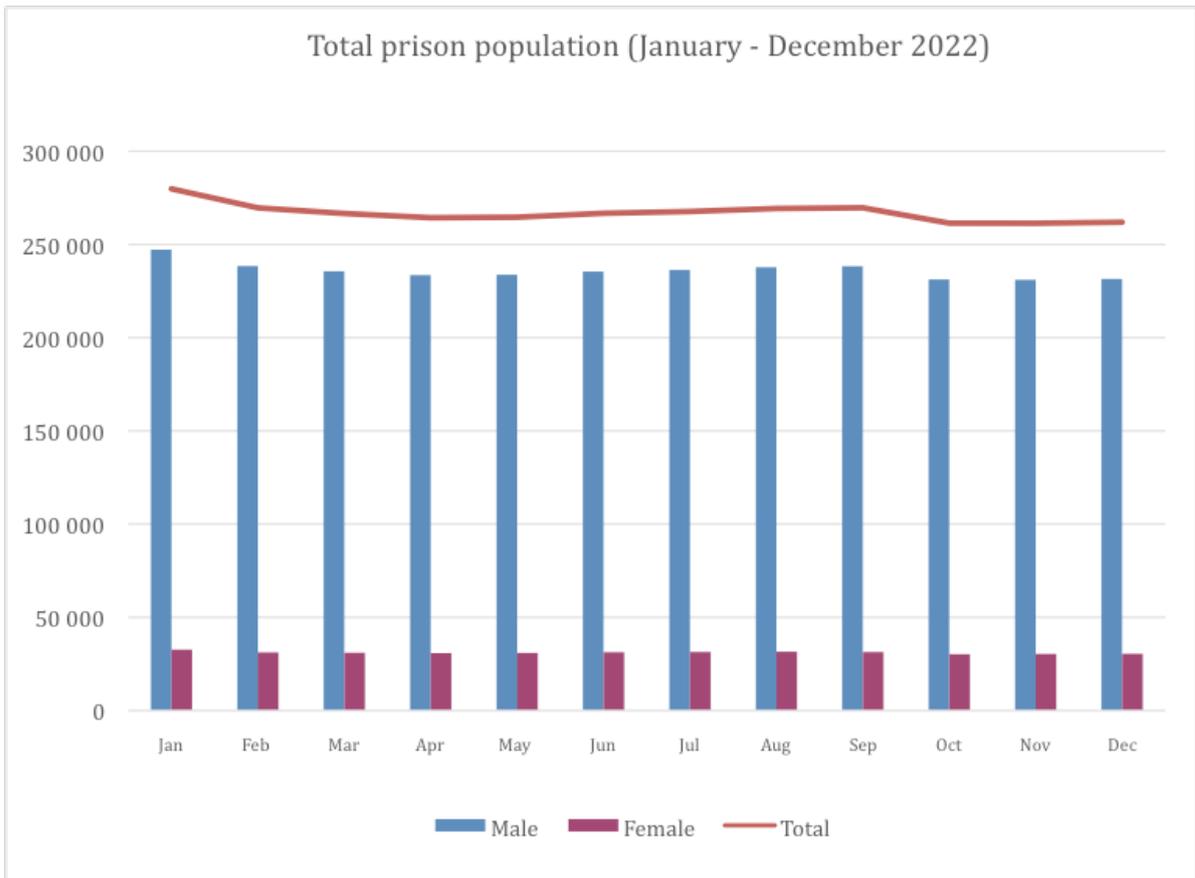
Below is an analysis of some of the key trends in Thailand’s penitentiary system and its population, between January and December 2022.

2.1. Total prison population declines

From January to December 2022, Thailand’s overall prison population declined. On 1 January 2022, there were 279,812 (247,164 men and 32,648 women) inmates in prisons. As of 1 December 2022, the number went down to 261,919 (231,506 men and 30,413 women). However, this 6% decrease was lower than the 27% drop recorded in 2021.⁷ By the end of 2022, the total prison population was back to roughly the same level as it was in March 2013, when it stood at 261,289 inmates.

Total prison population (January – December 2022)			
Month / year	Male	Female	Total
January 2022	247,164	32,648	279,812
February 2022	238,442	31,169	269,611
March 2022	235,595	30,994	266,589
April 2022	233,536	30,789	264,325
May 2022	233,705	30,896	264,601
June 2022	235,436	31,264	266,700
July 2022	236,293	31,372	267,665
August 2022	237,763	31,504	269,267
September 2022	238,308	31,349	269,657
October 2022	231,223	30,178	261,401
November 2022	231,031	30,317	261,348
December 2022	231,506	30,413	261,919

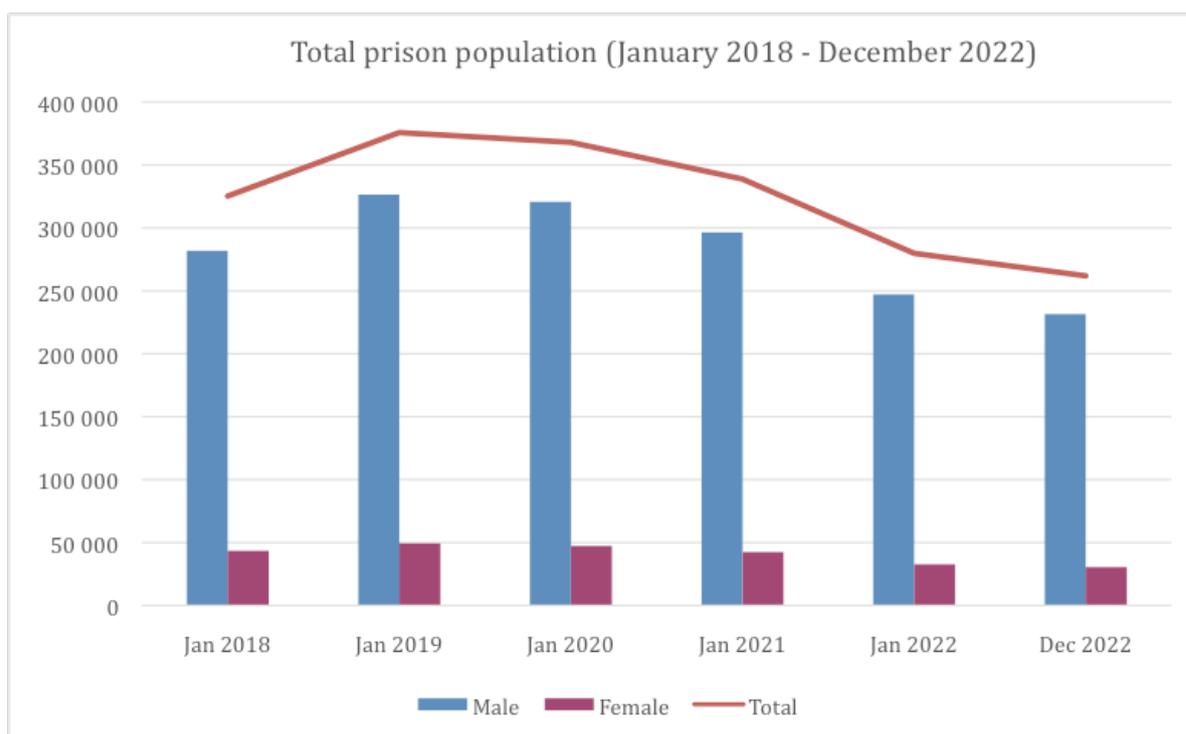
7. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022



Convicted prisoners categorized by the length of prison sentences (as of 1 December 2022)				
Category	Male	Female	Total	%
Less than 3 months	379	38	417	0.20
More than 3 months to 6 months	1,319	185	1,504	0.72
More than 6 months to 1 year	5,326	469	5,831	2.78
More than 1 year to 2 years	27,182	3,930	31,112	14.82
More than 2 years to 5 years	65,248	7,917	73,165	34.86
More than 5 years to 10 years	31,291	3,689	34,980	16.67
More than 10 years to 15 years	20,817	3,421	24,238	11.55
More than 15 years to 20 years	8,939	1,556	10,495	5.00
More than 20 years to 50 years	19,061	2,628	21,689	10.33
More than 50 years	833	109	992	0.47
Life sentence	2,926	369	3,295	1.57
Death sentence	43	3	46	0.02
Unidentifiable	2,020	108	2,128	1.01
Total	185,470	24,422	209,892	100.00

The decline in the total prison population in 2022 is also part of a downward trend over the past five years.

Total prison population (January 2018 – December 2022)			
Month / year	Male	Female	Total
January 2018	281,872	43,426	325,298
January 2019	326,439	49,324	375,763
January 2020	320,737	47,256	367,993
January 2021	296,429	42,377	338,806
January 2022	247,164	32,648	279,812
December 2022	231,506	30,413	261,919



2.2. Occupancy levels remain high

Despite the DoC's acknowledgement in recent years of chronic and severe levels of overcrowding in prisons,⁸ the prison population figures for 2022 showed that the total occupancy level of the prison system continued to exceed its official capacity.⁹

The most recent official capacity of 232,165 inmates, reported in 2022, was significantly lower than the official capacity in 2021, which stood at 310,157 inmates – a decrease of about 25%.¹⁰ This is possibly due to the new official calculation of occupancy levels based on a newly approved minimum space for accommodation, which increased from 1.2m² (60cm x 2m) per prisoner in previous years to 1.6m² (80cm x 2m) in 2022.¹¹ The new expansion of accommodation space, which came into effect on 4 January 2022, was part of the DoC's effort to improve living conditions of detainees.¹² Nevertheless, the space allocated to each prisoner remained significantly (52.9%) below the recommended international standard. According to the International Committee of the Red Cross (ICRC), the floor space available to each detainee in shared accommodations or dormitories should not be less than 3.4m².¹³

The latest statistics by the DoC as of 5 December 2022 showed that 106 prisons nationwide operated above their intended capacity, calculated using the minimum space of 1.6m² per inmate.¹⁴ Prison overcrowding was concentrated in some prisons. For instance, Buriram Provincial Prison in Buriram Province accommodated 326% more male inmates and 276% more female inmates

8. Department of Corrections, *Future management direction of the Director of the Department of Corrections (Dr. Ayuth Sithipun)*, 10 November 2022 [in Thai]

9. Department of Corrections, *Summary of the policy implementation of the Director of the Department of Corrections (Next Normal) for the fiscal year 2022, fourth quarter (1 October 2021 – 30 September 2022)*, 20 October 2022 [in Thai]

10. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022

11. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022

12. Department of Corrections, *Policy of the Director of the Department of Corrections (Ayuth Sittoppunt) for the work of the Department of Corrections in the fiscal year 2022*, 25 October 2021 [in Thai]

13. ICRC, *Water, Sanitation, Hygiene and Habitat in Prisons*, August 2005

14. Department of Corrections, *Report of the overcrowding situation in prisons/correctional facilities*, 5 December 2022 [in Thai]

than its official capacity.¹⁵ In Na Thawi District Prison in Songkhla Province, the male population exceeded the official capacity by 58%, while the female population was 107% higher than the prison capacity.¹⁶ Nakhon Nayok Provincial Prison in Nakhon Nayok Province accommodated 50% more male prisoners and 33% more female prisoners than its official capacity.¹⁷ In Uttaradit Provincial Prison in Uttaradit Province, the numbers of male and female prisoners exceeded the official capacity by 45% and 33%, respectively.¹⁸ Fang District Prison in Chiang Mai Province had 22% more male prisoners and 27% more female prisoners than its official capacity.¹⁹

2.3. Significant number of pre-trial detainees

Between January and December 2022, the rate of prisoners detained without having been convicted and sentenced remained stable, ranging between 18% and 20% of the total prison population. As of 1 December 2022, 49,522 prisoners in Thailand, or about 18.9% of the prison population, were held in pre-trial detention.²⁰ Compared to January 2022, the pre-trial population totaled 53,386 detainees, or 19% of the overall prison population.

Number of pre-trial detainees (January – December 2022)		
Month / year	Pre-trial detainees	% of the total prison population
January 2022	53,386	19.08
February 2022	53,679	19.91
March 2022	54,363	20.39
April 2022	54,282	20.57
May 2022	53,857	20.35
June 2022	54,554	20.45
July 2022	47,552	20.14
August 2022	47,279	19.92
September 2022	45,620	19.14
October 2022	43,582	18.85
November 2022	44,769	19.33
December 2022	49,522	18.91

15. The official capacity of Buriram Provincial Prison was 115 male inmates and 17 female inmates.

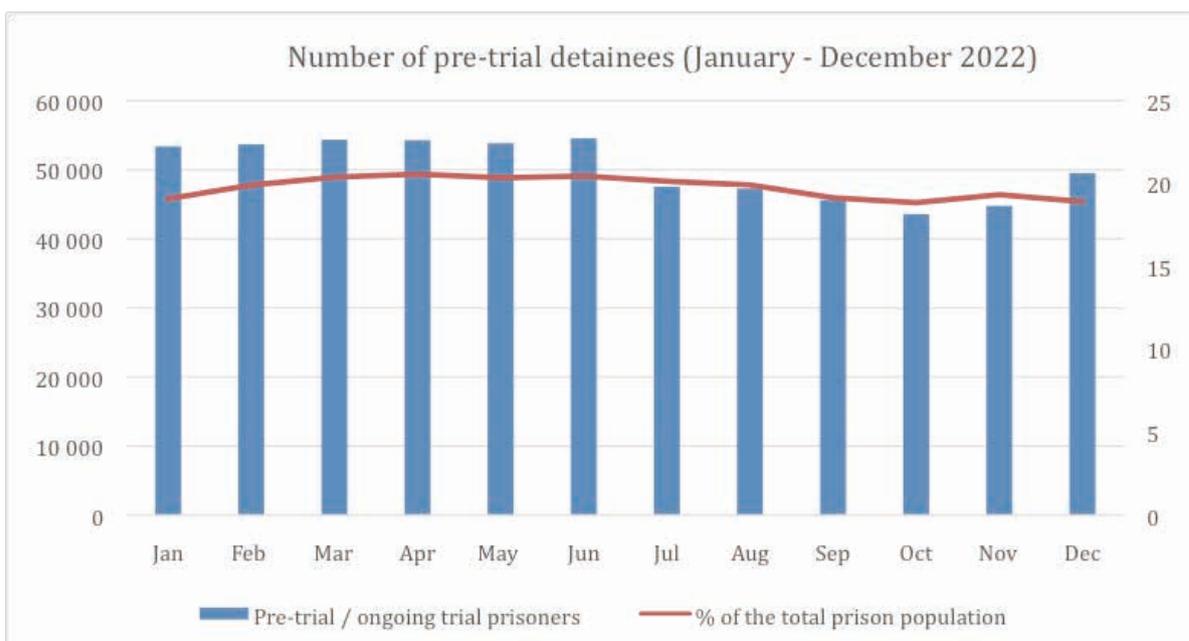
16. The official capacity of Na Thawi District Prison was 1,091 male inmates and 98 female inmates.

17. The official capacity of Nakhon Nayok Provincial Prison was 388 male inmates and 54 female inmates.

18. The official capacity of Uttaradit Provincial Prison was 1,040 male inmates and 190 female inmates.

19. The official capacity of Fang District Prison was 609 male inmates and 101 female inmates.

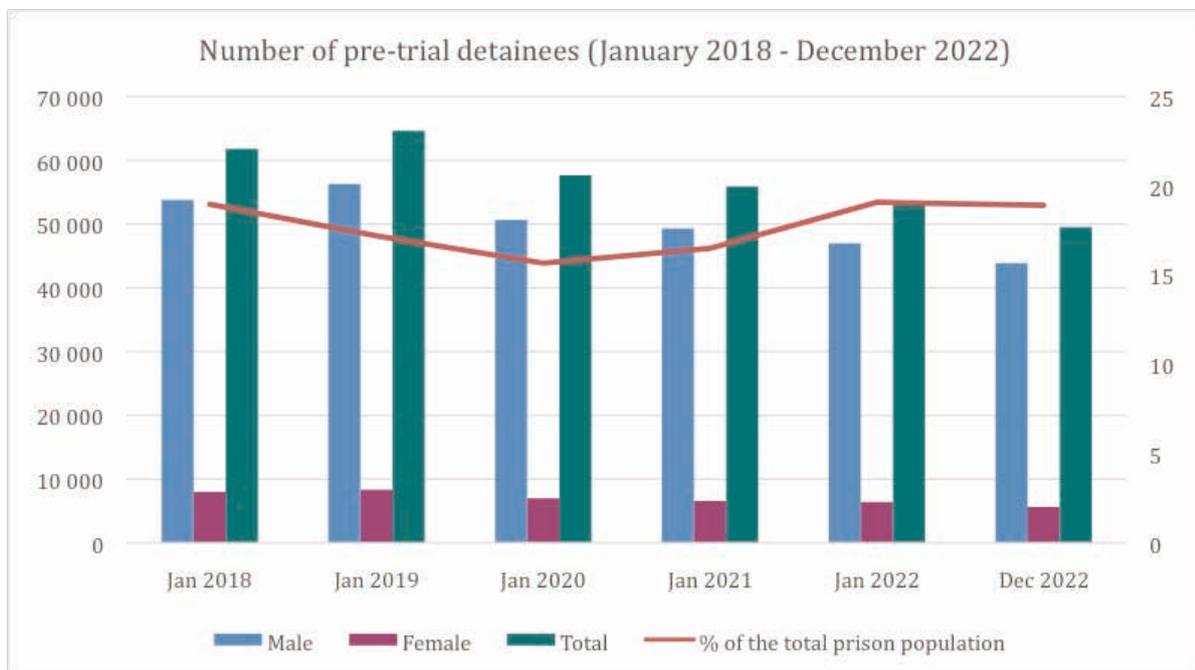
20. Pre-trial detainee refers to an individual detained: (1) while awaiting a court hearing; (2) during an ongoing court process; or (3) during an appeal process.



Categories of prisoners (as of 1 December 2022)				
Category	Male	Female	Total	% of the total prison population
1. Convicted prisoners	185,746	24,485	210,231	80.27
2. Remand prisoners	43,880	5,642	49,522	18.91
2.1 Court of Appeals, Supreme Court	26,570	3,234	29,804	11.38
2.2 Investigation/trial in court of first instance	5,799	1,012	6,811	2.60
2.3 Inquiry	11,511	1,396	12,907	4.93
3. Juveniles in detention	19	1	20	0.01
4. Sentenced to relegation	48	7	55	0.02
5. Confined	1,813	278	2,091	0.80
Total	231,506	30,413	261,919	100.00

From 2018 to 2022, the number of pre-trial detainees in Thai prisons declined, from 61,795 to 49,522. However, in December 2022, the percentage of pre-trial detainees to the overall prison population remained virtually unchanged compared to January 2018, at nearly 19%.

