



THE NHRCT LOOKING INTO THE RIGHTS OF INMATES AND PRISON OFFICERS DURING THE COVID-19 PANDEMIC

Due to its concerns over the spread of COVID-19 in prisons, the NHRCT visited and held discussion with high-level officers at the Department of Corrections on various subjects including inmates' right to health and the immediate allocation of vaccines.

On June 11, B.E. 2564 [2021], the National Human Rights Commission of Thailand (NHRCT) led by Miss Pornprapai Ganjanarintr, the Chairperson, and other Commissioners who are Mr. Suchart Setthamalinee, Miss Sayamol Kaiyoorawong, Miss Pitikan Sithidej and Mr. Wasan Paileeklee, along with Mr. Boongua Somnuk, Secretary-General of the NHRCT visited the Department of Corrections and discussed the situations of COVID-19 outbreak in prisons with Mr. Ayuth Sintoppant, the Director-General of the Department of Corrections together with other prison executives.

Miss Pornprapai Ganjanarintr, the Chairperson, reveals after the meeting that, from the new COVID-19 epidemic wave with a large number of reported infected inmates in prisons, the NHRCT is concerned and is closely monitoring the situation because the overcrowded condition of prisons is a risk factor for rapid spread. This affects the right to health of inmates and prison officers. In consultation with the Director-General of the Department today, the NHRCT has acknowledged that, since the COVID-19 outbreak in 2020, the Department has taken a number of measures to prevent and address problems, such as disease screening of new inmates, isolation for new admitted persons to monitor their symptom with virus test during quarantine, medical treatment for infected inmates by both prison hospitals and referral of inmates to outside infirmary, arrangement of inmate visits through an information technology system, etc. At the same time, the NHRCT is aware that the judiciary has policies on temporary release and reduction of the introduction of inmates to courts. These policies help reduce over-crowdedness and thus lessen the risk of transmission.

The Department of Corrections' actions to prevent and address the COVID-19 epidemic have, however, been hindered by viral mutations during the third wave and by resource constraints, particularly at prisons with high numbers of infected people or prisons in highly infectious areas. The NHRCT has acknowledged and is concerned about the said constraints.

For example, (1) the number of healthcare workers is small compared to the number of inmates who require care. Some of them are constantly under the burden of work and deprived of rest, rendering them weary. (2) There are problems in referring patients to hospitals outside prisons in events of heavy prison hospitalization, particularly in Bangkok and its vicinity. (3) There are problems in referral of infected and non-infected ex-convicts to quarantine in Bangkok area because quarantine facilities for the prescribed 14 days are not sufficient, and (4) equipment for visiting relatives using the information technology system is insufficient.

The NHRCT and the Department of Corrections also discussed and jointly agreed the issue of overcrowded prison condition. It is considered a policy issue that shall be resolved from the upstream justice system, including reviewing unnecessary criminal punishment; taking alternative measures to detention, such as public services and the use of electronic monitoring (EM) devices; and the temporary release of the accused or defendants during trials. At the same time, the NHRCT advocates for prisons to be allocated with adequate number of medical personnel and COVID-19 vaccines for inmates as soon as possible. The latter will have a positive impact on preventing the spread of COVID-19 among inmates.

"The NHRCT appreciates the dedication of all Department of Corrections staff and encourages the government by the Ministry of Justice to solve the problem of the prison epidemic hurriedly and continue to remove obstacles to ongoing operations by recognizing the human dignity and rights of inmates that shall be protected during the spread of dangerous communicable diseases to the same standards as other people. This is to ensure inmates' right to health, which is also a fundamental right in accordance with the Constitution of the Kingdom of Thailand B.E. 2560 [2017] and human rights treaties to which Thailand is a party, as well as other international human rights standards, such as Nelson Mandela Rules and the COVID-19 Guidance by the Office of the United Nations High Commissioner for Human Rights (OHCHR)," said the Chairperson.

Office of the National Human Rights Commission of Thailand

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