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ADVANCE UNEDITED VERSION

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Committee against Torture

**Second periodic report submitted by Thailand  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2018\***

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\* The present document is being issued without formal editing.

## **Abbreviations/Glossary**

ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICCPR	International Covenant on Civil and Political Rights
Committee	Committee Against Torture
CAT/Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
DDPM	Department of Disaster Prevention and Mitigation
DSI	The Department of Special Investigation
MFA	The Ministry of Foreign Affairs
MOJ	The Ministry of Justice
MOPH	The Ministry of Public Health
MSDHS	The Ministry of Social Development and Human Security
NACC	The National Anti-Corruption Commission
NCPO	The National Council for Peace and Order
NHRC	The National Human Rights Commission
NHSO	The National Health Security Office
ONCB	The Office of the Narcotics Control Board
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PACC	The Office of Public Sector Anti-Corruption Commission
RLPD	The Rights and Liberties Protection Department
WPO	The Witness Protection Office

## **Introduction**

1. The present report has been prepared on the basis of the list of issues (CAT/C/THA/QPR/2) prepared by the Committee against Torture pursuant to the optional reporting procedure.

2. In preparing this report, the Royal Thai Government liaised with concerned government agencies, civil society organisations and human rights experts. Not only was information gathered through documents submitted from various agencies and organisations, but also from meetings and interviews with concerned individuals throughout the country. Unless stated otherwise, information that appears in this report relates to the implementation of the Convention between May 2014 and May 2020.

### **Follow up questions from the previous reporting cycle**

3. See the response below to Paragraphs 3, 4, 5 and 28 of the list of issues prior to reporting.

### **Articles 1 and 4**

#### **Reply to paragraph 2 of the list of issues (CAT/C/THA/QPR/2)**

4. Thailand has demonstrated continued political commitment at the highest level to the promotion and protection of human rights, including the fight against torture, which is reflected in various occasions. During the announcement of human rights as a national agenda for 2018-2019 on 12 February 2018, the Prime Minister attached importance to preventive and awareness-raising measures, as well as legislation prohibiting torture in support of the implementation of the Convention.

5. Under Thai law, torture and enforced disappearance are absolutely prohibited. No statutes allow or justify anyone to torture or enforce others to disappear. Referring to paragraph 36 of the initial report,<sup>1</sup> if anyone commits an act of torture or enforced disappearance, such person shall be criminally punished. Cases, during the reporting period, where state officials were convicted and sentenced by the court, as a result of committing torture, are reflected below in paragraph 17. In addition, the perpetrator shall bear civil responsibility towards the injured person and may, if applicable, be sanctioned and disciplined. More details are discussed in paragraph 18. Furthermore, an innovative measure has been adopted in the 2017 Constitution. Section 25, paragraph 3, guarantees that any person whose rights are enshrined in the Constitution, including the right not to be tortured,<sup>2</sup> can directly invoke the provisions of the Constitution to exercise his or her right to bring a lawsuit or to defend him or herself in Court, if those rights are violated, notwithstanding the absence of the concerned statute.

6. The Government has been committed to introducing legislation which defines and criminalizes “torture” and “enforced disappearance” in the domestic legal system in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). The MOJ proposed the draft Prevention and Suppression of Torture and Enforced Disappearance Act which was approved by the Cabinet on 27 December 2016. The draft Act was endorsed by the Parliament’s Special Committee for the deliberation of the draft Act on 4 March 2019 to be considered and finalised by the National Legislative Assembly. However, all legislative processes were suspended from 15 March 2019 due to the general elections on 24 March 2019 and were to resume upon the new Government’s decision. On 23 April 2020, the draft was re-submitted to the new Government for consideration.

7. Some key features of the draft Act, as it stands after the consideration of the Parliament’s Special Committee, are as follows:

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<sup>1</sup> CAT/C/THA/1.

<sup>2</sup> The 2017 Constitution, s.28 para 4.

- (a) Torture is defined as “any act done in order to inflict severe pain or suffering, whether physical or mental, on another person” for one of the following purposes:
- (i) To obtain information or a confession from him/her or a third person; or
  - (ii) To punish him/her for an act that he or she or a third person has committed or is suspected of having committed; or
  - (iii) To intimidate or coerce him/her or a third person.”<sup>3</sup>
- (b) Enforced disappearance is defined as “an arrest, detention, abduction or any other form of deprivation of liberty conducted by a state official whereby that state official refuses to acknowledge the said act or conceals the fate or whereabouts of the person who has disappeared;”<sup>4</sup>
- (c) Both torture and enforced disappearance are each a specific crime punishable by one to ten years’ imprisonment and a fine of THB twenty thousand to THB two hundred thousand.<sup>5</sup> If there is an aggravating consequence or an aggravating fact, the punishment will be heavier as follows:
- (i) Aggravating consequence:
    - Grievous bodily harm:<sup>6</sup> punishable by five to fifteen years’ imprisonment and a fine of THB one hundred to THB three hundred thousand;<sup>7</sup>
    - Death: punishable by ten to twenty years’ imprisonment or life imprisonment and a fine of THB two hundred to THB four hundred thousand.<sup>8</sup>
  - (ii) Aggravating fact: If the crime is inflicted on a person under 18 years of age, a pregnant woman, a person with a disability, whether physical or mental, or a dependent, the perpetrator’s punishment shall be increased by half.<sup>9</sup>
- (d) Mitigation: In the case of enforced disappearance, the perpetrator may be given a lesser sentence (not less than a half):
- (i) if the perpetrator arranges for the person who has disappeared to be found so long as that person has not suffered grievous bodily harm or does not face imminent or fatal threats or danger to his/her life; or
  - (ii) if the perpetrator provides the state with information that is critical to the investigation.<sup>10</sup>
- (e) Conspiracy: The draft Act states that whoever conspires to commit either one of the offences shall be liable to one-third of the punishment provided for the respective offence;<sup>11</sup>
- (f) Attempts: Every participator shall be liable to two-thirds of the offence;
- (g) Accessory: If torture or enforced disappearance is committed, every participant shall be liable as if they were the principal person committing the act;<sup>12</sup>

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<sup>3</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s. 3 in conjunction with s.5.

<sup>4</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s. 3 in conjunction with s.6.

<sup>5</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.26 para 1 and s.27 para 1.

<sup>6</sup> As defined by the Penal Code, s.297. Please refer to CAT/C/THA/1 para 37.

<sup>7</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.26 para 2 and s.27 para 2.

<sup>8</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.26 para 3 and s.27 para 3.

<sup>9</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.28.

<sup>10</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.31.

<sup>11</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.29 para 1.

<sup>12</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.29 para 2.

- (h) Universal jurisdiction: Subject to the principle of double jeopardy, the draft Act establishes universal jurisdiction for both offences;<sup>13</sup>
- (i) Extradition and the international cooperation on criminal matters: Both offences shall not be regarded as a political offence;<sup>14</sup>
- (j) Superior responsibility: For enforced disappearance, if a subordinate commits an act of enforced disappearance, the superior officer may be convicted of a crime of enforced disappearance (punishable by half of the penalty stated in paragraph 7 (3)):
  - (iii) If he/she is aware that his/her subordinate is about to commit an act of enforced disappearance and he/she does not prevent it from happening; or
  - (iv) If he/she is aware that his/her subordinate has already committed an act of enforced disappearance and he/she does not put him under investigation.<sup>15</sup>
- (k) Unlike the ICPPED, the Convention does not require State Parties to introduce an offence of superior responsibility, the offence is limited only to an act of enforced disappearance. However, such a superior official can be found guilty of either being an inciter, a joint-principal, or an aider;
- (l) Statute of limitations: Despite recalling paragraph 40 of the Committee's general comment No. 3 on the implementation of article 14 by States parties, Thailand continues to hold that it is not necessary to make either one of the offences an imprescriptible offence. The period of time for the statute of limitations for both offences will be subject to punishable rates attached to each offence laid down in section 95 of the Criminal Code in conjunction with the Procedures for Corruption and Misconduct Cases Act B.E 2559 (2016) which defines that if a person absconds during the proceedings, that period of time during which the escape is in progress will not be included in the computation of the period of prescription.

8. In practice, Thailand has treated the issue of deportation with high caution and has consistently taken into account the principle of non-refoulement, human rights, humanitarian concerns and other international obligations or customary international law. Should there be a potential risk of mistreatment of the person to be deported, the Government would do its utmost to seek assurances from the receiving country that such person would not be tortured or ill-treated. Furthermore, following a Cabinet Resolution on 10 January 2017, the draft Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin has already been finalized and approved by the Cabinet on 24 December 2019, and entered into force on 22 June 2020. The Regulation takes into account the principle of non-refoulement and provides that once a person is considered a "protected person" due to having reasonable grounds for believing that he or she may be persecuted in the receiving country, the concerned agencies shall not repatriate such protected person to the country of origin, except in the case such person voluntarily intends to leave the Kingdom, or if there is a cause that may affect national security. The Regulation also stipulates that the concerned agencies shall take appropriate action to provide education to a protected person who is a child, and to provide healthcare services in accordance with the relevant laws, international obligations, cabinet resolutions and government policies.

9. While the draft Prevention and Suppression of Torture and Enforced Disappearance Act is pending, the Prime Minister has issued the Office of the Prime Minister's Orders No. 131/2560 (2017) dated 23 May 2017 and No. 338/2562 (2019) dated 15 November 2019 to establish the National Committee for Managing Cases Relating to Torture and Enforced Disappearance. The National Committee is chaired by the Minister of Justice and comprises 18 members from government agencies, civil society organisations and academia. It is mandated to promptly investigate and follow up allegations of torture and disappearance, to provide redress if a violation is found, and to promote protective mechanisms to prevent future occurrences of such cases. Any public officer who is found to have been involved in

<sup>13</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.7.

<sup>14</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.8.

<sup>15</sup> The draft Prevention and Suppression of Torture and Enforced Disappearance Act, s.30.

torture and/or enforced disappearance will be prosecuted in accordance with the law. The powers and responsibilities of this Committee are strengthened and broadened, compared to its 2016 predecessor which was established by the Minister of Justice, to ensure the effectiveness of its work.

10. Additionally, the National Committee's work is supported by four sub-committees: (1) the Sub-Committee to Monitor and Investigate Cases of Torture and Enforced Disappearance, chaired by the Director-General of the DSI of the Ministry of Justice; (2) the Sub-Committee on Remediation for Cases of Torture and Enforced Disappearance, chaired by the Director-General of RLPD of the Ministry of Justice. Its mandate is to remediate victims of torture and enforced disappearances; (3) the Sub-Committee to Prevent Acts of Torture and Enforced Disappearance chaired by Professor Narong Jaiharn, a human rights expert and a former dean of the Faculty of Law, Thammasat University. This sub-committee has provided training to officers throughout the country, as well as those who are responsible for receiving complaints. It has also developed a manual on the preliminary investigation of alleged acts of torture and enforced disappearances. A number of memoranda of understanding between relevant agencies are being prepared to strengthen the sub-committee's capacity to fulfil its duties. It is also charged with the duty to develop and promote preventive mechanisms for law enforcement agencies to prevent acts of torture and enforced disappearance. So far, this sub-committee has trained thousands of officers throughout the country on the Convention, national mechanisms as well as related laws against torture and enforced disappearance; and (4) the regional Sub-Committees on the Screening of Cases of Torture and Enforced Disappearance. The eleven regional sub-committees across the country are mandated to receive and consider complaints of torture and enforced disappearances and, if the criteria are met, to submit them to the monitoring and investigating sub-committee. The National Committee's success on verification of alleged cases of enforced disappeared persons raised by the UN Working Group on Enforced or Involuntary Disappearances appear below in paragraph 31.