Number of pre-trial detainees (January 2018 – December 2022)				
Month / year	Male	Female	Total	% of the total prison population
January 2018	53,784	8,011	61,795	18.99
January 2019	56,292	8,329	64,621	17.20
January 2020	50,661	6,992	57,653	15.67
January 2021	49,316	6,591	55,907	16.50
January 2022	46,984	6,402	53,386	19.08
December 2022	43,880	5,642	49,522	18.91

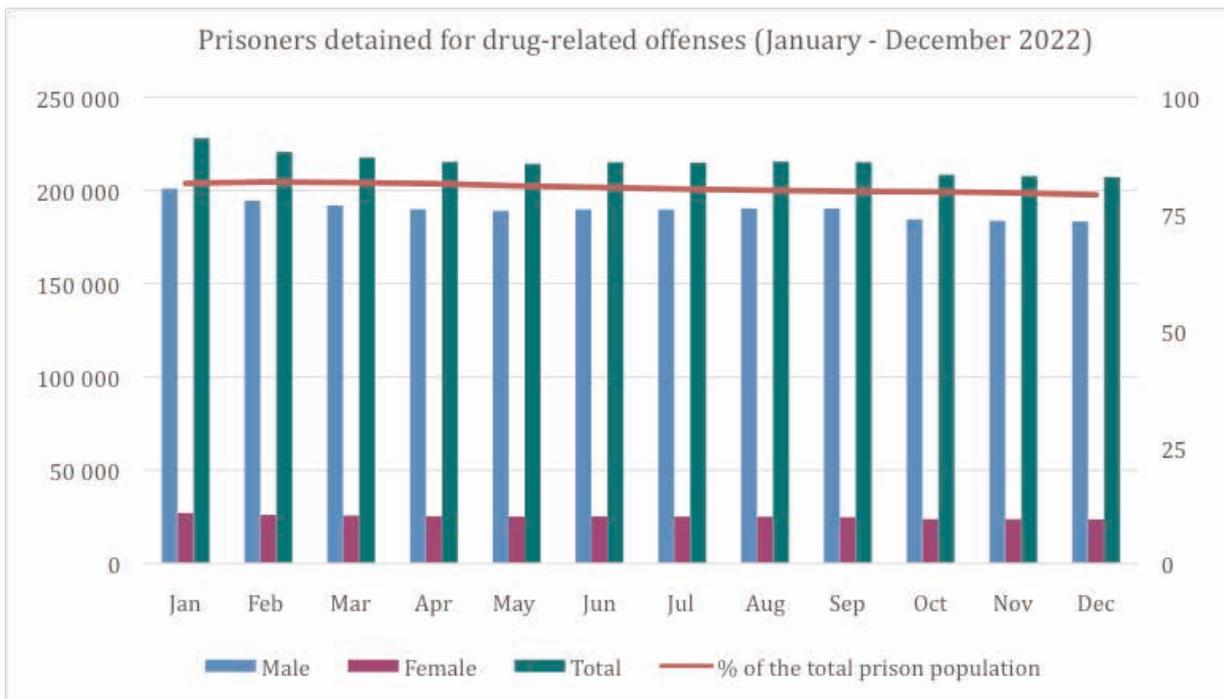


2.4. High rate of prisoners incarcerated for drug-related offenses

Despite attempts to ensure proportionate sentencing and prioritization of treatment over punishment for drug convicts [See below, *Chapter 5*], the number of prisoners jailed for drug-related offenses continued to be high. In 2022, it continued to account for the vast majority of the total prison population, at around 79-81%. From January to December 2022, the percentage of prisoners jailed for drug-related offenses decreased by 2%. As of 1 December 2022, 207,085 inmates (183,355 men and 23,731 women) were incarcerated for drug-related crimes, representing 79% of the prison population.

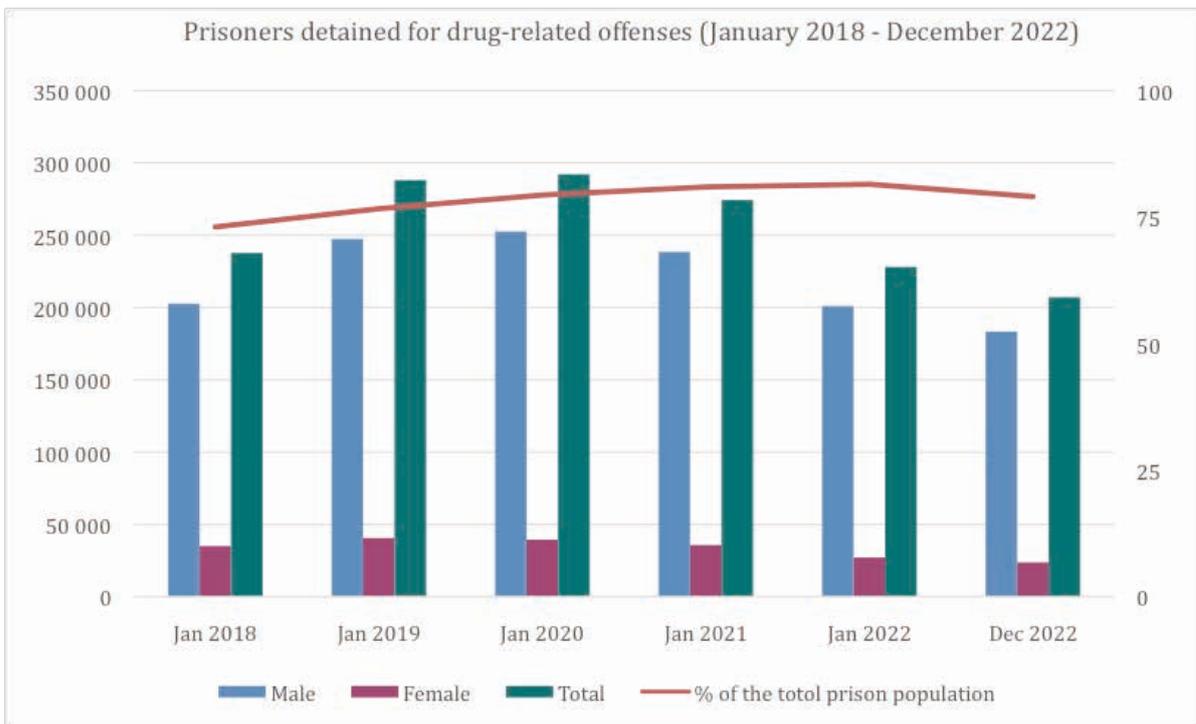
Convicted prisoners categorized by offenses (as of 1 December 2022)				
Category	Male	Female	Total	% of the total prison population
Drug-related offenses	151,167	19,851	171,018	81.48
Property-related offenses	13,592	3,337	16,929	8.07
Life-related offenses	9,629	314	9,943	4.74
Sex-related Offenses	4,842	168	5,010	2.39
Body-related offenses	1,174	45	1,219	0.58
Public danger-related offenses	49	4	53	0.03
Others (i.e. petty crime, immigration Act, Forest Act, etc.)	5,018	702	5,720	2.73
Total	185,471	24,421	209,892	100.00

Prisoners detained for drug-related offenses (January – December 2022)				
Month / year	Male	Female	Total	% of the total prison population
January 2022	200,929	27,120	228,049	81.50
February 2022	194,500	26,103	220,603	81.82
March 2022	191,932	25,767	217,699	81.66
April 2022	189,861	25,428	215,289	81.45
May 2022	189,061	25,198	214,259	80.97
June 2022	189,791	25,294	215,085	80.65
July 2022	189,660	25,212	214,872	80.28
August 2022	190,319	25,124	215,443	80.01
September 2022	190,307	24,873	215,180	79.80
October 2022	184,470	23,890	208,360	79.71
November 2022	183,799	23,870	207,668	79.46
December 2022	183,355	23,731	207,085	79.06



Although the number of prisoners detained for drug-related offenses went down from 2018, the proportion of prisoners held for drug offenses compared to the total prison population rose by 6% - from 73% in January 2018 to 79% in December 2022.

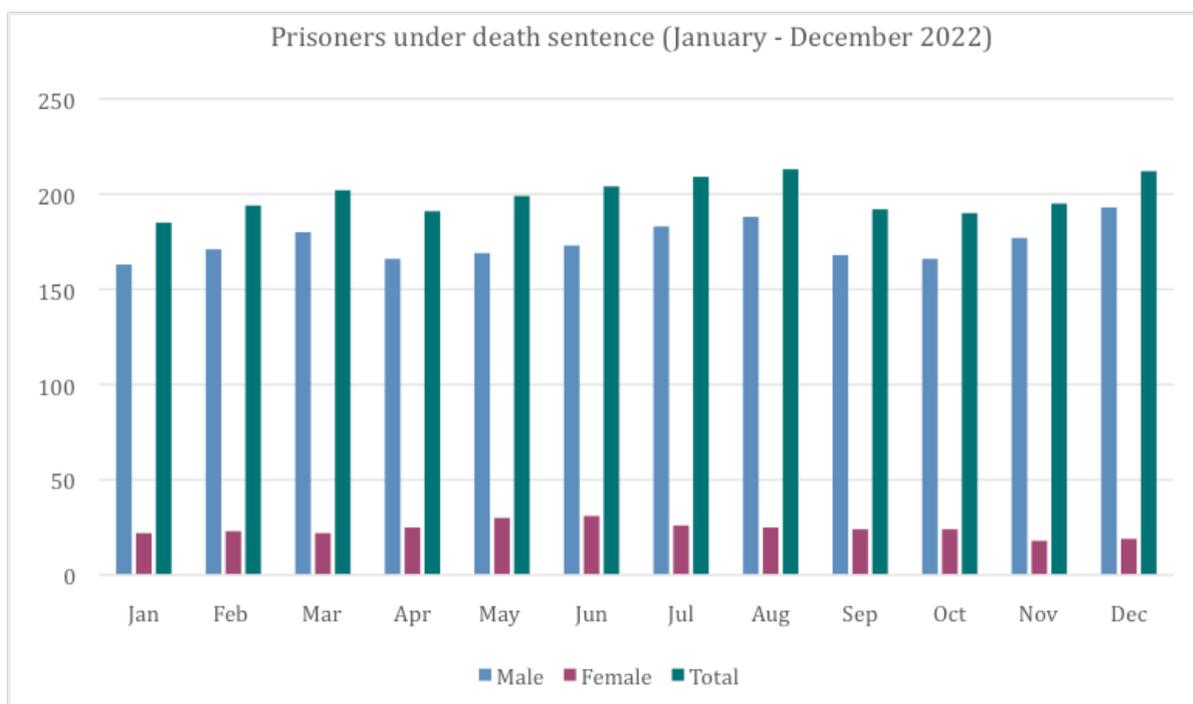
Prisoners detained for drug-related offenses (January 2018 – December 2022)				
Month / year	Male	Female	Total	% of the total prison population
January 2018	202,660	35,006	237,666	73.06
January 2019	247,423	40,626	288,049	76.66
January 2020	252,557	39,481	292,038	79.36
January 2021	238,516	35,771	274,287	80.96
January 2022	200,929	27,120	228,049	81.50
December 2022	183,355	23,731	207,085	79.06



2.5. Increase in the number of prisoners under death sentence

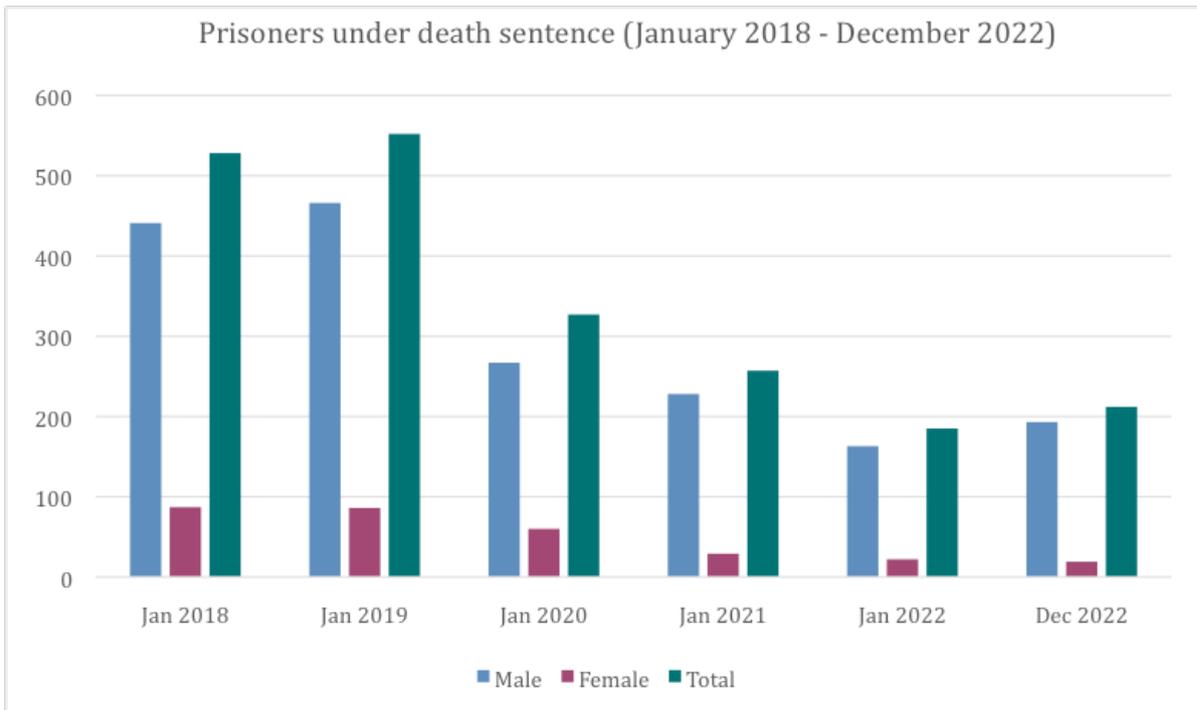
Official figures from the DoC showed a slight increase in the number of prisoners under death sentence in 2022. In January, there were 185 inmates (163 men and 22 women) under death sentence. According to the latest statistics published by the DoC in December, the number had increased by 14%, to 212 (193 men and 19 women).

Prisoners under death sentence (January – December 2022)			
Month / year	Male	Female	Total
January 2022	163	22	185
February 2022	171	23	194
March 2022	180	22	202
April 2022	166	25	191
May 2022	169	30	199
June 2022	173	31	204
July 2022	183	26	209
August 2022	188	25	213
September 2022	168	24	192
October 2022	166	24	190
November 2022	177	18	195
December 2022	193	19	212



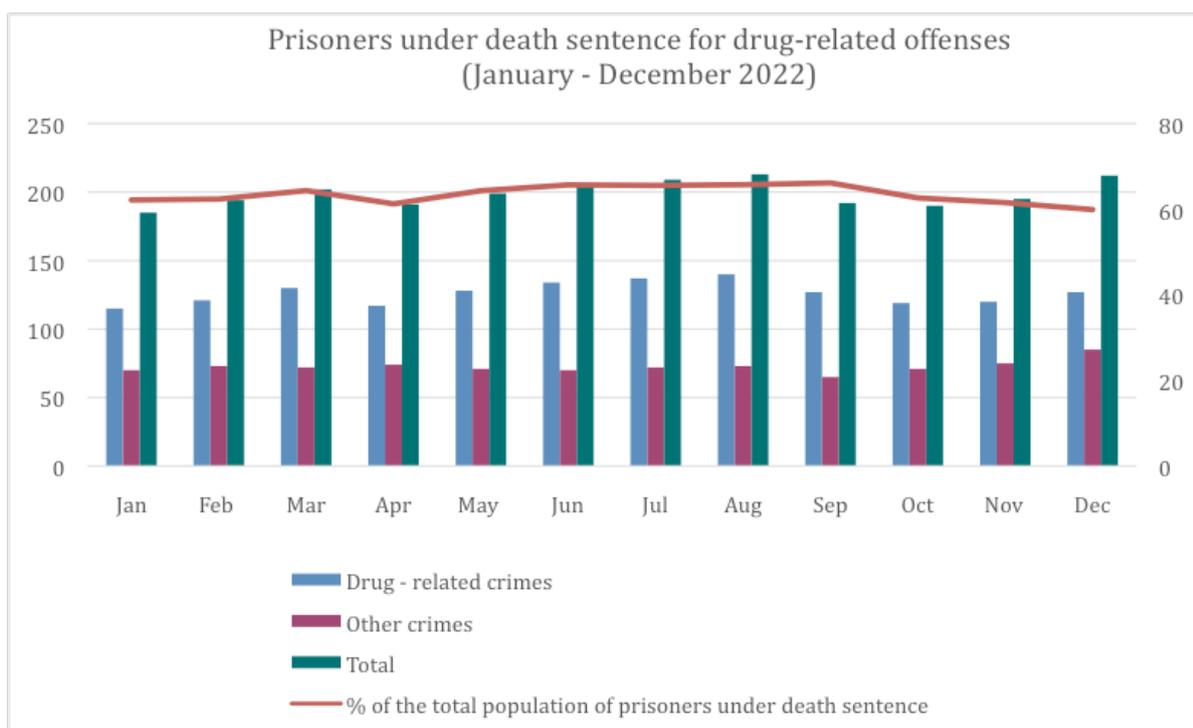
Despite the slight increase in the number of prisoners under death sentence between 2021 and 2022, the number of such prisoners was still 59% lower than that recorded in July 2018.

Prisoners under death sentence (July 2018 – December 2022)			
Month / year	Male	Female	Total
July 2018	441	87	528
January 2019	466	86	552
January 2020	267	60	327
January 2021	228	29	257
January 2022	163	22	185
December 2022	193	19	212



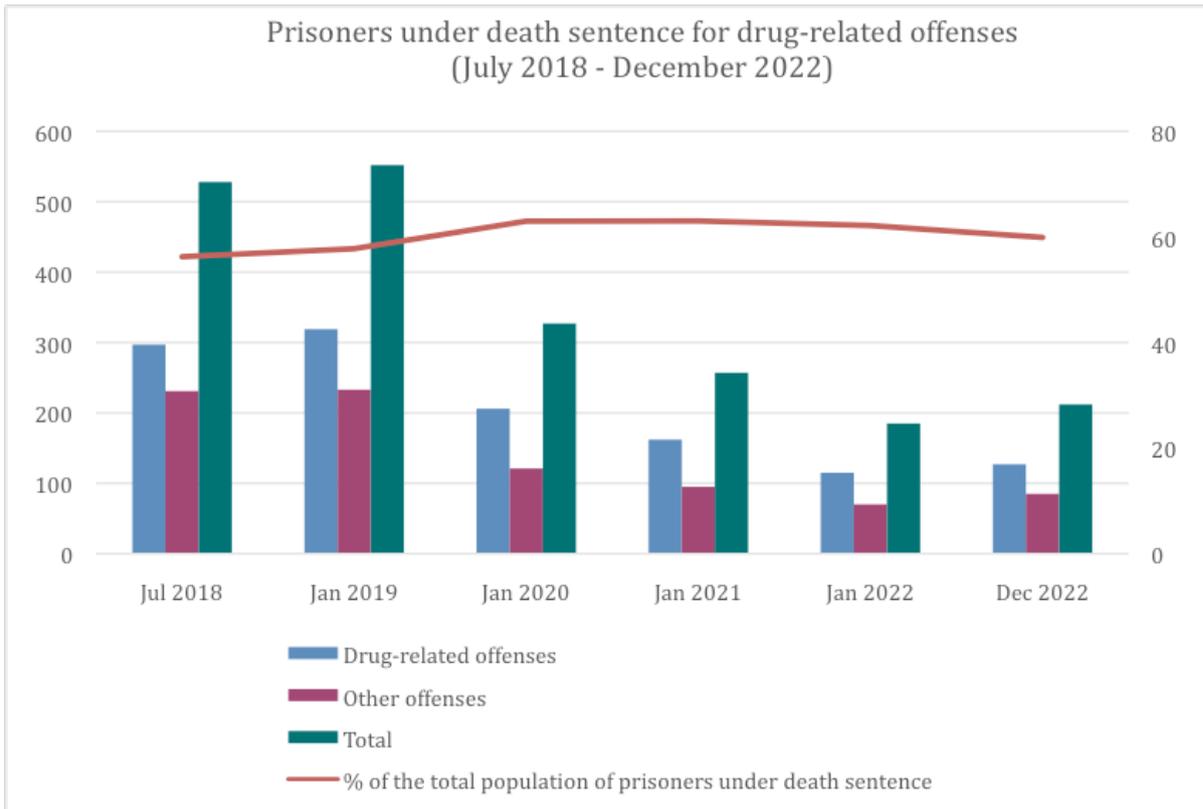
Drug-related offenses continued to account for the majority of crimes for which a death sentence was imposed in 2022. As of December 2022, 127 of the 212 (nearly 60%) prisoners under death sentence had been convicted of drug related offenses. This proportion remained constant throughout 2022.

