Prisoners’ rights under the Thai Penitentiary Act

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Introduction

It could be said that the prison administration in Thailand is recognized as one of the largest parts in criminal justice system since there are about 200,000 offenders gone through its process, excluding roughly 7,000 juveniles whom are taken care by the Department of Juvenile Observation and Protection (as of February 2008).

In 2002, the Department of Corrections encountered the worst overcrowding crisis as the figures of prison population stood at 254,070 exceeding the overall capacity of penal institutions originally designed to house approximately 100,000 inmates. To decrease the number of inmates, several crucial strategies and measures including the Royal Pardon, the Narcotics Rehabilitation Act 2002 and Vivat Polamaung Rachatan School (Correctional Boot Camp), have been taken during the last decade which in turn result in the reduction of prisoners’ number to 166,338 in 2008 (as of February 2008). Nevertheless, this proportion is still considered as an overcrowding prison population.

Undeniably, this overcrowding environment leads to many challenges in terms of the increasing risks of riot and escape, shortage of prison staff and ineffective rehabilitation program. The management of such condition in prisons truly needs regulations and strict disciplines to establish good order in prison system. Therefore, it is unavoidable that the enjoyment of certain freedoms for prisoners will be limited. However, there still exists some basic rights because of the fact that, although prisoners are deprived of liberty, they are still entitled of basic human rights; being free from torture or too cruel, inhuman or degrading treatment or punishment, being provided with properly food and clothes, and so on. In other words, prisoners shall be treated with humanity and with respect for the inherent dignity of the human person.

This report aims to enhance the understanding of rights and privileges granted by the Department of Corrections to prisoners as stated in the Penitentiary Act, the Ministerial regulations and other relevant laws which rec-
ognize and protect the rights of the prisoners as closely as those of international standards and those protected under the laws of most foreign countries. Furthermore, this report should also provide some basic information on the missions of the Department as a whole picture.

The history of the prison administration

The Department of Corrections, as the final agency of criminal justice system, has been transformed in terms of organization management for several times due to the changes in political, social and economic contexts.

Before the reign of King Rama V (1868-1910), prisons and jails were unsystemized, widely dispersing in all important cities under the administration of various agencies, like the Ministry of Justice, Ministry of Interior and Ministry of Defence. The significant development in the prison administration occurred during the period of the great King Rama V when he decided to build the new prison and jail which later were merged together as ‘The Department of Prisoners’ under the sole administration of Ministry of Interior. The first Prison Act was enacted to enhance the effectiveness of prison administration in 1901.

The following regeneration was in the reign of King Rama VI when he established the Department of Penitentiary by enacting the Department of Penitentiary Act on 13 October 1915 and authorizing the first Director General to supervise the department and prison system. In 1936, in order to abolish the previous laws relevant to corrective services, the Penitentiary Act and some Ministerial Regulations were enacted, creating the era of modern measures on prison administration and treatment of prisoners. These act and regulations are still in affect these days. The name of the Department of Penitentiary was then replaced by the Department of Corrections in 1962.

Another important change in the last decade was the transfer of the Department of Corrections from the administration under the Ministry of Interior to the Ministry of Justice in 2002 due to the crucial bureaucracy reform, believing that reorganization would properly unify the management of all criminal justice agencies and provide the citizens in society better access to justice.

Responsibilities

It is clearly seen that the nature of the correctional work is unique and challenging. These days the Department of Corrections, which is under control of
the Ministry of Justice since 2002, has the main responsibilities according to the Ministry of Justice Regulations 2002 in the following areas:

– providing treatment for offenders according to the court verdicts by means of Penitentiary Act and related laws;

– stipulating the guidelines of treatment of prisoners under relevant laws and regulations, penological practices, and the United Nations Standards on Treatment of Offenders;

– providing social welfares for prisoners; and

– performing other duties assigned by Ministry of Justice or the Cabinet.

To complete all above tasks, there are 11,004 correctional staff working for the Department of Corrections. Among such number, 603 officers work at the headquarters, whereas 10,401 officers perform their duties in correctional facilities. Added to correctional officers, there is also a supportive manpower from 1,978 employees (as of February 2008).

Although it seems that the number of correctional officers was slightly increased, when considering the ratio of staff and prisoners which is 1:16; it is apparent that the number of staff is still inadequate to handle a great deal of correctional works, especially the custodial task. It is not only that the prison officers have to perform their duties 24 hours a day, seven days a week, but they also need to be vigilant and ready to provide a quick response. Furthermore, the prison officers are required to work with caution, thoroughness and preciseness in order to avoid mistakes which can threat or affect the community’s security and safety. In addition, the officers have to deal with many problems, especially in prisoner’s rehabilitation. More importantly, when performing their tasks, it is necessary for correctional officers to take into account various national and international standards and regulations. Currently, there are mainly four groups of people taken into custody by the Department; convicted prisoners which is in the majority, unconvicted prisoners or remandees, detainees and those confined in lieu of fine.

