



REFERENCE:GH/fup-129

4 August 2020

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 8, 22 and 34 of the concluding observations on the report submitted by Thailand ([CCPR/C/THA/CO/2](#)), adopted by the Committee at its 119th session in March 2017.

On 18 July 2018, the Committee received the reply of the State party. At its 129th session (29 June to 24 July 2020), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 2 (see [CCPR/C/129/2/Add.2](#)) to the Report on follow-up to concluding observations (see [CCPR/C/129/2](#)). I hereby include a copy of the Addendum 2 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the third periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Marcia V.J. KRAN

Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee

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# Report on follow-up to the concluding observations of the Human Rights Committee

## Addendum

### Evaluation of the information on follow-up to the concluding observations on Thailand\*

<i>Concluding observations (119th session):</i>	<a href="#">CCPR/C/THA/CO/2</a> , 25 April 2017
<i>Follow-up paragraphs:</i>	8, 22 and 34
<i>Follow-up reply:</i>	<a href="#">CCPR/C/THA/CO/2/Add.1</a> , 18 July 2018
<i>Information from non-governmental organizations:</i>	<a href="#">CCPR Centre Joint Report</a> ; <a href="#">Joint submission from the International Commission of Jurists, Thai Lawyers for Human Rights and Cross-Cultural Foundation</a> ; <a href="#">Fortify Rights</a> ; <a href="#">FIDH - International Federation for Human Rights and its member organizations in Thailand: Union for Civil Liberty (UCL), Internet Law Reform Dialogue (iLaw)</a> ; <a href="#">Cross-Culture Foundation</a> ; <a href="#">People's Empowerment Foundation</a> ; <a href="#">International Service for Human Rights (ISHR)</a>
<i>Committee's evaluation:</i>	Additional information required on paragraphs 8[C], 22[B][C] and 34[B]

#### Paragraph 8: Constitutional and legal framework

The State party should review all measures adopted under the interim Constitution of 2014, in particular under sections 44, 47 and 48, in the light of its obligations under the Covenant, and make sure that all measures to be adopted under the new draft Constitution, including section 279, will be consistent with its obligations under the Covenant, including the obligation to provide effective remedies to victims of human rights violations.

#### Summary of State party's reply

The Constitution of Thailand was promulgated on 6 April 2017, replacing the interim Constitution of 2014. The drafting of the 2017 Constitution had placed emphasis on public participation.

As in the case of previous Constitutions, the current Constitution guarantees the rights and liberties of the people, focuses on equality of persons before the law, and prohibits discrimination on any ground, in accordance with the International Covenant on Civil and Political Rights.

The duties and powers of the Head of the National Council for Peace and Order and of the National Council for Peace and Order, and orders and announcements, including those issued under sections 44, 47, and 48 of the interim Constitution, remain legally intact by virtue of sections 265 and 279 of the current Constitution.

The State party referred to the purpose of section 44. The laws or regulations under section 44 may be repealed if and when they are no longer deemed to be necessary. Furthermore, anyone may file a claim to the Constitutional Court if he or she believes that any law or regulation enacted under section 44 is inconsistent with legal and procedural

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\* Adopted by the Committee at its 129<sup>th</sup> session (29 June to 24 July 2020).



requirements. Section 279 of the current Constitution was not intended for the purpose of restricting the rights and liberties of the people.

As Thailand is approaching the final phrase of the 3-stage road map, the National Council for Peace and Order plans to review all of the laws, regulations and measures enacted under the interim Constitution.

### **Information from non-governmental organizations**

#### *Joint submission (FIDH, UCL and iLaw)*

Despite the Committee's recommendation, none of the key decrees issued by the National Council for Peace and Order inconsistent with the State's obligations under the International Covenant on Civil and Political Rights have been repealed or brought into line with the Covenant.

Article 265 of the current Constitution authorizes the Head of the National Council for Peace and Order to continue to exercise absolute power under article 44 of the 2014 interim Constitution until a new Government takes office following the next general election. Despite the Government's claim that the National Council has used article 44 "only when there is absolute necessity", it is apparent that the Head of the National Council, General Prayuth Chan-ocha, has continued to invoke article 44 when issuing orders relating to a broad range of matters.

