



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
18 November 2024

Original: English

Committee against Torture Eighty-first session

Summary record of the 2151st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 6 November 2024, at 3 p.m.

Chair: Mr. Heller

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Second periodic report of Thailand (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Thailand (continued) (CAT/C/THA/2;
CAT/C/THA/QPR/2)

1. *At the invitation of the Chair, the delegation of Thailand joined the meeting.*
2. **A representative of Thailand**, noting that the right to freedom of assembly was enshrined in the Constitution, said that, under the Public Assembly Act of 2015, the police were responsible for managing public assemblies. More than 145,000 police officers and other personnel had taken part in training sessions organized by the Royal Thai Police with a view to helping them gain a better understanding of the Act and of the methods of handling assemblies. Training in crowd-control tactics had also been organized, in collaboration with international partners, by the Ministry of Justice. A manual for police officers, which drew on the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, had been produced in 2015, and police officers who were assigned to crowd-control duties were instructed to use force, which must be appropriate and proportionate, only when necessary. Police officers who used excessive force were liable to prosecution.
3. A number of laws had been adopted and a special agency had been created to combat trafficking in persons. Specialized training was also provided to police officers. All police stations could receive reports of trafficking. Upon receipt of such a report, a screening process was initiated. Of the more than 14,000 persons who had been reported trafficked since 2023, only 836 had been found to have been genuine trafficking victims.
4. Trafficking in persons linked to online scam centres, many of which were located in countries bordering Thailand, had become common in South-East Asia. The Thai authorities provided comprehensive assistance to victims, whether they were Thai nationals or not, who fled such centres and arrived in Thailand.
5. Persons providing evidence in proceedings instituted against traffickers were afforded witness protections. Since 2004, 735 persons involved in such proceedings, all of whom had remained safe, had benefited from those measures.
6. **A representative of Thailand** said that the application of the security provisions referred to as “special laws” in some parts of the southern border provinces was based on the principles of necessity and proportionality. The need for the application of those laws, which were in effect in the provinces of Pattani, Yala and Narathiwat and in four districts of Songkhla Province, was regularly reviewed. The need for the 2005 Emergency Decree, for example, was reviewed every three months. In recent decades, the state of emergency had been lifted in 15 districts of the southern border provinces. There was also parliamentary oversight of the enforcement of the special security laws.
7. Explicit mention was made of the Act on Prevention and Suppression of Torture and Enforced Disappearance in the declaration of the state of emergency. Plans had been made to review the powers of arrest and detention conferred on law enforcement and security officials pursuant to the Emergency Decree. In the event, such officials were not empowered to keep anyone in custody under the Internal Security Act of 2008, and arrests made under the Emergency Decree were made on the strength of a warrant issued by a court. In addition, reports were to be submitted to the court within seven days to facilitate a review of the lawfulness of the detention. Anyone detained under the Emergency Decree who was not ultimately prosecuted was entitled to compensation.
8. **A representative of Thailand** said that persons detained under the special security laws had the right to receive visits from family members and to be represented by counsel. Such detainees were examined by medical personnel upon being taken into military custody and prior to their release. They also had access to medical personnel while they were in custody. Proceedings involving minors detained under the terms of the special laws were, in accordance with the Emergency Decree, governed by the Juvenile and Family Court and Procedures Act of 2010.

9. The International Committee of the Red Cross had provided personnel of the Internal Security Operations Command with training on international norms and standards for law enforcement operations. The Government also organized regular visits to the southern border provinces by representatives of the diplomatic corps of the States members of the Organization of Islamic Cooperation. A special commission of the House of Representatives was considering the revocation of orders No. 3/2558 of 2015 and No. 13/2559 of 2016 of the National Council for Peace and Order.

10. **A representative of Thailand** said that, in November 2004, in the immediate aftermath of the Tak Bai incident, a fact-finding commission had been established to conduct an impartial investigation into the events. The commission's findings had been made available to the public and, in 2006, General Surayud Chulanont, the then Prime Minister, had issued a formal apology, asking the families of the victims for forgiveness. Total compensation of more than US\$ 20 million had been paid out to those families. The current Prime Minister had likewise apologized for the incident.

11. In April 2024, at the urging of family members of the victims, criminal charges had been filed against persons allegedly responsible for the Tak Bai incident. Once the charges had been filed, arrest warrants had been issued, the International Criminal Police Organization (INTERPOL) had been asked to issue Red Notices and the search for the alleged offenders had begun. Despite those efforts, however, the statute of limitations had expired in late October 2024 and, as a result, the charges had been dropped. The fact that none of the alleged perpetrators had had to answer for their actions in court had been a serious disappointment.