**Organization structure**

The Department’s organization structure is broadly divided into the Central Administration and the Provincial Administration.

The Central Administration is official defined as prisons/correctional institutions and bureaus/divisions that come under the direct supervision of the Department Headquarter. It is composed of:
– Bureaus and divisions at the headquarter: Bureau of rehabilitation, Bureau of Penology, Bureau of Penological Operation, Bureau of Social Works, Bureau of Correctional Research and Development, Planning Division, Personnel Division, Medical Services Division, Legal Affairs Division, Finance Division, Construction and Environment Division, Office of the Secretary, Correctional Staff Training Institution, Public Relations Division, Office of the Inspectors, Office of Administration Development, Office of Internal Audit, Correctional Transparent Cooperation Center and the Office of Drug Suppression and Prevention.
– Prisons and correctional institutions: 33 central prisons, 4 remand prisons, 24 correctional institutions, 1 house of relegation and detention houses.

Provincial Administration means that a supervisory function on certain types of prisons is delegated to the provincial authority which is composed of 49 provincial prisons and 27 district prisons.

Types of facilities

Among total 143 correctional facilities (as of March 2008) all around the country of which the Department has been in charge, they can be classified into eleven categories:
– Provincial Prisons: for detaining and rehabilitating both unconvicted and convicted prisoners whose sentence term is under fifteen years. Provincial prisons are located in every province or where there are criminal courts.
– District Prisons: for detaining and rehabilitating prisoners and remandees whose sentence term is under ten years, district prisons are located in major districts all over the country where the criminal courts are established.
– Remand Prisons: for detaining remand prisoners awaiting investigation or awaiting trial.
– Central Prisons: for custody and treatment of convicted prisoners whose sentence term is over fifteen years. Some Central Prisons also take into custody female prisoners. This type of prison provides vocational, education and moral training as well as the reintegration into the community programs.
– Women Correctional Institution: for both unconvicted and convicted female prisoners. The institution provides education and vocational programs for prisoners.
– Correctional Institution for young offenders: for rehabilitation of young offenders, aging 18-25 years old according to Thai correctional laws and the first time offenders with not more than ten years of imprisonment term.
- **Correctional Institution for drug addicts**: for the treatment of drug addicted and drug related prisoners. The institution provides inmates with both rehabilitative activities and drug treatment programs.
- **Open Correctional Institution**: a minimum security correctional facility, responsible for custody of pre-released prisoners. The living condition of this institution is almost similar to those of outside people.
- **Medical Correctional Institution**: the only medical correctional hospital located in Bangkok. It is responsible for sick prisoners in the capital city and its surrounding areas. Moreover, if prisoners are in serious condition and cannot be effectively cured by staff of medical center in each prison, patients will be transferred from prisons all around country to the hospital.
- **Detention Houses**: for the custody of detainees by virtue of a warrant of detention.
- **House of Relegation**: for relegation and rehabilitation of persons who have been found by the court to be habitual offenders and shall be relegated.

### Laws and regulations

*The Penitentiary Act B.E. 2479 (1936)*

As being one of law enforcement agencies, correctional tasks are involved with various laws and regulations. The major laws that govern the prison system are the Penitentiary Act, the Ministerial Regulations enacted by virtue of section 58 Penitentiary Act, Departmental Directives and other recommendations.

The core of Penitentiary Act is in the first title called ‘prison’ consisting of twelve chapters; general provisions, admission of prisoners, separation and transfer of prisoner, power and duty of prison official, work, education and training, health and sanitation, discipline, property of prisoner, discharge and suspension of punishment, inspection of prison and, finally, offences against prison.

Subsequent to the mentioned title, the Act also includes the other two titles called ‘Penal Settlement’ and ‘Execution’ which, when combining all three titles, totally equal to 58 sections. These official rules cover all important measures and procedures for the treatment of prisoners since the first day in correctional settings to the last day when they are released. Nevertheless, it is crucial to note that the Penitentiary Act is usually considered as the basic frameworks or guidelines, whereas the following Ministerial Regulations which have been enacted later by virtue of section 58 shall provide more details of the rules and regulations in depth.
To give an example, in Chapter 9 Property of Prisoner of the Act, it is indicated that the kinds of property which a prisoner may or may not bring into or keep in the prisons as well as the safe keeping and returning of such property shall be prescribed in Ministerial Regulations (sect. 38). In the Ministerial Regulation (No. 12), the prisoner’s property is more specific classified into three categories which are contraband, prohibited items and permitted items. Smuggling in or possessing of contraband and prohibited items is an offence which is subject to disciplinary or criminal charges.