Despite the information provided by the State party on the possibility of filing a claim to the Constitutional Court, no legal challenge to orders issued under article 44 has been successful.

#### *Fortify Rights*

All measures and orders adopted under the interim Constitution, in particular under sections 44, 47, and 48, remain in place and are further guaranteed by sections 265 and 279 of the current Constitution.

The orders include National Council for Peace and Order order No. 3/2558, which bans political gathering of more than five people and has severely restricted the rights to freedom of expression and of peaceful assembly and association. The National Council continues to invoke this order to restrict basic rights. Since the constructive dialogue held in March 2017, the Government has not relaxed its restriction and prosecution of dissidents.

Fortify Rights referred to National Council orders No. 3/2558, No. 13/2559, 39/2557, 97/2557 and No. 103/2557, which remain in place and are used to restrict basic rights. It also noted with concern that section 279 of the current Constitution effectively guarantees that all actions and measures, including orders and announcements, taken by the National Council are deemed "constitutional" and "lawful". Therefore, officials who carry out such actions are exempted from all liability and accountability, as stated in section 48 of the interim Constitution.

#### *Joint submission (ICJ, Thai Lawyers for Human Rights and Cross-Cultural Foundation)*

No steps have been taken by Thailand to review the measures taken under the interim Constitution. On the contrary, the State's courts have repeatedly upheld their validity.

Article 279 of the current Constitution reaffirms the constitutionality and legality of all existing and future orders issued by the Head of National Council for Peace and Order and National Council orders, announcements and acts, and stipulates that they may be repealed or amended only by passage of legislation.

Access to effective remedies for victims of human rights violations has been barred, despite the fact that article 25 of the current Constitution recognizes the right to remedy for all persons "injured from the violation of their rights or liberties".



Certain orders that impose severe restrictions on rights guaranteed under the Covenant have remained in force since the review of Thailand. The organizations referred to orders No. 3/2558, No. 5/2558, No. 13/2559 and No. 17/2558.

*Joint submission (CCPR Centre and others)*

The preservation of National Council for Peace and Order orders since the coup in 2014 and the frequent enactment of new orders by virtue of section 44 indicate that the National Council has no intention to revoke or amend the provision.

Fundamental rights such as freedom of expression, including press freedom, peaceful assembly and association, are heavily restricted, which obstruct the work of human rights defenders/activists, academicians, lawyers and civil society organizations in reviewing and reporting on human rights violations.

*Cross-Culture Foundation*

Cross-Culture Foundation expressed its concern at the broad executive power and lack of parliamentary and judiciary oversight over State security laws, in particular the Martial Law Act (1914) and the Emergency Decree on Public Administration in States of Emergency (2005).

The security laws have become commonplace in many areas of Thailand. In the southern border provinces, a state of emergency has been applied under the Emergency Decree since 20 July 2005.

**Committee's evaluation**

[C]: The Committee regrets that the State party has taken no concrete measures to implement the Committee's recommendation. In this regard, the Committee requests information on claims filed with the Constitutional Court challenging the provisions referred to in the Committee's recommendation, and the results of these cases. It also requires information on the timetable for the revision of laws, regulations and measures enacted under the Constitution promulgated on 6 April 2017. The Committee reiterates its recommendation.

**Paragraph 22: Extrajudicial killings, enforced disappearances and torture**

**The State party should:**

(a) **Ensure that cases are reported and that prompt, impartial and thorough investigations are carried out into all allegations and complaints concerning the unlawful and excessive use of force by law enforcement officials and the military, including torture, enforced disappearances and extrajudicial killings, including in the context of the southern border provinces. It should also ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;**

(b) **Provide the truth about the circumstances of those crimes and, in cases of enforced disappearances, clarify the fate or whereabouts of the victims and ensure that their relatives are informed about the progress and the results of investigations;**

(c) **Ensure that the victims are provided with full reparation, including satisfaction and guarantees of non-repetition;**

(d) **Amend the Martial Law Act, Emergency Decree and Order 3/2015 to ensure that they comply with all the provisions of the Covenant, including with the guarantees against incommunicado detention enumerated in the Committee's general comment No. 35 (2014) on liberty and security of person. The State party should also amend criteria with a view to lifting the Martial Law and Emergency Decree in the provinces currently under them without undue delay;**