## **Article 2**

### **Reply to paragraph 3 of the list of issues**

11. While understanding the concerns that the Committee may have, the provisions, orders and legislations mentioned by the Committee do not constitute blanket clauses for *de jure* or *de facto* immunity for acts of torture or ill-treatment. All actions taken by state officials are subject to judicial review. Only permissible actions, satisfying conditions provided explicitly by the laws, can be justified. Therefore, any person may file a lawsuit to a competent court against a state official if they believe that their rights are violated by the act of the said official.

12. In practice, the use of power conferred by sections 265 and 279 of the 2017 Constitution which have incorporated sections 44 and 47 of the 2014 interim Constitution has been challenged in court. In 2018, the Ombudsman filed a case at the Constitutional Court (case no. 4/2561) to challenge the constitutional legitimacy of the Head of the NCPO's Order No. 53/2560 regarding the implementation of the Organic Act on Political Parties, which was issued by exercising the power of section 265 of the 2017 Constitution in conjunction with section 44 of the 2014 interim Constitution. On 5 June 2018, the Constitutional Court ruled that the Head of NCPO's Order No. 53/2560 was constitutional.

13. The powers bestowed to the NCPO by the Constitution were temporary and ceased to exist when the new Cabinet assumed office on 16 July 2019. All announcements, orders and acts of the NCPO or the Head of the NCPO have been regularly reviewed on the basis of necessity and relevance to the changing circumstances. During the final phase of the 3-stage Political Roadmap, the Government started the process to review the necessity and relevance of all laws, regulations and measures enacted under section 44 of the 2014 Interim Constitution with the current situation of the country. This includes the Head of the NCPO's Orders Nos. 3/2558 and 13/2559 that have been specified by the Committee.

14. Section 14 of the Head of the NCPO's Order No. 3/2558 and section 9 of the Head of the NCPO's Order No. 13/2559 do not constitute immunity from judicial review and liability. The officials will be justified in their actions only when they act in good faith, a non-

discriminatory manner, disproportionately and not in excess of what is necessary for the maintenance of peace and order of the country. If officials fail to satisfy one of these conditions, their action is not justified and they will be held accountable. Moreover, the injured person is legally entitled to seek monetary compensation from the agency according to the Liability for Wrongful Acts of Officials Act B.E. 2539 (1996). However, these laws were only of a temporary nature in order to ensure public order and safety during the special circumstances that Thailand was facing.

15. The 1914 Martial Law Act, the 2005 Emergency Decree and the 2008 Internal Security Act do not have the objectives of reinforcing a climate of impunity or granting officials immunity from prosecution. In practice, there have been many cases where officials acting pursuant to these laws were sued in a torture case and ruled to pay compensation to the injured person. Examples of such cases will be provided in paragraph 17.

16. The 2017 Penitentiary Act's sections 17, 28 and 30 exempt prison officials and other officials from civil, criminal and disciplinary liability only if these officials act pursuant to the Penitentiary Act not only in good faith but also in a non-discriminatory manner and proportionate to the necessity of circumstances. An act of torture or ill-treatment under CAT thus does not satisfy these conditions, and an official who commits such act will not be exempted from liability. Moreover, like other laws mentioned above, the injured person is legally entitled to seek monetary compensation from the relevant agency according to the Liability for Wrongful Acts of Officials Act B.E. 2539 (1996).

#### **Reply to paragraph 4 of the list of issues**

17. Under Thai law, a state official who commits an act of torture or ill-treatment is subject to being held accountable, including criminal punishment. Below are some cases where Thai courts convict officials for committing an act amounting to torture or ill-treatment:

(a) The Supreme Court in case no. 1031/2560 (2017) convicted two defendants who were a Police Major General and a Police Colonel of, *inter alia*, misconduct as an inquiry officer, assault causing grievous bodily harm, offence against liberty and false imprisonment, contrary to the Criminal Code, sections 200 paragraphs 2, 297, 309 and 310, respectively. According to the facts of the case, the defendants, while acting as inquiry officers, subjected the suspect in a case of premeditated murder to an electric shock in order to extract information from him. The Supreme Court sentenced both the defendants to fifteen years of imprisonment. The two former police officers are currently serving their prison time in Ranong Provincial Prison.

(b) Pursuant to decision no. 27 Kor. /2553 (2010), the Pattani Provincial Military Court convicted an army sergeant of assaulting two civilians and sentenced the sergeant to four months of imprisonment and a fine of THB 1,500. Moreover, the plaintiffs separately filed a case of the same incident to the Administrative Court, and on 7 March 2016, the Supreme Administrative Court in its decision no. Aor 421/2559 (2016) awarded THB 101,200 damages to an injured person and THB 100,000 damages to the other injured person for the violations of their rights. The damages have been paid to the plaintiffs by the Office of the Prime Minister as the government agency that the sergeant is affiliated to.

(c) The 8<sup>th</sup> Regional Appellate Court convicted a prison official for beating a prisoner causing grievous bodily harm. According to its decision no. 499/2552 (2009), the defendant was given a two-year term in prison.

18. Apart from the criminal responsibility mentioned above, an official who commits an act of torture or ill-treatment may also bear civil and disciplinary responsibility. Examples are as follows:

(a) A lieutenant was discharged and stripped of his rank on 5 September 2016 for inflicting physical punishment on a private, named Songtham Mudmad, causing his death;

(b) In its decision Aor.717/2558 (2015), the Supreme Administrative Court ordered the Office of the Prime Minister to pay damages totaling THB 534,301.36 to the family of the deceased, Mr. Ashari Sama-ae, who was reported to be beaten and later died while being detained by security officials;

(c) The Supreme Administrative Court, by decision Aor. 1309-1310/2559, ordered the Royal Thai Army to pay damages in the case of Mr. Isma-ae Tae and Mr. Armese Manak who were injured while being detained by security officials, at the amount of THB 305,000 and THB 200,000, respectively;

(d) In the case where Mr. Rayu Dorkor who was reported to be assaulted in detention for the purpose of extracting a confession, the Supreme Administrative Court, by decision Aor.1350/2559, ordered the Office of the Prime Minister to pay damages totaling THB 348,588 to Mr. Dorkor.

19. In addition, the Thai Criminal Procedure Code's section 226 prohibits the admission of evidence that is obtained by unlawful means, including through coercion and acts of torture or ill-treatment, in accordance with the "fruit of the poisonous tree" principle. As an example, the Supreme Court in its decision No. 1029/2548 (2005) acquitted the defendant despite having confessed to the charges as the Supreme Court was of the opinion that the confession which had been obtained after a consecutive 12-hour inquiry was not credible since the defendant must have been "exhausted physically and mentally".

#### **Reply to paragraph 5 of the list of issues**

20. Referring to paragraph 62 of the initial report, section 7/1 of the Criminal Procedure Code guarantees all legal safeguards for all detainees. These rights have been strictly observed by the police, prison staff and other officials in the criminal justice system. In all police stations, prisons and all other detention places, all persons who are taken into custody are instructed as to their rights and obligations in languages which they can understand.

21. Thailand replaced the 1936 Penitentiary Act with the 2017 Corrections Act, which took effect in May 2017, with a view to reforming the penitentiary system in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules).

22. The Justice System Reform Plan of 6 April 2018 strives to enhance various aspects of the judicial system, including improvement of conditions in prisons and detention centres across the country. On 18 July 2017, to commemorate the Nelson Mandela International Day, the Department of Corrections of the Ministry of Justice and the Thailand Institute of Justice (TIJ) announced collective commitments to drive forward the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) towards full and effective implementation in the country. The Department of Corrections has commenced a pilot project at the Thonburi Remand Prison to fully implement the Nelson Mandela Rules, with a plan to expand it to the Bangkok Remand Prison and the Uthai Thani Provincial Prison in the budget year 2019. In addition, 12 prisons in different parts of the country are piloting the implementation of the Mandela Rules.

23. Regarding health services in prison, the Medical Services Division of the Department of Corrections, Ministry of Justice, places efforts and resources in ensuring that inmates receive adequate medical services. The 2017 Corrections Act requires that a medical centre be established in every prison.

24. To strengthen health services in prisons, on 22 January 2019, the MOPH, the Department of Corrections and the NHSO concluded an MoU to improve the health service system for prisoners. This is in accordance with the Cabinet Resolution of 17 November 2015 which requested relevant authorities to assign health personnel from local hospitals to provide services in prisons, establish a special ward for prisoners requiring treatment outside of prison facilities, and improve the health services system for prisoners. In the current budget year, the NHSO registers health facilities in 141 prisons as a primary health facility and other 2 facilities as a permanent facility. This effort will enable these health facilities in prison to receive and transfer patients to other health facilities under the NHSO health system. Nurses are stationed in all health facilities in prisons and doctors from the MOPH will visit those facilities on a regular basis. In case of emergency, ill prisoners will be transferred to a hospital outside the prison.



25. The detention registry is kept electronically and always updated. For more details on the number of prisoners in Thailand disaggregated by gender, age and nationality (data as of 20 May 2020), see Table 1 attached to this report.

26. The Royal Thai Government places access to justice, including the provision of legal aid and assistance, as one of the key priorities. For example, the Justice Fund has been established by the Justice Fund Act B.E. 2558 (2015) to provide legal aid to individuals, including the accused and those who suffer as a result of the trial process or those whose human rights have been infringed upon, regardless of nationality. The Justice Fund, which holds the status of a juristic person by law, covers assistance in terms of bail, retention of lawyers, court fees and other expenses relating to a trial in Thailand. Also, the Fund provides financial support for legal education for the general public to ensure that they know their rights and are not taken advantage of. Currently, there are three ways to access the Justice Fund: (1) through a mobile application, (2) through the website of the fund ([jfo.moj.go.th](http://jfo.moj.go.th)), and (3) in person at the Justice Fund Offices in every province of the country.

27. The Ministry of Justice has also initiated an outreach programme “Justice Care” which combines several existing means to assist injured persons and victims of crime into one single platform. This programme will deal with complaints regarding human rights violations promptly and effectively. This service is available to everyone regardless of their race or nationality. Through this channel, people are able to request for legal advice, legal assistance, restitution, state compensation, witness protection and other forms of support pursuant to relevant legislation such as the Justice Fund Act B.E. 2558 (2015), the Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Cases Act B.E. 2544 (2001) (as amended in B.E. 2559 (2016)).