The definition of contraband stipulated in the Ministerial Regulation includes the following ten items:
- narcotic drugs and inhalant substance that cause addiction;
- alcohols, liquor or other similar substances;
- gambling accessories;
- equipment or tools for escape;
- weapons, bullets, explosives, fire work or any other items that can be used as weapon;
- perishable or toxic items;
- fuel;
- live animals;
- computers, mobile phones and electronic devices; and
- documents or other items which can cause disorder or ethical conflicts.

The prohibited items also include cash, coins and other valuable accessories such as necklaces, rings, watches, etc. However, prisoners may bring in some items to be used while being incarcerated, for example, cooked food, toiletries and necessities, but their quantity shall be limited for only personal use. Also, these items must be of manageable size and weight.

The Penitentiary Act, the Ministerial Regulations and all other orders provide clear guidelines and procedures to manage correctional institutions and prisoners. Efforts have been made to ensure that prison officials have tried their best to comply with the above said procedures in order to maintain good order in prison regime, as well as to provide an opportunity to utilise incarceration period in a constructive and beneficial manner.

Since the Penitentiary Act was enacted and introduced for a long time, recently a committee consisting of law advisors and experts has been set up to revise and amend 23 articles of the Penitentiary Act, for the very first time in sixty years to respond to current circumstances in prison system.
Prison standards

The Department of Corrections recognizes its obligation to adopt as practice the UN mechanisms, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners and International Covenant on Civil and Political Right (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Besides, to promote and strengthen such mechanisms, the Department has also introduced its own sets of prison standards to ensure appropriate treatment of prisoners in order to uphold their rights. These sets of prison standards include:

- **Prison Transparency Standards**: emphasis is made on the transparency of prison administration and concern management including Standard of Rice, Food, Prisoner’s Work, Welfare Shop and Managerial Administration.

- **Prisoner’s Living Standards**: every prison is required to achieve at least four out of five of these standards, namely Standard of Sleeping Material, Prison Kitchen, Canteen, Medical Centre and Garbage Treatment.

- **Prison Standards**: this set of standards covers ten aspects, namely, Managerial Administration, Qualified Staff, Physical Plants, Prisoner Classification, Custody, Work and Labour Force, Education and Vocational Training, Disciplinary Procedure and Punishment, Prisoners’ Services and Prisoner Activities and Privileges.

Prison policy

As the Department of Corrections is a government agency, the organization’s general policy is usually developed further from the Government Strategic and Action Plans, the National Economic and Social Development Plan, as well as the Government and the Ministry of Justice’s policies. However, it must be noted that most of all major policies basically focus on the core missions of the Department which are to take the offenders in custody with professional skills and to rehabilitate the offenders with meaningful and effective activities.

Normally, the Department makes the annual plan and policy based on the fiscal year period starting in every October. The policy planning process also includes the budget proposal and allocation. In the fiscal 2008, the total budget of the Department of Corrections is about 7,300 million baht, one of the largest proportions of all agencies’ budget in Ministry of Justice. Most of the money or about 97.82 % is distributed to fulfill basic needs of prisoners’
lives and maintain the task on safe and secure custody, leaving only 1% and 2% for rehabilitation of prisoners and treatment for drug-related offenders respectively. The small budget on prisoner’s rehabilitation may cause the inconsistency and insufficiency of prisoner’s treatment. Consequently, while requesting more money for allocating budget to prisoners’ rehabilitation from the Royal Thai Government and the Bureau of Budget in the fiscal 2009, the Department has tried to establish partnership with other public and private agencies for the provision of treatment programs, such as education and vocational training support.

All plans, policies and projects which have been implemented for the last four years (2005-2008) particularly aim to achieve the ultimate goal or the vision of the Department which is ‘to become an outstanding agency among ASEAN countries on the treatment of offenders and to return productive citizen into the society’.

Life in prison

Life inside prison must be determined by rules and regulations in order to create a stable and peaceful environment for habitation. To put it simply, rules and regulations are the necessary parts of prison life that every individual must adapt to. Apart from rules and regulations, all prisoners staying in correctional facilities also have to get used to several fundamental aspects of prison regime, especially the classification, the daily routine schedule, the prisoner classes and work of prisoners.