12. **A representative of Thailand** said that two officers who had been charged with ill-treatment had appealed to the Constitutional Court, arguing that section 34 of the Act on Prevention and Suppression of Torture and Enforced Disappearance, under which the civilian courts had jurisdiction to hear cases involving conduct constituting a criminal offence under the Act, was unconstitutional, but their appeal had been rejected. For the first time in the country's history, then, military personnel would be tried by civilian courts.

13. A number of factors, including the gravity of the charges and the flight risk posed by the accused person, informed decisions to grant bail or provisional release. Judges had been encouraged to exercise discretion in that respect. The overwhelming majority of the applications for release on bail submitted in the past five years had been accepted.

14. Criminal proceedings involving alleged crimes under the Act on Prevention and Suppression of Torture and Enforced Disappearance had been instituted only once since the entry into force of the Act in 2023, and those proceedings were ongoing. Although the Convention had not been cited in any judgments, the courts had referred to international human rights instruments in their rulings. In one case, for example, a regional appellate court had cited article 19 of the International Covenant on Civil and Political Rights in its dismissal of the charges filed against a protester.

15. **A representative of Thailand**, noting that the Government's commitment to preventing torture and enforced disappearance predated the entry into force of the Act, said that military officers had been prosecuted and punished for ill-treatment of recruits during training. In November 2023, for example, nine military officers had been found guilty of involvement in the beating death of Wichian Puaksom, a private in the Royal Thai Army. Eight of the nine defendants had been given prison sentences; the ninth had died.

16. Two drill instructors had been charged under the Act – the first charges to have been brought under that statute – in connection with the death of a conscript in July 2023. The Constitutional Court, as had been noted, had rejected the defendants' applications to have the civilian justice system's jurisdiction over their case found unconstitutional and had characterized it as simply an attempt to delay the proceedings. The final hearing of the defendants would take place on 11 November 2024.

17. **A representative of Thailand** said that the newly established bureau that had been given a mandate to implement the Act on Prevention and Suppression of Torture and Enforced Disappearance was staffed by 50 officers. Around US\$ 95,000 had been set aside for investigations in 2024. The Department of Special Investigation, which had handled the

case of a detainee who had allegedly been forced into making a confession at a police station, had transferred the case files to the Office of the Attorney General, recommending that charges should be filed against the police officers in question under the Act. A hearing was scheduled for 20 November 2024. The alleged victim was being provided with witness protections that were set to lapse on 31 December 2024. A request had been made to allow him to benefit from those protections until a final judgment had been handed down.

18. Several measures had been taken, including in cooperation with agencies in foreign countries, to locate a number of Thai nationals who had reportedly been subjected to enforced disappearance abroad. Uncovering the facts in those cases was challenging, however. As a result, the National Committee on Prevention and Suppression of Torture and Enforced Disappearance had set up a subcommittee that would monitor and investigate cases of disappearance abroad.

19. In 2005, the Department of Special Investigation had opened an investigation into the disappearance of the human rights activist Somchai Neelaphaijit, but although his burned body had reportedly been disposed of in an oil drum, analysis of the bone fragments found in an oil drum pulled from the Mekong River had not resulted in a genetic match with his relatives. The search continued, however, as the statute of limitations for such offences began to run only once the fate of the disappeared person was clarified.

20. Somchai's wife, Angkhana Neelaphaijit, who had received monetary compensation totalling nearly US\$ 23,000, had entered the witness protection programme in 2008. Four years later, a decision to terminate those protections had been made. She had contested the decision to no avail but was continuing to work as a human rights advocate.

21. A DNA sample taken from human remains found in a reservoir had resulted in a match with a DNA sample from the mother of Pholachi Rakchongcharoen, who had disappeared after being arrested by park rangers. His family had received compensation of more than US\$ 4,200. Although the former superintendent of Kaeng Krachan National Park and three other persons had been charged with premeditated murder, they had been cleared of that charge for lack of evidence. The former superintendent, who had failed to make a record of the arrest, had nonetheless been given a 3-year prison sentence for dereliction of duty. The victim's wife had filed a petition for additional compensation earlier in the year.

22. Remains thought to be those of Den Khamlae, about whom the Committee had asked, had been sent to a university in the United States for independent forensic analysis, which had proved inconclusive. The findings had been reported to Den Khamlae's family.

23. **A representative of Thailand**, noting that there were 10 million foreign nationals resident in his country, said that the Immigration Bureau was responsible for dealing with persons who had entered or were living in the country illegally. Immigration detention centres, in which persons were held pending their return to their country of origin, were intended for short stays only. All migrants were treated in a manner consistent with human rights principles.