#### **Reply to paragraph 6 of the list of issues**

28. The power to detain civilians according to the Head of the NCPO’s Orders No. 3/2558 and No. 13/2559 is of a temporary nature and the result of the protracted political unrest in the country. When the Orders were carried out, the power of the officials were exercised with strict adherence to the following conditions:

(a) Temporary detention is carried out with the purpose of conducting an informal dialogue to gain information or to acquire testimony for the benefit of maintaining peace and order in the country;

(b) The detention can only be undertaken when there are reasonable grounds to substantiate that one has committed one of the specified serious offences against public order or the economic or social system;

(c) The detention is not imprisonment and therefore must be carried out in an official location which is not a police station, a detention center, or a prison. The environment of this location must be in good condition, and be equipped with a bedding set, an air-conditioner and a bathroom. Detainees are entitled to food, sleep and other activities so that they can continue with their daily activities;

(d) No detainees shall be treated as a suspect; and

(e) Only the interrogation unit registered with these agencies, namely (1) the Military Intelligence Unit, Southern Border Provinces (2) the 43<sup>rd</sup> Ranger Task Force Unit (3) the 41<sup>st</sup> Ranger Task Force Unit and (4) the Peace Centers, Royal Thai Police, can be used for inquiries and interrogations.

29. In the Southern Border Provinces where special laws are enforced, there are two types of detention locations. (1) The three interrogation centers of the 41<sup>st</sup>, 43<sup>rd</sup>, and 46<sup>th</sup> Ranger Task Forces which are used only for short-term detention, in accordance with Martial Law. The rights of detainees are guaranteed to the same extent that they are guaranteed by the Criminal Procedure Code. Moreover, several additional measures such as regular visits by a family member, other government agencies and civil society organisations are facilitated to ensure that the rights of the detainees are respected. (2) The Interrogation Unit of the National Military Intelligence Unit of the Southern Border Provinces and the Peace Center of the Police Forces of the Southern Border Provinces are the two detention locations set up pursuant to the Emergency Decree. To detain a person according to the Emergency Decree,

the official must obtain a warrant issued by a court and renew the warrant every 7 days with the court's permission, in order to extend the detention period which may not exceed a total of 30 days. In cases where a detainee is found to have no connection with an act violating the law, he/she will be released and awarded compensation of THB 30,000 in addition to compensation of the loss of income while being detained at the rate of THB 400 per day. Family members can visit the detainees from the first day of detention. A detainee is subject to medical examination prior to and after detention to check for injuries. When a detainee is released, a document will be issued to confirm that he/she is no longer in custody.

#### **Reply to paragraph 7 of the list of issues**

30. Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) on 9 January 2012 and the Cabinet as well as the National Legislative Assembly on 24 May 2016 and on 10 March 2017, respectively, granted approval in principle for the ratification of the ICPPED. Thailand will be able to accede to the ICPPED once the draft Prevention and Suppression of Torture and Enforced Disappearance Act is passed as law. For the latest developments on an offence of enforced disappearance, please refer to the information mentioned in paragraphs 6 and 7.

31. The National Committee for Managing Cases Relating to Torture and Enforced Disappearance, of which the detail regarding its composition and mandates appears in paragraph 9, has commenced its work to investigate the whereabouts and status of persons alleged to have disappeared in the list of the UN Working Group on Enforced or Involuntary Disappearances (WGEID). Out of 87 cases in the WGEID's list, 12 have been withdrawn from the list by the Working Group. The latest status of cases raised by the Committee are as follows:

(a) In 2018, the Department of Special Investigation (DSI) took the case of Mr. Pholachi Rakchongcharoen or "Billy" as a special case No.13/2562 on 18 February 2018 in accordance with the Special Case Investigation Act B.E. 2547 (2004). The DSI has provided witness protection to Mrs. Pinnapa Prueksapan, Mr. Pholachi's wife, since 2018. The alleged misconduct of the officers involved, including Mr. Chaiwat Limlikitaksorn, failing to hand Mr. Pholachi over to the police after Mr. Pholachi was accused of obtaining wild honey, is being prosecuted by a public prosecutor for the wrongful exercise of duties under section 157 of the Penal Code, section 123/1 under the Organic Act on Counter Corruption B.E. 2542 (1999), section 172 of the Organic Act on Counter Corruption B.E. 2561 (2018) in conjunction with section 83 of the Penal Code on 23 January 2020. The public prosecutor made the decision not to prosecute Mr. Limlikitaksorn and three other alleged offenders for participating to commit premeditated murder for the purpose of securing benefit obtained through other offences or concealing the other offence or escaping punishment for the other offence he committed, participating to detain or confine the other person, or by any other means, depriving such person of liberty causing death, participating to compel a person to give or to agree to give him or the other person benefit in the manner of property by committing an act of violence or by a threat to commit violence against the life, body, liberty, reputation or property of the compelled person or a third person, so that the compelled person submits to such threat, participating to commit gang-robbery by carrying arms and using the conveyance causing death to another person, participating, by corruption, to conceal a case or alter by any means the corpse or the surrounding area where the corpse is found before the completion of a post-mortem inquest in the manner likely to lead to changing the post-mortem inquest or the result of the case, being the official and having the duty of purchasing, manufacturing, managing or keeping any thing and dishonestly participating in the misappropriation of property for his own or the other person, or dishonestly allowing the other person in the misappropriation of property, being the official and, by a wrongful exercise of one's functions, coercing or inducing any person to deliver or to procure the property or any other benefit for oneself or other person in accordance with Criminal Code section 83, 147, 148, 289 (4) and (7), 309, 310, 337, 340, 340 ter and Criminal Procedure Code section 150 bis. Even though the public prosecutor is of the opinion that the evidence to incriminate the alleged offenders is insufficient, the DSI has a contradictory opinion and, on 11 August 2020, subsequent to the examination of relevant evidence in particular forensic evidence and experts' opinions, the DSI concluded that it disagreed with the prosecutor's non-prosecution order and submitted its dissenting opinion to the Attorney General for further deliberation;

(b) Mr. Somchai Neelaphaijit's case: the Supreme Court, in its decision No. 10915/2558 (2015), acquitted all defendants due to a lack of evidence. However, the DSI continued its investigations between 12 January 2017 and 20 June 2017, in order to find the suspect. Even though the case was suspended since there was no further evidence to indicate who the suspect was, the DSI is still searching for Mr. Neelaphaijit in accordance with the principles laid down by the ICPPED. At the same time, the DSI has provided protection for Mr. Neelaphaijit's wife for over a decade;

(c) Mr. Den Khamlae's case: On 31 March 2019, the case of Mr. Den Khamlae (DSI Case No.71/2561 (2018)) was suspended since the Sub-committee to Monitor and Investigate Cases of Torture and Enforced Disappearance rendered a decision that Mr. Khamlae was dead according to the forensic evidence available. However, it was not possible to identify the cause of death from his bones, which were found.

#### **Reply to paragraph 8 of the list of issues**

32. In 2017, Thailand enacted the Organic Act on the National Human Rights Commission to strengthen the NHRC in monitoring human rights violations and promoting human rights in the country in accordance with the 'Principles relating to the Status of National Institutions' (the Paris Principles). The Organic Act addresses a number of drawbacks of the previous Act, particularly on issues of composition, independence and pluralism of the NHRC. The Act gives the NHRC the power to investigate and request or order government officials or any person to present information, clarify and provide documentation and evidence (Section 33-38). The NHRC can also submit recommendations related to human rights issues or problems to the Cabinet for further action. Those who refuse to cooperate may face criminal sanctions and penalties up to 6-months imprisonment, a fine of up to 10,000 baht (about 310 USD), or both (Section 59).

33. To ensure the independence of the NHRC, the Organic Act provides that the Office of the Commission is directly under the Commission and has the power to issue regulations concerning administration, personnel and finance. The Office can submit budgetary applications directly to the Parliament without being subject to scrutiny by any government agency.

34. The Organic Act authorizes the Commission, to the extent necessary, to enter into any public dwelling or other premises including in places of detention to monitor or collect evidence concerning cases. If it is a private house, a court warrant must be obtained before the Commission can conduct the search.

35. Section 11 of the Organic Act requires diversity in the selection process of Commission members. The Selection Committee comprises (1) the President of the Supreme Court, (2) the House Speaker, (3) the Leader of the Opposition, (4) the President of the Supreme Administrative Court, (5) three representatives of private organisations in the human rights field, (6) a representative from the Lawyers' Council, (7) a representative from the Medical Council or a Public Health Council, (8) a representative from the Media Council and (9) an academic or a former academic who has at least 10-years experience in the field of human rights research. The selection must take into account the proportion between genders and the plurality of society.

#### **Reply to paragraph 9 of the list of issues**

36. For statistical data on domestic violence complaints received by the MSDHS during 2014-2019, please see Table 2 attached to this report.

37. In 2017, 2018 and 2019, the number of domestic violence cases prosecuted by the Office of the Attorney General was 151, 150 and 145 respectively.

38. The Act on the Promotion of the Development and Protection of the Family Institution B.E. 2562 (2019), which has replaced the Domestic Violence Victims Protection Act B.E. 2550 (2007), includes some key changes as follows:

(a) The Act revokes section 4 of the Domestic Violence Victims Protection Act. As a consequence, an act of physical assault pursuant to section 295 of the Penal Code will

no longer automatically be a compoundable offence. The offence can be settled only when the perpetrator has been prosecuted and has complied with all of the court's orders;

(b) The scope of criminal offences shall be extended to include offences against life, body, mental health, reputation and liberty;

(c) The definition of family members is extended to include those related by immediate blood relationship, marriage, de facto relationships, ex-spouses, adopted child, and those who depend on and live with each other in the same household.

### **Reply to paragraph 10 of the list of issues**

39. For progress concerning human trafficking, including the introduction of new legal measures and amendments of several pieces of legislation made during the reporting period, please refer to CERD/C/THA/4-8, paragraphs 73-90.

40. The number of complaints, prosecutions, convictions and the prison sentences imposed in cases of human trafficking between 2015 and 2019 is shown in Tables 3-9 attached to this report.

41. In 2017, a total of 455 victims of trafficking were identified through a victim identification process and 360 victims chose to be protected under the MSDHS's shelters. Of those 360 victims, 169 were male and 191 were female. Among them were 132 Thais, 119 Myanmar, 21 Laotians, 22 Cambodians, 9 Indonesians, 51 Vietnamese, 3 Malaysians and 3 Ugandans.

42. In 2018, 631 trafficking victims were rescued and 401 trafficking victims chose to receive protection under the MSDHS's shelters. 198 were male and 203 were female. In addition, a total of 15 victims chose to be protected in an NGO-run shelter, which is in line with the Regulation permitting NGOs to Establish Shelters to Assist Victims of Trafficking B.E. 2560 (2017) for victims who do not wish to receive protection in the MSDHS shelters.