Classification

In theory, different types of inmates, namely convicted, remandees, detainees and those confined in lieu of fine, shall be locked up in separated facilities for the purposes of providing appropriate treatment program and preventing the problem of contamination of unfavourable and criminal behaviour. However, due to budget restriction, the Department of Corrections is hardly able to provide such segregation in practice. Accordingly, several sections are set up in existing correctional institutions to segregate each group of inmate, such as elderly offenders, rather than making the construction of a new facility which can cost large amount of money. In addition, because of the growing trend of dangerous inmates, lately maximum security units have been built to lock up high profile offenders and members of drug network who need special and close monitoring.
In practice, normally when newly admitted offenders are sent to prison, they shall be processed the inmate records, assessed and classified for the purposes of ensuring security and preparing rehabilitation plan which responds to inmates’ individual needs and risks, as well as medically examined by medical staff to indicate their state of health. It is very essential for prison officers to collect all relevant information on the inmates before planning effective treatment program.

Classification in the prison system is divided in two levels: classification for segregation and classification for rehabilitation.

The objective of classification for segregation is to divide offenders in three main groups:

– offenders who do not need rehabilitation such as well-educated people;
– offenders who do not suit rehabilitation such as repeated criminal record prisoners; and
– offenders who can be rehabilitated and will be. This group will be classified under the second level which is classification for rehabilitation. In order to rehabilitate these offenders effectively, their background and all details about their needs must be studied carefully.

After the classification process, the prison staff shall explain the prison rules and regulations, the daily routine schedule, and expected behaviours to all newly admitted prisoners. The rules and regulations should be written in such an easy way for all inmates to understand. Moreover, they should be posted clearly, easily seen in common areas in prisons.

*Classes of convicted prisoners*

Classes are a core component of convicted prisoners’ lives which shall come into effect once their cases become final until the termination of their sentence terms. Classes of convicted prisoners are a basis to identify rights and privileges of prisoners, such as eligibility for royal pardon, good conduct allowances, trustee appointment, public work outside prison, gaining convenience in prison, parole, et cetera. There are six classes of convicted prisoners: excellent – very good – good – moderate – bad – very bad.

Under section 11 Penitentiary Act, the Minister shall have the power to discriminate the kinds or classes of prisoners and to specify conditions for transferring from one kind or class to another by way of promotion or retrogression as well as different treatment to be attributed to prisoners. Basically, all newly convicted inmates shall be placed automatically in moderate class.
A prisoner who violates legitimate rules or regulations or lawful orders in prison will be considered as breaching prison discipline and shall be subject to disciplinary punishments. As prescribed in section 35 Penitentiary Act, when a prisoner commits breach of discipline, the competent prison official shall, after due consideration, inflict one or more of the following punishments:

- admonishment;
- deferring promotion for a limited period of time;
- retrogression in classes;
- reduction or suspension of the whole or part of benefit or reward;
- deprivation of permission to be visited or communicated not exceeding three months; or
- solitary confinement not exceeding three months.

On the contrary, any prisoner who shows good conduct, progress in education and works satisfactorily, or renders distinguished services in special cases and abides by prison disciplines may receive one or more of the following benefits:

- receiving some privileges in the prison, such as more chances to have the regular and contact visits and permission to use their own clothes occasionally, et cetera;
- promotion in classes;
- appointment as a trustee or a position implying the duty to assist the prison official;
- being eligible for parole;
- receiving good-conduct allowance days; or
- taking leave not exceeding four days (funeral).

*Daily routine schedule*

The Department of Corrections set out the inmates’ daily routine schedules, starting from 05.30 to 19.15 hours during weekdays and weekends, which shall be applied in all correctional settings everyday:

**Weekdays**

- 05.30 h  Morning call
- 06.00 h  Leave cells and morning indoctrination
- 07.00 h  Morning shower
- 08.00 h  Observe National Anthem and breakfast
- 08.30 h  Meditation for 15 minutes
- 09.00 h  Attend education or vocational training
12.00 h Lunch break
13.00 h Attend education or vocational training
14.50 h Break for 10 minutes
16.00 h Free time
16.30 h Afternoon shower
17.00 h Dinner
18.00 h Observe National Anthem and return to cell
19.00 h Meditation and prayer
19.15 h Bed time

Weekends
05.30 h Morning call
06.00 h Leave cells and morning indoctrination
07.00 h Morning shower
08.00 h Observe National Anthem and breakfast
08.30 h Meditation for 15 minutes
09.00 h Inculcation and free time
12.00 h Lunch break
14.00 h Religious inculcation
15.00 h Free time and recreation
16.30 h Afternoon shower
17.00 h Dinner
18.00 h Observe National Anthem and return to cell
19.00 h Meditation and prayer
19.15 h Bed time

Work in prison

Every correctional facility offers several kinds of work for prisoners so that they are able to spend their time valuably and to improve their working skills for a future career. Under the laws, in chapter 5 'Work' of the Penitentiary Act, it is said that convicts shall have to work according to the order of the prison official (sect. 22). Unconvicted prisoners are required to engage in work related to their cleanliness or health or the sanitary conditions of the prison facility. However, prisons also permit prisoners on a voluntary basis to work in prison workshop. It is believed that the work of prisoners is a mean to maintain prison order, provide prisoners necessary skills and utilize their labour.