(e) **Promptly set up an independent mechanism for the prevention and suppression of torture and enforced disappearances;**



**(f) Reinforce the training of law enforcement officials and military personnel on full respect for human rights, including on the appropriate use of force and on the eradication of torture and ill-treatment, ensuring that all training materials are in line with the Covenant and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

#### Summary of State party's reply

(a) and (b) The State party repeated information provided in its reply to the list of issues (CCPR/C/THA/Q/2/Add.1, paras. 51–52) regarding the draft act on prevention and suppression of torture and enforced disappearance, and informed the Committee that the draft act was currently undergoing public hearings to ensure that the interests of all stakeholders were being taken into account and that constitutional procedures were observed. The State party was working expeditiously with a view to submitting the revised draft act to the Cabinet by September 2018.

Order No. 131/2560 dated 23 May 2017 established the National Committee for Managing Cases Relating to Torture and Enforced Disappearance to address alleged cases of torture and enforced disappearance and to prevent future occurrences of such cases. The Committee will take all allegations of torture and enforced disappearances into consideration and will assess whether such allegations meet the criteria of torture and enforced disappearances as set out by the respective conventions. Any officer found to have engaged in any such acts will be prosecuted in accordance with the law. No legal immunity or exception of any kind will be granted.

On 2 July 2018, the disappearance of Porlajee “Billy” Rakchongcharoen was announced in the Royal Gazette of 11 July 2018 to be a special case under investigation by the Department of Special Investigations, Ministry of Justice.

(c) The State party referred to the law on reparations for victims of human rights violations. Legal provisions complement one another, as they provide for financial assistance, such as medical fees, physical and mental rehabilitation fees, compensation for loss of income and in the case of death.

The National Justice System Reform Plan, published on 6 April 2018, established a policy framework for the development of a mechanism to assist and further enhance access to justice in Thailand for the period 2018–2021. It highlights the need for timely and adequate protection, improvements in physical and psychological recovery, and better overall access to remedy for victims and witnesses in criminal cases.

As at March 2018, 46 persons had received such compensation. Furthermore, the Southern Border Provinces Administrative Centre had also initiated a project to improve the quality of life of the injured person's family and to provide them with humanitarian assistance. As at March 2018, 26 families had been assisted. Similarly, the Internal Security Operations Command awards a monthly support fund to the families of deceased persons or to injured persons who suffer from a disability.

(d) No information provided.

(e) No information provided.

(f) Since 2017, the Ministry of Justice had carried out training sessions for soldiers, police officers, administrative officers, volunteers and ministry officials. In 2017, 1,920 people attended the training, and another 1,440 were expected to attend similar training sessions in 2018.

The State party referred to the training provided by the Internal Security Operations Command, the Ministry of Defence, in collaboration with the National Human Rights Commission, the Royal Thai Police, the Ministry of Justice, the Internal Security Operations Command, and the Ministry of Foreign Affairs.



## Information from non-governmental organizations

### *Joint submission (FIDH, UCL and iLaw)*

(a) The Government of Thailand had failed to implement adequate measures to ensure that prompt, thorough, credible and impartial investigations were conducted into these allegations, fuelling a climate of impunity for these crimes.

Deaths in police and military custody as a result of torture also continued to be documented. The organizations referred to the case of Suriya Supharak, convicted for drug-related offences, who died while imprisoned in Takua Pa District Prison, Phang Nga Province, in April 2017. It also referred to reported deaths of military cadets or conscripts from torture. In addition, military bases continued to be used to arbitrarily detain civilians, and did not have any effective safeguards in place to prevent human rights violations.

(b) Enforced disappearance, as defined in international standards, was still not recognized as a criminal offence in the national legal system. A draft act on prevention and suppression of torture and enforced disappearance had been completed after years of efforts by government authorities in consultation with non-governmental organizations and civil society. The adoption of the draft had been suspended since February 2017.

To date, the Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance had failed to undertake any concrete or effective action to fulfil its mandate. The organizations referred to the cases of two members of ethnic minorities – Abe Sae Moo, a 32-year-old ethnic Lisu in Chiang Dao Sub-District, Chiang Mai Province, and activist Chaiyaphum Pasae, a 17-year-old ethnic Lahu – killed by Thai Army soldiers, which had not lead to any significant findings. In both cases, perpetrators have yet to be held accountable, despite the fact that the killings were committed more than one year earlier.