43. In 2019, a total of 1,560 victims (1,063 male and 497 female) of trafficking received protection in shelters, of whom 1,532 persons stayed in government shelters and 28 persons stayed in three private shelters run by NGOs. In term of age, 1,101 victims (70.6%) were above 18 years of age and 459 victims (29.4%) were under 18 years of age. The majority of foreign victims came from Thailand's neighboring countries/areas, including 1,160 Myanmar nationals, 148 Rohingya irregular migrants, 70 Cambodians and 30 Laotians. Others included six Ugandans, two Tanzanians, one Liberian, one Kenyan and one Eritrean; most of this group of foreign victims stayed at private shelters. In addition, seven victims with unknown nationality to the authorities stayed at government shelters. Lastly, there were 134 Thais, accounting for 8.6% of victims in shelters.

44. In 2017, the Royal Thai Government continued to expand employment opportunities for victims of trafficking. Of the 450 victims assisted in 2017 (360 victims) and in 2016 (90 victims) who received protection under MSDHS's shelters, 149 victims had the opportunity to work outside of the shelters while 138 victims were employed within the shelters. Victims of trafficking are able to be compensated through 4 channels, namely the Anti-Human Trafficking Fund, Labour Compensation, the Compensation of Injured Persons and compensation in accordance with Section 35 of the Anti-Human Trafficking Act B.E. 2551 (2008). The Anti-Human Trafficking Fund and the Compensation of Injured Persons are grants supported by the government whilst the Labour Compensation and the compensation in accordance with Section 35 of the Anti-Human Trafficking Act (B.E. 2551) are claims from employers or perpetrators.

45. In 2018, 65 victims worked outside shelters, including in construction as well as in a bakery shop, and received a minimum wage of THB 300 (USD 9.4) per day, earning an income of THB 2,125,837 (USD 66,640.70). 290 victims worked in shelters (a 110.14% increase from 2017) and gained income amounting to THB 2,697,543 (USD 84,562.48).

46. In 2019, the Thai Government made efforts to support victims to work outside of the shelters. Nevertheless, due to constraints such as victims' health problems and limitations at workplaces, some victims could not work outside of the shelters. Therefore, the MSDHS has increased ways for victims to earn income by adding an on-line store of their products via

mobile applications, apart from selling them at the “MSDSH Dream Weaving” store. Victims of human trafficking employed in shelters also earned income and received financial support disbursed from the Anti-Human Trafficking Fund amounting to THB 1,061,035 (USD 35,250) in this year.

47. In 2017, a total of 20 trafficking victims were compensated by the Compensation of Injured Persons of the RLPD, amounting to THB 340,000 (USD 10,811). The Anti-Human Trafficking Fund compensated 760 victims in the same period amounting to THB 5,641,579 (USD 179,382).

48. In 2018, progress was made in providing remedies and compensation to victims. The Guideline on Claims for Compensation, which was launched in 2018, has enabled the Government to collect compensation for victims from offenders more effectively. This was evidenced by an increased amount of compensation at a total of THB 77.56 million (USD 2.43 million) for 116 victims, compared to THB 18.44 million (USD 0.58 million) in 2017, it is an increase of 76%. As part of the efforts of trauma-informed care, THB 24.99 million (USD 0.78 million or about 48.45%) out of the total amount of compensation has been paid for physical and mental health damages inflicted on the victims. In 2018, victims also received more restitution from the Anti-Human Trafficking Fund of around THB 6.15 million (USD 192,789.97), compared to THB 5.64 million (USD 176,802.5) in 2017.

49. In 2019, the Thai Government disbursed THB 11.87 million (USD 394,352.16) in financial remedy for victims through the aforementioned Fund. Providing capital to victims who are ready to reintegrate themselves into society and start a new life was one of the main compensation expenditures.

### **Article 3**

#### **Reply to paragraph 11 of the list of issues**

50. As mentioned in paragraph 8, while not party to the 1951 Convention Relating to the Status of Refugees, Thailand respects the principle of non-refoulement and has worked systematically with all sectors in the country to protect those who fled conflict and those who sought asylum, in accordance with applicable international standards. In December 2018, Thailand together with many other countries adopted the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM).

51. Illegal migrants who are deemed victims of human trafficking are assisted by the MSDHS which provides them with physical and psychological care until the end of the legal process.

52. On 21 January 2019, The Royal Thai Police, and the Ministries of Social Development and Human Security, Foreign Affairs, Interior, Health, Education and Labour signed the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to the Detention of Children in Immigration Centers. The document defines children as those under the age of 18 who are being detained in the detention centers while awaiting repatriation by the Immigration Bureau in accordance with the laws which are based on the following principles:

(a) Children shall not be detained, except in exceptional circumstances, detention can be carried out in government custody, as a measure of last resort and in the shortest period of time possible;

(b) The decision to detain a child must be made based on the best interests of the child, with appropriate consultation with the child;

(c) Children have the right to an adequate standard of living essential to their needs and development, helping children grow, develop and achieve their capabilities;

(d) Any alternative care options for children shall take into account their physical and psychological well-being as well as a goal of long-term and sustainable solutions;

(e) Relevant government agencies shall ensure that they have appropriate measures for the protection and assistance of children.

### **Reply to paragraph 12 of the list of issues**

53. Thailand is in the process of establishing a screening system to distinguish those who need international protection from economic migrants through the Regulation of the Office of the Prime Minister on Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin, which entered into force on 22 June 2020, as referred to in paragraph 8. Therefore, a national system to register asylum applications is not yet in place, thus statistics in this respect have not been kept by concerned authorities.

### **Reply to paragraph 13 of the list of issues**

54. Mr. Muhammet Furkan Sökmen was in a transit area in Suvarnabhumi Airport and never passed through immigration control. Therefore, Thailand is unable to comment on his deportation from Myanmar to Turkey, the country of origin.

## **Article 10**

### **Reply to paragraph 14 of the list of issues**

55. During the reporting cycle, training courses on torture and enforced disappearance prevention were regularly provided for state officials in the armed forces, the police, prisons and other related agencies. This training was both part of routine programmes and special sessions. The following are examples of courses provided by responsible agencies:

(a) In the Sergeants School, the GE 21102 course on Human Rights for Police Officers is a compulsory module offered to sergeants to cover the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Lectures and training related to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were presented to officers working in the Southern Border Provinces of Thailand by the RLPD. The aim was to ensure that all officials were aware of rights-based principles and concepts of the Convention. The participants of the courses were military officers, police officers, administrative officers and criminal justice officers of the Ministry of Justice in the provinces (Songkhla, Pattani, Yala and Narathiwat). In addition to the CAT, the courses discussed the application of special laws in compliance with human rights obligations such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The numbers of participants in the years 2016, 2017, 2018 and 2019 were 3,400, 1,923, 1,920 and 2,440, respectively;

(c) The National Human Rights Commission has developed training courses titled “The Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Thailand” for military officers, policemen, administrative officers and correction officers consistently and regularly throughout the year. More than 1,000 officers have enrolled in the course;

(d) Training courses provided by the Corrections Department cover human rights in general and also the prevention of torture and enforced disappearance. The courses have been mandatory for newly recruited civil servants and officials at the management level;

(e) The Internal Security Operations Command Region 4 provided courses on human rights to military officers and other relevant officials throughout the year. The course highlights two important topics: (1) human rights facilitators and (2) effective legal enforcement for officials in Southern border provinces. In 2019, a total of 1,546 officers participated in the course;

(f) The Police College taught 960 inspectors during 2018-2019 and 2,080 superintendents between 2017-2019 in a course on the prevention of torture and enforced disappearance.;

(g) The RLPD conducted field visits to train law enforcement officers in 12 provinces during the reporting period. The evidence of success of these sessions of training can be found in the statistics concerning complaints received by the National Committee for Managing Cases Relating to Torture and Enforced Disappearance, which indicates that

incidents of torture and enforced disappearance have continuously decreased over the past few years.

#### **Reply to paragraph 15 of the list of issues**

56. The Office of the Attorney-General offers courses designed for prosecutors with key learning points of forensic science which include forensic evidence and chemistry, as well as autopsy. By developing these skills, prosecutors will be able to distinguish different types of wounds or injuries which are essential to documenting cases of torture.

57. The RLPD together with the International Commission of Jurists and the Office of the United Nations High Commissioner for Human Rights developed a capacity-building training course for medical personnel and other responsible officers on the subjects of human rights, investigation and forensic science in torture, enforced disappearance cases, including unlawful deaths as referred to by the Istanbul Protocol and the Minnesota Protocol. This course has been held regularly since 2017.

58. The Central Institute of Forensic Science has convened a series of training concerning human rights principles, international standards and investigation in alleged cases of extrajudicial killing and enforced disappearance to concerned officials since 2015.

#### **Article 11**

#### **Reply to paragraph 16 of the list of issues**

59. The introduction of the 2017 Corrections Act which repeals the outdated 1943 Penitentiary Act is part of Thailand's effort to amend its law to be more in line with relevant international standards, in particular the Mandela Rules and the Bangkok Rules. The Department of Corrections has also circulated instructions for all prison personnel and relevant staff to treat detainees in accordance with international human rights standards as well as to create a better understanding of obligations under the Convention.

60. Regarding restraining devices, the spirit of the Corrections Act is to restrict the use of such devices to the extent possible. The Department of Corrections now operates pursuant to section 21 of the 2017 Corrections Act which applies a higher standard than that required by the Nelson Mandela Rules. Restraining devices are not allowed to be used with inmates unless there is an absolute necessity to do so, such as to prevent self-harm or escape or in case of going outside of the prison. The Corrections Act imposes an even stricter requirement if involving detainees who are under the age of 18, those over the age of 60, female detainees, or those with special medical requirements. In the case where restraining devices are used, such a decision is reviewed every 15 days. The restraining devices will be removed once it is established that the necessity no longer exists.

61. Solitary confinement is a form of disciplinary sanction under section 69 of the Corrections Act. The Corrections Act allows solitary confinement of up to 30 consecutive days, however, the Ministry of Justice is aware of the discrepancy with the Mandela Rules which allows for 15 days of solitary confinement. Therefore, the Ministry of Justice is currently in the process of drafting a Ministerial Regulation stipulating that solitary confinement shall not be imposed for more than 15 consecutive days, along with several other draft Ministerial Regulations for the implementation of the Corrections Act.

62. Section 33 of the 2017 Corrections Act provides that the Department of Corrections may detain prisoners in a location which is not a prison to provide occupational training, medical treatment, preparational training before returning to society. The purpose of detention in locations other than a prison is therefore not for punishment but to provide a more enabling environment for learning, treatment and rehabilitation. This has not been carried out in practice yet, however.

63. Thailand is committed to strengthening its efforts to improve conditions of detention. Please refer to paragraph 22 on the commemorative event on the occasion of the Nelson Mandela International Day on 18 July 2017, as well as the Department of Corrections' pilot projects to implement the Nelson Mandela Rules.