Another advantage of prisoner's work is that under the corrections law, a convict who shows good conduct, diligence, progress in education and works satisfactorily, or renders distinguished services in special cases may
receive one or more of the following benefits, such as a promotion in classes, an appointment to a position implying the duty to assist the prison official, and a reduction of imprisonment term not more than five days a month in accordance with the rules, procedure, and conditions prescribed in the Ministerial Regulations.

According to the Penitentiary Act, the prisoner shall not be entitled to any wages but the Ministerial Regulations mentioned in the foregoing section may provide that the income derived from the work may, after deducing expenses, be distributed as reward to the prisoners and prison officials. At present, prisoners who engage in work are entitled to 50% of the net profit gained from the sale of products.

Works to be assigned to prisoners shall be based on types of prisoners, the term of imprisonment, physical and mental fitness, character, behaviour, skills, economic outcome, progress of prisoners and prison environment. The majority of prisoners are engaged in work program, such as carpentry, wood craving, carpet making, car repairing and so on. The prison product by the Department of Corrections will be held every year to display and sell the prison industry products for people in society. Their products are widely accepted for the quality and endurance.

In case the prison official orders convicts to work outside the prison on public work projects, the Director General shall appoint a committee consisting of not less than three members to classify convicts whose remaining period of their terms of imprisonment are not more than two years to work on the projects. Convicts who have committed an offence related to the following cases are not eligible to be selected:
- offence against the King, the Queen and the Heir and the Regent;
- offence against the internet security of the Kingdom;
- offence against the external security of the Kingdom; and
- offence under the law on narcotics.

Type of public work projects, the appointment of the committee, and the decision to send or not to send convicts thereof shall be in accordance with the rules, procedure and conditions in the Ministerial Regulations.

**Prisoners’ rights**

The rights and freedoms of prisoners are determined by several factors. First, prisoners are bound by the Penitentiary Act which is considered as the crucial guideline. Moreover, since becoming a member of the United Nations in
1946, Thai Government and its Criminal Justice Agencies have given importance to all of the UN mechanisms, such as standards, norms, convention, guidelines and rules. The Department of Corrections, in particular, is also mindful of the importance of such instruments, especially Standard Minimum Rules for the Treatment of Prisoners. However, due to some constraints, including overcrowding and staff shortage, the Department may not perfectly be able to follow every aspect of the standards.

Despite the restrictions, the Department of Corrections has attempted with all efforts on adopting as many as possible the principles mentioned in the UN standards into its practice. The Department of Corrections has strong determination to lay down best practices on the treatment of prisoners to ensure justice and human rights of these detained people as well as to make the standards on paper to actually work on the ground.

Accommodation

Prison accommodation can significantly result in prisoner’s living conditions. The Department of Corrections, therefore, has tried to improve and create proper prison facilities and living conditions in prisons by maintaining the standards of hygiene, lighting, ventilation and garbage treatment. Recently, the Prisoners’ Living Standards and evaluation period have been set up, requiring the prisons to carry out their efforts until they can meet the standard level.

Contrasting to western style, sleeping cells in Thai prisons are common room or dormitory, not a typical single cell. While the total space of dormitories in all correctional settings is 237,935 square meters, the standard sleeping area stipulated by the Department is 2,25 square meters for each inmate. This means that the standard sleeping area shall consequently allow a number of only 105,748 prisoners. However, as of February 2008, there were 166,338 prisoners in prisons across the country. It is obvious that the number still exceeds the sleeping capacity and one may simply imagine of how prisoners have to sleep tightly in dormitories. Overcrowding is a cause of many related problems; both to the custodial system and to physical and mental status of the prisoners.

Clothing and bedding

Generally, prisoners are to wear clothes provided by the prison but in some circumstances, they are allowed to wear their personal clothes. Each prisoner will be provided two prisoner’s uniform and other personal items such as
towels and underwear. Prisoners are allowed to have a very limited list of personal belongings, such as clothes, pyjamas, underwear, stationary and daily-use items. With regard to bedding, each prisoner is given a sleeping mattress, a blanket and a pillow. In order to improve equity and living conditions in prisons, standard of sleeping materials has been introduced by the Department of Corrections. Prisoners are provided a standard sleeping mattress in similar size and colour. The mattress is made of material which is not harmful to prisoner’s health and is also easy to take care of.