Prisoners under death sentence for drug-related offenses (January – December 2022)				
Month / year	Drug-related crimes	Other crimes	Total	% of the total population of prisoners under death sentence
January 2022	115	70	185	62.16
February 2022	121	73	194	62.37
March 2022	130	72	202	64.36
April 2022	117	74	191	61.27
May 2022	128	71	199	64.32
June 2022	134	70	204	65.69
July 2022	137	72	209	65.55
August 2022	140	73	213	65.73
September 2022	127	65	192	66.14
October 2022	119	71	190	62.63
November 2022	120	75	195	61.54
December 2022	127	85	212	59.91



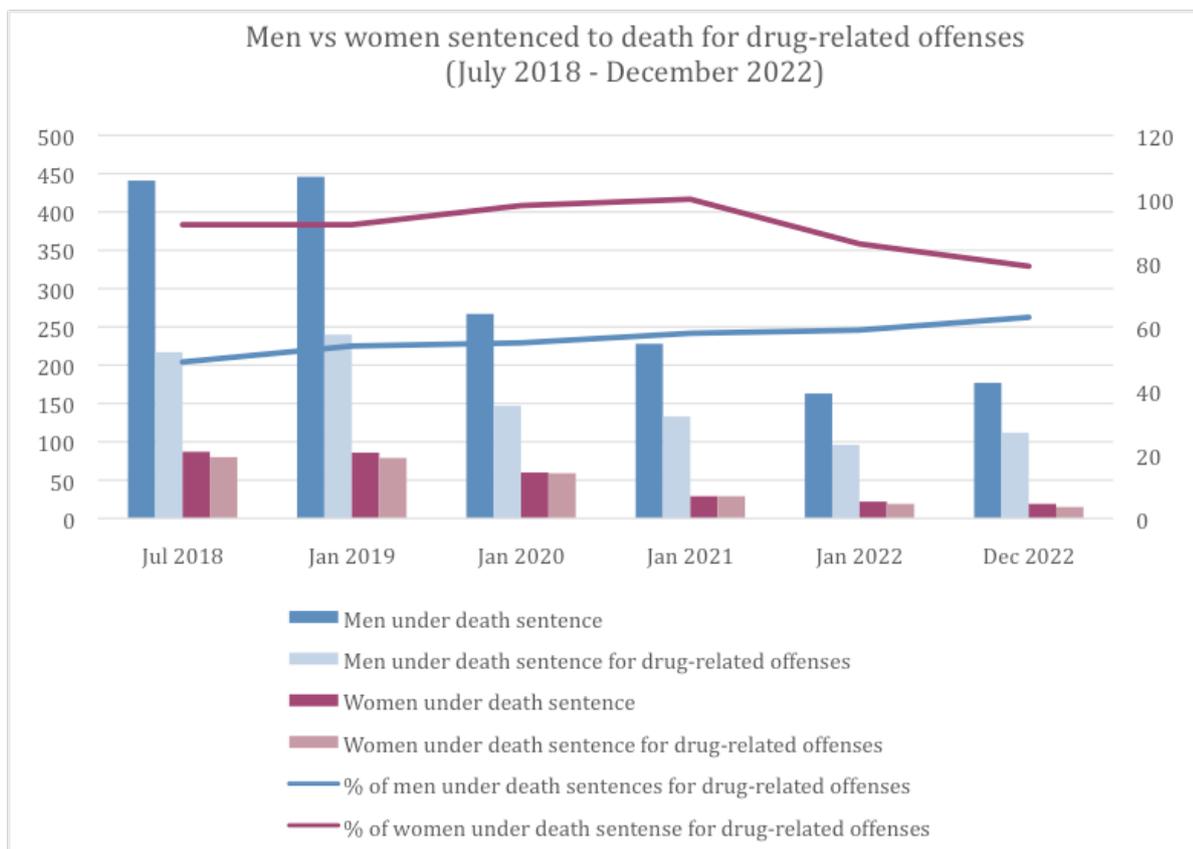
While the number of prisoners under death sentence decreased from July 2018 to December 2022, the proportion of those who had been sentenced to capital punishment for drug-related offenses compared to the total number of prisoners under death sentence rose from 56% in July 2018 to almost 60% in December 2022.

Prisoners under death sentence for drug-related offenses (January 2018 – December 2022)				
Month/Year	Drug-related offenses	Other offenses	Total	% of the total population of prisoners under death sentence
July 2018	297	231	528	56.25
January 2019	319	233	552	57.79
January 2020	206	121	327	62.99
January 2021	162	95	257	63.03
January 2022	115	70	185	62.16
December 2022	127	85	212	59.90



In addition, although women constituted a small minority of inmates under death sentence, nearly all of them were convicted of drug-related offenses. As of December 2022, 15 out of 19 female prisoners (nearly 79%) had been sentenced to death for drug offenses, which was nearly double the proportion of male prisoners under death sentence for drug offenses. The female share of prisoners under death sentence has remained consistently high since 2018.

Men vs women sentenced to death for drug-related offenses since 2018						
Month / year	Women under death sentence	Women under death sentence for drug-related offenses	%	Men under death sentence	Men under death sentence for drug-related offenses	%
July 2018	87	80	92	441	217	49
January 2019	86	79	92	466	240	51
January 2020	60	59	98	267	147	55
January 2021	29	29	100	228	133	58
January 2022	22	19	86	163	96	59
December 2022	19	15	79	193	112	58



2.6. High recidivism rates

According to the DoC, as of 1 December 2022, 89,057 out of 209,892 convicted prisoners, or about 42%, were reoffenders. The percentage remained unchanged from the previous year.²¹

Convicted prisoners categorized by number of times in detention (as of December 2022)				
Time in detention	Male	Female	Total	%
1st time in detention	100,009	16,991	117,000	55.74
2nd time in detention	57,563	5,474	63,037	30.03
3rd time in detention	17,732	1,245	18,977	9.04
4th time in detention	4,569	314	4,883	2.33
5th time in detention or more	2,005	155	2,160	1.03
Detained for 2 or more times	81,869	7,188	89,057	42.43
Uncategorizable	3,592	243	3,835	1.83
Total	185,470	24,422	209,892	100.00

21. As of 1 December 2021, a total of 94,512 out of 224,345 convicted prisoners (42%) were reoffenders.

Reoffending rate for prisoners released in fiscal year 2022 by type of offenses	
Type of offenses	%
Drug	37%
Property	10%
Others (including felony, immigration, gambling, firearms, etc.)	47.6%
Life and body	1.8%
Sexual	0.7%
Administrative	0.3%
Public safety ²²	0.3%

The official figures also suggested that the re-imprisonment rate remained consistent over the years. Roughly 11-16% of the released prisoners returned to prisons within one year upon their release.²³ The re-imprisonment rate went up to around 19-27% for those who returned to prisons within two years, and 28-36% for those who returned to prisons within three years upon their release.²⁴ Of the total 146,888 prisoners released in 2022, 16,153 people, or 11%, returned to prison within the end of the year.²⁵

Reoffending rates measured by number of released prisoners who were re-imprisoned within certain period ²⁶							
Year of release	Total releases	Re-imprisonment within one year	%	Re-imprisonment within two years	%	Re-imprisonment within three years	%
2016	140,292	19,920	14	36,118	26	48,396	34
2017	100,511	15,606	16	27,344	27	35,714	36
2018	101,518	15,534	15	26,806	26	34,303	34
2019	147,900	21,259	14	35,981	24	46,924	32
2020	157,751	20,016	13	36,194	23	43,940	28
2021	179,244	21,260	12	34,449	19	N/A	N/A
2022	146,788	16,153	11	N/A	N/A	N/A	N/A

2.7. Early release measures discontinued

In 2022, the DoC discontinued several early release measures aimed at reducing the number of prisoners. Some of these measures had been adopted the previous year in response to the COVID-19 outbreaks in places of detention.²⁷

22. Including offenses against public safety and terrorism.

23. Department of Corrections, *Recidivism Statistics Database*, 7 February 2022

24. Department of Corrections, *Recidivism Statistics Database*, 7 February 2022

25. Department of Corrections, *Recidivism Statistics Database*, 7 February 2022

26. The DoC measures reoffending rate by matching the 13-digit national identification number of released prisoners with its existing prisoners' database to observe re-imprisonment within a specific follow period. The release figures included both conditional and unconditional release. The reimprisonment figures include both pre-trial and convicted prisoners.

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]

On 14 January 2022, the DoC sent a notification to prisons nationwide regarding the parole guidelines for fiscal year 2022 (from 1 October 2021 to 30 September 2022).²⁸ According to the DoC notification, a total of 45,770 prisoners were released on parole in fiscal year 2021 (from 1 October 2020 to 30 September 2021), leading to a significant reduction in the total number of convicted prisoners “to a manageable level in terms of the effective implementation of rehabilitation.”²⁹ The DoC reasoned that the use of parole as a decongestion effort was therefore no longer an urgent matter and instead should “take into consideration the importance of public safety.”³⁰ As a result, the DoC decided to suspend five special parole schemes³¹ and discontinued another one.³²

General measures such as regular parole³³ and royal amnesty continued to be utilized to reduce the prison population. However, official figures suggest a significant decrease in the number of prisoners released on parole in 2022, which numbered 8,110 (accounting for 17% of the conditional releases that year), compared to 36,776 in 2021, and 13,379 in 2020.

Conditional release for convicted prisoners (January – December 2022)				
Month / year	Good time credit	Parole	Royal amnesty	Total
January 2022	283	2,404	1,354	4,041
February 2022	105	251	8,409	8,765
March 2022	15	504	6,192	6,711
April 2022	100	205	5,136	5,441
May 2022	123	197	1,520	1,840
June 2022	257	240	161	658
July 2022	492	697	265	1,454
August 2022	141	1,004	125	1,270
September 2022	666	1,214	228	2,108
October 2022	71	415	8,021	8,507
November 2022	53	143	3,134	3,330
December 2022	171	836	1,122	2,129
Total	2,477	8,110	35,667	46,254

The royal amnesty remained the most effective way to reduce the number of prisoners. However, in April 2022, the DoC reported that a new criterion would be added for the consideration of royal amnesties, making it more difficult for inmates to receive an early release or a reduction of jail term.³⁴ According to the new rule, convicted prisoners are required to have served at least one-third

28. Department of Corrections, *Guideline on the implementation of parole schemes, fiscal year 2022*, 14 January 2022 [in Thai]

29. Department of Corrections, *The implementation of parole schemes in the fiscal year 2022*, 3 March 2022 [in Thai]

30. Department of Corrections, *Guideline on the implementation of parole schemes, fiscal year 2022*, 14 January 2022 [in Thai]

31. These include: the Special Parole Scheme - Pre-Release Preparation Course (“Light-structure Prisons”); the Special Parole Scheme - Treatment and Rehabilitation of Inmates with Narcotic Charges through Community Therapy; the Special Parole Scheme - Treatment and Rehabilitation of Inmates with Narcotic Charges through the Boy Scout Program; the Special Parole Scheme to Promote the Quality of Life of Elderly Inmates aged 60 and Over; and the Special Parole Scheme - Behavioral Rehabilitation Program for Drug User and Small-time Sellers in Prisons Treatment and Rehabilitation of Inmates with Narcotic Charges through the Boy Scout Program.

32. The discontinued parole scheme was the Special Parole Scheme for Convicted Inmates with Short-term Sentences.

33. In accordance with Article 52(7)22 of the Penitentiary Act 1936 (amended in 2017) and 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 2021

34. Bangkok Post, *New rule on royal pardon put in place*, 14 April 2022; Nation, *No big-name convicts on royal pardon*

of their prison sentence or a minimum of eight years in prison, whichever is more favorable for the prisoners, in order to be eligible for a royal amnesty.³⁵ In addition, prisoners must be categorized as “excellent,” “very good,” or “good” to qualify.³⁶

The only royal amnesty for 2022 was granted on 13 August, to mark the birthdays of King Rama X (27 July) and Queen Mother Sirikit (12 August).³⁷ The amnesty resulted in 22,822 prisoners being eligible for early release.³⁸

2.8. Prisoners with special needs

As of December 2022, there were 7,410 prisoners with special needs in Thai prisons, accounting for roughly 2.8% of the total prison population.³⁹ This category of prisoners include: elderly prisoners (aged above 60 years); prisoners with disabilities; mothers with children in prisons; and transgender prisoners. Elderly prisoners had the largest share of prisoners with special needs, totaling 6,283 inmates, or about 85% of the total population of prisoners with special needs.⁴⁰

There were 894 prisoners with disabilities in prisons nationwide. According to the DoC statistics, the most common types of disability were physical mobility impairments, including amputation and muscle atrophy (89%), and vision impairments (10%).⁴¹

As of August 2022, there were 147 pregnant prisoners and 56 children living with female prisoners.⁴²

Lastly, the DoC reported 30 transgender inmates in prisons, although the criteria used by the DoC for the classification of this group was unknown.⁴³

2.9. Foreign prisoners

As of December 2022, there were 7,388 foreign nationals in Thai prisons, accounting for 2.8% of the total prison population.⁴⁴ The 10 countries with the highest number of nationals incarcerated were: Myanmar (46%), Laos (17%), Cambodia (8%), China (2.7%), Nigeria (2.6%), Malaysia (2.1%), Vietnam (1%), Taiwan (0.7%), India (0.4%), and Pakistan (0.3%).

The most common offenses under which foreign nationals were incarcerated included: drug-related offenses (30%),⁴⁵ violations of the Immigration Act 1979 (14%), theft (3.2%), offenses against life (2.8%), and violations of the Land Traffic Act 1979 (2.2%).

list after rules tightened, 12 August 2022

35. Government Gazette, *Decree on the granting of royal amnesties on the auspicious occasions of His Majesty the King's 70th birthday on 28 July 2022 and Her Majesty Queen Sirikit the Queen Mother's 90th birthday on 12 August 2022*, 12 August 2022 [in Thai]

36. There are six classes of convicted prisoners: Excellent; Very Good; Good; Moderate; Need for improvement; Extra need for improvement. Previously, prisoners in the “moderate” class were also eligible for the consideration of royal amnesty.

37. The royal amnesty is typically announced twice a year - on the birthdays of King Rama X on 27 July and the late King Rama IX on 5 December.

38. Thansettakij, *103,613 inmates eligible for royal amnesty*, 12 August 2022 [in Thai]

39. FIDH, *Information obtained from the Department of Corrections*, 18 January 2023

40. Information obtained from the Department of Corrections, dated 18 January 2023

41. Information obtained from the Department of Corrections, dated 18 January 2023

42. Department of Corrections, *Special population in prisons*, 5 October 2022

43. Information obtained from the Department of Corrections, dated 17 January 2023

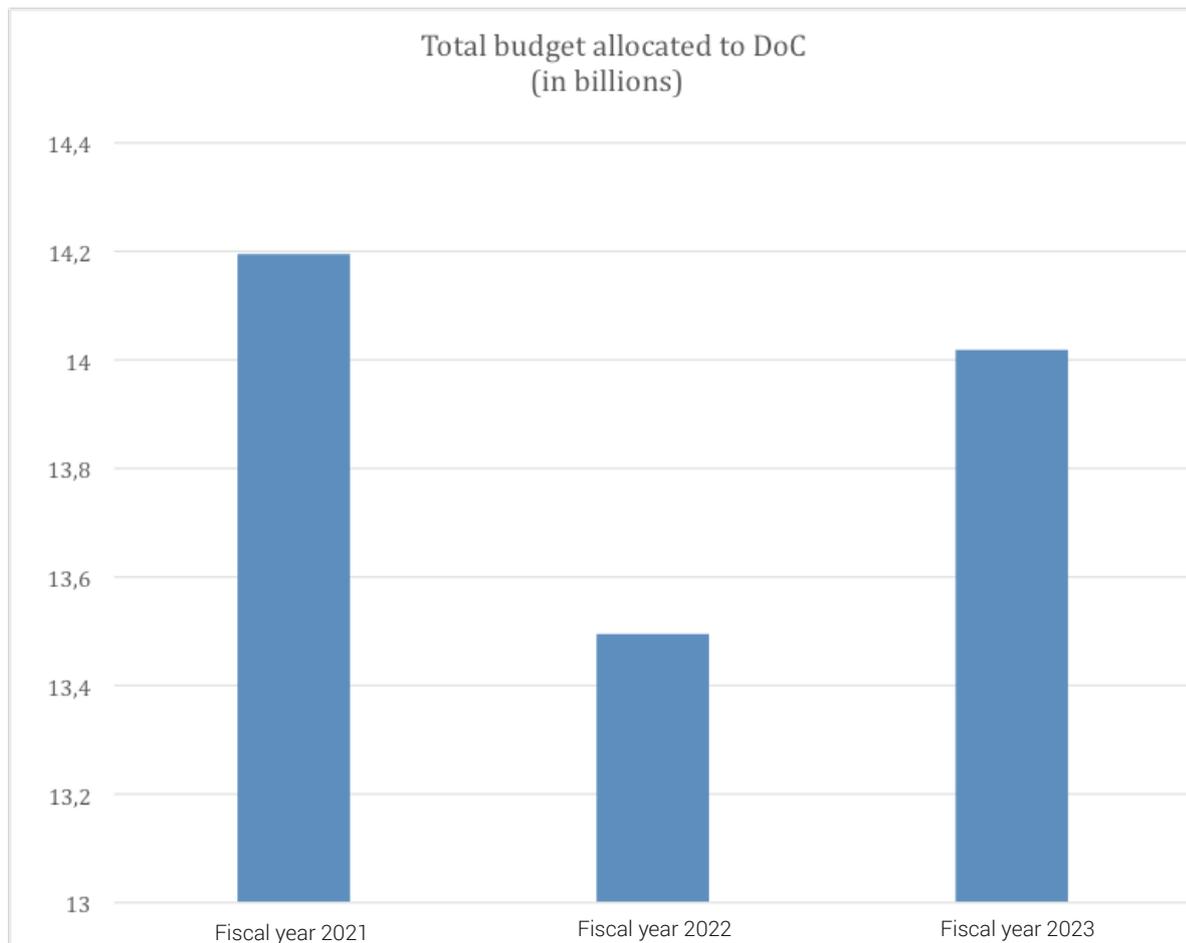
44. Information obtained from the Department of Corrections, dated 17 January 2023

45. These include violations of the Narcotics Act 1979, the Narcotic Code 2022, and the Act on Measures for the Suppression of Offenders in an Offense relating to Narcotics 1991.

2.10. Annual budget cut

The budget allocation for prisons in the fiscal year 2022 decreased compared to the previous fiscal year.

For the fiscal year 2022 (from 1 October 2021 to 30 September 2022), the DoC received 13.495 billion baht (about US\$407.7 million)⁴⁶ for prison administration, which accounted for 56.22% of the total amount allocated to the Ministry of Justice (MoJ).⁴⁷ The DoC budget was reduced by 4.9%, from 14.195 billion baht (about US\$428.9 million) in fiscal year 2021 (from 1 October 2020 to 30 September 2021).⁴⁸



Of its annual budget for the fiscal year 2022, 4.48 billion baht (about US\$135.5 million), or about 33%, was earmarked for food. However, such amount was calculated using 223,300 prisoners as a benchmark, instead of the average number of 270,000 prisoners in 2022.⁴⁹ This means that roughly 45 baht (about US\$1.35) were spent on each prisoner each day, or 15 baht (about US\$0.45) per meal. In addition, 1.72 billion baht (about US\$51.9 million), or about 12%, was set for prison construction and renovation, including the construction of new prisons in Rayong, Pattalung, Nakhon Nayok, Roi-Et, Buriram, and Suratthani Provinces.⁵⁰

46. 1 US\$ = 33.1 Thai Baht (Bank of Thailand, Foreign Exchange Rates as of 13 January 2023)

47. Budget Bureau, *Budget document (3rd issues) of Budget Expenditure for fiscal year 2022 (9)*, 30 September 2021 [in Thai]

48. Budget Bureau, *Budget document (3rd issues) of Budget Expenditure for fiscal year 2021 (9)*, 25 November 2020 [in Thai]

49. Ministry of Justice, *Letter requesting additional food budget from central budget of fiscal year 2022*, 27 September 2022 [in Thai]

50. Budget Bureau, *Budget document (3rd issues) of Budget Expenditure for fiscal year 2022 (9)*, 30 September 2021 [in Thai]

The budget for the containment of COVID-19 in prisons was largely obtained from the central budget. On 23 February 2022, the DoC received 150.6 million baht (about US\$4.6 million) from the central budget to procure medical supplies to tackle COVID-19 in prisons⁵¹ - down by 51% from 311.6 million baht (US\$ 9.4 million) in 2021.⁵²

For fiscal year 2023 (from 1 October 2022 – 30 September 2023), the DoC received a larger annual budget of 14.01 billion baht (about US\$423.5 million) compared to the previous fiscal year. Nonetheless, it was still lower than its annual budget for fiscal year 2021. This figure included an increase in the budget for prison construction, set at 2.26 billion baht (about US\$68.5 million).⁵³

3. Independent access to prisons restricted

In 2022, independent human rights organizations' access to prisons to monitor conditions continued to be restricted, despite the relaxation of COVID-19 measures in correctional facilities. The Department of Corrections' (DoC) refusal to grant access to FIDH and UCL during the reporting period, and the justifications provided for this refusal, were seemingly intended to avoid independent scrutiny of detention conditions.