64. To prepare and support detainees on livelihoods after their release, the Department of Corrections has developed a training program to ensure that released persons are able to reintegrate into society and resume their normal lives. The Department also provides consultation services regarding personal matters, economic and social issues and relationships with their families and communities. One of the most recent developments is the establishment of the Centre for Assistance to Reintegration and Employment (CARE) in each of the 143 prisons nationwide. CARE commenced their operations on 15 February 2018 with the main objective of promoting employment for inmates after their release. On 26 March 2018, the Department of Employment under the Ministry of Labour signed memoranda of understanding on public-private partnership projects with the Department of Skills Development, the Department of Corrections, the Federation of Thai Industries and the Chamber of Commerce of Thailand, to create opportunities for inmates by building their skills suitable for a career after release.

65. Since 1993, the Department of Corrections has established the Practice Guide on Detainees who are Transgender Women which provides for specific measures such as detaining transgender women in separate facilities from male detainees and ensuring that equipment for physical inspections does not undermine transgender women inmates' rights and dignity. Also, section 31 of the 2017 Corrections Act affirms that appropriate facilities be provided for inmates based on gender. In response, the Department of Corrections provided separate zones for LGBTI inmates, particularly in prisons with a significant number of LGBTI inmates such as the Min Buri Remand Prison, the Klong Prem Central Prison, and the Pattaya Remand Prison.

#### **Reply to paragraph 17 of the list of issues**

66. Please see Table 10 attached to this report for statistical data, disaggregated by gender, on the number of pre-trial detainees and convicted prisoners of all places of detention.

67. Prison overcrowding is one of the key challenges in Thailand's corrections system. The Justice System Reform Plan of 6 April 2018 strives to enhance various aspects of the judicial system, including to improve conditions of prisons and detention centers across the country. The 2017 Corrections Act also provides the Department of Corrections with tools to solve the problem of overcrowding in an effective and practical manner by mandating the Department of Corrections to employ alternatives to detention, including allowing for 'other facilities which are not prisons' to be designated as detention facilities. Similarly, the ONCB has succeeded in implementing its policy to allow addicted offenders to voluntarily undergo a rehabilitation program in lieu of a prison sentence.

68. During the reporting period, Thailand has implemented these measures in order to reduce the overcrowding of prisons:

(a) Extending the existing prisons and building new ones to increase the capacity of prisons in Thailand;

(b) Building Minimum Security Prisons to detain prisoners who are close to finishing serving their terms to prepare them for reuniting with society;

(c) Granting parole to and reducing the serving days for some prisoners who display good behavior. Additionally, the conditions to be paroled are eased; therefore, more prisoners can apply for parole. On 25 January 2017, the Department of Corrections also launched a project to allow for suspension of sentences in special cases where a concerned inmate has serious illness, is a person with disabilities, or if such person is over the age of 70;

(d) Transferring foreign prisoners back to their respective countries of residence;

(e) Reviewing criminal law to repeal outdated pieces of criminal legislation or to reduce the punishment to a reasonable level which is proportionate to the crimes, including drug offences; and

(f) Applying for royal pardon.

69. The Department of Probation and the Court of Justice introduced the Electronic Monitoring (EM) system in 2014 and 2015, respectively. This has served as an alternative to pre-trial detention for suspects who have been granted temporary release. If an accused or a



defendant agrees to the use of EM or other devices to track or restrict one's travel, the court may exercise discretion to reduce the amount of bail money in accordance with the President of the Supreme Court's Regulation and if the accused or defendant is poor, the court may exercise discretion to lower the bail money in any amount below the minimum rate prescribed in the regulation. Currently 9,522 EM are used in the justice system (as of 26 January 2020).

70. Furthermore, by virtue of section 6 of the 2017 Corrections Act, the Ministry of Justice is currently drafting a Ministerial Regulation to specify alternative criminal sanctions to imprisonment. The draft Ministerial Regulation proposes 6 alternative sanctions: (1) intermittent sentences, (2) detention during specified hours, (3) detention within a specified location for detention, (4) community service, (5) travel restrictions in accordance with section 89/2 of the Criminal Procedure Code, and (6) any other sanctions specified by the Department of Corrections.

#### **Reply to paragraph 18 of the list of issues**

71. Recognizing specific human rights challenges that women prisoners face, Thailand has initiated efforts to raise awareness on this issue, resulting in the adoption of the Bangkok Rules by the UN General Assembly. Thailand has been working closely with the United Nations Office on Drugs and Crime (UNODC) and other relevant stakeholders in the implementation of the Bangkok Rules. One prominent example includes the development of the Guidance Document on and Index of Implementation of the Bangkok Rules, containing practical information for relevant agencies to consider applying the Bangkok Rules when practicing their policies on the treatment of prisoners.

72. Pursuant to the Correction Department's regulations relating to body searches for new inmates and incoming/outgoing inmates B.E. 2561 (2018), a body search on a woman, including a transwoman, must be conducted in a designated area by a medical staff, a nurse, or a prison staff who has been medically trained. Since 2013, the Corrections Department has installed CT scanners in 25 women prisons across the country to improve the body search method in accordance with international standards. The Department also aims to install those devices in all prisons in Thailand.

73. Pregnant prisoners are given special attention and care for their specific needs. Sections 57-59 of the 2017 Corrections Act provide for measures pertaining to pregnant and breastfeeding prisoners such as providing appropriate health and nutrition advice by medical personnel, providing sufficient food, arranging for giving birth at a hospital outside of the prison, and providing health check-ups for infants residing with their mothers in prisons. Some of the other additional practices in prisons include arranging bedrooms and bathrooms for specific use of pregnant prisoners, bringing in nurses or obstetricians to provide health and pregnancy check-ups, and bringing pregnant prisoners to receive antenatal care at a hospital outside (where available) or organizing the provision of such service in prison.

#### **Reply to paragraph 19 of the list of issues**

74. Between 2017 and 2020, the Department of Corrections received 28 complaints of inter-prisoner violence. In case a disciplinary offence was found, the prisoner who caused the incident would be subject to disciplinary action pursuant to Sections 68 and 69 of the 2017 Corrections Act. Disciplinary action includes probation, suspension of class promotions for a period of time, class demotion, withdrawal of visitation and contact rights for a period not exceeding three months except for contacting lawyers.

#### **Reply to paragraph 20 of the list of issues**

75. Please see Table 11 attached to this report for the statistical data on deaths in prisons.

#### **Reply to paragraph 21 of the list of issues**

76. As of 29 February 2020, there were 4,272 refugees and 813 asylum seekers, of which 226 and 41 were detained at Immigration Detention Centres, respectively.

77. The Government recognizes the challenge of conditions of detentions and places in introducing alternatives to detention and developing detention places. The Memorandum of

Understanding on the Determination of Measures and Approaches to Alternatives to Detention of Children in Immigration Centers is one example. Furthermore, there have been several projects to build and improve detention centers: (1) the construction of a new building in some detention centers with facilities for mothers and children, including a day-care center; (2) the renovation project of the Suan Phlu Migrant Detention Center, which was completed in 2019; and, (3) the construction project of a new detention center in Pathum Thani province expected to be completed by 2022.

#### **Reply to paragraph 22 of the list of issues**

78. The Department of Corrections allows visits and contact with prisoners by individuals and organizations, including visits by diplomatic and consular staff in the case of foreign prisoners, where they are required to submit a request prior to the visit for security and safety reasons. Independent organisations such as the Ombudsman and the National Human Rights Commission do not need to inform the Department of Corrections of their visit in advance. In the case where independent organizations receive complaints against government officials, a visit may be conducted while the complainant's identity is kept confidential and prison officials will not be allowed to attend the interview. Overall, the NHRC and the Ombudsman have reported that normally there is no significant impediment that would hinder their access to locations used for detention.

#### **Articles 12-13**

#### **Reply to paragraph 23 of the list of issues**

79. As referred to in paragraph 10, in 2017-2020 the Sub-Committees on the Screening of Cases of Torture and Enforced Disappearance received 258 complaints of torture and 5 cases of enforced disappearance whereby 188 cases of torture were terminated because they were not aligned with criteria and definition of the Conventions. Out of these complaints, 2 cases of torture and 1 case of enforced disappearance have been found to be prima facie cases. Currently, 68 cases of torture and 4 cases of enforced disappearance are still pending for decision.

80. Ms. Kritsuda Khunasen was released from the military facility on 24 June 2014. Ms. Khunasen has never filed an official complaint to the Government and thus no investigation has commenced yet. Allegations may stem from public interviews that Ms. Khunasen has given to the press on several occasions, where her statements have been inconsistent. On 23 June 2014, a day prior to her release, she gave an interview to the press that she was not tortured as rumored, but that she was taken care of by female officials and was able to receive news from the television and the internet. Nonetheless, the Government has yet to receive confirmed information in this regard.

81. Mr. Bilal Mohammad is currently detained in Tung Song Hong Temporary Prison of Bangkok Remand Prison pursuant to black case no. 217/2015. He was initially ruled guilty of illegal possession of explosives for which registrars are unable to issue a licence, using explosives for which registrars are unable to issue a license, carrying firearms within a town, village or public way without appropriate reason, together with attempting to cause explosions, attempting to murder others by premeditation, causing explosives to result in the death of others, serious injuries, and damages to property, committing premeditated murder, causing damage to others' properties, having possession of explosives without permission, having in possession arms without permission, and being an alien entering into the Kingdom without permission. The case has been transferred from the Military Court to the Civil Court on 25 November 2019 and is currently under a trial procedure in the court.

82. On 18 March 2015, Mr. Sarayut Tangprasert filed a complaint regarding the alleged torture of Mr. Sansern Sriounreun to the NHRC. Subsequently, on 16 November 2015, the NHRC concluded with the decision that Mr. Sriounreun's claims of being blindfolded, handcuffed, beaten, and shocked by electricity by military officers are inconsistent with the report of the Central Institute of Forensic Science. The NHRC, therefore, was of the opinion that it could not be confirmed that his wounds had been inflicted as the result of torturous acts or ill-treatment committed by military officers.

83. The SBPAC allocated a budget to the Prince of Songkla University (Songkhla Campus) to purchase a CT scanner to support forensic work in the case of allegations of torture or ill-treatment in the Southern border provinces due to Muslim beliefs that conducting autopsies on a dead person is not consistent with religious principles. The CT scanner has been installed since July 2019.

#### **Reply to paragraph 24 of the list of issues**

84. Under the National Committee for Managing Cases Relating to Torture and Enforced Disappearance (mentioned in more detail in paragraph 9), the Sub-Committee to Monitor and Investigate Cases of Torture and Enforced Disappearance has the mandate to receive complaints regarding acts of torture and ill-treatment committed by state officials and to investigate such allegations. From 87 cases in the list of UN WGEID, 12 cases have been withdrawn, 67 cases are being proceeded by the the National Committee, and 8 cases are under verification by DSI and RLPD.

85. As an example of its work, the Sub-Committee received allegations from the NHRC in 2017 on the cases of Mr. Kietipoom Wassana and Mr. Ratchanon Thechitchanon who were allegedly beaten by the police to gain information for an investigation on 14 July 2015. From preliminary investigations conducted, the Sub-Committee found that such acts committed by related police officers may have violated the Criminal Code's Section 157 (malpractice). The cases have been forwarded to the Office of Public Sector Anti-Corruption Commission (PACC) who then completed the process of preliminary investigation and recently decided to set up a sub-committee tasked to investigate the case.