*Food*

The Department of Corrections requires every prison to arrange three meals per day for each prisoner. Apart from normal food, special menus to meet the religious requirement and health condition of inmates, such as halal food, diets for elderly and liquid and soft diets for ill prisoners, is also offered. Quality and cleanliness of raw materials are always considered as the prior criteria. There is a committee consisting of the members form the prison side and other qualified visitors from the Justice Ministry to be responsible for proving quality and cleanliness of the cooking materials. Moreover, to ensure that prisoners receive adequate and well balanced nutrition, a meal planning is set for each month by professional nutritionists. Besides, the prison regulation is flexible enough in case some prisoners desire to have their own meals. Apart from normal three meals which correctional facilities offer to all inmates everyday, they also allow the inmates to purchase some food from welfare shop inside the facility. The relatives who come to visit the inmates can purchase food at the welfare shop outside the facility and give this to the inmates. Due to strict security measures on the prevention of contraband, prisons will not accept food or stuff from outside, but will accept only products sold in the commodity store (welfare shop) run by the prison. The sold items need not to be searched and shall be forwarded to the inmates directly.

Some exceptions or flexible practices related to specific needs of inmates are:
- remand prisoners, who are legally considered as innocent persons until proved guilty, can take meals from relatives;
- long-term convicted prisoners are allowed to receive food cooked from home from time to time;
- foreign inmates from different cultures can have different menus, they can also receive meals from diplomatic representatives;
- prisons in the north and north-eastern regions usually provide glutinous rice according to the inmates’ eating habits;
– special wholesome meals are offered to sick and aged inmates;
– supplementary meals are offered to pregnant inmates and inmates after delivering;
– halal food is prepared by Muslim inmates in a specific kitchen area;
– prison kitchens are encouraged to create new menus, according the to inmates’ needs, such as pastry, pasta, pizza or hamburgers.

Health care and medical services

In each prison there is a nursing home providing basic medical treatment for prisoners. Sick prisoners can request medical treatment free of charge. Sick prisoners that require medical treatment exceeding the capabilities of the prison will be transferred to a nearby public hospital or the Medical Correctional Institution. Prisoners with personal health problems who have to bring their specific medicine into the prison need to receive the approval from the authorities first.
Every prisoner has the right to access to health care and medical services as same as other people do. In the admission process, every prisoner shall have a medical examination. If the prisoner is found to be ill or to have an infectious disease, he/she will be sent to receive the medical treatment at the prison medical center or to be confined separately from other prisoners.
Under section 30 Penitentiary Act it is indicated that upon report of the medical officer in charge of the health of prisoners expressing opinion that any prisoner who is sick would not improve satisfactorily if treated in the prison, the director general may, subject to any conditions deemed proper, allow such prisoner, to be treated in any other place outside the prison. However, the prisoner shall not be deemed to have been discharged.

As for pregnant prisoners, they shall be received proper treatment and are allowed to raise their babies behind bars until the age of one. Although a nursery project is launched in several facilities to help them taking care of children, prison is unquestionably not an appropriate place to raise a child. For the last several years, the Ministry of Justice has asked the Department of Corrections to study how the Criminal Procedure Law could be amended to allow pregnant women to raise their children to a certain age before serving their sentence.
A proposal for legal amendments to suspend punishment for pregnant convicts, which was put forward by the Ministry of Justice and the National Human Rights Commission (NHRC), has recently been approved by the Cabinet. The change allows pregnant offenders to give birth and take care of their children for a few years, before they are sent to receive punishment
relevant to their cases: incarceration or death penalty. During a period of suspension, the convicts may be placed in custody in a suitable place other than prisons and may be subject to house detention and supervision by police or probation officers.

Amending the law is another step taken by Thailand to adhere to International Laws, such as ICCPR, to which it has become a party. It also affirms the genuine commitment of the Government to ensure better protection and promotion of fundamental human rights and human dignity.

Education and vocational training

Educational training is an important aspect for the prisoner’s treatment program. Their rights to have access to education have been clearly highlighted. As described in respectively sections 27 and 28 Penitentiary Act, the Director General has the power to issue rules concerning education and training of prisoners and all accessories in education and training, such as tools, implements, books, shall be supplied by the government. Prisoners, however, may bring and use their own property after permission has been obtained.

The department offers many educational courses, ranging from the basic level, even if inmates could not read, to the Open University courses. There are approximately 1,000 graduated inmates and 5,000 inmates who are studying the courses in Sukothai Thammathirat University, the largest Open University in Thailand. In some facilities foreign languages can be studied, such as English, Chinese and Japanese.

Considering vocational training, the Department has had a cooperation with many government agencies such as the Department of skills development, the Department of non-formal education, the Department of vocational training and other educational institutions to provide inmates with training so that they can gain skills needed in the job market and will be useful for their lives outside prisons. The examples of skills are Thai massage masseur, carpenter, computer fixer and other self employed jobs.