In early August 2022, FIDH and the Union for Civil Liberty (UCL) sent a letter to the DoC to request access to 20 prisons across the country to assess detention conditions and conduct interviews with inmates between September and December 2022 for the research of this annual report.⁵⁴ In September 2022, the DoC rejected FIDH and UCL's request due to "the escalating new wave of COVID-19 infections in prisons," though no further clarification was made as to which specific prisons had experienced outbreaks.⁵⁵ This explanation was contradicted by figures provided by the DoC itself, which showed that the number of COVID-19 infections in prisons nationwide had gone down significantly between August and September - from 2,944 to 1,640.⁵⁶

The DoC's statement was also inconsistent with the relaxation of COVID-19 measures across prisons nationwide. On 10 May 2022, the DoC announced the resumption of in-person family visits on an appointment basis, citing the improving COVID-19 situation and effective infection prevention and control measures in prisons.⁵⁷ Visitors would have to show proof of being fully vaccinated against COVID-19, or having been cleared by an antigen or RT-PCR test in the 24 hours before the visit.⁵⁸ Visits would be limited to four 15-minute periods each day, two in the morning and two

51. Secretariat of the Cabinet of Thailand, *Letter requesting additional budget for containments of Covid-19 in prisons under the central budget for fiscal year 2022*, 23 February 2022 [in Thai]

52. Secretariat of the Cabinet of Thailand, *Letter requesting additional budget for containments of Covid-19 in prisons under the central budget for fiscal year 2022*, 27 May 2021 [in Thai]

53. Budget Bureau, *Budget document (3rd issues) of Budget Expenditure for fiscal year 2023 (9)*, 26 September 2022 [in Thai]

54. The 20 prisons were: Chiang Mai Women's Correctional Institution in Chiang Mai Province; Fang District Prison in Chiang Mai Province; Nakhon Si Thammarat Central Prison in Nakhon Si Thammarat Province; Songkhla Central Prison in Songkhla Province; Phuket Provincial Prison in Phuket Province; Narathiwat Provincial Prison in Narathiwat Province; Pattaya Remand Prison in Chonburi Province; Chanthaburi Provincial Prison in Chanthaburi Province; Chonburi Women's Correctional Institution in Chonburi Province; Ratchaburi Central Prison in Ratchaburi Province; Tak Central Prison in Tak Province; Central Women's Correctional Institution in Bangkok; Thanyaburi District Prison in Pathumthani Province; Uthaitхани Provincial Prison in Uthaitхани Province; Bang Kwang Central District Prison in Nonthaburi Province; Khlong Prem Central Prison in Bangkok; Minburi Remand Prison in Bangkok; Khon Kaen Provincial Prison in Khon Kaen Province; Ubon Ratchathani Central Prison in Ubon Ratchathani Province; Udonthani Central Prison in Udonthani Province.

55. Correspondence with the Department of Corrections dated 12 September 2022.

56. According to Department of Corrections' information dated 22 January 2023, the total number of monthly COVID-19 infections in prisons in 2022 was as follows: January: 5,629; February: 4,239; March: 6,228; April: 2,996; May: 5,148; June: 5,616; July: 940; August: 2,944; September: 1,640; October: 1,045; November: 2,244; and December: 1,622. The total for the year was 40,291.

57. Department of Corrections, *Daily report of COVID-19 situation: normal family visits resumed, except for prisons with outbreaks, as over 92.14 % of prisoners are fully vaccinated*, 18 May 2022 [in Thai]

58. Bangkok Post, *Prison visits to resume from May 16*, 10 May 2022

in the afternoon.⁵⁹ On 4 July 2022, the DoC sent a notification to prisons nationwide concerning the loosening of COVID-19 related measures, including the reduction of the quarantine period for newly admitted inmates from 10 days to five days and the frequency of COVID-19 testing for inmates from every seven days to every 14 days.⁶⁰ The new measures were imposed as the Thai government was heading towards declaring COVID-19 “endemic” in October 2022.⁶¹

The DoC’s denial of access to FIDH and UCL was also inconsistent with access provided to other institutions, bodies, and organizations. Following the lifting of the ban on in-person family visits and the relaxation of COVID-19 measures, various activities involving external access to prisons began to take place again in various facilities, including four prisons for which FIDH’s and UCL’s request for visits had been rejected.⁶² For instance, on 23 May, the DoC and the Phuket Province Governor held the opening ceremony of the new Phuket Provincial Prison.⁶³

On 27 May, the government-backed Thailand Institute of Justice (TIJ) led a group of participants in one of its programs to visit Chonburi Central Prison in Chonburi Province to observe prison management and compliance with international standards.⁶⁴

On 12 July, TIJ held a study trip for a group of participants in its leadership development program at the Chiang Mai Women’s Correctional Institution in Chiang Mai Province.⁶⁵

On 5 July, the DoC led a tour of the Central Special Treatment Center in Bangkok for media persons to present a drug rehabilitation program for convicted prisoners.⁶⁶

On 18 July, the DoC held an event about rehabilitation of prisoners at the Thonburi Remand Prison in Bangkok on the occasion of the Nelson Mandela International Day.⁶⁷ Participants in the event included representatives from the United Nations Office on Drugs and Crime (UNODC), relevant Thai authorities, foreign diplomatic missions, and international delegates.⁶⁸

On 1 September, the DoC hosted a meeting and study tour on the management and preventive measures of COVID-19 and HIV/AIDS at the Chiang Mai Women’s Correctional Institution, with representatives from the UNODC.⁶⁹

On 28 October, representatives from the UNODC Office for Southeast Asia and the Pacific, the UNODC Philippines Office, and other delegates from the Philippines visited the Chiang Mai Women’s Correctional Institution, where they held a roundtable discussion about Thailand’s criminal justice system.⁷⁰

59. Bangkok Post, *Prison visits to resume from May 16*, 10 May 2022

60. Department of Corrections, *Guidelines on the monitor, prevention, care, and treatment of prisoners contracted with the Corona Virus 2019 (COVID-19) in prisons (revised edition, dated 28 June 2022)*, 4 July 2022 [in Thai]

61. Bangkok Post, *COVID-19 to be declared endemic in October*, 19 August 2022

62. The four prisons were: Chiang Mai Women’s Correctional Institution in Chiang Mai Province; Phuket Provincial Prison in Phuket Province; Chanthaburi Provincial Prison in Chanthaburi Province; and Bang Kwang Central District Prison in Nonthaburi Province.

63. Department of Corrections Public Relation Facebook Page, *Department of Corrections officially opened the (new) Phuket Prison*, 23 May 2022 [in Thai]

64. TIJ Academy, *Chonburi Central Prison pioneers the first prison industrial estate*, 20 June 2022 [in Thai]

65. Chiang Mai Women’s Correctional Institution Facebook Page, 12 July 2022 [in Thai]

66. Department of Corrections Public Relation Facebook Page, *Department of Corrections, led by the Public Relations and Communications division organized a press tour of the Central Special Treatment Center*, 5 July 2022 [in Thai]

67. Department of Corrections Public Relation Facebook Page, *At Thonburi Prison...an artistic facility, enriching the values of prisoners’ lives through social rehabilitation and artistic activities*, 18 July 2022 [in Thai]

68. Department of Corrections Public Relation Facebook Page, *At Thonburi Prison...an artistic facility, enriching the values of prisoners’ lives through social rehabilitation and artistic activities*, 18 July 2022 [in Thai]

69. Chiang Mai Women’s Correctional Institution Facebook Page, 1 September 2022 [in Thai]

70. Chiang Mai Women’s Correctional Institution Facebook Page, 28 October 2022 [in Thai]

On 15 November, TIJ officers visited Chanthaburi Provincial Prison in Chanthaburi Province and met with the prison staff to discuss the implementation of a TIJ project.⁷¹

On 22 November, a group of teachers and students from Thammasat University visited Bang Kwang Central District Prison in Nonthaburi Province to learn about the mental health services and support for prisoners.⁷²

On 13 December, participants in the UNAIDS Program Coordinating Board Meeting visited the Chiang Mai Women's Correctional Institution to learn about HIV/AIDS prevention and treatment services in the prison.⁷³

The only human rights organization that was granted partial access to prisons to assess detention conditions and interview inmates was the National Human Rights Commission of Thailand (NHRCT).

In 2022, the NHRCT visited two prisons under their regular visits' mandate.⁷⁴ The NHRCT said the findings of these visits would be made public in 2023.⁷⁵

On 20 January 2022, the NHRCT visited Samut Songkram Central Prison in Samut Songkram Province to inspect the COVID-19 situation and discuss health measures in the facility.⁷⁶

On 15 September 2022, the NHRCT visited Trat Provincial Prison in Trat Province to collect information about prison management, the treatment of detainees, and obstacles faced by prison staff and authorities.⁷⁷

Nonetheless, the NHRCT was barred from visiting political activists held in pre-trial detention at the Bangkok Remand Prison, the Central Women's Correctional Institution, and the Medical Correctional Hospital in Bangkok in relation to their participation in pro-democracy demonstrations.⁷⁸ The attempts to visit these prisons were organized following an NHRCT meeting with a student activist who had previously been detained at the Central Women's Correctional Institution. However, on 26 July 2022, the NHRCT revealed that the DoC postponed the planned prison visits, claiming the COVID-19 situation in the facilities had worsened.⁷⁹

4. COVID-19 measures relaxed, other health concerns remain

In 2022, many COVID-19 measures that had been introduced in the previous year to prevent the spread of the virus in prisons were relaxed or discontinued. Regrettably, among the discontinued measures were also several early release schemes aimed at reducing the number of prisoners [See above, *Chapter 2*]. Meanwhile, other concerns over the health and well-being of prisoners remained,

71. Chanthaburi Provincial Prison Facebook Page, 15 November 2022 [in Thai]

72. Bang Kwang Central District Prison Facebook Page, 22 November 2022 [in Thai]

73. Chiang Mai Women's Correctional Institution Facebook Page, 13 December 2022 [in Thai]

74. The NHRCT is mandated to conduct visits to places of detention to assess detention conditions as well as in response to any complaints made by inmates.

75. Correspondence with the NHRCT dated 8 February 2023.

76. National Human Rights Commission of Thailand, *NHRCT visited the Samut Songkram Central Prison*, 20 January 2022 [in Thai]

77. National Human Rights Commission of Thailand, *NHRCT Supattra visited the Trat Provincial Prison*, 15 September 2022 [in Thai]

78. Thai Lawyers for Human Rights, *Department of Corrections yet to allow the NHRCT to visit detained political activists, claiming the COVID-19 situation*, 26 July 2022 [in Thai]

79. Thai Lawyers for Human Rights, *Department of Corrections yet to allow the NHRCT to visit detained political activists, claiming the COVID-19 situation*, 26 July 2022 [in Thai]

amid reports of inadequate access to healthcare services, substandard food and drinking water, and abusive practices by healthcare personnel.

4.1. COVID-19 measures fail to prevent outbreaks

COVID-19 control measures in prisons were mostly limited to testing and isolation, which proved ineffective to curb the transmission of the virus amid persistent overcrowding. According to DoC figures, from 1 January to 31 December 2022, 40,291 prisoners, or roughly 15% of the total prison population, tested positive for COVID-19 nationwide,⁸⁰ and 139 of them died.⁸¹ According to DoC figures, as of 31 December 2022, 74.4% of prisoners received COVID-19 booster shots.⁸² On 8 June 2022, the DoC stopped publishing regular statistics about COVID-19 cases in prisons on their website and Facebook page for no apparent reason.

Chronology of COVID-19 measures in prisons in 2022	
January- March	<ul style="list-style-type: none"> • Twenty-one days of mandatory quarantine for new prisoners. • Testing for vulnerable prisoners, such as elderly inmates and those with underlying health conditions, is conducted every seven days. • Random testing is conducted for 5-10% of the general prison population. • Prisoners testing positive for COVID-19 and displaying mild or no symptoms are treated at field hospitals in prisons. Those in critical condition are transferred to public hospitals.
April	<ul style="list-style-type: none"> • Quarantine period for new admissions is reduced to 14 days.
May	<ul style="list-style-type: none"> • In-person visitation resumes in all prisons nationwide, except those where a surge in infections occurred.⁸³ • Quarantine period for new admissions is reduced to 10 days. • Minister of Justice orders prisons to stop keeping prisoners in quarantine beyond their release date, following complaints by prisoners.⁸⁴
July - August	<ul style="list-style-type: none"> • Quarantine period for new admissions is reduced to five days. • Testing for vulnerable prisoners is reduced to every 14 days. • Some prisons stop in-person visitation due to a surge in COVID-19 cases.
October	<ul style="list-style-type: none"> • Testing for prison staff is reduced from twice a week to once a week. • Testing is conducted only for prisoners with COVID-19 symptoms.

4.2. Inadequate availability of specialized healthcare

Government inspections in various prisons found that availability of dental and psychiatric services in prisons was inadequate.

Inspections conducted by the Ministry of Public Health at various times in 2022 found that the provision of dental services fell short of targets in several prisons, including: Rayong Central Prison and Huai Pong Prison in Rayong Province;⁸⁵ Lamphun Provincial Prison in Lamphun Province;⁸⁶ and Phitsanulok Central Prison in Phitsanulok Province.⁸⁷ In these four facilities, only between 9% and

80. See footnote #56

81. Department of Corrections, *Summary of the policy implementation of the Director of the Department of Corrections (Next Normal) for the fiscal year 2022, fourth quarter (1 October 2021 – 30 September 2022)*, 20 October 2022 [in Thai]

82. Information obtained from Department of Corrections, dated 22 January 2023

83. Department of Corrections, *Updates of Covid-19 situation in prison as of 18 May 2022*, 18 May 2022 [in Thai]

84. Bangkok Post, *Covid cases decline, ex-inmate quarantine axed*, 15 May 2022

85. Ministry of Public Health (Health region 6), *Inspection report of Ministry of Public Health in fiscal year 2022 Topic I: Royal projects ('Ratchathan Pansuk' Corrections Department Sharing Happiness project) in Rayong province*, July 2022 [in Thai]

86. Ministry of Public Health (Health region 1), *Inspection report of Ministry of Public Health in fiscal year 2022 Topic I: Royal projects ('Ratchathan Pansuk' Corrections Department Sharing Happiness project) in Lamphun province*, July 2022 [in Thai]

87. Ministry of Public Health (Health region 2), *Inspection report of Ministry of Public Health in fiscal year 2022 Topic I: Royal projects ('Ratchathan Pansuk' Corrections Department Sharing Happiness project) in Phitsanulok Province*, July

29% of prisoners who had oral health ailments received appropriate treatment.⁸⁸

With regard to mental health, in May 2022 the DoC reported that over 5,000 (or 2%) of the approximately 260,000 inmates nationwide were suffering from mental disorders, such as anxiety and depression.⁸⁹ The DoC said mentally ill inmates were mostly found in Bangkok prisons.⁹⁰ The DoC said there were 31 psychologists for 10 prisons across the country and one psychiatrist at Bangkok's Medical Correctional Institution. The DoC added that during the pandemic prisoners with mental disorders were cared for through Telepsychiatry.⁹¹ The majority of former prisoners interviewed by FIDH was unaware of the availability of mental health services in prisons [See below, *Chapter 7*].

4.3. Government inspections reveal poor quality of food and drinking water

Inspections conducted by various government ministries revealed sub-standard quality of food and drinking water in a number of prisons across the country, which affected the health of large numbers of prisoners. These findings were consistent with information previously reported by FIDH.⁹²

A committee established by the Ministry of Justice (MoJ) to investigate complaints about the quality of food in prisons found that the quality of food in correctional facilities was indeed sub-standard.⁹³ On 4 May, the DoC said inspections conducted by the MoJ's committee in 12 prisons without any advance notice found unhygienic practices in prison kitchens.⁹⁴ Such practices included: the use of expired ingredients; poor quality of meat and vegetables; overstocking and improper storage of perishable products; and spoiled food and dirty stains in refrigerators.⁹⁵ The inspections also found drinking water contaminated with bacteria in two prisons.⁹⁶

In addition, separate inspections by the Ministry of Public Health found that several clusters of prisoners had been affected from thyrotoxicosis, a condition that caused weakness of the muscles.⁹⁷ In April 2022, 215 out of 3,052 prisoners at the Sakhon Nakhon Prison in Sakhon Nakhon Province were diagnosed with thyrotoxicosis, which authorities said had been caused by meat contamination, leading to the deaths of three prisoners.⁹⁸

2022 [in Thai]

88. Ministry of Public Health (Health region 3), *Implementation of 'Ratchathan Pansuk' Corrections Department Sharing Happiness project in 2022*, accessed on 18 February 2022 [in Thai]

89. Bangkok Post, *2% of inmates are mentally ill*, 24 May 2022

90. Bangkok Post, *2% of inmates are mentally ill*, 24 May 2022

91. Bangkok Post, *2% of inmates are mentally ill*, 24 May 2022

92. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022

93. Bangkok Post, *Dept to ensure better prison food after complaints*, 5 May 2022

94. Bangkok Post, *Dept to ensure better prison food after complaints*, 5 May 2022

95. Department of Corrections, *Letter on ensuring the improvement of food and nutrition for prisoners concerning the recommendation suggested by the MoJ's fact finding committee*, 5 July 2022 [in Thai]; Bangkok Post, *Dept to ensure better prison food after complaints*, 5 May 2022

96. The two prisons were: Sawang Daen Din Prison in Sakhon Nakhon Province and Amnat Chareon Provincial Prison in Amnat Chareon Province; Ministry of Public Health (Health region 10), *Inspection report of Ministry of Public Health in fiscal year 2022 Topic I: Royal projects ('Ratchathan Pansuk' Corrections Department Sharing Happiness project)*, July 2022 [in Thai]

97. Department of Corrections, *Letter on ensuring food sanitation to prevent symptoms associated with Thyrotoxicosis including sudden wasting of muscle*, 25 November 2022 [in Thai]

98. Ministry of Public Health (Health region 8), *Inspection report of Ministry of Public Health in fiscal year 2022 Topic I: Royal projects ('Ratchathan Pansuk' Corrections Department Sharing Happiness project)*, July 2022 [in Thai]

4.4. Abusive medical practices in prisons

A few reports emerged of unethical conduct by medical personnel in prisons.

In June 2022, a detained female political activist reported being threatened and verbally harassed by a male volunteer doctor while receiving medical attention at the Central Women’s Correctional Institution in Bangkok.⁹⁹

In addition, the National Human Rights Commission (NHRCT) investigated a complaint made in 2021 about a medical professional who imposed disciplinary sanctions on a prisoner for being rude while receiving treatment. In 2022, the NHRCT found that the medical professional’s behavior amounted to a human rights violation, because it said that medical professionals had no authority to impose disciplinary measures on prisoners.¹⁰⁰

5. Drug law reform yields mixed results

While the medium and long-term impacts of the amended Narcotics Code, which was promulgated in December 2021,¹⁰¹ remain to be seen, in its first year of implementation the new legislation produced mixed results. At the same time, efforts to decriminalize illicit drugs continued in 2022.

What’s new in the Narcotics Code 2021?	
Removal of cannabis from the narcotics’ lists.	Cannabis is delisted from the classification under category V of the new Narcotics Code, paving the way for its legalization by the Ministry of Public Health.
“Serious drug offenses” added as a new category of offenses.	A distinction is made between serious drug offense and minor drug offenses. Serious drug offenses include production, sales, export, distribution, and unlawful possession, except for personal use. The death penalty can be imposed on individuals convicted of serious drug offenses for being leaders or high-level drug traffickers.
Removal of mandatory minimum sentences in most drug offenses.	The removal of minimum sentences in most drug offenses allows for judicial discretion in sentencing, taking into account the severity of the crime and the socio-economic circumstances of an individual. Mandatory minimum sentences remain prescribed for serious drug offenses involving sales, production, and distribution.
The law applies retroactively to drug convicts	Drug convicts who previously received more severe sentences than those prescribed for the same offenses under the new Narcotics Code are allowed to petition the courts to seek a reduction of their sentences.
The abolition of mandatory drug rehabilitation system.	The new law bans mandatory drug rehabilitation. Instead, Article 114 of the new Narcotics Code stipulates that police or administrative officers can divert an arrested individual, who possesses drugs below the minimum threshold for personal use, to drug rehabilitation as an alternative to prosecution.