#### **Reply to paragraph 25 of the list of issues**

86. The Witness Protection Act B.E. 2546 (2003) provides protection of witnesses in criminal cases for their safety as well as individuals who are closely related to the witnesses and at risk of being threatened or harassed as a result of them becoming or being a witness. The measures taken to protect witnesses and their family members include providing them with a safe house, bodyguards and changing names. The Government, by the RLPD, is in the process of amending the Act to enhance the legal framework and measures on witness safeguards and protection, including to cover those who are intimidated or threatened before criminal proceedings are initiated. The draft law to amend the Witness Protection Act was approved by the Cabinet on 29 January 2019 and by the Council of State on 13 June 2019. It is now under the process of re-submission to the Cabinet. Some key proposed amendments are as follows:

(a) Amend the definition of "witness" and "official" to cover those who are whistleblowers, complainers and information providers;

(b) Improve general protection measures to allow relevant officials to evaluate witness safety in order to extend or terminate protection as per witness request;

(c) Amend special protection measures to make them compatible with the current situation, especially with new predicated offences. Some new measures will be introduced, such as methods of change of registered information;

(d) Amend the WPO's mandate and power and increase the power of officials who execute this law including making the WPO a coordinating body to assist a witness to bring light to the case and also to assist the witness to resume their normal life. This will have a positive effect in enabling witness trust in testifying throughout the entire criminal proceeding; and

(e) Amend provisions on compensation and payment of witness allowance to be more reasonable and practical, including in the case where the witness has given testimony but fails to appear in the court for the hearing.

87. Regarding the case of Mr. Anuphong Phanthachayangkun, on 22 November 2017, the Supreme Court confirmed the judgements of the Court of First Instance and the Regional Court of Appeals which found Mr. Phanthachayangkun guilty of making false complaints on allegations of torture. The Supreme Court sentenced Mr. Phanthachayangkun to one year of imprisonment. This is not a case of retaliation. The Court of Justice is an independent body

and its decision is based on evidence where the Government cannot interfere. Mr. Phanthachayangkun's right to a fair trial and due process is respected in accordance with international standards.

88. As an effort of the Government to protect human rights defenders from reprisals, the 4<sup>th</sup> National Human Rights Plan (2019 – 2022) has included human rights defenders and the media as new target groups for the promotion and protection of their rights. Moreover, the Government has introduced a series of relevant legal measures as follows:

(a) The 2017 Constitution, the National Reform Plans, and the 20-year National Strategy (2018-2037) lays down principles and a guiding framework for government policies and actions to protect and promote human rights, including the rights to freedom of expression and opinion, and to ensure an impartial and transparent exercise of officials' powers, accountability for any wrongful or dishonest exercise of officials' powers and the availability of appropriate redress;

(b) A criminal offence on wrongful exercise of duties of state officials under Section 157 of the Criminal Code contains broad preventive and punitive effects to any wrongful and dishonest exercise of official functions of powers, such as malicious accusations or prosecutions. Investigations on this offence may be carried out by the NACC and, if a disciplinary fault or criminal act is found, referred to the superiors and/or a public prosecutor to proceed for consideration of disciplinary punishment;

(c) A person whose rights are affected by an unlawful administrative order, for example, travel ban, punitive registration or restriction on receiving funding, may seek a full review of those decisions and redress through an administrative appeal process in accordance with the Administrative Procedure Act B.E. 2539 (1996). Once the review is exhausted, the injured person may appeal to the Administrative Court under the Act on Establishment of Administrative Court and Administrative Court Procedure B.E. 2542 (1999);

(d) Section 21 of the Public Prosecutor Organ and Public Prosecutors Act B.E. 2553 (2010) stipulates that a public prosecutor shall be independent in his prosecution and honestly and impartially act in accordance with the Constitution and relevant laws. It also gives a public prosecutor the power to refer the opinion to the Attorney General to issue an order of non-prosecution if found that a criminal prosecution has no use to the general public or affects the nation's safety or security or significantly impairs the national interest. In addition, the Public Prosecutor Rules on the Prosecution of the Public Prosecutor B.E. 2547 (2004) directs a public prosecutor to perform duties without delay and in a just and equal manner and to take human dignity and the rights and freedom of a person into their consideration and decision-making process; and

(e) Amendment of the Criminal Procedure Code's Sections 161/1 and 165/2 to protect the right to freedom of expression against Strategic Litigation against Public Participation (SLAPP). More details appear in paragraph 96.

89. Apart from these laws in place to protect human rights defenders, Thailand also conducts these activities and initiatives:

(a) Human rights defenders are included in the 4<sup>th</sup> National Human Rights Plan (2019–2022) to ensure that they are safeguarded against intimidation, reprisals or any unlawful acts. The First National Action Plan on Business and Human Rights has also designated human rights defenders as one of the four priority areas;<sup>16</sup>

(b) In 2016, the RLPD - in collaboration with CSOs and the OHCHR Regional Office in Bangkok - published the "Handbook to Protect Human Rights Defenders". The handbook has been distributed to the general public, particularly to human rights defenders working in the field. The Government has also cooperated with all stakeholders and partners to develop details of the handbook to ensure its practical applicability;

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<sup>16</sup> The four priority areas are namely, (1) labour, (2) community, land, natural resources and environment, (3) human rights defenders and (4) cross-border investment and multi-national enterprises.

(c) The RLPD conducted a workshop on human rights defenders protection framework, with a view to categorizing the security status of human rights defenders and proposing a suitable level of protection to safeguard each group against harm;

(d) The RLPD has conducted field trips to monitor the situation of human rights defenders in various provinces with relevant organizations, including the OHCHR;

(e) During the reporting period, every year, the RLPD has continually conducted training on human rights and law enforcement for officials-in-charge working in the Southern Border Provinces.

## **Article 14**

### **Reply to paragraph 26 of the list of issues**

90. As referred to in paragraph 10, the Sub-Committee on Remediation for Cases of Torture and Enforced Disappearance has been established to redress injured persons (and their families) who have been affected by actions committed by government officers. The sub-committee considers and investigates complaints. If a violation is founded, the sub-committee will pay compensation. Overall, out of 87 cases in the List of UN WGEID, 61 cases have been given varying sorts of remediation on a case-by-case basis from the SBPAC, the Department of Disaster Prevention and Mitigation (DDPM), the RLPD and the Cabinet Resolution.

91. In relation to the process of receiving complaints and redress, both monetary and non-monetary, SBPAC has these guidelines:

(a) “Damrongtham Centers” have been established in all three Southern Border Provinces (SBP) to receive complaints concerning human rights violations causing disabilities or death committed by an officer. The Southern Border Provinces Administration Centre (SBPAC) officials will investigate the allegation. If it is found that a person is assaulted while being searched, arrested, detained, or imprisoned by an officer, the SBPAC will sanction the said officer and redress the injured person and other people who are impacted by the violation;

(b) For those who have been affected by the situation in the South, in 2012, the SBPAC has in place a comprehensive remedy manual to provide assistance and remedies to victims or their families for the loss of lives or injuries/disabilities (physical/mental) and their property (dwellings, personal belongings, vehicles, etc.) due to a violation of perpetrators in the SBPs or to provide compensation for injured persons and their families who have been affected by actions committed by government officers. The manual provides clear and detailed guidelines, including for individualized assessments of the degree of damages (such as the severity of injury, the degree of pain and suffering, an impact on day-to-day living, a degree of dependence on others, side effects, ability to work, market values of lost or damaged properties), and a time frame and rates of remedies or compensation or a combined option of remedy and compensation from concerned agencies (such as the SBPAC, the MSDHS, the RLPD, the Ministry of Education and the Department of Disaster Prevention and Mitigation under the Ministry of Interior), as well as access to remedy or compensation and necessary documentation and forms. In addition, the SBPAC has set up a helpline and a ‘Help & Support’ online application.

(c) According to the 2012 manual, injured persons and their families who have been affected by actions committed by government officers will be compensated for these items:

- (i) Compensation in case of death or disability (THB 500,000);
- (ii) Hospital bills including costs of rehabilitation, both physical and mental;
- (iii) Compensation for not being able to work;
- (iv) Compensation in case of enforced disappearance (THB 500,000). In this regard, the SBPAC has provided assistance to 32 cases in the List of UN WGEID in the amount of THB 34,800,000 as well as other assistance requested by affected persons.

92. Moreover, to develop the quality of life of those affected by the situation, the Government will pay tuition fees for children of those affected by actions committed by government officers from kindergarten until they receive a college degree (no older than 25 years). These children will also receive a monthly allowance.

#### **Article 15**

##### **Reply to paragraph 27 of the list of issues**

93. Evidence obtained by torture is inadmissible in legal proceedings before Thai courts. It is a clear and publicly stated policy of the Royal Thai Government not to seek to adduce material obtained by torture in legal proceedings. The inadmissibility of evidence obtained by torture is confirmed by the Criminal Procedure Code's Section 226 in conjunction with Section 135. Section 226/1 is an exception to Section 226 and bestows the court the discretion to admit evidence which may be obtained unlawfully, but does not specifically allow for admissibility of evidence obtained through torture or ill-treatment. In using such discretion, the judge shall weigh the benefit of administration of justice as a whole with the effect it may have on the criminal justice system and/or the fundamental freedoms of the people. Section 226/1 further indicates four criteria, among others, that the judge must consider regarding admissibility including whether an officer who unlawfully obtained a piece of evidence has been punished. Please refer to the Supreme Court's Decision No. 1029/2548 (2005) in paragraph 19 for an example of the court's decision on inadmissibility of evidence obtained through torture or ill-treatment.

#### **Article 16**

##### **Reply to paragraph 28 of the list of issues**

94. Please refer to paragraphs 88-89.

##### **Reply to paragraph 29 of the list of issues**

95. On 26 March 2019, the claimants withdrew the defamation complaints against the editor of the "Manager Online" website. As the editor has made a public apology for distributing false information regarding the alleged torture or ill-treatment in the military camps, the claimants did not wish to further pursue the case.

96. In 2018 the Court of Justice initiated the amendments to the Criminal Procedure Code as a tool to protect the right to freedom of expression against Strategic Litigation against Public Participation (SLAPP). Section 161/1 of the Criminal Procedure Code was proposed to provide the court with the power to dismiss any criminal case at the filing stage of a lawsuit if it appears to the court that the cause of action arises from ill intention to harass or take advantage of a person or to gain any unlawful benefits or to achieve any corrupt underlying objectives. Section 165/2 of the Criminal Procedure Code would allow the accused to present legal and evidentiary arguments during the preliminary examination of the Court where they previously could not. Section 165/2 also enables the court to play a more active role by having the power to summon witnesses and evidence proposed by the accused as the court's witness. The amendments have been promulgated in the Royal Gazette on 20 March 2019 and 19 February 2019, respectively.