Music, art and sport

It is believed that all prisoners should have rights to be physically and mentally developed just like other people outside prisons. Therefore, the inmates are provided with many kinds of activities in terms of music such as the prison choir and the prisoner folk song contest.

As for art in prison, for several years the Department has run the ‘Art for All’ project which aims to teach art activities to inmates, such as water-colour and oil painting.
Finally, regarding sport, the inmates can enjoy and participate in the ‘Sport behind Bars’ which is the annual sport competition for prisoners. Apart from the benefit of these activities as a way of rehabilitation, the inmates could also learn sportsmanship, discover their hidden talent and develop their skills in the future.

Religion

Prisoners are able to maintain their rights of practicing their religions and performing religious activities. Apart from the provision of education, every prison also provides moral preaching and meditation to inmates. Not only monks are invited to pray and preach for Buddhist prisoners, but also chaplains are allowed to teach prisoners in accordance with their religion. In prisons located in the five southern provinces, Muslim prisoners constitute more than 40% of the prison population; therefore, a specially-designed moral class is specially introduced for them. In addition, in order to provide appropriate treatment and to avoid misunderstanding amongst prisoners and staff with different ethic background, the Department produces a Manual for Treatment of Muslim Inmates to serve as a guideline for prison staff.

Visits

As described in section 33 Penitentiary Act, a prisoner shall subject to the rules laid down by the director general and be permitted to be visited by or communicated with outsiders, especially by the counsel. Prisoners are allowed to contact with the outside world through the following visits:

- Regular visits: diplomatic and consular officers, family and friends may visit to a prisoner in a visiting room as the date and time set by the prison.
- Contact visits: added to a regular visit, qualified and well-behaved inmates are eligible for contact visits held inside the prison. During contact visits, inmates and their families or relatives are allowed to talk to each other closely without barrier and to have a meal together.
- E-visits: in prisons where the technology is available, prisoners and their families and friends are allowed to make contact via tele-conference.
- Conjugal visits: to-be-release prisoners who are married may be allowed to receive a one-day and one-night visit by their spouses inside the open correctional institution where they are confined.
- Visits by diplomatic and consular representatives: prisoners are allowed to receive visits by the diplomatic and consular representatives of their nations in a specially designated area.
- *Visits by lawyers*: every weekday from 09.00-15.00 hours, inmates may have access to their lawyers in order to seek advice related to their legal affairs. Under special circumstances, a visit may occur on another day and time, provided that permission from the prison director is given. Visits by lawyers take place in a designated area separated from that of family visit.

**Correspondence and telephone communication**

The Corrections Act makes provisions with respect to the amount of letters received and sent by prisoners depending on their classes. However, in practice, inmates are allowed to send and receive as much mail as they wish. In addition, prisoners are also able to contact their families and legal advisers through the card phone system under necessary supervision by prison staff.

**Access to news items from the outside world**

The Department of Corrections provides several channels through which prisoners have access to news items from the outside world. These channels include television, newspaper, magazine, local radio and publications of the prison. Moreover, since a library service is provided in every facility, prisoners can read and borrow books.

**International transfer of prisoners**

International transfer of prisoners represents international cooperation on the treatment of offenders and crime prevention. The objective of the international transfer is to enable offenders committing crimes in foreign countries to return and to serve the remaining sentence in their own country. The transfer allows prisoners to maintain contact with family members and supports to be established for their eventual release. Since 1985, the country has signed a bilateral treaty on transfer of prisoners with 25 countries. As of December 2007, the number of foreign prisoners being transferred back to their respective country was 776 while 8 Thai prisoners were transferred from other countries back to Thailand.

**Complaints by prisoners**

The Department of Corrections has always highlighted the prisoners’ right to make a complaint. As indicated in section 34 Penitentiary Act, prisoners are entitled to forward any complaint or petition to the prison authority, Director General, Minister, Administrative Court or to His Majesty the King. In addi-
tion, the Regulation of the Ministry of Interior has elaborated how a prisoner can make a confidential complaint uncensored by prison staff.

The Department of Corrections has indicated the practice of complaint censoring that prison staff cannot open any mail addressed to the ombudsman. A complaint system is therefore in place to ensure prisoners’ rights by entitling the prisoner to make a complaint to either internal or external agencies or both. However, the complaint system may be misused by some prisoners as a tool to defame or insult prison officers who have imposed disciplinary punishment on them. These false complaints cause a waste of time and budget and also discourage the prison staff. The Department of Corrections has therefore conducted a study to seek an effective solution for the problem in order to guarantee due process and fairness to both the officers’ and prisoners’ side.

Drug related prisoners

At present (as of February 2008), among the total number of prison population, 71,566 or almost 50% are drug related offenders. During this last decade, the number of drug offenders has been sharply increased and slowly dropped down later on. In 1996, there had been 25,269 drug offenders, which four years later has risen to be 67,437 in 1999. The increasing trend continued until it reached the highest peak in 2002 at 110,778. After that year, the number gradually dropped down.