24. A foreign national who could not return to his or her country could seek protection in Thailand. Such persons were entitled to basic public services such as healthcare and education. Resettlement from Thailand to third countries had increased since the coronavirus disease (COVID-19) pandemic.

25. Efforts had been made to improve the conditions in which a number of migrants of Uighur descent were being held. The authorities were aware of the risks of long-term detention, but the complexity of the problem had made it hard to resolve. Funds had been set aside for the construction of an immigration detention facility, set to open in 2027, that would make it possible to improve conditions of detention.

26. **A representative of Thailand** said that the case of Y Quynh Bđăp was the first extradition case to be heard since the entry into force of the Act on Prevention and Suppression of Torture and Enforced Disappearance. A national of Viet Nam, he had exercised his right to submit evidence and to have witnesses testify in court on his behalf and had until 30 November 2024 to appeal the ruling that the offence for which he was being sought was indeed an extraditable offence. At all events, the principle of non-refoulement would always be observed.

27. The Office of the Attorney General had organized training sessions on arrest and detention procedures to ensure that prosecutors, police and military officers and other related personnel involved in the implementation of the Act were well equipped for their work. The scope of those training sessions would be expanded in due course.

28. **A representative of Thailand** said that an update to the statistics on deaths in prison shown in table 11 of his country's periodic report (CAT/C/THA/2) would be provided in writing. When a prison inmate died, the warden was required to notify an investigation officer without delay. The Department of Corrections and the National Committee on Prevention and Suppression of Torture and Enforced Disappearance were also notified, and an autopsy was performed. If there were grounds to believe that the cause of death involved torture by a prison official, the National Committee was authorized to continue investigating. Officials implicated in such incidents were liable to disciplinary and criminal sanctions. The family members of a deceased inmate were always among the first to be notified of the death, and they were also invited to view the body before the autopsy.

29. By law, every prison had to have an infirmary. In January 2019, the Ministry of Public Health, the Department of Corrections and the National Health Security Office had signed a memorandum of understanding with a view to enhancing prison healthcare, in particular by ensuring the application of a 2015 resolution in which local hospitals had been mandated to assign medical personnel to the prisons in their areas. Infirmarys in 141 prisons, which were staffed by resident nurses and received regular visits from doctors, were registered primary care facilities. In an emergency, inmates were transferred to outside hospitals.

30. The slightly more than 69,000 pretrial detainees in the facilities overseen by the Department accounted for a quarter of all detainees. Guidelines for the treatment of pretrial detainees had been rolled out in 131 correctional facilities. Under those guidelines, facilities were to ensure that pretrial detainees and convicted prisoners were held separately and that their clothing, haircuts, visitation privileges and work assignments were also to be differentiated.

31. Inmates jailed on drug charges who were habitual drug users were considered patients and benefited from rehabilitation services, including various forms of therapy. A narcotics treatment facility and rehabilitation centre for prisoners had been established, and 89 facilities had been authorized to take a therapeutic approach to the rehabilitation of narcotics users.

32. In principle, inmates were given the opportunity to engage in work that was both financially rewarding and conducive to skills development. The conditions of the employment opportunities available were clearly described. It was thus only with their informed consent that inmates accepted employment. Low-skill work, such as the production of fishing nets, had been discontinued in 2022. A number of standards of practice or guidelines in respect of prison labour had been developed. Under those guidelines, inmates were to be employed only on certain conditions. There had to be, for example, designated working hours, a rest day, safe working conditions and a transparent remuneration system.

33. **A representative of Thailand** said that mental healthcare in her country was governed primarily by the Mental Health Act of 2008. Patients' rights, including the rights to privacy and confidentiality, as well as care providers' responsibilities and standards for treatment in psychiatric institutions were outlined in that law. Therapeutic environments should be safe and supportive. Physical restraint, confinement and isolation were permitted only when there were no other ways to prevent harm and only under the supervision of a qualified therapist. Decisions to restrain a patient were made jointly by all relevant parties with the patient's best interests as the foremost consideration. The Ministry of Public Health had developed a comprehensive model for providing mental health and psychiatric services to prison inmates. The services included psychiatric examinations, treatment, preparation for release and post-release follow-up. One-stop crisis centres set up by the Ministry and staffed by interdisciplinary teams provided comprehensive support to victims of gender-based violence. The centres' responsibilities included receiving reports of violent incidents, offering legal advice and forwarding case files to labour and social welfare agencies. Crisis centre staff members also provided psychological support and made home visits. The Ministry had worked with the Office of the Judiciary and the Juvenile and Family Court to develop a comprehensive approach to handling cases involving children, other young people

and families. The objective was to ensure that victims of domestic violence had the legal assistance they needed. The Domestic Violence Victims Protection Act of 2007 was being amended with a view to addressing a number of gaps in the assistance being provided. The authorities were aware that, in efforts to arrange settlements in cases involving domestic violence, consideration should be given to the victim's readiness to reach such a settlement, as well as to the power dynamic characterizing the relationship between the victim and the perpetrator.