Military officials had also continued to file defamation lawsuits against those reporting on torture. The organizations referred to criminal and civil defamation complaints being brought against Ismae Teh, the founder of the Patani Human Rights Organization (HAP) in February 2018.

### *Fortify Rights*

(a) Little or no progress had been made towards accountability for attacks and harassment against human rights defenders and community leaders working on corporate accountability. Failure to prosecute perpetrators, despite the seriousness of the crimes, had created a persistent culture of impunity in Thailand that has reverberated in communities throughout the country.

### *Joint submission (ICJ, Thai Lawyers for Human Rights and Cross-Cultural Foundation)*

(a) and (b) Thailand had continued to fail to ensure that its legislation fully criminalized acts of torture, other ill-treatment and enforced disappearance. In this regard, the organizations expressed deep concern at the recent amendments to the draft act on prevention and suppression of torture and enforced disappearance that, if adopted as currently formulated, would entrench the State's failure to comply with its obligations under the International Covenant on Civil and Political Rights and other international human rights instruments.

The Government had also failed to promptly, effectively, independently or impartially investigate allegations of torture, enforced disappearance and extrajudicial killings.

Reports of torture, ill-treatment and extrajudicial killings continued to emerge from the southern border provinces, while investigations into them, and provision of reparations, remained slow.



Human rights defenders, victims and family members faced judicial harassment, reprisals and threats for working to bring to light cases of alleged torture, other ill-treatment and enforced disappearance.

The organizations expressed their appreciation for the Government's efforts to combat torture and enforced disappearance, but pointed out that the effectiveness of order No. 131/2560 in implementing the State's international human rights obligations had yet to be determined. It was not clear which legal framework – domestic and/or international – would apply in its operations without a law criminalizing torture, other ill-treatment and enforced disappearance. Furthermore, its remit did not appear to include the protection of complainants and witnesses from retaliation or reprisals. In addition, most members of the National Committee for Managing Cases Relating to Torture and Enforced Disappearance were not employed by independent civilian bodies.

(c) On 12 October 2017, the Southern Border Provinces Development Strategic Committee passed a resolution to provide compensation in the sum of THB 1 million (\$31,900) approximately for the family of each of the 17 persons killed as a result of security operations between 2005 to 2014, including the family of Mahkohaeng Lasae, who was shot dead by a ranger in 2012.

(d) No amendments had been made to the martial law act, the emergency decree or order No. 3. As a result, people were still being detained incommunicado under these laws.

*Joint submission (CCPR Centre and others)*

(a) Since the previous review of the State in March 2017, six cases of extrajudicial killing had been documented in southern border provinces. Bringing the cases to court faced a number of challenges. It was difficult to prove that the executions had been perpetrated, and family members of victims were reluctant to rely on the justice system or to provide information allowing for further legal prosecution.

Independent inquests into cases of torture, extrajudicial killings and enforced disappearance were crucially lacking.

(b) None of the cases of extrajudicial killings in the southern border provinces had been examined by autopsy owing to the lack of independent forensic physicians in Thailand. Another substantial hindrance to autopsies was the Islamic belief that requires the body to be buried within 24 hours of death.

(c) The psychological health of victims was not prioritized by government or other health-care institutes. It was difficult to keep track of cases that had been provided with reparation, let alone the requests that had been submitted to relevant institutions, such as the National Human Rights Commission of Thailand.

(d) The excessive use of the martial law and the emergency decree continued without any independent third-party review. Currently, the arbitrary enforcement of the martial law, the emergency decree and special laws in the southern border provinces was not subject to any public scrutiny.

(e) The political will to set up independent and efficient mechanisms to prevent torture and enforced disappearances was still lacking. Thai authorities should end all criminal proceedings against civil society groups and others reporting allegations of torture.

*Cross-Culture Foundation*

(a) The organization expressed its concern at the State's lack of progress in enacting the law to suppress and prevent torture and enforce disappearance. The draft act on prevention and suppression of torture and enforced disappearance might not yet fully comply with the State's international human rights obligations.