99. Observatory for the Protection of Human Rights Defenders, *Thailand: Deteriorating health and arbitrary detention of two pro-democracy activists*, 7 July 2022

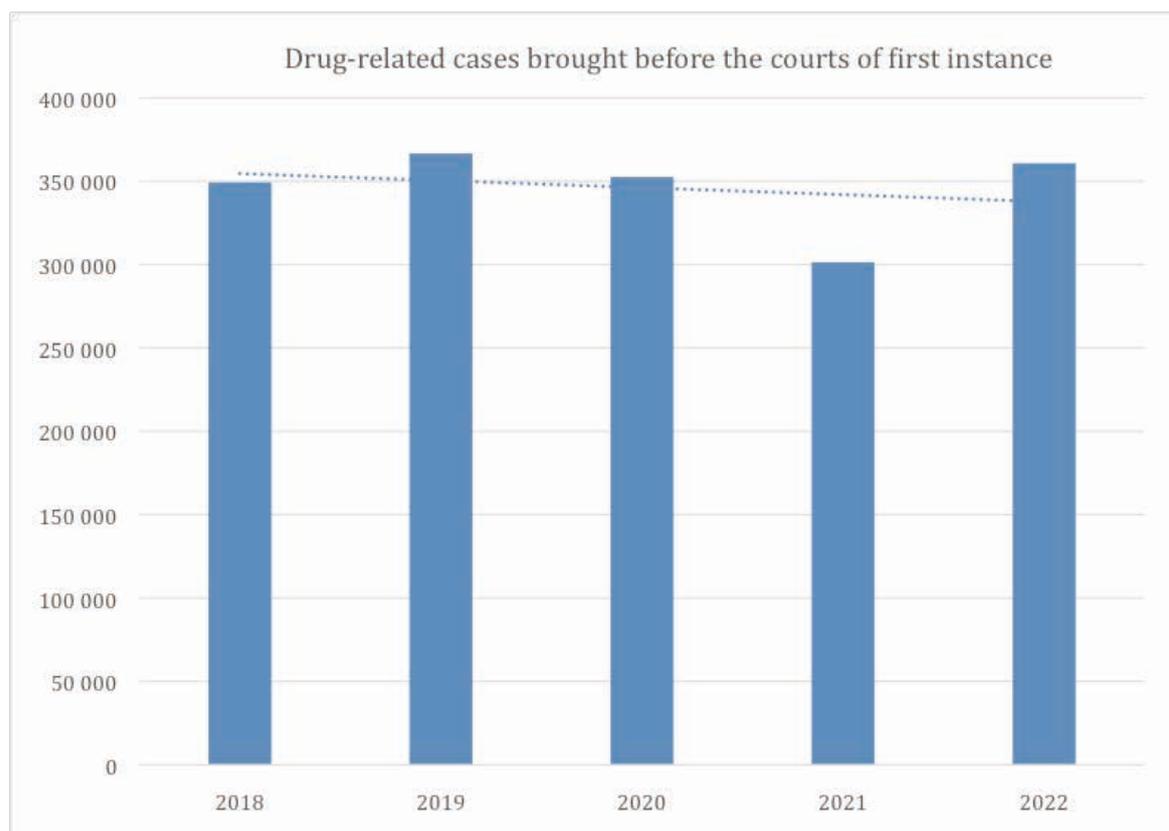
100. Department of Corrections, *Letter on ensuring professional ethics relevant to the roles of prisons’ health professionals*, 9 December 2022 [in Thai]

101. The amended Narcotics Code combined 24 existing laws governing narcotics and psychotropic substances into one piece of legislation. Also, see: Government Gazette, *The Act on Promulgating the Narcotics Code and the Narcotics Code B.E.2564*, 8 November 2021 [in Thai]; FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022

5.1. High prosecution rates of drug-related offenses

The prosecution rates of drug-related offenses significantly increased in 2022 and went back to roughly the same levels they were in 2019. The total number of drug-related cases brought before the courts of first instance rose by 19%, from 301,451 in 2021 to 360,872 in 2022.¹⁰²

Year	Number of drug-related cases brought before the courts of first instance
2018	349,310
2019	366,662
2020	352,538
2021	301,451
2022	360,872

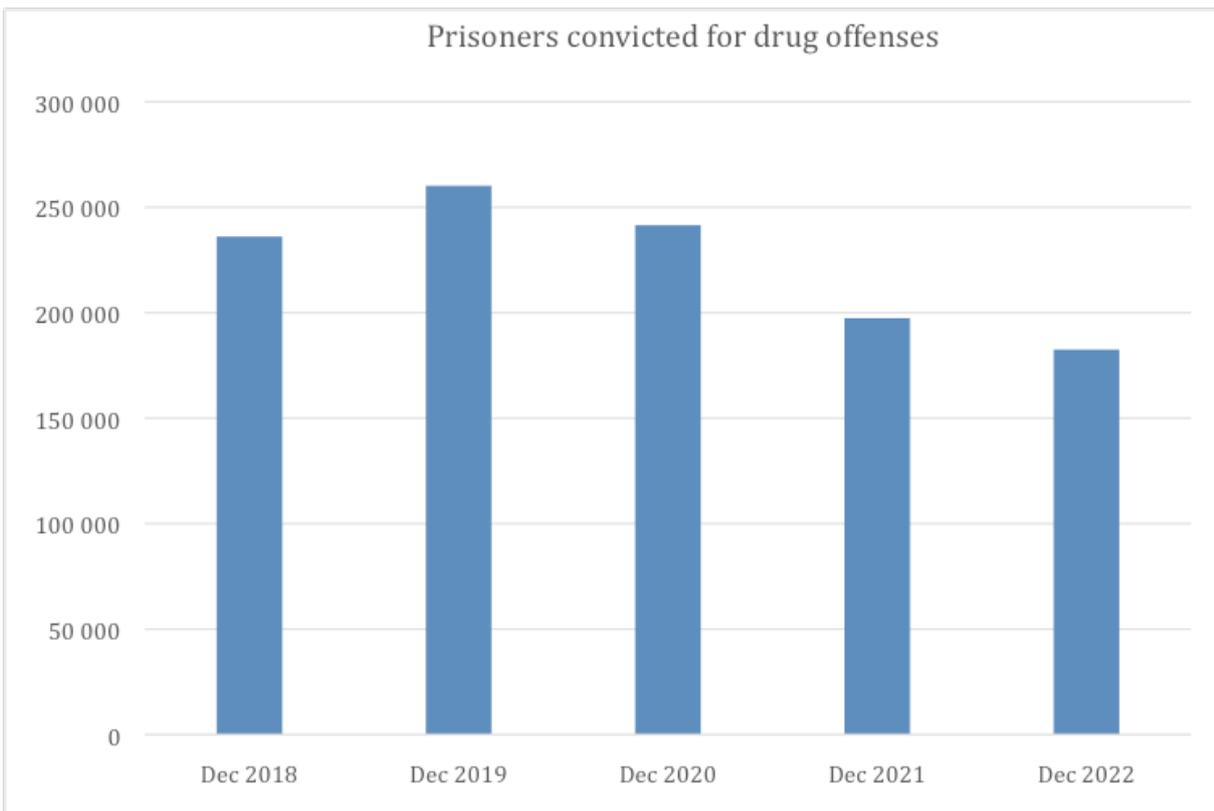


102. Office of Planning and Budget of Court of Justice, *Court of Justice's performance report 2022*, January 2023 [in Thai]

5.2. Number of drug-related convictions declines

After a year of implementation, the number of prisoners convicted for drug-related offenses declined by 7%, from 197,431 in December 2021 to 182,525 in December 2022.

Month / year	Number of prisoners convicted for drug-related offenses
December 2018	236,128
December 2019	260,216
December 2020	241,524
December 2021	197,431
December 2022	182,525



However, the number of inmates who benefited from a reduction of their sentences and subsequent release from prison pursuant to the amended Narcotics Code was too small to significantly reduce the number of prisoners who had been incarcerated before the entry into force of the amendments [See above, *What's new in the Narcotics Code 2021?*]. According to the DoC, only 2,006 prisoners were eligible for an immediate release when the new Narcotics Code became effective.¹⁰³ As of 30 October 2022, 141,950 prisoners convicted for drug offenses had filed a petition for their sentences to be reduced, resulting in 20,210 prisoners having their sentences cut, while 38,867 prisoners had their petition rejected.¹⁰⁴ By the end of October 2022, the rest of 80,867 prisoners were still awaiting a decision.¹⁰⁵

5.3. Voluntary rehabilitation schemes underachieve

The introduction of new voluntary rehabilitation schemes¹⁰⁶ under the amended Narcotics Code failed to achieve its intended goal of keeping individuals arrested for minor drug offenses out of the criminal justice system.

In 2022, the number of admissions to such schemes stood at 82,332, a 27% increase from the 64,789 recorded in 2021.¹⁰⁷ However, this increase was much lower than the increase in the number of individuals prosecuted for minor drug offenses before the courts of first instance in 2022, which stood at 267,779 - a number that more than doubled from 2021, when there were 133,745 individuals prosecuted for minor drug offenses.¹⁰⁸

The 33% drop in the total number of people entering rehabilitation systems, from 173,435 in 2021 to 116,389 in 2022,¹⁰⁹ was largely due to the discontinuation of the compulsory system¹¹⁰ in the amended Narcotics Code. This resulted in a 98% fall (from 89,111 in 2021 to 1,547 in 2022) in the number of people admitted to the compulsory system.¹¹¹ On the contrary, the number of people receiving drug rehabilitation within the correctional system¹¹² rose by 66%, from 19,535 in 2021 to 32,510 in 2022.¹¹³

103. Legal Affair Division of Department of Corrections, *Statistics of convicted prisoners who filed petition for their sentences to be adjusted under the New Narcotics Code*, 30 October 2022 [in Thai]

104. Legal Affair Division of Department of Corrections, *Statistics of convicted prisoners who filed petition for their sentences to be adjusted under the New Narcotics Code*, 30 October 2022 [in Thai]

105. Legal Affair Division of Department of Corrections, *Statistics of convicted prisoners who filed petition for their sentences to be adjusted under the New Narcotics Code*, 30 October 2022 [in Thai]

106. According to the amended Narcotics Code, individuals can be diverted to voluntary rehabilitation scheme as an alternative to prosecution in two ways: 1) Individuals can seek treatments on their own will by entering into drug rehabilitation centers before their arrest (Article 113); or 2) Individuals can be diverted to drug rehabilitation centers upon their arrest (Article 114) or by court order (Article 168), if they agree to receive the treatment.

107. Ministry of Public Health, *Dashboard on drug rehabilitation and treatment for drug addicted in Thailand*, accessed 11 January 2022 [in Thai]

108. Office of Planning and Budget of Court of Justice, *Court of Justice's performance report 2022*, January 2023 [in Thai]

109. Ministry of Public Health, *Dashboard on drug rehabilitation and treatment for drug addicted in Thailand*, accessed 11 January 2022 [in Thai]

110. The amended Narcotics Code, which bans the compulsory treatment, applies retroactively to most persons held in compulsory treatment centers. Under previous drug legislation, namely Article 18 of the Rehabilitation of Drug Dependent Act B.E. 2545 (2002), drug addicts or drug users who were arrested would be forced into compulsory drug rehabilitation following a court order as an alternative to criminal sanction.

111. Ministry of Public Health, *Dashboard on drug rehabilitation and treatment for drug addicted in Thailand*, accessed 11 January 2022 [in Thai]

112. The correctional system refers to the treatment for drug convicts provided in prisons or juvenile detention centers.

113. Ministry of Public Health, *Dashboard on drug rehabilitation and treatment for drug addicted in Thailand*, accessed 11 January 2022 [in Thai]

Year	Voluntary system	Compulsory system	Correctional system	Total
2018	178,956	109,076	60,958	348,990
2019	100,629	125,759	26,565	252,952
2020	81,397	90,457	32,564	204,418
2021	64,789	89,111	19,535	173,435
2022	82,332	1,547	32,510	116,389

The new voluntary rehabilitation schemes introduced by the new Narcotics Code remain akin to mandatory rehabilitation. These schemes indirectly force individuals who are arrested with small quantity of drugs into rehabilitation to avoid facing charges, which undermines the voluntary nature of the system and fails to acknowledge different types and needs of drug users.

5.4. Legalization of cannabis leads to release of prisoners

In 2022, the government took further steps in its efforts to reform the country's punitive drug laws in a bid to decongest prisons.

On 9 February 2022, the Ministry of Public Health promulgated a regulation that removed cannabis and hemp from the list of illicit narcotic drugs.¹¹⁴ The regulation, which legalized the production, import, export, distribution, consumption, and possession of cannabis for health and medical purposes, became effective on 9 June, 90 days after its publication in the Gazette.¹¹⁵ On 9 June, the DoC said a total of 3,071 prisoners serving jail terms for cannabis-related offenses would be immediately released from prisons nationwide and 1,004 prisoners would get their sentences reduced.¹¹⁶ Cases pending investigation would also be dropped, and arrest warrants issued for cannabis use would be revoked.¹¹⁷

6. Authorities address prison labor amid new push for correctional estates

Following the *Thomson Reuters Foundation's* December 2021 publication of its investigative report on the exploitation of Thai prison labor in connection with the production of fishing nets,¹¹⁸ Thai authorities pledged to adopt measures to eradicate abusive labor practices in prisons across the country and to ensure that an adequate wage would be paid to inmates who opted to work. However, it remains unclear how the Department of Corrections (DoC) can ensure the implementation of such measures, amid an absence of independent monitoring and access to prisoners [See above, *Chapter 3*].¹¹⁹

114. Bangkok Post, *Thousands of cannabis offenders being released, but not all*, 9 June 2022; Bangkok Post, *Ganja convicts set for release*, 4 June 2022

115. Bangkok Post, *Thousands of cannabis offenders being released, but not all*, 9 June 2022; Bangkok Post, *Ganja convicts set for release*, 4 June 2022; Nation, *Door to freedom to fling open for ganja offenders on June 9*, 4 June 2022

116. Bangkok Post, *Thousands of cannabis offenders being released, but not all*, 9 June 2022

117. Bangkok Post, *Thousands of cannabis offenders being released, but not all*, 9 June 2022; Bangkok Post, *Ganja convicts set for release*, 4 June 2022; Nation, *Door to freedom to fling open for ganja offenders on June 9*, 4 June 2022

118. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022

119. Thomson Reuters Foundation, *Thailand pledges to ban forced prison labour after expose*, 2 March 2022

6.1. Prisons ordered to stop abusive labor practices

The DoC said it had sent letters, dated 2 May, to all 143 prisons across the country to order the prohibition of forced labor.¹²⁰ The letters ordered prison officials not to sign any new contracts with private companies for the production of fishing nets, which meant the existing contracts would remain enforceable until September 2022.¹²¹ The letters also required prisons to declare they had ceased using inmates to work for companies for substandard wages.¹²² The DoC said new committees would be formed to oversee reform in all prisons and set inmates' pay in line with the minimum wage of each province, starting in fiscal year 2023 (1 October 2022 – 30 September 2023).¹²³

However, according to the most recent statistics published by the DoC on 24 January 2023, the average dividend paid to prisoners in 2022 remained well below Thailand's daily minimum wage, which was between 328 and 354 baht (US\$10.5-11) per day.¹²⁴ According to the DoC, prisoners received between 17 and 645 baht (about US\$0.52–19.6) per project.¹²⁵ Prisoners from seven prisons received less than 100 baht (about US\$3) for each project they had completed.¹²⁶ The majority of job contracts were for labor-intensive work, including folding shopping bags, making land boundary markers, knitting, and sewing.¹²⁷

Former prisoners interviewed by FIDH for this report said these repetitive types of work, such as folding paper bags and making land boundary markers, had little rehabilitative value and did not make them more employable after their release from prison [See below, *Chapter 7*].

The main laws governing remuneration of the work of prisoners, including the Penitentiary Act 1936 (amended in 2017)¹²⁸ and the Ministerial Regulation on the Calculation of Income and the Payment of Financial Reward to Prisoners whose Work Generates Income 2020,¹²⁹ remained untouched, meaning the right to minimum wage of inmates has yet to be legally recognized. Under Article 50 of the Penitentiary Act 1936, prisoners are remunerated based on the revenues from sales after deduction of the associated costs.

6.2. Prison labor plan moves forward

Despite ongoing concerns about the lack of safeguards to prevent exploitative prison labor practices, authorities pressed ahead with plans to develop industrial zones that rely on the work of inmates.

In July 2022, it was reported that the Industrial Estate Authority of Thailand (IEAT) expected the construction of a new correctional industrial estate, named Zubb Sakhon, to be completed in three

120. Bangkok Post, *Prisons warned over work rules*, 2 March 2022

121. Thomson Reuters Foundation, *Thailand bars prisons from using inmates to make fishing nets*, 28 June 2022

122. Bangkok Post, *Prisons warned over work rules*, 2 March 2022

123. Thomson Reuters Foundation, *Thailand pledges to ban forced prison labour after expose*, 2 March 2022

124. Bangkok Post, *Daily minimum wage to rise by 5% from Oct 1*, 26 August 2022

125. According to the DoC, the duration of a project ranges from two days to several weeks; Department of Corrections, *Statistics of prisoners sent to work*, accessed on 24 January 2023

126. The prisons include: Ayutthaya Central Prison in Ayutthaya Province; Chonburi Central Prison in Chonburi Province; Sakaew Provincial Prison in Sakaew Province; Nan Provincial Prison in Nan Province, Thoeng District Prison in Chiang Rai Province; Uttaradit Provincial Prison in Uttaradit Province; and Nakhon Pathom Central Prison in Nakhon Pathom Province; Department of Corrections, *Statistics of prisoners sent to work*, accessed on 24 January 2023

127. Department of Corrections, *Statistics of prisoners sent to work*, accessed on 24 January 2023

128. Government Gazette, *Penitentiary Act 1936 (amended in 2017)*, 18 February 2017 [in Thai]

129. Government Gazette, *Ministerial Regulation on the Calculation of Income and the Payment of Financial Reward to Prisoners whose Work Generates Income 2020*, 12 October 2020 [in Thai]

to five years.¹³⁰ The industrial complex is being developed by the Thai company Sivachai in Samut Sakhon Province. The IEAT estimated Zubb Sakhon would offer more than 30,000 jobs to inmates.¹³¹ In addition, in December 2022, it was reported that another Thai company, Green Utilities Holding, proposed to develop a second correctional industrial estate in Thailand's Northeast.¹³²

Meanwhile, authorities continued the use of prisoners for work that has questionable rehabilitation value. On 7 June, Bangkok Governor Chadchart Sittipunt and the Bangkok Metropolitan Authority (BMA) approved the DoC's proposal to use prison labor to clean Bangkok's sewers, beginning on 1 July.¹³³ The BMA reported that it would hire a total of 1,000 prisoners with good behavior records and on a voluntary basis and provide them with wages, safety equipment, meals, and medical care.¹³⁴

7. Prison conditions inconsistent with international standards

7.1. Crowded and inadequate conditions of accommodation

Former detainees reported high prison populations and poor management of accommodation space, leading to persistent cramped living conditions that fell short of international standards.¹³⁵ Moreover, interviews with former prisoners revealed that the expansion of the minimum floor space in the shared accommodation of prisoners from 1.2m² (60cm x 2m) to 1.6m² per person (80cm x 2m) had not been effectively implemented. Most former prisoners reported that inmates continued to lack sufficient sleeping space, which had a negative impact on the quality of their accommodation.

According to a former prisoner at Nong Bua Lamphu Provincial Prison, one sleeping dormitory was used to accommodate almost 100 inmates who had to sleep shoulder-to-shoulder.¹³⁶

Interviewed former prisoners at the Bangkok Remand Prison reported that the overcrowding conditions varied greatly among the prison's eight Quarters. One former prisoner commented: "Quarter Four had between 90-200 inmates. Other Quarters could have up to 300, 250 people. Quarter Eight was probably the most crowded, with 500–600 prisoners living there."¹³⁷ Some former prisoners noted that because of the lower number of inmates, Quarters Two and Four had better overall conditions and quality of accommodation.¹³⁸ Nevertheless, one former prisoner reported

130. Bangkok Post, 'Correctional' estate being developed, 18 Jul 2022

131. Bangkok Post, 'Correctional' estate being developed, 18 Jul 2022

132. Krungthep Turakij, *Industrial Estate Authority of Thailand's plan set to attract investment to its 2500 Thai Rai of industrial estate*, 8 December 2022 [in Thai]

133. Bangkok Post, *Prison labour hired to clean Bangkok's drains*, 7 June 2022; Bangkok Post, *Convicts to clean capital's sewers*, 8 Jun 2022

134. Bangkok Post, *Prison labour hired to clean Bangkok's drains*, 7 June 2022; Nation, *Chadchart shows up to thank inmates for cleaning up Din Daeng sewers*, 20 June 2022

135. 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."

136. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

137. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

138. In 2022, Quarter Two was used to quarantine newly admitted prisoners or those who returned from court hearings under the prison's COVID-19 measures, before their transfer to Quarter Four, which was used as temporary facility for prisoners who were waiting to be assigned to their permanent quarter; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

that in Quarter Four, a shared sleeping cell of about 40m² could be used to accommodate as many as 51 prisoners and inmates had to sleep “crammed in, shoulder-to-shoulder.”¹³⁹

At the Central Women’s Correctional Institution, different sizes of sleeping dormitories were available. One former detainee said a sleeping dormitory of about 5m x 10-12m (50–60m²) could accommodate around 30 prisoners.¹⁴⁰ According to one interviewed former prisoner, inmates typically had around 60cm in width while sleeping.¹⁴¹ Bigger dormitories of about twice the size could be used to house as many as 170 prisoners.¹⁴² Because bigger dormitories tended to be more overcrowded, inmates had to sleep right next to each other with no space between them.¹⁴³

A former prisoner at Ratchaburi Central Prison reported that small sleeping dormitories of about 3.5m x 15m (52.5m²) accommodated 20 people, while others “about four times bigger” housed approximately 100 prisoners.¹⁴⁴

All interviewed former inmates at the Songkhla Provincial Prison reported that the prison was always overcrowded and there was never any space between inmates when they were sleeping.¹⁴⁵ One former prisoner reported that as many as 120 prisoners had to share a sleeping cell of about 8m x 16m (128m²) in size.¹⁴⁶

Likewise, at Narathiwat Provincial Prison, even though former prisoners noted that the overcrowding situation improved since the relocation to a bigger facility in February 2021, the persistent overcrowding in the dormitories resulted in inmates having no space between each other while sleeping. One former detainee related that the condition of the sleeping dormitories went from having “no walking space at all” in the old prison to “[prisoners sleeping] right next to each other, with small gaps between people’s feet” in the new prison.¹⁴⁷

With regard to material conditions in prisons’ sleeping accommodations, most former prisoners interviewed said they did not have access to appropriate and sufficient mattresses and bedding.¹⁴⁸

Former prisoners at the Bangkok Remand Prison and Ratchaburi Central Prison reported that the prison provided inmates with three blankets upon admission – one to be used in place of a mattress, one rolled up as a pillow, and the third one as blanket.¹⁴⁹ Some former prisoners described the condition of the blankets as very thin, old, and smelly.¹⁵⁰ According to one former prisoner, having more than three blankets was considered a violation of the prison rules,¹⁵¹ although some other former prisoners noted that prisoners with privileges were allowed to have more blankets

139. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

140. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022

141. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022

142. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

143. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

144. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

145. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

146. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

147. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

148. Rule 21 of the UN Standard Minimum Rules for 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.”

149. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

150. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

151. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

[See below, *Chapter 7*].¹⁵² At Narathiwat Provincial Prison, having access to three blankets was a privilege, “like being a prison guard assistant, or having good connections,” according to one former prisoner.¹⁵³ Former detainees at Narathiwat Provincial Prison reported that most prisoners had two blankets: “New inmates get one blanket each, then you have to try to find more. Some had to buy it, or some could talk to the guard, it depends. But most people had two blankets for lying on and covering. There was no pillow.”¹⁵⁴ Some former inmates in these two prisons also complained about suffering from back pain as a result of the inappropriate bedding.¹⁵⁵

Interviewed former prisoners at Nong Bua Lamphu Provincial Prison and Songkhla Provincial Prison reported being provided a mattress on which to sleep.¹⁵⁶ One former prisoner at the Central Women’s Correctional Institution also mentioned that inmates had an option to receive a mattress.¹⁵⁷ At the Central Special Treatment Center, a former detainee reported that mattresses were given to some prisoners.¹⁵⁸ A former prisoner at Ratchaburi Central Prison reported that two rubber mattresses were shared among three prisoners for sleeping.¹⁵⁹

Lastly, international standards stipulate that artificial lighting should not be kept on 24 hours a day in areas where prisoners sleep.¹⁶⁰ However, interviewed former prisoners at the Bangkok Remand Prison, the Central Women’s Correctional Institution, and Songkhla Provincial Prison complained that the lights in the sleeping dormitories were always kept on at night while inmates were sleeping.¹⁶¹ One former prisoner at the Bangkok Remand Prison said: “[The prison] claimed that it was in case of quarrels, stealing, or people having sex.”¹⁶²

7.2. Cruel, inhuman, or degrading treatment and punishment of prisoners

Punishment and disciplinary sanctions in many prisons where interviewed former prisoners had been detained amounted to ill-treatment.¹⁶³

152. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

153. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

154. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

155. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022

156. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

157. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

158. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

159. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

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

161. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

162. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

163. 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.”

Under international standards, the use of force against prisoners is only permitted as an exceptional response in three situations: legitimate self-defense; attempted escape; and active or passive resistance to a lawful order.¹⁶⁴ However, all interviewed former male prisoners at the Bangkok Remand Prison, Nong Bua Lamphu Provincial Prison, Songkhla Provincial Prison, and Narathiwat Provincial Prison reported having witnessed the regular use of force by prison guards as punishment for violations of prison rules. According to these former inmates, this occurred in cases that involved disciplinary offenses, including: fighting; gambling; stealing; tattooing; collecting medicines; bringing food out of the prison canteen; and not following the orders of prison guards.¹⁶⁵ One former inmate at the Bangkok Remand Prison said: "In the prison, it is a different world where people know and accept that if they get into a brawl, then the prison guard would beat them."¹⁶⁶ Former detainees from Songkhla Provincial Prison and Narathiwat Provincial Prison noted that force was sometimes arbitrarily used because the prison guard "was stressed" or "happened to have a baton in his hand."¹⁶⁷

According to former male prisoners at Bangkok Remand Prison, Songkhla Provincial Prison, and Narathiwat Provincial Prison, bamboo or rattan canes, plastic batons, and wooden sticks with a piece of rubber attached to the top, were the most common tools used by prison guards to beat prisoners, typically on their back.¹⁶⁸ One former prisoner at the Bangkok Remand Prison said: "Before following the official prison regulations, [prison guards] would use such punishment to give prisoners a lesson, to scare them."¹⁶⁹ Former prisoners at Songkhla Provincial Prison and Narathiwat Provincial Prison added that the beating would result in wounds and bruises.¹⁷⁰

In addition to beatings, all interviewed former male prisoners reported the use of ankle shackles, solitary confinement, and disciplinary segregation¹⁷¹ for violations of prison rules. According to some

164. Rule 82 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. Prison staff shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Prison staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison director. 2. Prison staff shall be given special physical training to enable them to restrain aggressive prisoners. 3. Except in special circumstances, prison staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, prison staff should in no circumstances be provided with arms unless they have been trained in their use."

165. FIDH, *Interview with a former prisoner at the Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

166. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

167. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

168. FIDH, *Interview with a former prisoner at the Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

169. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

170. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

171. Disciplinary segregation occurs when multiple prisoners are punished by being shackled and placed together

interviewed former prisoners, the duration of solitary confinement and disciplinary segregation depended on the severity of the offenses.¹⁷² “[Prisoner who broke a prison rule] would be beaten first, and then shackled and locked up,” recalled a former prisoner at Songkhla Provincial Prison.¹⁷³

Interviewed former female prisoners at the Central Women’s Correctional Institution said that beatings, the use of instruments of restraint, solitary confinement, and disciplinary segregation, were not common.¹⁷⁴

Other disciplinary sanctions mentioned by interviewed former detainees included: laying on the ground in the sun or the rain; jumping jacks; push-ups; and running in the prison yard.¹⁷⁵ Other types of punishment reported by former prisoners included: suspension of visitation rights; downgrade to a lower class of prisoner; and exclusion from royal amnesties.¹⁷⁶

Many interviewed former prisoners also reported a pattern of degrading treatment by prison guards and officials. Some former prisoners, including at the Central Women’s Correctional Institution, Songkhla Provincial Prison, and Narathiwat Provincial Prison, said the display of submission to prison guards was the norm of prison life. Interviewed former detainees at these prisons reported that inmates had to sit below prison staff or kneel as they talked to them.¹⁷⁷ A former prisoner at the Central Women’s Correctional Institution recalled that on several occasions, “when a high-ranking official came to inspect the building [where I was detained], one prisoner would shout: ‘Here comes the inspector!’ Then, no matter what we were doing, like mopping the floor or dealing with paperwork, everybody had to put it on hold and come sit on the floor. Everyone had to stop whatever activity they were doing just to receive the visit of the high-ranking officer.”¹⁷⁸ A former inmate at the Narathiwat Provincial Prison commented: “[When talking to prison staff, prisoners normally have to squat down like slaves, or sit down on the floor.”¹⁷⁹ In addition, former prisoners at Ratchaburi Central Prison and the Central Women’s Correctional Institution reported that female prisoners addressed prison staff as “mother,” which they thought reflected the paternalistic and unequal relationship between prisoners and prison staff.¹⁸⁰

in a cell separate from other prisoners.

172. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

173. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

174. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

175. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022

176. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

177. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

178. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

179. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

180. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

7.3. Religious practices not respected, prisoners discriminated against

In some cases, the Thai correctional system failed to ensure inmates could observe their religious precepts.¹⁸¹ Interviews with many former prisoners also revealed a pattern of acts of discrimination against prisoners based on their socio-economic status and/or the crimes for which they had been convicted.¹⁸²

Former inmates at Songkhla Provincial Prison and Narathiwat Provincial Prison, where the majority of prisoners were Muslim, decried the prisons' failure to respect the religious customs of Muslim prisoners. These included: food preparation; clothing that took into account their religious identity; and insufficient provision of water to carry out washing practices. According to one former prisoner at Songkhla Provincial Prison, around 80% of the total population was Muslim.¹⁸³ Despite being provided with food choices that met their dietary restrictions, former detainees complained that meals for prisoners were not prepared in accordance with Islamic practices. "When prisoners come and eat together, according to Islamic rules, it's considered unclean. It's not unclean in the sanitation-wise, but the religion-wise. When it comes to eating, it's supposed to be all separated, including the dishes," explained one former inmate. In Narathiwat Provincial Prison, one former inmate noted that halal meals were prepared and provided to all prisoners.¹⁸⁴

With regard to clothing, interviewed former male inmates at both prisons reported that prison authorities routinely rejected requests made by Muslim prisoners for longer pants, as required by Islamic precepts.¹⁸⁵ "The pants are supposed to cover the knees. [Normal] prison pants are too short, which is against Islamic rules. When we raised [this issue] to the authorities, they only claimed it was because of the regulations," said one former prisoner at Songkhla Provincial Prison.¹⁸⁶

Lastly, even though a designated space for prayers was provided in every sleeping dormitory in both prisons, a former detainee at Narathiwat Provincial Prison noted that because of the limited availability of water in the dormitories, Muslim prisoners were unable to wash themselves or carry out washing practices as often as their religion required.¹⁸⁷

Many former inmates raised the issue of the inequality of treatment of prisoners based on their socio-economic status or the crimes for which they had been convicted. Based on the interviews with many former detainees, prisoners who came from a wealthy background, well-known individuals, and those with influence and connections routinely received preferential treatment by prison authorities. One former female prisoner at the Central Women's Correctional Institution explained: "Special treatment of inmates with power and connections [included] being ignored by the guards when they broke a prison rule, instead of receiving a warning or punishment, as well as getting to live in a less crowded cell."¹⁸⁸ Former prisoners at the Bangkok Remand Prison said that certain privileged prisoners were exempted from having to comply with certain prison rules, such as not having to wear a uniform or cut one's hair, and had access to extra goods and

181. Rule 2.1 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "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."

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183. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

184. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

185. The standard uniform for male prisoners in Thailand is a top and knee-length pants.

186. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

187. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

188. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

amenities, such as musical instruments, a kettle, and a private bathroom.¹⁸⁹ One former prisoner at the Bangkok Remand Prison commented: “For these people, the guards wouldn’t normally dare to mess with them because they could make a complaint about any instance of physical assault or wrongdoings by the guards.”¹⁹⁰

Individuals who did not have visiting family members or money typically performed services for other prisoners in exchange for food products or basic necessities. According to most interviewed former prisoners, common “work” by prisoners included massage, sewing clothes, washing clothes of other inmates, and cleaning sleeping accommodations and toilets.¹⁹¹

7.4. Sanitary needs of prisoners adversely affected by overpopulation

Interviews with all former detainees revealed that sanitary facilities in prisons, including toilets and showers, were insufficient and unhygienic.¹⁹² An inadequate amount of water to flush toilets and allow inmates to properly shower in many prisons where interviewed former inmates had been detained meant that basic hygiene needs of detainees could not be met.¹⁹³

According to the majority of former detainees interviewed by FIDH, the number of prison toilets was insufficient, compared to the size of the population in their prisons. Former prisoners also reported that the high number of inmates negatively impacted the conditions of sanitary facilities. In all prisons where interviewed former inmates had been detained, toilets were directly accessible from the sleeping dormitory. Depending on the prison, each sleeping dormitory typically had one to three squat toilet “blocks,” which were described by a former prisoner at the Central Special Treatment Center as 2 x 2-meter spaces “having no proper walls, just slabs of concrete only 50-centimeter high.”¹⁹⁴ A former prisoner at Narathiwat Provincial Prison reported that the two toilet blocks available in each sleeping dormitory were inadequate, resulting in prisoners having to line up starting at 4:00am to use the toilet before having to leave the dormitory.¹⁹⁵ In addition, according to all former detainees, water supply in the toilet blocks in the dormitories was not always available. Although a tub of water was typically provided in the toilet blocks to collect extra water, this practice made it difficult to guarantee access to sufficient clean water and satisfactory levels of hygiene, especially in accommodations with a high number of inmates. A former inmate at Narathiwat Provincial Prison also reported that the water supply in the dormitory’s toilet blocks could be halted without prior warning.¹⁹⁶ “I had to use the spilled water, around the edges of the toilet where the water got collected. I had to scoop the water up to flush the toilet,” he recalled.¹⁹⁷

All interviewed former prisoners reported being allowed to shower two times a day – once in the morning and once in the afternoon. Prisoners showered together in an open area, without

189. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

190. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

191. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

192. Rule 15 of the UN Standard Minimum Rules for 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.”

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

194. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

195. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

196. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

197. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

any partitions to separate them from each other. A former prisoner at Ratchaburi Central Prison reported that there was no separate shower space for female prisoners who were having period, so they had to move to shower near the drain hole.¹⁹⁸ Depending on the prison, prisoners used either the water collected in concrete tanks or the shower system consisting of a plastic pipe with holes for running water, under which they washed themselves. Only former prisoners detained at the Bangkok Remand Prison reported having access to sufficient amount of water and time for showering. The rest of the interviewed former inmates complained about the limited availability of water in the prison communal showers, resulting in prisoners not being able to wash themselves for a sufficient amount of time, or in some cases, at all. A former prisoner at Nong Bua Lamphu Provincial Prison reported that some inmates were unable to shower before the water ran out.¹⁹⁹ A former prisoner at Ratchaburi Central Prison recalled that, during the dry season, each prisoner received roughly one bucket of water to shower.²⁰⁰ Former female prisoners at the Central Women's Correctional Institution also reported difficulty having enough water when showering due to strict time constraints: "[Prison guards allowed inmates to] use 15 seconds of water, counted by mouth, not even a timer. It's seriously not enough."²⁰¹ The Central Women's Correctional Institution also used the bowl system, which according to interviewed former prisoners, was limited to a total of 10 bowls of water per person – an increase from the eight bowls per person reported in 2021.²⁰² The former detainee also noted that the strict shower routine put vulnerable inmates, including pregnant women, the elderly, and those with mental disorders, at heightened risk of accidents and injuries.²⁰³

Interviewed former detainees at the Songkhla Provincial Prison explained that because of the limited supply of water, prisoners took turns showering in rounds: "One round was over 100 prisoners. There was a time limit of 10 minutes per round."²⁰⁴ However, the shower installations were not available in sufficient quantity. As a result, a former prisoner reported that two people, or sometimes even three, had to share one shower.²⁰⁵

At Narathiwat Provincial Prison, the inadequate supply of water in the prison shower created unhygienic conditions and difficulties to maintain good personal hygiene of inmates. According to one former detainee, "normally, [prisoners were given] five bowls. That's when there was enough water. If there wasn't enough water, [prisoners were allowed] three bowls of water – one before soap, and two to rinse the soap off. This is why many prisoners got skin diseases."²⁰⁶

In addition, some former prisoners complained about the poor quality of water in the prison showers, such as having unpleasant smell or color.²⁰⁷ A former inmate at the Central Women's Correctional Institution reported that newly admitted prisoners suffered from skin diseases after using the prison shower.²⁰⁸

With regards to personal hygiene, inmates were responsible for washing their clothes and cleaning their accommodations, in addition to the toilet blocks. However, some former prisoners, including at the Bangkok Remand Prison, Songkhla Provincial Prison, and Narathiwat Provincial Prison,

198. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

199. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

200. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

201. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

202. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

203. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

204. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

205. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

206. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

207. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

208. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

reported not being provided with sufficient cleaning equipment and products. According to one former prisoner at the Bangkok Remand Prison, prisoners used “do-it-yourself cleaning equipment” to clean the toilets by attaching a body brush to a stick and used dishwashing liquid or soap instead of liquid bathroom cleaner because of “concern that prisoners would drink it.”²⁰⁹

The majority of interviewed former prisoners reported being provided with toiletries and basic necessities when they were admitted to prison. For male prisoners, newly admitted inmates received two sets of clothes, one bar of soap, a toothbrush, one tube of toothpaste, one bottle of shampoo, a plastic cup, and a plastic spoon.²¹⁰ Former female prisoners reported they received an additional two pairs of sarongs, underwear, and sanitary pads.²¹¹ Prisoners could request for these necessities if they ran out of them, or they could buy them at the prison shop. Only interviewed former prisoners at Narathiwat Provincial Prison reported that the prison failed to provide these essentials for new inmates or when they requested for more.²¹²

7.5. “Dehumanizing” food and substandard drinking water

Interviews with former inmates revealed that prisons failed to ensure sufficient food of good quality and adequate nutritional value.²¹³ A common complaint by most of the interviewed former prisoners was that the diet was monotonous with food that lacked in protein, as well as vegetables and fruits. Drinking water provided by many prisons where interviewed former prisoners had been detained was unsafe for consumption.

In all prisons where interviewed former prisoners had been detained, inmates were given three meals per day. Former prisoners described the food served in prisons as being of poor quality, unappetizing, flavorless, and unvaried. “[The same food was served] over and over again. It’s very repetitive,” commented one former prisoner at Nong Bua Lamphu Provincial Prison.²¹⁴ One concern shared by all former detainees was about the lack of nutritional value of prison food - typically consisting of rice and a side dish, with few vegetables and a scarcity of quality protein. The rice was described by some former prisoners as often being either undercooked or overcooked.²¹⁵ One former prisoner at Nong Bua Lamphu Provincial Prison reported that the most common choice of protein was chicken.²¹⁶ Other sources of protein mentioned by former detainees included “mushy mackerel with bones,”²¹⁷ “pork with mostly fat,”²¹⁸ and “some scraps of meat.”²¹⁹ Noodle dishes prepared by the prison were described as “carb-heavy” by one former prisoner at the Bangkok Remand Prison.²²⁰ Though vegetables and fruits were often included in a meal, they were insufficient in quantity and never fresh. A former prisoner at Narathiwat Provincial Prison said: “One banana was divided and eaten by five people.”²²¹ Some former prisoners at the Bangkok Remand Prison and Central Women’s Correctional

209. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022

210. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

211. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

212. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

213. Rule 22 of the UN Standard Minimum Rules for 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.”

214. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

215. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

216. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

217. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

218. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

219. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

220. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022

221. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

Institution added that because the prison food was very bland, many inmates would put “extra seasoning” or “instant noodle seasoning” to add flavors to the meals.²²² One former prisoner at the Bangkok Remand Prison recalled that the overall quality of food served in prison had worsened considerably compared to two years earlier.²²³

In addition, some interviewed former prisoners made comments about unsanitary cutlery and dishes that further compromised food quality and safety. One former inmate at the Bangkok Remand Prison reported that dishes were often greasy.²²⁴ Prisoners also had to reuse the same plastic spoons provided to them upon admission. Another former prisoner at the Bangkok Remand Prison gave an account about how food was served to inmates undergoing COVID-19 quarantine, as they were not allowed to leave their accommodations and eat at the prison canteen: “[Prison staff] would put the food on the tray, and then slip it through the gap under the door, which I really despised. It was filthy, to make us eat on the floor. When we finished eating, we had to slip it back [to return the tray] and sometimes [the food waste] would spill and go everywhere. It’s unbearably dirty.”²²⁵

With regard to drinking water, in all prisons where interviewed former prisoners had been detained, water was available at all times from the water tanks in the prison buildings. However, most of the interviewed former inmates complained about the water having an unpleasant taste and smell. Only a few former prisoners, including one at Nong Bua Lamphu Provincial Prison, one at Ratchaburi Central Prison, and some from the Bangkok Remand Prison reported that a water filtration system was in place.²²⁶

One former detainee at the Bangkok Remand Prison complained about the lack of quality control of drinking water in the tanks.²²⁷ Another former detainee from the Bangkok Remand Prison recalled his experience of cleaning a pipe connected to the tap and discovering that it was “all rusty and full of moss. That [water] was supposed to be consumed by the whole building. From that moment on, I never drank prison water ever again.”²²⁸ Other former prisoners, including at Ratchaburi Central Prison, Songkhla Provincial Prison, and Narathiwat Provincial Prison, made consistent comments about kidney stone disease being increasingly common among inmates, allegedly due to the poor quality of drinking water.²²⁹ “One of my friends got diagnosed with kidney stone disease when she left the prison, I was frightened that it would happen to me, too, so I always brought bottled water since then,” said a former prisoner at Ratchaburi Central Prison.²³⁰

As a result of the distrust in the quality of prison drinking water, most interviewed former prisoners said inmates preferred to buy bottled water from the prison shops, although not everyone could afford it. A former detainee at Songkhla Provincial Prison commented: “If I had money, I would never drink [prison water]. It’s much safer [to buy bottled water].”²³¹

The food and water experience in prison was seen by many former inmates interviewed by FIDH as daily punishment and one of the fundamentally degrading ways in which prisoners were treated.

222. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022

223. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

224. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

225. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

226. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

227. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022

228. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

229. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

230. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

231. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

One former inmate at the Bangkok Remand Prison summarized the nature of prison food as “seriously dehumanizing.”²³² He explained: “It’s the kind of food that if it was outside of prison you would never eat again after the first time. But in prison you just have to eat it, because if you don’t, you might not get to eat anything at all.”²³³

For those who did not want to consume food and water provided by the prisons, alternative food, drinks, and snacks were available to order or buy at the prison shops. Depending on the prison, inmates were allowed to spend between 300 and 600 baht (about US\$9-18) per day from the money they received from their families. Nonetheless, many former prisoners complained that the goods were overpriced compared to the same ones sold outside of prison.

As a consequence, prisoners who did not have money or did not receive visits had no option but to consume the poor quality prison food and drinking water. One former prisoner at the Bangkok Remand Prison commented: “Food was the best indicator of inequality [in prison]. When it’s time to eat, those with power, money, and visiting relatives wouldn’t eat the food provided by the government. [...] But those with no money or family, which accounted for over 80% of the [prison] population, had to eat whatever was given to them.”²³⁴ Prisoners also performed services for others in exchange for food products or snacks, such as milk cartons and instant coffee, which were the main “currency” because they could be kept for a longer time, according to one former inmate at the Bangkok Remand Prison.²³⁵

7.6. Inadequate availability of healthcare services

Interviews with former detainees revealed the Thai correctional system’s ongoing failure to provide timely and quality healthcare that meets international standards.²³⁶ The in-prison healthcare services²³⁷ continued to be understaffed and lacked appropriate medical equipment and supplies to attend to prisoners’ medical needs. Specialized medical services in prisons were also either unavailable or extremely limited compared to the size and needs of the prison population.²³⁸

All interviewed former inmates reported the lack of prison staff to meet the needs of the prison population. Based on the interviews with all former inmates, prison staff provided on-site primary healthcare services and medicines to prisoners at the prison medical facility. For instance, interviewed former inmates at the Nong Bua Lamphu Provincial Prison and Ratchaburi Central Prison reported that there were only two prison staff members in charge of healthcare in the facility.²³⁹ One former inmate at the Bangkok Remand Prison added that prison staff in charge of healthcare were not always on duty. This was particularly common at night, when prisoners had to wait at the prison clinic until the morning to receive treatment.²⁴⁰

232. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

233. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

234. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022

235. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022

236. 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.”

237. These in-prison medical facilities provide primary care and basic medicines to prisoners, while those with more serious pathologies or in critical conditions would be referred to local hospitals for additional treatment.

238. 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.”

239. FIDH, *Interview with a former prisoner at the Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

240. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

Some interviewed former prisoners mentioned that prisoners had access to general practitioners from hospitals who would visit the prisons from time to time. Interviewed former inmates at the Bangkok Remand Prison mentioned that doctors from outside would visit the prison once a week.²⁴¹ A former detainee explained that inmates had to register one week in advance in order to be visited by the doctor.²⁴² Similarly, former prisoners at Narathiwat Provincial Prison noted that only nurses were on duty at the prison clinic, and medical doctors from outside would visit the prison facility, typically once a month, but only to follow up on prisoners with underlying health conditions, such as diabetes or high blood pressure.²⁴³

According to all interviewed former prisoners, oral health diseases were very common among inmates. However, the provision of dental healthcare was seriously inadequate compared to the demand, resulting in very long waiting time. For example, at the Bangkok Remand Prison and Songkhla Provincial Prison, former inmates reported that dental services were available once a week or, sometimes, every two weeks.²⁴⁴ At Narathiwat Provincial Prison, former prisoners said inmates had access to a dentist only once a year.²⁴⁵ Only a former prisoner at Ratchaburi Central Prison said that a dentist visited the prison almost every day as part of a royal project, and therefore the waiting time was not long.²⁴⁶ In addition, some former inmates, including at the Bangkok Remand Prison, the Central Women's Correctional Institution, and Narathiwat Provincial Prison, reported that inmates normally received only teeth extraction services.²⁴⁷ Other types of dental care, such as cavity fillings, cleaning, or braces, were exceptionally rare.²⁴⁸

Although mental health issues remained common among inmates, mental healthcare or psychiatric care services in prisons were described by all former prisoners as "very poor" or "non-existent." While prisoners with severe mental disorders were given their daily medications, most interviewed former inmates reported a lack of access to a psychiatrist or psychologist. Only some former prisoners at the Bangkok Remand Prison, the Central Women's Correctional Institution, and Ratchaburi Central Prison said that access to a psychiatrist or psychologist was possible through registration, though the process usually took a long time.²⁴⁹ According to former prisoners at Songkhla Provincial Prison, prisoners had to endure their own mental health conditions and, if the symptoms were serious, "they could be chained."²⁵⁰ A former inmate at the

241. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

242. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

243. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 1 December 2022

244. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

245. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 1 December 2022

246. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

247. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

248. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

249. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

250. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

Central Women's Correctional Institution also added that sedative pills were given to prisoners with sleeping or stress disorders.²⁵¹

With regard to treatment, all former detainees mentioned that paracetamol continued to be the most common medicine given to inmates to treat various illnesses. Many former inmates noted that medicine, including paracetamol, was not readily available, and the process to obtain it was slow. At the Central Women's Correctional Institution, one former prisoner reported having to register in the morning in order to get medicine in the evening on the same day.²⁵² Another former inmate at the Bangkok Remand Prison mentioned having to wait until the following day to receive the medicine or collecting medicines in case of emergency.²⁵³ According to some former inmates at the Bangkok Remand Prison and Narathiwat Provincial Prison, this practice also led to "drug dealing businesses," where prisoners sold or traded goods such as soda, snacks, or basic necessities in exchange for medicine.²⁵⁴ Over-the-counter painkillers and anti-inflammatory medicines were especially "treasurable" and "precious," and they could be sold for as much as 200 baht (about US\$6) per pill,²⁵⁵ or traded with 30 bags of instant coffee.²⁵⁶

All former prisoners reported the issue of the extensive bureaucratic process and security considerations, which routinely resulted in the untimely diagnosis and medical attention for prisoners, particularly in cases of medical emergencies. In order for prisoners to visit the prison clinic, they had to be screened and be given permission by a prison guard who had no medical expertise. "If [the prison guard] assumes that you are not sick enough, you just have to endure it," said one former prisoner at the Bangkok Remand Prison.²⁵⁷ Another former prisoner at the Bangkok Remand Prison commented on the difficulty visiting the medical facility in the prison: "Only in urgent circumstances would [prison officers] let you go to the clinic. By urgent, it means really desperate [or] that it's life-threatening. If you have a fever, it has to be so severe you almost lose consciousness. If it's not that level, you can only take paracetamol."²⁵⁸ Similarly, a former inmate at Narathiwat Provincial Prison said: "You have to be near death, just to be sent to the prison clinic, not even an actual hospital."²⁵⁹

In cases of medical emergencies that occurred during the period of the afternoon and night when prisoners are not allowed to leave their accommodations (usually from 3:00pm to 6:00am), former detainees reported that inmates could press a buzzer to call a prison guard. However, many former detainees said that prison officers often failed to respond urgently to emergency cases. One former inmate at the Central Women's Correctional Institution recalled one occasion when a fellow prisoner who shared the same accommodation had suffered a seizure: "There was supposed to be a buzzer to press to call [prison staff], but there wasn't one in every cell, and also we weren't sure if it would actually work, so we had to shout. Then a staff member came running up to check her conditions, reported to another officer for consideration, and the officer finally decided to make a referral."²⁶⁰ The whole process took almost half an hour, according to the former prisoner.²⁶¹ A former prisoner at Narathiwat Provincial Prison recalled his own experience suffering from abdominal pain due to kidney stones: "I had this pain since 10:00pm, but [the prison guard] was not even bothered, telling me to wait until 6:00am when they would let us out [from the dormitory]."²⁶² Many former prisoners

251. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

252. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

253. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

254. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

255. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

256. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

257. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

258. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

259. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

260. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

261. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

262. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

at the Bangkok Remand Prison and Songkhla Provincial Prison reported having witnessed the deaths of prisoners as a result of the prisons' failure to respond urgently to medical emergencies.²⁶³

The referral process to an outside hospital was also overly complicated and tightly managed by prison staff, according to many former inmates. "[To be treated at a hospital], it has to be very serious, really life-threatening cases. And then you have to fight for it as well, [by saying] that you really have to go [to the hospital], that you can't take it any longer or you will die," said one former prisoner at the Central Women's Correctional Institution.²⁶⁴ Some former prisoners also reported instances in which security considerations interfered with the decisions to make referrals to hospitals. A former prisoner at Narathiwat Provincial Prison recalled: "A doctor diagnosed that if this prisoner was not allowed to go to the hospital outside, he would die. But [the prison] still didn't let him go, claiming that he was convicted of a national security crime, so he could only be treated inside."²⁶⁵

7.7. COVID-19 measures relaxed or not enforced

With regard to COVID-19 measures in prisons, all former prisoners interviewed by FIDH reported that social distancing continued to be impossible due to the high number of prisoners, especially in the sleeping quarters. Other preventive measures, such as testing and mask mandates, were not as strictly enforced as in 2021.²⁶⁶ For instance, interviews with former prisoners at the Bangkok Remand Prison found that COVID-19 testing was not routinely and systematically carried out for prisoners, while some reported not being tested at all.²⁶⁷ One former inmate at the Central Women's Correctional Institution stated: "After quarantine, there was no random COVID-19 testing."²⁶⁸ One former prisoner at Narathiwat Provincial Prison commented: "[Testing] was not done regularly because [the prison authorities] said it was expensive."²⁶⁹ Although face masks were distributed to prisoners in all prisons where interviewed former inmates had been detained, many noted in the interviews that prisoners no longer wore them regularly.²⁷⁰

For most of 2022, COVID-19 quarantine requirements for new prisoners or those returned from court hearings were reduced to 10 days [See above, *Chapter 4*]. However, a former inmate at Nong Bua Lamphu Provincial Prison recalled that he was put in quarantine for over 40 days due to a surge in infections.²⁷¹ A former prisoner at the Bangkok Remand Prison explained that prisoners were quarantined together in batches in one sleeping accommodation as they arrived at the prison: "Regardless of how many prisoners – it could be seven, 10, or 15 - they would be put together in one cell. And the next day, no matter how many arrived, they would be put together in the next cell."²⁷² According to some interviewed former inmates, this practice often led to overcrowding and therefore heightened the risk of infection. At the Central Special Treatment Center, which operated as a COVID-19 quarantine facility for new inmates or those who returned from court hearings, the situation of overcrowding depended on how many detainees were held together each day, and this

263. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022.

264. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022.

265. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022.

266. FIDH, *Thailand Annual Prison Report 2022*, 24 March 2022.

267. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022.

268. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022.

269. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022.

270. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022.

271. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022.

272. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022.

could range from 20 to 50 people.²⁷³ A former prisoner at Narathiwat Provincial Prison reported that over 200 prisoners were quarantined together in one sleeping accommodation at the old prison.²⁷⁴

According to all interviewed former inmates, prisoners received a COVID-19 test after completing their quarantine. Prisoners who tested positive for COVID-19 would be separated to receive treatment. According to some interviewed former prisoners at the Bangkok Remand Prison, the Central Women's Correctional Institution and the Central Special Treatment Center, those who tested positive for COVID-19 after quarantine would be transferred to the Medical Correctional Hospital in Bangkok.²⁷⁵ According to a former prisoner at the Bangkok Remand Prison, the rest of the prisoners who tested negative despite being in close proximity to fellow prisoners who had tested positive, were put in isolation in a separate accommodation and underwent isolation together, with recreational time and movement being suspended, until they all tested negative.²⁷⁶

Some interviewed former prisoners reported that those who had tested positive for COVID-19 were handed a set of medicines, including paracetamol and green chiretta (a traditional herbal remedy) to treat the symptoms.²⁷⁷ A former prisoner at Nong Bua Lamphu Provincial Prison added that the anti-viral medicine Farapiravir was prescribed for elderly prisoners who contracted COVID-19.²⁷⁸ However, a former prisoner at Narathiwat Provincial Prison said that asymptomatic prisoners did not receive any medicine.²⁷⁹

According to a former prisoner at the Bangkok Remand Prison, the focus of COVID-19 measures in prison in 2022 had shifted from testing and isolation to vaccinations.²⁸⁰ All interviewed former inmates reported that COVID-19 vaccines were available in their prisons.

7.8. Exploitative work

Some former prisoners reported that work and education programs available in prison failed to provide detainees with any form of meaningful job related expertise, practical skills, and self-esteem, which they said were important elements necessary for their reintegration into society upon release.²⁸¹

Former prisoners told FIDH that inmates typically spent around 15 hours a day in their sleeping dormitories (between 3:00pm and 6:00am). During the day, prisoners were assigned different types of work. Some former inmates mentioned work in prison involving private contractors, including

273. FIDH, *Interview with a former prisoner at the Central Special Treatment Center*, 20 December 2022

274. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

275. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022; FIDH, *Interview with a former prisoner at the Central Special Treatment Center*, 20 December 2022

276. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

277. FIDH, *Interview with a former prisoner at the Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

278. FIDH, *Interview with a former prisoner at the Nong Bua Lamphu Provincial Prison*, 18 November 2022

279. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

280. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

281. Rule 4 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life. 2. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners." Rule 96 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. Sentenced prisoners shall have the opportunity to work and/or to actively participate in their rehabilitation, subject to a determination of physical and mental fitness by a physician or other qualified health-care professionals. 2. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day."

producing various goods, such as paper bags, cigarette lighter heads, shoes, fishing nets, brooms, furniture, and land boundary markers, as well as construction work.²⁸² According to some former prisoners, on many occasions, inmates were not equitably remunerated for their work, a practice that is inconsistent with international standards.²⁸³ For instance, a former prisoner at Songkhla Provincial Prison reported that prisoners tasked with making fishing nets were paid just over 100 baht (about US\$3) for two months of work.²⁸⁴ A former prisoner at Narathiwat Provincial Prison added: "Prisoners usually don't know [whether they would be paid]. Basically, if prison staff are corrupt some prisoners might get paid, while others don't, and had to work for free."²⁸⁵ A former prisoner who worked in the Ratchaburi Central Prison kitchen recalled that prisoners who worked in the prison kitchen were paid around 2,000-3,000 baht per month (about US\$60-90), depending on profits from selling special menus at the prison shop.²⁸⁶

Another kind of work reported by former detainees concerned the functioning of the prison, such as cooking, cleaning, everyday maintenance, hair cutting, sewing, and dealing with paperwork.²⁸⁷ A former detainee at the Bangkok Remand Prison recalled that inmates who carried out such tasks did not receive any remuneration.²⁸⁸

7.9. Limited contacts with the outside world and lack of recreational and rehabilitative activities

All former prisoners interviewed by FIDH reported that there were extremely limited opportunities to receive information and remain in contact with the outside world, including through news, books, correspondence, and visits.²⁸⁹

Although all interviewed former prisoners reported having access to televisions in their sleeping dormitories, they had no control over what to watch and when. Televisions were always on between 3:00-4:00pm until bedtime at 9:00pm. According to all interviewed former inmates, content available on television was strictly controlled by the authorities, and limited to entertainment, such as movies, music, and game shows, or prison-related developments and activities.

In all prisons where interviewed former prisoners had been detained, watching and reading news about current events in society was prohibited.²⁹⁰ One former inmate at the Bangkok Remand Prison told

282. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022.

283. Rule 103 of the UN Standard Minimum Rules for the Treatment of Prisoners states: "1. There shall be a system of equitable remuneration of the work of prisoners. 2. Under the system, prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family. 3. The system should also provide that a part of the earnings should be set aside by the prison administration so as to constitute a savings fund to be handed over to the prisoner on his or her release."

284. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022. The former prisoner said the last contract for the production of fishing net ended in October 2022, a month after the deadline for the end of all fishing net-making contracts imposed by the Department of Corrections [See above, *Chapter 6*].

285. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

286. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

287. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

288. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

289. 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."

290. 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

FIDH: “When you are inside, you have no idea about what happens outside. You can only watch what the government allows you to watch.”²⁹¹ In addition, “newspapers are forbidden in prison, so as other news material,” explained a former prisoner at Narathiwat Provincial Prison.²⁹² Access to external information through other media was also restricted. Many former inmates reported that the selection of books available in prison was very small and outdated. Examples of publications mentioned by interviewed former inmates included books on Buddhist teachings, fiction, and science magazines.²⁹³ According to some former prisoners, people could donate or send books to prisoners from outside, but they had to be screened by the prison staff and this process often took a long time.²⁹⁴

According to all former prisoners, letters to and from inmates were routinely subject to interference by prison authorities who unduly read, censored, or even withheld them. A former prisoner at Narathiwat Provincial Prison reported: “There are restrictions on words, the number of lines, as well as the content. There can’t be any negative things about the prison. Sometimes my family sent photos, but [the prison] only allowed some, and threw away the rest.”²⁹⁵ Some former inmates added that incoming letters from families were not delivered to prisoners in a timely manner. “Letters are moral support prisoners could have from their families or friends, because once you are imprisoned, you lose all other ways of contact. I always felt hopeful waiting for a letter. [Having to wait for a long time for a letter] really messes with people’s feelings,” said one former inmate at the Bangkok Remand Prison.²⁹⁶ Similarly, for outgoing letters, former prisoners reported that they were strictly screened and censored. A former prisoner at the Bangkok Remand Prison recounted: “If [the prison staff] were not happy with the letter, it would be thrown in the trash. We never knew if our letter would be delivered, or delivered to whom.”²⁹⁷

In terms of visits, online visitation measures introduced by the DoC since the beginning of the COVID-19 pandemic until May 2022 continued to be problematic, particularly because of restricted visitation time and insufficient communication equipment, according to all former inmates interviewed by FIDH. At Nong Bua Lamphu Provincial Prison, a former inmate reported that inmates could only communicate with their families on video calls once a month, for eight minutes at a time.²⁹⁸ Former detainees at Songkhla Provincial Prisons reported being allowed 10 minutes per video call and having to wait up to two months if there were a lot of families waiting in the queue.²⁹⁹ A former prisoner at Ratchaburi Central Prison reported being allowed 15 minutes per video call, once a week.³⁰⁰ A former prisoner at the Bangkok Remand Prison also raised the issue of prisoners not being able to contact their families from the prison through telephone calls, especially in cases of emergency.³⁰¹

Interviews with all former inmates also revealed the lack of opportunities for prisoners to participate in recreational, cultural, and rehabilitative activities that contributed to their overall well-being and their return to society.³⁰² Interviewed former prisoners noted that although educational activities

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.”

291. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

292. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

293. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 1 December 2022

294. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

295. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

296. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

297. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

298. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

299. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

300. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

301. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

302. Rule 105 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “Recreational and cultural

in prisons were available, the costs for tuition courses were out of reach for prisoners while other educational courses were poorly designed or organized, or did not involve real life skills need for their return to life outside prison. A former prisoner at Narathiwat Provincial Prison explained that many inmates could not access higher education courses provided by universities in prison because they could not afford them.³⁰³ The former prisoner added that vocational training programs offered by the prison, such as repair work or computer software development, failed to provide detainees with useful skills or prepare them for jobs after their release.³⁰⁴ He explained: "Because these training programs only lasted two-three days, sometimes one, [...] it's just useless."³⁰⁵ Starting in September 2020, before their release, prisoners had been also required to participate in the *Khok Nong Na* [Mound, Swamp, and Rice Field] preparation program, aimed at equipping prisoners with necessary knowledge and skills to build their own lives upon release.³⁰⁶ Based on interviews with former prisoners, the two-week program consisted mainly of agriculture-related training, such as rice growing, fish farming, and fertilizer making. Some former inmates suggested that the program failed to take into account the reality for the vast majority of the prisoners' socio-economic status. "The *Khok Nong Na* agricultural model is all ideal and impractical. In real life, you [must] first have land, and funds," said one former prisoner at Narathiwat Provincial Prison.³⁰⁷

Former prisoners reported to FIDH that for prisoners who did not engage in prison work or education, the opportunity to participate in recreational activities, such as sports, physical exercises, hobbies, or other creative pursuits, was limited. For example, a former prisoner at Nong Bua Lamphu Provincial Prison said that due to inadequate space, only some physical activities were possible.³⁰⁸ Former prisoners at the Bangkok Remand Prison reported that they were only allowed to use the prison yard during the weekend.³⁰⁹ Some former prisoners also reported that other available activities were not constructive and diverse. For example, a former prisoner at the Central Women's Correctional Institution mentioned religious prayers, yoga, dance, and beauty pageants among the recreational activities in which prisoners could choose to participate, while at the same time having little opportunity to pursue their own hobbies or interests.³¹⁰

A former prisoner at the Bangkok Remand Prison described life in prison as "repetitive, monotonous, without an end in sight."³¹¹ Some former inmates suggested that the absence of meaningful recreational activities also obstructed social reintegration when they were released. A former detainee at Nong Bua Lamphu Provincial Prison commented: "[My time in prison] didn't help improve anything about myself. It doesn't matter if you are there for a long time. In fact, it may be even more disorienting for people - to be held there only to wait for the day to be released, without having nothing to do."³¹²

7.10. Female hygiene products of low quality

According to interviews with former detainees, female prisoners generally had access to products for specific hygiene needs of women, including sanitary pads and underwear.

A former inmate at the Central Women's Correctional Institution mentioned that upon admission, prisoners received four to six sanitary pads and two pair of underwear.³¹³ Both interviewed

activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners."

303. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

304. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

305. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

306. BBC Thai, *Khok Nong Na (1): Wiwat Sanlayakamtorn tells a story of King Rama X's initiative, from prison to Dusit Palace*, 1 May 2022; Bangkok Post, *King bestows royal pardons*, 13 August 2022

307. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

308. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

309. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

310. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

311. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 1 December 2022

312. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022

313. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

former prisoners at the Central Women's Correctional Institution reported that inmates could buy additional sanitary pads and underwear at the prison shop or receive them from visiting families, while prisoners without money or visitors could regularly request for more sanitary pads from the prison staff.³¹⁴ At Ratchaburi Central Prison, a former prisoner reported that sanitary pads and five pairs of underwear were provided for newly admitted prisoners.³¹⁵ Prisoners also received sufficient sanitary pads from the prison as they needed.³¹⁶

Nonetheless, some interviewed former female prisoners made comments about the quality of the hygiene products provided by the prisons. A former prisoner said that she chose to buy sanitary pads from the prison shop every month because the ones provided for free by the prison were of low quality and irritated her skin.³¹⁷ A former inmate at the Central Women's Correctional Institution noted that underwear provided by the prison was of the same size, and bigger sizes were "hard to come by."³¹⁸

In addition, according to former female inmates at the Central Women's Correctional Institution and Ratchaburi Central Prison, pregnant prisoners went to outside hospitals to give birth and receive postnatal care at the prison clinic.³¹⁹ They added there was a special dormitory for inmates with infants in the two prisons.³²⁰

7.11. LGBTIQ prisoners at risk of abuse

With regard to lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) prisoners, some former prisoners at the Bangkok Remand Prison explained that transgender individuals who had undergone sex reassignment surgery were put together in the same sleeping dormitory, separate from male prisoners.³²¹ Former prisoners at the Bangkok Remand Prison, Songkhla Provincial Prison, and Narathiwat Provincial Prison reported that prisoners who identified as LGBTIQ lived among male inmates and were subjected to a treatment and rules that were based on their sex at birth, which, according to some former prisoners, exposed them to physical as well as verbal harassment.³²² A former inmate at Narathiwat Provincial Prison stated: "[LGBTIQ prisoners] risk being physically assaulted. Some avoid it by trying to become [an] assistant to the prison guard."³²³

7.12. Ineffective complaint procedures amid distrust and fear of retaliation

Former prisoners interviewed by FIDH reported the facilities in which they had been detained failed to guarantee access to effective, confidential, and responsive complaint mechanisms.³²⁴

314. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

315. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

316. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

317. FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

318. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022

319. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022

320. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 1 December 2022; FIDH, *Interview with a former prisoner at Ratchaburi Central Prison*, 18 November 2022

321. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

322. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 29 November 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

323. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

324. 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

Many interviewed former prisoners suggested that prisoners' lack of awareness about the prison rules and their right to complain meant that they could not avail themselves of the complaint mechanisms in prison.³²⁵ Some prisoners reported that upon admission they were not provided with information about prison rules, their rights, and procedures for making complaints to the prison authorities and external independent bodies.³²⁶ A former detainee at Narathiwat Provincial Prison commented: "Prisoners had no idea about the actual rules until the guard hit them, then they knew they did something wrong."³²⁷

However, most former prisoners interviewed by FIDH said they were aware of the existing complaint procedure, which typically consisted of writing a letter of complaint and dropping it in the complaint box. Only those at Nong Bua Lamphu Provincial Prison and Songkhla Provincial Prison reported that no complaint box was available in those facilities.³²⁸ Nonetheless, a former prisoner at the Bangkok Remand Prison noted that the complaint letters were internal and reached only as far as the prison director.³²⁹ According to all interviewed former prisoners, the possibility to address the complaints to external inspection bodies, such as the National Human Rights Commission of Thailand (NHRCT) and the Ombudsman, or non-governmental organizations, was extremely limited, amid restrictions on access to prisons by independent monitors [See above, *Chapter 3*].

The lack of confidence and trust in the prison authorities and staff further undermined the credibility and effectiveness of the prison complaint mechanisms. All interviewed former inmates did not believe that the complaint letter they wrote would lead to any meaningful investigations or actions by the authorities. "You can write a complaint letter only for it to be dismissed or even torn up by the prison guard," said one former prisoner at the Bangkok Remand Prison.³³⁰ A former prisoner at Narathiwat Provincial Prison said that because of interference by prison staff, who would screen the complaint letters, "nobody" used the complaint system, which, according to him, "leads to nowhere."³³¹

Many interviewed former prisoners reported that the risks of negative consequences and fear of retaliation by the prison staff rendered the complaint procedure in prisons ineffective.³³² Interviewed former inmates at the Bangkok Remand Prison said that although there was an internal complaint

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."

325. Rule 54(b) of the UN Standard Minimum Rules for the Treatment of Prisoners states: "Upon admission, every prisoner shall be promptly provided with written information about: His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints."

326. FIDH, *Interview with a former prisoner at the Central Women's Correctional Institution*, 29 November 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022; FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

327. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

328. FIDH, *Interview with a former prisoner at Nong Bua Lamphu Provincial Prison*, 18 November 2022; FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

329. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

330. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

331. FIDH, *Interview with a former prisoner at Narathiwat Provincial Prison*, 27 December 2022

332. Rule 57 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."

mechanism, no prisoners used it because they feared “revulsion or reprisal.”³³³ “Nobody wants to make their lives in prison harder than they already are,” one of those former prisoners added.³³⁴ A former detainee at the Central Women’s Correctional Institution explained: “It takes a lot of courage [to make a complaint] in prison. Plus, those who dare to disobey are targeted, punished. So, not many people dare to do anything.”³³⁵ Similarly, a former detainee at Songkhla Provincial Prison mentioned “fear of punishment” as being a factor that prevented prisoners from lodging complaints about any aspects of their treatment or conditions in detention.³³⁶

As a result, most interviewed former prisoners said inmates preferred to raise issues of concerns with their lawyers or family members during prison visits. However, a former prisoner at the Central Women’s Correctional Institution reported she was warned by a prison guard to be “careful” when talking to her lawyer.³³⁷

On 26 October, the NHRCT recommended the DoC ensure prisoners can make complaints freely and confidentially to independent oversight bodies, without any interference from the prison authorities.³³⁸ The recommendation was in response to a complaint made by a prisoner at Bang Kwang Central District Prison in Nonthaburi Province to the NHRCT in December 2021 about the lack of confidentiality of the prison complaint procedure, which allowed the prison staff to open, read, and screen any letters of complaints addressed by prisoners to external organizations.³³⁹

8. Prison news in brief

8.1. UN committee raises the issue of women in detention

On 4 November 2022, the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW) requested the Thai government to provide information concerning the situation of women in detention, following the submission of Thailand’s eighth periodic report to the committee.³⁴⁰ In particular, the CEDAW requested the government to inform the committee about measures it had taken to: 1) reduce the number of women in detention; 2) address overcrowding and ensure adequate facilities and services, in particular for pregnant women and women detained with their children; and 3) prohibit and discontinue invasive physical searches of women in prison.³⁴¹

8.2. Number of imprisoned Myanmar nationals soars

In May 2022, it was reported that Myanmar nationals made up a significant number of inmates in several Thai prisons, as a direct consequence of the exodus of migrant workers and refugees from Myanmar to Thailand following the February 2021 military coup in Myanmar. According to the Thai Border Patrol Police, around 12,000 people from Myanmar were detained for illegal entry into Thailand from January to April 2022.³⁴² By the end of the year, Myanmar nationals accounted for nearly half of the foreigners imprisoned in Thailand [See above, *Chapter 2*].

333. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 20 December 2022

334. FIDH, *Interview with a former prisoner at the Bangkok Remand Prison*, 28 November 2022

335. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022

336. FIDH, *Interview with a former prisoner at Songkhla Provincial Prison*, 27 December 2022

337. FIDH, *Interview with a former prisoner at the Central Women’s Correctional Institution*, 29 November 2022

338. Prachatai, *NHRCT recommends Department of Corrections to amend its regulations to refrain from opening complaint letters of prisoners to external organizations*, 27 October 2022 [in Thai]

339. Prachatai, *NHRCT recommends Department of Corrections to amend its regulations to refrain from opening complaint letters of prisoners to external organizations*, 27 October 2022 [in Thai]

340. The CEDAW monitors state parties’ compliance with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women. Thailand is a state party to this convention.

341. CEDAW, *List of issues and questions prior to the submission of the eighth periodic report of Thailand*, 4 November 2022; UN Doc. CEDAW/C/THA/QPR/8, para. 23.

342. Irrawaddy, *Thai Prisons Crowded with Illegal Myanmar Migrants*, 23 May 2022

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 (ILO'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 receive adequate training on international standards, notably the Nelson 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 certain drug-related offenses.
- Ensure that all eligible prisoners who had been convicted of certain drug-related offenses prior to the coming into force of the amended Narcotics Code (December 2021) benefit of reductions of their sentences pursuant to this legislation.
- 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).
- Extend an invitation for a country visit to 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 finding 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:
 - 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.
- Resume the special parole scheme and reintroduce the Special Parole Scheme for Convicted Inmates with Short-term Sentences.
- Improve the effectiveness towards rehabilitation and prison decongestion of voluntary rehabilitation schemes for individuals arrested or detained for certain drug-related offenses.
- Ensure that when pre-trial or remand detention is used, it is for as short a period as possible, and that bail bonds and other restrictive measures 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 that prisoners are provided with clean and sufficient bedding suitable for the climate.
- Ensure that artificial lighting is not kept on 24 hours a day in the sleeping accommodations and is not so powerful that it disturbs the sleep of prisoners.

Punishment and degrading treatment

- Ensure that all prisoners are treated with dignity and humanely 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.
- Refrain from using force against prisoners, unless as an exceptional response in the three situations permitted by international standards: legitimate self-defense; attempted escape; and active or passive resistance to a lawful order.
- Refrain from imposing collective punishment, such as disciplinary segregation, on prisoners.
- Refrain from using instruments of restraint, except in cases permitted under international standards.
- Refrain from placing prisoners in solitary confinement, except in cases as a last resort and then only 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.

Respect of religious practices

- Ensure that prisoners can observe their religious precepts, including those related to food, clothing, and hygiene.

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 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

- Continue to 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 facilities.
- Ensure that prisoners have immediate access to medical attention in urgent cases, and that prisoners who require specialized treatment are transferred to specialized institutions or hospitals outside prisons.
- Ensure the health and the psychological needs of special groups, such as women, LGBTIQ, elderly prisoners, and prisoners with disabilities, are addressed and met.
- Ensure the provision of adequate specialized medical services, including dental, psychological, and psychiatric care, for prisoners.

Prison labor and education

- Ensure that the nature of work performed by prisoners aims to equip them with skills, experience, and self-esteem necessary for their successful reintegration in society upon release.
- Ensure that working conditions and hours for prisoners resemble as closely as possible those of similar work outside of prisons, and are under no circumstances exploitative or afflictive.
- Ensure that wages for prison labor meets the minimum wage rates under the Labor Protection Act.
- 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.
- Enforce the 2020 Ministerial Regulation that prescribes that prisoners receive 70% of the

- profits from the work they are assigned.
- Conduct regular inspections of prisons, investigate all allegations of human rights violations related to prison labor, publicly report on the findings, and adequately compensate victims of abuses.
- Ensure that prisoners have access to meaningful programs of education and vocational training that are in line with their individual needs, take into account their social and economic backgrounds, and are best suited to their reintegration into society.

Access to the outside world and opportunities for recreation

- Ensure prisoners are able to effectively communicate with their families, friends, and lawyers at regular intervals through visits, correspondence, and telecommunications.
- Ensure there is no unlawful or arbitrary interference with prisoners' 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, or educational material.
- Ensure that no undue 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.

Women and LGBTIQ prisoners

- Ensure female prisoners continue to be provided with the necessary items to meet their specific hygiene needs, particularly an adequate provision of sanitary pads that are of decent quality and free of charge.
- Ensure that LGBTIQ prisoners are treated with respect for their sexual orientation or gender identity and are protected from any abuse or harassment.

Prison complaints procedures

- Ensure that, upon admission, prisoners are provided with information about their rights, prison rules, and complaint procedures.
- Ensure that the prison complaint system entails both internal and external mechanisms.
- 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 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 in a timely manner 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 finding 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 its second UPR, including by 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.

APPENDIX I: Number of foreign prisoners, categorized by nationality, as of 31 December 2022

Country of origin	Number
Myanmar	3,424
Laos	1,289
Cambodia	629
China	202
Nigeria	198
Malaysia	158
Vietnam	79
Taiwan	58
India	35
Pakistan	29
Philippines	22
South Korea	21
United States	20
Nepal	18
Indonesia	17
Singapore	14
South Africa	14
United Kingdom	13
Iran	12
Japan	11
Russia	10
Australia	9
Brazil	9
Sierra Leone	9
Cameroon	8
Ghana	8
Netherlands	8
Tanzania	8
Turkey	8
France	7
Guinea	7
Mozambique	7
Kenya	6

Egypt	5
Germany	5
Israel	5
Uganda	5
Uzbekistan	5
Jordan	4
New Zealand	4
Austria	3
Canada	3
Colombia	3
Norway	3
Zambia	3
Algeria	2
Argentina	2
Cyprus	2
Lesotho	2
Mexico	2
Mongolia	2
Rwanda	2
Spain	2
Serbia	2
Ukraine	2
Congo	1
Bangladesh	1
Belgium	1
Denmark	1
Ecuador	1
Ethiopia	1
Hungary	1
Ireland	1
Italy	1
Kazakhstan	1
Lithuania	1
Maldives	1
Namibia	1
Niger	1
Poland	1
Sri Lanka	1
Slovakia	1

Somalia	1
Sweden	1
Switzerland	1
Syria	1
Togo	1
Yemen	1
Unidentified	930
Total	7,399

APPENDIX II: Top 10 offenses for which foreign prisoners were incarcerated, as of 31 December 2022

Offenses	Number
Narcotics Act 1979	3,590
Immigration Act 1979	2,625
Narcotic Code 2022	1,386
Theft	613
Act on Measures for the Suppression of Offenders in an Offense relating to Narcotics 1991	599
Offenses against life	535
Land Traffic Act 1979	414
Firearms, Ammunition, Explosive, Fireworks and Imitation Firearms Act 1947	376
Misdemeanor	355
Murder	287



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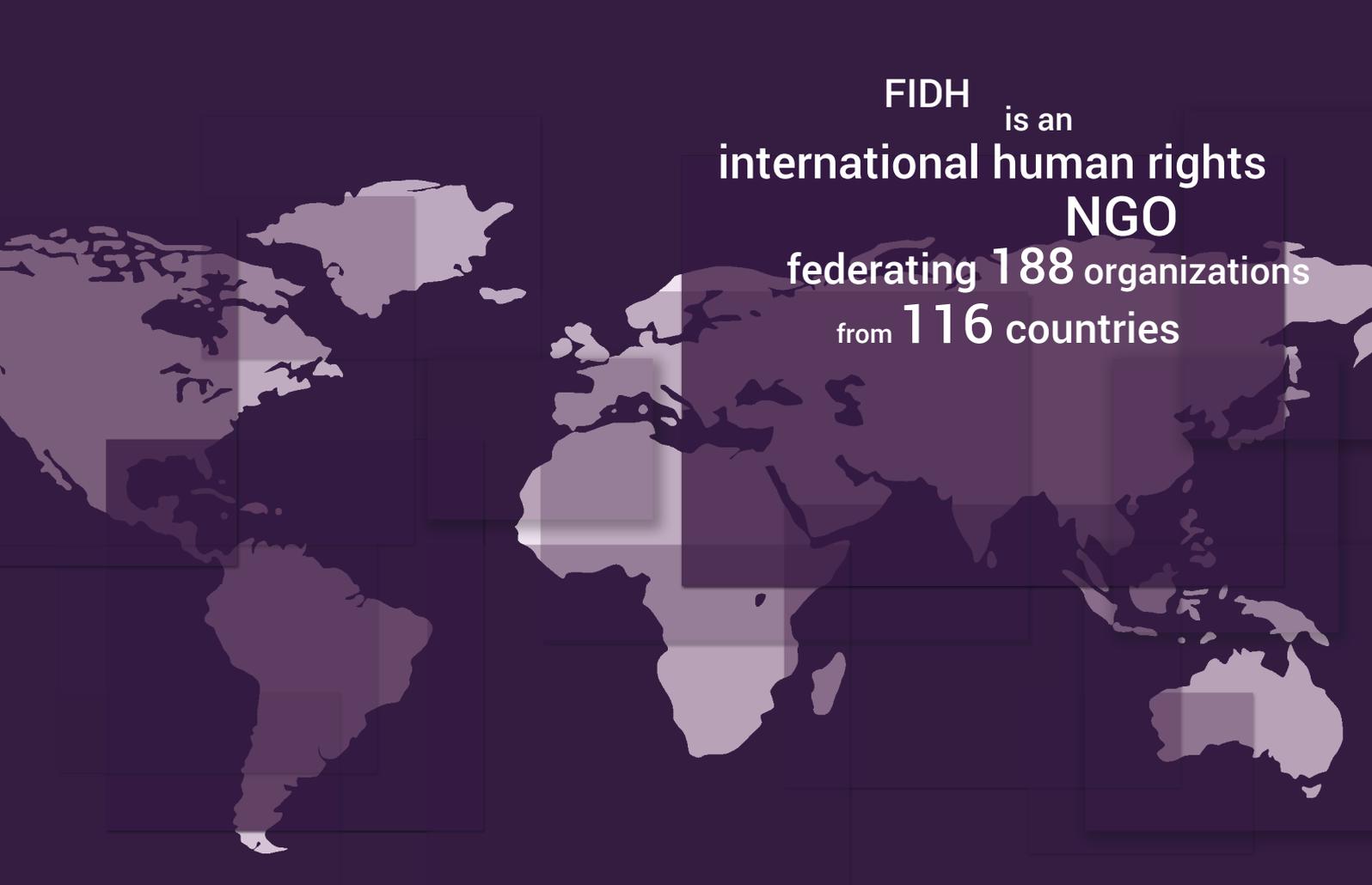
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