34. Overall standards for healthcare, including senior care, were set forth in the Public Health Act of 2007. Specific regulations covering such issues as staffing levels, emergency procedures and quality of care had been developed to address the unique needs of senior care facilities. Those regulations helped ensure that older people in care facilities were treated with dignity and respect.

35. **A representative of Thailand** said that the Child Protection Act of 2003 was being amended to promote a participatory approach. Violence against children was being defined in such a way as to ensure that all forms of violence fell under the Act. After having been approved by the National Child Protection Committee, the draft amendments had been submitted to the Cabinet. Child pornography had been a criminal offence punishable by up to 10 years' imprisonment since 2015.

36. A draft amendment to the Civil and Commercial Code adopted in late October 2024 by the House of Representatives covered abusive or violent punishments of children, who were not to be physically or mentally harmed. The draft amendment would be considered by the Senate in due course.

37. **A representative of Thailand** said that two draft amendments to the Organic Act on the National Human Rights Commission had been submitted to her country's new Cabinet. The first, if passed into law, would repeal the provision under which the Commission was required to correct errors of fact without delay in cases where an incorrect or unfair report on the human rights situation in Thailand had been issued. The aim of that amendment was to remove a requirement that could compromise the independence of the Commission. The aim of the second was to expand the scope of the Commission's activities. If that amendment was adopted, the Commission would lead amicable dispute resolution efforts. No such efforts would be made without the complainant's consent, nor would they affect his or her right to adjudication of the complaint. The Cabinet was currently considering the two draft amendments.

38. Once the Commission's recommendations were received by the Cabinet, they were forwarded to the relevant agencies, which acted on them within the time frame specified by the Commission or the Cabinet. The recommendations were taken seriously.

39. **A representative of Thailand** said that the subcommittee responsible for coordinating the Government's fulfilment of its international human rights obligations regularly reviewed the possibility of acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. While all relevant agencies agreed on the importance of the Optional Protocol, it was necessary to ensure that those agencies were prepared for its implementation before that step was taken. Efforts to ensure that was the case included regular training sessions and workshops.

40. Members of the National Committee on Prevention and Suppression of Torture and Enforced Disappearance included representatives from relevant ministries in addition to two human rights experts and one expert each in the areas of law, forensic science, forensic medicine and psychiatry. The National Committee was the main body charged with overseeing the implementation of the Act on Prevention and Suppression of Torture and Enforced Disappearance. Some of its four subcommittees included representatives from civil society and the families of victims among their members. The first subcommittee had recently approved regulations on the use of video recordings and the registration of information on detainees. Draft regulations on assistance, remedies and rehabilitation services for victims and on related expenses were already under consideration by the Ministry of Finance. Representatives from civil society and the families of victims were among the members of the second subcommittee who had contributed to the drafting of regulations concerning redress. The third subcommittee had recently screened nearly 600 cases of deaths in custody,

of which only one had been found to have resulted from an act of torture. That case had been transferred to the Department of Provincial Administration for further investigation. The fourth subcommittee's members had only recently been appointed. All subcommittees were to report to the National Committee on their work on a regular basis.

41. **A representative of Thailand** said that the Government recognized the important role that human rights defenders performed and had designated them as a priority group under the Fifth National Human Rights Plan and the Second National Action Plan on Business and Human Rights, both of which were aimed at developing mechanisms for the protection of human rights defenders, the provision of redress and the promotion of public awareness of their role. Steps taken to create a safe working environment for such persons included the enactment in 2022 of a law amending the Witness Protection Act B.E. 2546 of 2003 pursuant to which the definition of "witness" had been expanded to include any person who provided information concerning the commission of offences to the authorities; the Act on Prevention and Suppression of Torture and Enforced Disappearance of 2023; the initiation of a bill aimed at blocking strategic litigation against public participation; the establishment of the Justice Fund, which provided legal advice and assistance, mediation and protection to human rights defenders and other persons; the organization of awareness-raising activities to promote the role and work of human rights defenders; and a study by the Rights and Liberties Protection Department in cooperation with the United Nations Development Programme (UNDP) on possible measures for affording additional protection to human rights defenders.