*International Service for Human Rights (ISHR)*

(a) and (b) Enforced disappearances were particularly prevalent in the southern provinces, contributing to the restrictive environment for human rights defenders. The steps taken by the Government to address enforced disappearance were slow and inadequate.

The draft act on prevention and suppression of torture and enforced disappearance was under review by the National Legislative Assembly after it was returned for further consultations to the Cabinet by the Assembly in March 2017. While a special committee was set up in 2017 by the Prime Minister to handle complaints of torture and enforced disappearance, the committee's progress was slow, and families had not been contacted nor informed about any developments in the cases under the committee's mandate. Currently, there was no legal framework to officially recognize the enforced disappearance of a person or to criminalize enforced disappearances. Without such official recognition, families of disappeared victims had no access to judicial processes, compensation or remedies specific to cases of enforced disappearance.

The organization referred to the case of Somchai Neelapaijit. More than 15 years had passed since his disappearance, and his fate and whereabouts were still unknown. It claimed that the spouse of Mr. Neelapaijit, despite having received some financial compensation, had not received adequate reparation for the gross human rights violation committed, the enforced disappearance of her husband.

**Committee's evaluation**

**[B]:** (a), (b), (c) and (f): The Committee notes with interest order No. 131/2560 of 23 May 2017, but requires information on the measures taken by the National Committee for Managing Cases Relating to Torture and Enforced Disappearance, including the investigations carried out and the outcome of cases of torture and enforced disappearance. It requires information on (a) the progress made on the adoption of the draft act on prevention and suppression of torture and enforced disappearance, and whether the current draft complies fully with the Covenant; (b) the case of Porlajee "Billy" Rakchongcharoen, which was announced in the Royal Gazette of 11 July 2018 as a special case being investigated by the Department of Special Investigations; (c) the case of Somchai Neelapaijit; and (d) reported cases of defamation lawsuits by military officials against those reporting on torture. The Committee reiterates its recommendation.

The Committee takes note of the national justice system reform plan, established in April 2018, and the measures to provide victims with financial reparation. It requires, however, information on the measures taken to guarantee full and systematic reparation, including psychological assistance, to all victims.

The Committee notes the information on training sessions conducted for law enforcement officials and military personnel, but requires updated information on the frequency and content of this training and whether judges and prosecutors participate in such training.

**[C]:** (d), (e): The Committee regrets the lack of information on the measures taken to amend the martial law act, the emergency decree and order No. 3/2015 to ensure that they comply with all provisions of the Covenant. It also regrets the reported excessive use of such legal provisions, in violation of the Covenant. The Committee reiterates its recommendation.

The Committee regrets the lack of information provided on the measures taken to set up an independent mechanism for the prevention and suppression of torture and enforced disappearance. It reiterates its recommendation.

**Paragraph 34: Conditions of detention**

**The State party should continue to strengthen its efforts to improve conditions of detention by taking practical measures to reduce overcrowding, particularly by promoting alternatives to detention. It should also increase efforts to guarantee the right of detainees to be treated with humanity and dignity and ensure that conditions of detention in all of the country's prisons are compatible with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**



## Summary of State party's reply

Thailand was committed to strengthening efforts to improve conditions of detention. In July 2017, the Department of Corrections under the Ministry of Justice and the Thailand Institute of Justice announced a collective commitment to drive the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) forward towards full and effective implementation in the country. The Department of Corrections had commenced the project with the Thonburi Remand Prison as a pilot penitentiary, and aimed to implement the Nelson Mandela Rules fully in 2018.

The Medical Services Division of the Department of Corrections dedicated its efforts and resources to ensuring that inmates received adequate medical services, such as through regular visits to external hospitals.

The Department of Corrections now operated pursuant to section 21 of the 2017 Penitentiary Act, which applied a higher standard than that required by the Nelson Mandela Rules. Restraining devices were not allowed for use on inmates unless it was absolutely necessary. Any decisions to use restraining devices were reviewed every 15 days.

Thailand recognized the problem of overcrowding in places of detention. Detention centres under the supervision of the Department of Special Investigations, immigration detention centres under the supervision of the Immigration Bureau, and military prisons were operating within their respective capacities and were not overcrowded.