97. The Government recognises the valuable contribution of the media to the promotion, respect and protection of human rights and fundamental freedoms. The Government is fully aware of its duty to ensure that the media can carry out their work in a safe and enabling environment. The rights to freedom of expression and freedom of the press are guaranteed under the Thai Constitution in line with international laws, especially Article 19 of the ICCPR. These rights are recognised as an enabler of all other human rights. Section 35 of the 2017 Constitution specifically provides that "a media professional shall enjoy the liberty to present news or express opinions in accordance with professional ethics".

## **Other issues**

### **Reply to paragraph 30 of the list of issues**

98. Once the draft Act on the Prevention and Suppression of Torture and Enforced Disappearance, as mentioned in paragraph 6, passes as law, the interpretative declaration to the Convention may be revisited.

### **Reply to paragraph 31 of the list of issues**

99. The RLPD has been in periodic consultations with relevant agencies to study the possibility of ratifying the Optional Protocol to the Convention (OPCAT) and making a declaration accepting the competence of the Committee to receive and consider communications under Articles 21 and 22 of the Convention, including necessary preparations. A recent consultation organized by the RLPD and the Association for the Prevention of Torture (APT) was held on 19 June 2020. There has been no definite conclusion to date.

**Table 1: Statistics of inmates**  
**A total of 378,562 persons as of 20 May 2020**  
**Disaggregated by nationality**

<i>Nationality</i>	<i>Convicted Prisoners</i>	<i>Prisoners on Remand</i>	<i>Juvenile Delinquents</i>	<i>Detainees</i>	<i>Relegated Prisoners</i>	<i>Unidentified</i>
No nationality registered in the system	179	19	0	16	0	346
Algerian	6	1	0	0	0	0
American	16	11	0	1	0	0
Angolan	1	0	0	0	0	0
Argentinian	2	1	0	0	0	0
Australian	5	7	0	0	0	0
Austrian	7	3	0	0	0	1
Bangladeshi	10	6	0	0	0	0
Belarusian	7	0	0	0	0	0
Belgian	1	1	0	1	0	0
Beninese	1	0	0	0	0	0
Bhutanese	0	1	0	0	0	0
Bissau-Guinean	1	1	0	0	0	0
Bolivian	5	0	0	0	0	0
Brazilian	7	0	0	1	0	0
British	22	7	0	3	0	1
Bulgarian	2	0	0	0	0	0
Cambodian	1,593	362	3	50	0	7
Cameroonian	5	1	0	0	0	0
Canadian	8	4	0	0	0	0
Cape Verdean	0	1	0	0	0	0
Chilean	2	0	0	0	0	0
Chinese	233	70	0	0	0	5
Columbian	13	7	0	0	0	0
Congolese	6	0	0	0	0	0
Cypriot	1	0	0	0	0	0
Danish	1	0	0	0	0	2
Dutch	9	3	0	0	0	0
Ecuadorean	1	0	0	0	0	0
Egyptian	2	2	0	0	0	0
Estonian	1	1	0	0	0	0
Ethiopian	4	0	0	0	0	0
Finnish	1	1	0	0	0	0
French	13	9	0	0	0	2
Gambian	3	0	0	0	0	0
German	12	0	0	0	0	1
Ghanaian	18	1	0	0	0	0
Guatemalan	1	0	0	0	0	0
Guinean	16	1	0	0	0	0
Hungarian	2	1	0	0	0	0
Icelandic	1	2	0	0	0	0



<i>Nationality</i>	<i>Convicted Prisoners</i>	<i>Prisoners on Juvenile Remand</i>	<i>Delinquents</i>	<i>Detainees</i>	<i>Relegated Prisoners</i>	<i>Unidentified</i>	
Indian	41	18	0	0	3	0	2
Indonesian	19	2	0	0	51	0	0
Iranian	45	8	0	0	1	0	1
Israeli	8	0	0	0	0	0	0
Italian	5	0	0	0	0	0	0
Ivorian	3	0	0	0	0	0	0
Japanese	17	4	0	0	0	0	0
Jordanian	2	1	0	0	1	0	0
Kazakh	1	0	0	0	0	0	0
Kenyan	17	1	0	0	0	0	0
Kuwaiti	1	2	0	0	0	0	0
Laotian	2,850	309	0	0	18	0	5
Liberian	0	1	0	0	0	0	0
Luxembourger	0	0	0	0	1	0	0
Malaysian	335	37	0	0	5	0	0
Maldivian	2	1	0	0	0	0	0
Moldovan	0	0	0	0	0	0	1
Mongolian	10	1	0	0	0	0	0
Montenegrin	0	1	0	0	0	0	0
Moroccan	1	2	0	0	0	0	0
Mosotho	4	0	0	0	0	0	0
Mozambican	6	2	0	0	0	0	0
Myanmar	4,231	1,201	1	0	123	1	74
Namibian	1	0	0	0	0	0	0
Nepalese	35	3	0	0	0	0	0
New Zealander	3	2	0	0	0	0	0
Nigerian	347	40	0	0	0	0	3
Nigerien	1	0	0	0	0	0	0
Norwegian	4	0	0	0	0	0	0
Omani	1	0	0	0	0	0	0
Pakistani	53	11	0	0	0	0	0
Paraguayan	1	0	0	0	0	0	0
Peruvian	5	0	0	0	0	0	0
Philippines	43	3	0	0	0	0	2
Polish	3	1	0	0	1	0	1
Portuguese	0	1	0	0	0	0	0
Qatari	1	0	0	0	0	0	0
Russian	27	6	0	0	5	0	3
Rwandan	2	0	0	0	0	0	0
Senegalese	3	0	1	0	0	0	0
Serbian	2	0	0	0	0	0	0
Sierra Leonian	11	1	0	0	0	0	0
Singaporean	31	11	0	0	0	0	0
Slovaks	0	1	0	0	0	0	0

<i>Nationality</i>	<i>Convicted Prisoners</i>	<i>Prisoners on Remand</i>	<i>Juvenile Delinquents</i>	<i>Detainees</i>	<i>Relegated Prisoners</i>	<i>Unidentified</i>
South African	22	1	0	0	0	0
South Korean	20	11	0	0	0	0
Spanish	1	2	0	0	0	0
Sri Lankan	6	2	0	0	0	0
Swedish	4	1	0	0	0	2
Swiss	1	2	0	0	0	0
Syrian	3	2	0	0	0	0
Taiwanese	69	33	0	0	0	0
Tanzanian	4	2	0	0	0	0
Thai	299,914	60,867	38	1,402	38	1,333
Togolese	1	0	0	0	0	0
Turkish	9	13	0	0	0	0
Ugandan	10	1	0	1	0	0
Ukrainian	18	1	0	0	0	1
Unidentified	965	133	0	4	0	0
Uzbek	1	3	0	0	0	0
Venezuelan	2	0	0	0	0	0
Vietnamese	78	103	0	98	1	3
Zambian	7	0	0	0	0	0
<b>Total</b>	<b>311,525</b>	<b>63,372</b>	<b>43</b>	<b>1,786</b>	<b>40</b>	<b>1,796</b>

#### Disaggregated by age

<i>Age</i>	<i>Convicted Prisoners</i>	<i>Prisoners on Remand</i>	<i>Juvenile Delinquents</i>	<i>Detainees</i>	<i>Relegated Prisoners</i>	<i>Unidentified</i>
Date of birth unknown	189	432	0	83	0	1,075
Less than 25	44,216	14,013	27	441	1	152
25 - 30	73,967	15,015	11	369	5	166
31 - 40	115,900	20,773	5	508	20	261
41 - 50	52,728	9,080	0	267	10	93
51 - 60	18,554	3,134	0	94	4	38
60 ups	5,971	925	0	24	0	11
<b>Total</b>	<b>311,525</b>	<b>63,372</b>	<b>43</b>	<b>1,786</b>	<b>40</b>	<b>1,796</b>

#### Disaggregated by gender

<i>Gender</i>	<i>Convicted Prisoners</i>	<i>Prisoners on Remand</i>	<i>Juvenile Delinquents</i>	<i>Detainees</i>	<i>Relegated Prisoners</i>	<i>Unidentified</i>
Male	271,384	55,822	42	1,615	35	1,641
Female	40,141	7,550	1	171	5	155
<b>Total</b>	<b>311,525</b>	<b>63,372</b>	<b>43</b>	<b>1,786</b>	<b>40</b>	<b>1,796</b>

**Table 2: Statistics on domestic violence complaints received by MSDHS During 2010-2019**

Year	Number of incidents	Number of offenders				Number of victims			
		Male	Female	N/A	Total	Male	Female	N/A	Total
2010	724	620	66	9	695	68	627	10	705
2011	829	687	59	13	759	87	696	7	790
2012	969	730	63	11	804	70	755	14	839
2013	973	746	91	19	856	80	777	9	866
2014	928	702	65	18	785	72	729	5	806
2015	969	721	122	11	854	105	739	9	853
2016	801	598	96	13	707	94	610	15	719
2017	1,200	936	150	10	1,096	179	914	11	1,104
2018	1,299	1,028	138	20	1,186	183	1,007	21	1,211
2019	1,532	1,253	205	37	1,495	270	1,206	39	1,515

**Table 3: Human trafficking cases initiated (as of 25 May 2020)**

Year	Total Cases	Types of human trafficking activities							
		Prostitution	Pornography	Sexual exploitation	Forced begging	Enslavement (general)	Labour (general)	Labour (fisheries)	Extortion/Others
2015	317	245	-	-	3	-	30	39	-
2016	333	244	3	-	8	-	32	43	3
2017	302	246	7	2	26	-	14	7	-
2018	304	249	4	5	8	-	29	6	3
2019	288	158	15	12	9	33	31	4	26

**Table 4: Number of human trafficking suspects, classified by gender and nationality (as of 25 May 2020)**

Year	Total	Gender				Nationality			
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Others	
2015	690	372	318	617	47	1	10	15	
2016	600	265	335	462	35	26	41	36	
2017	427	145	282	361	9	25	3	29	
2018	532	229	303	424	30	15	4	59	
2019	555	330	225	402	120	4	6	23	

**Table 5: Number of trafficking victims, classified by gender and nationality (as of 25 May 2020)**

Year	Total	Gender			Nationality				
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Others	
2015	982	451	531	360	409	9	87	117	
2016	824	411	413	333	238	52	58	143	
2017	455	88	367	327	53	26	30	19	
2018	631	282	349	345	205	28	14	39	
2019	1,821	1,158	663	251	1,306	96	38	130	

**Table 6: Progress of human trafficking cases in investigation stage (as of 25 May 2020)**

Year	Total	Progress of Human Trafficking Cases			
		Cases issued prosecution orders for human trafficking offence	Cases issued prosecution orders for other criminal offences	Cases under public prosecutor's consideration	Cases returned to inquiry officers
2015	281		273	8	-
2016	446		438	7	-
2017	396		385	11	-
2018				2 cases still under consideration of the Attorney General	
	331		294	31	4
2019	343		268	62	7