The main reasons for the decreasing number are various counter measures that were operated as solving of prison overcrowding and the enactment of the Narcotics Addict Rehabilitation Act 2002 which assigns drug addicts to receive compulsory treatment instead of being sentenced to prison. Nonetheless, there still are a number of drug-related offenders with drug abusing background. These offenders need to receive drug treatment program while being in prisons.

Treatment for drug dependent offenders is provided in three systems: voluntary, compulsory and correctional system. In the voluntary system, where standard treatment is employed, methadone is used as drug replacement. The compulsory system is newly established as a result of the enactment of the Narcotics Addict Rehabilitation Act 2002. The last system is implemented by the Department of Corrections.

In 1993, Therapeutic Community (TC) was found to be a prospect intervention strategy for drug addicted prisoners and has been in place since then. After having practiced TC in prisons for a while, the Department of Correc-
Tions has adjusted TC principles to the environments and prisoners’ status, and thereby established its treatment modality titled CARE Model (C stands for Corrections, A for Addictions and RE for Rehabilitation).

Treatment programs in prisons are classified into the following three types:
- the 1-year-6-month program: this program is the full function of CARE-model, comprising of an orientation process, a rehabilitation process, a re-entry process and a follow-up process. Prisons or correctional institutions that operate this program shall have to provide specific area for TC residents separately from other prisoners;
- the 4-month intensive program: this program is arranged for short-term or prereleased prisoners. Apart from TC principles and practices, short-term vocational training programs are provided to assist the prisoners to find jobs after release; and
- the combination program: this program is arranged for some prisoners who are not ready or not qualified for the programs mentioned above, and in prisons where specific area for TC cannot be provided. Only some TC house tools are practiced to suit the environment of the prisons.

For more than twenty years since the Department of Corrections has operated drug treatment programs in prisons, the treatment has yielded the satisfactory result in at least two areas.
Firstly, it can lessen the problem of re-offending. The follow-up study indicates that the recidivism rates of drug-dependent inmates who have completed the 1,5 year program are very low (4%).
Secondly, the program provides the inmates with an array of meaningful activities. An example of activity well-known to public is music therapy, which offers training on music, choir singing and glass harp ensemble. On several occasions, the inmates have been brought out to perform their well-trained musical skills and talent in public. Not only can this activity improve understanding among the outside people, but it also helps the inmates to regain their self-esteem.
To create sustainability of immunity against drugs among drug dependent inmates, the Department of Corrections has joined hands with a private agency to establish a half-way house named Bann Pra Porn to serve as the center where released inmates can participate in fruitful activities, get access to further services and can support each other to sustainably overcome their drug problems.
An advantage of drug treatment in prison facilities is that inmates undergo the program on a full-time basis. In addition, staff can adapt a wide variety of activities they think appropriate into the program. Nonetheless, success of
the treatment program for drug dependent offenders will have to be decided by people in the community who will foster these offenders one day. Despite not being the main mission of the Department of Corrections, the treatment of drug dependent offenders in Thailand is proved to be an outstanding performance and has attracted a lot of interest from the public.

In 2005, the Department of Corrections has operated a special project titled *Vivat Polamaung Rachatan* in five correctional institutions across the country. The total number of 1,600 prisoners with drug abusing background have been classified and transferred to these five institutions to participate the project. The 4-month-training period consists of military disciplinary practice, TC practice, and short-term vocational training. Those who have passed this training project and have shown their good preparation to reintegrate into the society shall receive a consideration for special parole and supervision in the community.

As part of main activity of the Vivat Polamaung Rachatan Project, TC practice has represented its significance as productive activity that renders positive outcome in the residents. When combining with intensive disciplinary practice, the residents become healthy both physically and mentally. Furthermore, there shall be a social support by providing short term vocational training courses and the assistant loan to perform a job to each resident of the project.

**Conclusion**

Even though the Department of Corrections has encountered the prison overcrowding, staff shortage and budget constraints, the effort to provide proper treatment of prisoners has still carried on. Human rights and other humanitarian grounds related to the prisoners’ treatment are concerned at all time. Some people may consider prisoners as criminals who deserve imprisonment and deprivation of their rights as a punishment for the crimes committed. But the Department of Corrections has done its best to deal with the issue of prisoner’s justice and human rights because of the strong belief that prisoners shall retain liberty and basic rights which derive from the inherent dignity of the human being. For this reason, various national, especially the Penitentiary Act and the Ministerial Regulations, as well as international standards, principles and guidelines are always recognized as significant mechanisms for applying and providing proper treatment of prisoners.