The justice system reform plan of 6 April 2018 strove to improve various aspects of the judicial system, including conditions in prisons and detention centres across the country.

The 2017 Penitentiary Act provided the Department of Corrections with the tools to solve the problem of overcrowding in an effective and practical manner. In this regard, the Ministry of Justice was drafting a ministerial regulation to specify six alternative criminal sanctions to imprisonment. In March 2018, the Court of Justice and the Department of Probation had introduced an electronic monitoring system as an alternative to detention for prisoners who had been granted temporary release, rather than them having to post bail.

The State party also referred to the establishment in February 2018 of the Centre for Assistance in Reintegration and Employment, which aimed to promote employment for inmates after their release; to the Management of the Rehabilitation of Child and Juvenile Offenders Act B.E. 2561 (2018) requiring the Government to prepare child and juvenile offenders for release; and to the measures taken regarding LGBTI detainees.

## Information from non-governmental organizations

### *Joint submission (FIDH, UCL and iLaw)*

Heavy overcrowding remained a persistent problem in Thai prisons. Between March 2017 and August 2018, it had increased by 25 per cent. Thailand currently had the world's sixth-largest prison population and the fifth-highest rate of incarceration.

Aside from the granting of royal amnesties over recent years, no other effective measures had been taken to reduce the prison population.

To help to reduce overcrowding, on 1 March 2018, the Office of the Judiciary and the Department of Probation under the Ministry of Justice had launched a pilot project with 23 courts, which were allowed to order the fitting of an electronic ankle device to monitor suspects unable to afford bail and who were not alleged to have committed serious offences.

Despite an initiative by the Department of Corrections and the Thailand Institute of Justice to bring prison conditions into line with international standards, heavy overcrowding remains a persistent problem. Ten "model prisons" reported to have successfully implemented the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) remained hugely overcrowded.

The Government of Thailand had made limited efforts to improve prison conditions, which remain well below international standards.



### *Fortify Rights*

The Immigration Bureau continued to detain refugees as a matter of policy. Since March 2017, at least two detainees had died while in the custody of Thai immigration officials.

Starting in July 2017, as part of a pilot programme, the Immigration Bureau removed 11 children from a Bangkok immigration detention centre, where they were detained with one or both of their parents, and put them into a privately-run shelter. As at the time of writing, the parents remain detained and separated from their children. In October 2017, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, together with three civil society organizations working with refugee children, developed a set of inter-organizational standard operating procedures for alternatives to detention for children, providing guidance on facilitating the determination of best interests and case management to facilitate the transfer of children from detention facilities to private shelters. The Government of Thailand was also in the process of developing memorandums of understanding with private shelters in Thailand to receive refugee children from detention facilities.

### *Joint submission (CCPR Centre and others)*

There is reportedly still no segregation between convicted inmates and persons in pretrial detention or pending trial. The unsolved situation of overcrowding has a negative impact on the overall quality of life of inmates, including both mental and physical health.

The organizations referred to the restrictions with regard to visits that detainees received in prisons, both in terms of frequency (five visits per month) and time (one minute per visit); the difficult conditions for pregnant women; and the strip search procedures used, in violation of human rights standards.

### *People's Empowerment Foundation*

Lad Yao Prison, which had a capacity of 5,000 prisoners, currently housed as many as 10,000 prisoners; 95 per cent of them were serving their seventh or eighth prison term from drug-related offences. To solve the overcrowding issue, the Government had had bunk beds installed to increase the available slots. It was expected that this measure would add around 50,000 spaces.

In addition, 30,000 electronic monitoring devices have been employed; the target was 100,000, in order to reduce the number of detainees. Shackles were still used to bring detainees to court to prevent their escape.

### **Committee's evaluation**

**[B]:** The Committee takes note of the State party's efforts to improve conditions of detention, particularly by the Department of Corrections under the Ministry of Justice and the Thailand Institute of Justice. It also takes note of the increase in the use of electronic monitoring system as an alternative to detention. It is concerned, however, about the persistent reports of overcrowding and the poor conditions of detention. It requires further information on the impact of the measures taken by the State to reduce overcrowding and to improve conditions of detention. The Committee reiterates its recommendation.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed by the State party in its next periodic report.

**Next periodic report due:** 29 March 2021.

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