**Table 7: Progress of human trafficking cases in public prosecutor stage (as of 25 May 2020)**

Year	Total	Progress of human trafficking cases		
		Cases issued prosecution orders for human trafficking offence	Case issued prosecution orders for other criminal offence	Cases under public prosecutor's consideration
2015	5	4	1	-
2016	19	16	2	-
2017	22	16	4	1
2018	26	23	1	-
2019	21	13	2	6

**Table 8: Number of defendants classified by the courts' decisions (as of 25 May 2020)**

Year	Total	Convicted	Acquitted	Disposed
2015	287	254	26	7
2016	493	366	69	58
2017	638	466	154	18
2018	438	316	57	65
2019	386	304	27	55

**Table 9: Severity of imprisonment imposed on those convicted in human trafficking cases (as of 25 May 2020)**

<i>Year</i>	<i>Number of convicted</i>	<i>&lt; 1 year</i>	<i>1-2 years</i>	<i>2-5 years</i>	<i>5-10 years</i>	<i>&gt; 10 years</i>
2015	244	10	7	74	73	80
2016	310	18	8	100	117	67
2017	377	9	10	109	118	131
2018	236	1	4	47	60	124
2019	276	6	8	38	124	100

**Table 10: Statistics on numbers of pre-trial detainees and convicted prisoners disaggregated by gender in all penitentiaries (As of 20 May 2020)**

<i>Categories</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Percent (%)</i>
1. Convicted Prisoners	271,384	40,141	311,525	82.2916
2. Prisoners on Remand	55,822	7,550	63,372	16.7401
2.1 Appeal-Final stage	27,446	3,570	31,016	8.1930
2.2 Enquiry-pending trial	7,958	1,531	9,489	2.5066
2.3 Investigation	20,415	2,449	22,864	6.0397
2.4 Awaiting warrant of imprisonment	3	0	3	0.0005
3. Juvenile Delinquents	42	1	43	0.0113
4. Relegated Prisoners	35	5	40	0.0105
5. Detainees	1,615	171	1,786	0.4717
6. Unidentified	1,641	155	1,796	0.4743
<b>Total</b>	<b>330,539</b>	<b>48,023</b>	<b>378,562</b>	<b>100.0000</b>

**Table 11: Statistics on deaths in prisons (Sickness)**  
**Fiscal year 2018 – 2020 (As of 20 May 2020)**

<i>No.</i>	<i>Name of the detention locations</i>	<i>Fiscal year 2018</i>	<i>Fiscal year 2019</i>	<i>Fiscal year 2020</i>
1	Bangkok Remand Prison	4	6	1
2	Thon Buri Remand Prison	5	3	7
3	Pattaya Remand Prison	16	21	10
4	Min Buri Remand Prison	4	9	10
5	Kamphaeng Phet Central Prison	5	14	6
6	Khon Kaen Central Prison	22	23	5
7	Khao Bin Central Prison	11	8	3
8	Klong Prem Central Prison	3	5	2
9	Klong Phai Central Prison	12	10	8
10	Chachoengsao Central Prison	11	6	1
11	Chonburi Central Prison	26	40	10
12	Chiang Rai Central Prison	20	32	22
13	Chiang Mai Central Prison	52	43	27
14	Tak Central Prison	3	5	5
15	Nakhon Pathom Central Prison	11	18	10
16	Nakhon Phanom Central Prison	14	19	9
17	Nakhon Ratchasima Central Prison	8	12	2
18	Nakhon Si Thammarat Central Prison	14	10	17
19	Nakhon Sawan Central Prison	28	21	8
20	Bang Kwang Central Prison	11	14	9
21	Pattani Central Prison	9	8	9
22	Phra Nakhon Si Ayutthaya Central Prison	1	1	0
23	Phatthalung Central Prison	4	3	5
24	Phitsanulok Central Prison	13	18	9
25	Phetchaburi Central Prison	15	10	9
26	Yala Central Prison	5	6	4
27	Rayong Central Prison	23	19	20
28	Ratchaburi Central Prison	24	22	13
29	Lop Buri Central Prison	12	5	13
30	Lampang Central Prison	16	19	11
31	Songkhla Central Prison	5	6	3

<i>No.</i>	<i>Name of the detention locations</i>	<i>Fiscal year 2018</i>	<i>Fiscal year 2019</i>	<i>Fiscal year 2020</i>
32	Samut Prakarn Central Prison	36	33	18
33	Samut Songkhram Central Prison	4	6	3
34	Surat Thani Central Prison	7	6	8
35	Surin Central Prison	6	5	3
36	Udon Thani Central Prison	21	25	14
37	Ubon Ratchathani Central Prison	16	22	8
38	Krabi Provincial Prison	4	11	1
39	Kanchanaburi Provincial Prison	15	21	8
40	Kalasin Provincial Prison	17	24	9
41	Chanthaburi Provincial Prison	8	12	5
42	Chai Nat Provincial Prison	7	4	6
43	Chaiyaphum Provincial Prison	4	5	4
44	Chumphon Provincial Prison	0	2	2
45	Trang Provincial Prison	6	6	5
46	Trat Provincial Prison	2	3	5
47	Nakhon Nayok Provincial Prison	1	2	4
48	Nonthaburi Provincial Prison	5	7	5
49	Narathiwat Provincial Prison	11	12	2
50	Nan Provincial Prison	3	4	2
51	Bueng Kan Provincial Prison	5	9	2
52	Buri Ram Provincial Prison	3	6	2
53	Pathumthani Provincial Prison	11	10	5
54	Prachuap Khiri Khan Provincial Prison	5	7	2
55	Prachin Buri Provincial Prison	2	5	2
56	Phayao Provincial Prison	7	3	4
57	Phang-nga Provincial Prison	1	5	1
58	Phra Nakhon Si Ayutthaya Provincial Prison	22	23	11
59	Phichit Provincial Prison	3	5	0
60	Phitsanulok Provincial Prison	10	14	8
61	Phetchabun Provincial Prison	3	7	3
62	Phrae Provincial Prison	6	6	4
63	Phuket Provincial Prison	9	5	4

<i>No.</i>	<i>Name of the detention locations</i>	<i>Fiscal year 2018</i>	<i>Fiscal year 2019</i>	<i>Fiscal year 2020</i>
64	Maha Sarakham Provincial Prison	5	11	7
65	Mukdahan Provincial Prison	6	4	2
66	Mae Hong son Provincial Prison	5	2	1
67	Yasothon Provincial Prison	3	5	7
68	Ranong Provincial Prison	2	3	0
69	Roi Et Provincial Prison	6	9	10
70	Lamphun Provincial Prison	3	12	8
71	Loei Provincial Prison	4	6	5
72	Si Sa Ket Provincial Prison	5	4	4
73	Sakon Nakhon Provincial Prison	2	10	6
74	Songkhla Provincial Prison	13	11	4
75	Satun Provincial Prison	2	2	0
76	Samut Sakhon Provincial Prison	5	4	4
77	Sa Kaeo Provincial Prison	11	5	3
78	Saraburi Provincial Prison	10	18	3
79	Sing Buri Provincial Prison	4	3	0
80	Sukhothai Provincial Prison	1	2	1
81	Suphan Buri Provincial Prison	14	14	7
82	Nong Khai Provincial Prison	8	6	3
83	Nong Bua Lam Phu Provincial Prison	3	11	1
84	Ang Thong Provincial Prison	7	9	8
85	Uttaradit Provincial Prison	3	3	5
86	Uthai Thani Provincial Prison	1	2	4
87	Amnat Charoen Provincial Prison	3	2	4
88	Kabin Buri District Prison	2	7	2
89	Kantharalak District Prison	4	1	1
90	Koh Samui District Prison	3	2	0
91	Chai Badan District Prison	1	1	1
92	Chaiya District Prison	1	1	0
93	Takua Pa District Prison	2	4	1
94	Thong Pha Phum District Prison	0	1	0
95	Thung Song District Prison	2	9	3



<i>No.</i>	<i>Name of the detention locations</i>	<i>Fiscal year 2018</i>	<i>Fiscal year 2019</i>	<i>Fiscal year 2020</i>
96	Thoeng District Prison	2	2	4
97	Thanyaburi District Prison	10	9	8
98	Nang Rong District Prison	2	3	2
99	Na Thawi District Prison	8	14	4
100	Bua Yai District Prison	4	1	2
101	Betong District Prison	0	0	0
102	Pak Phanang District Prison	2	0	3
103	Fang District Prison	3	8	2
104	Phon District Prison	1	2	1
105	Phu Khiao District Prison	4	5	3
106	Mae Sod District Prison	7	5	0
107	Mae Sariang District Prison	1	1	2
108	Rattanaaburi District Prison	3	3	0
109	Sawankhalok District Prison	3	1	1
110	Sawang Daen Din District Prison	1	7	6
111	Sikhio District Prison	1	5	3
112	Lom Sak District Prison	2	2	5
113	Lang Suan District Prison	2	3	3
114	Khao Prik Agricultural and Industrial Correctional Institution	2	7	7
115	Central Correctional Institution for Drug Addicts	5	5	4
116	Khon Kaen Correctional Institution for Drug Addicts	6	3	2
117	Pathum Thani Correctional Institution for Drug Addicts	5	3	2
118	Ayutthaya Correctional Institution for Drug Addicts	4	1	0
119	Lampang Correctional Institution for Drug Addicts	4	1	2
120	Songkhla Correctional Institution for Drug Addicts	4	1	4
121	Women Correctional Institution for Drug Addicts	2	1	5
122	Thung Bencha Open Correctional Institution	0	0	0

<i>No.</i>	<i>Name of the detention locations</i>	<i>Fiscal year 2018</i>	<i>Fiscal year 2019</i>	<i>Fiscal year 2020</i>
123	Ban Na Wong Open Correctional Institution	0	0	1
124	Ban Noen Soong Open Correctional Institution	1	0	0
125	Nong Nam Khun Open Correctional Institution	0	0	0
126	Huaypong Open Correctional Institution (Rayong)	1	2	0
127	Medical Correctional Institution	102	101	67
128	Central Correctional Institution for Young Offenders	3	5	2
129	Nakhon Si Thammarat Correctional Institution for Young Offenders	7	6	6
130	Phra Nakhon Si Ayutthaya Correctional Institution for Young Offenders	1	0	0
131	Central Women Correctional Institution	2	4	2
132	Chonburi Women Correctional Institution	2	4	2
133	Chiang Mai Women Correctional Institution	8	8	1
134	Thonburi Women Correctional Institution	2	1	0
135	Nakhon Ratchasima Women Correctional Institution	5	8	4
136	Phitsanulok Women Correctional Institution	1	2	2
137	Songkhla Women Correctional Institution	2	3	0
138	Trat Detention Center	0	0	0
139	Nakhon Si Thammarat Detention Center	1	0	0
140	Pathum Thani Detention Center	2	0	2
141	Roi Et Detention Center	0	0	0
142	Lampang Detention Center	0	3	0
<b>Total</b>		<b>1,036</b>	<b>1,175</b>	<b>697</b>