42. **Mr. Liu** (Country Rapporteur) said that, given that only one execution had reportedly been carried out in Thailand in recent years, he wondered whether the State party might adopt a formal moratorium on the death penalty. He was keen to know whether efforts were being made to eliminate the death penalty or to greatly reduce the number of capital offences so that only the most serious crimes carried that penalty. It would be useful to learn whether there were still offences for which application of the death penalty was mandatory. He wondered what policies and procedures were in place to ensure that any person charged with a capital offence had access to qualified, experienced legal counsel and had sufficient resources to be able to mount an effective defence. It would be interesting to know whether lawyers who defended women charged with capital offences were provided with training on mounting legal defences that took gender-specific factors into account. Given that a higher proportion of women than men were sentenced to death for drug-related offences, that courts often did not consider gender-related mitigating factors in their decisions on sentencing and that court-appointed lawyers in Thailand were reportedly under-resourced, he wished to know how the rights of women were upheld in capital cases. He wondered whether policies and approaches for effectively addressing drugs-related offences had been studied or reviewed. He would be grateful to receive more information on how data collection and analysis and the application of new technologies were helping the State party to comply with its obligations under the Convention.

43. **Mr. Buchwald** (Country Rapporteur) said that he wished to know whether the State party had installed any more computed tomography (CT) scanners in prisons since the submission of its periodic report (CAT/C/THA/2) and whether it still intended to install those devices in all Thai prisons. He would appreciate clarification as to whether prisoners who wished to submit complaints about abuse were obliged to do so to an official of the same prison that employed the person who they believed to be responsible for the abuse. If that was the case, he would be interested to know what measures had been put in place to protect prisoners from retaliation.

44. Under section 22 of the Act on Prevention and Suppression of Torture and Enforced Disappearance, officials were required to make continuous audio and video recordings of arrest and detention processes up to the time that a detainee was delivered to an inquiry official. There apparently had been some incidents in which persons' liberty had been restricted but that had reportedly not been interpreted by the authorities as a detention process and had therefore not been recorded. He therefore wondered what qualified as detention under the Act and what did not. Given that section 22 provided that such recordings should be made until the detained person was delivered to the inquiry official or released, he wished to know whether such recordings were no longer required once interrogation had begun and, if so, why that was the case. It would be useful to know what steps had been taken to ensure

that officials who implemented section 22 of the Act understood it as it was intended to be understood.

45. He would welcome clarification as to whether the National Human Rights Commission of Thailand was required to request permission from the Department of Corrections to visit places of detention or to notify it in advance of such visits. If not, he would be interested to know whether it was equally entitled to make unannounced visits to places of detention that were operated by governmental bodies other than the Department of Corrections. It would be useful to learn about the rules concerning who the Commission was allowed to meet with when conducting such visits, the conditions under which it could meet privately with detained persons and the safeguards that were in place to ensure that persons who met with the Commission were not at risk of reprisal.

46. The delegation might comment on whether, in its view, there were any legal avenues for opening up a way to prosecute the perpetrators of the Tak Bai Incident of 2004 and on whether the State party would consider eliminating the statute of limitations in relation to future offences of torture and enforced disappearance. He would welcome statistics on the number of complaints that had been submitted concerning the use of force against protesters by police officers or other security officials and on the number of investigations, prosecutions and convictions that had resulted from such complaints.

47. **Ms. Racu** said that she would be grateful if the delegation could describe the procedures for involuntary hospitalization in Thailand and clarify whether such placements were subject to consistent review processes. It would be helpful to receive any figures related to involuntary hospitalization that the delegation might have. She would be interested to know what independent authorities or non-governmental organizations (NGOs) were permitted to conduct monitoring visits to psychiatric and social care institutions and whether or not reports about such visits were made publicly available.

48. **Mr. Contesse** said that it was his understanding that the only time reference to the Convention against Torture had been made in a Thai court had been in the pending case mentioned earlier by the delegation concerning the indictment of an officer and a police colonel on torture charges. He wished to know who had invoked the Convention in those proceedings and would also be grateful to receive more information on the judgment in which a Thai court had referred to article 19 of the International Covenant on Civil and Political Rights in relation to freedom of expression. That information would help the Committee to better understand how the courts utilized international human rights standards in Thailand.

49. **Mr. Liu** said that, with regard to the hierarchy of laws and the non-derogability of the right to freedom from torture, he would be interested to learn whether any steps had been taken to address any conflicts between the Act on Prevention and Suppression of Torture and Enforced Disappearance, on the one hand, and, on the other, the Military Discipline Act B.E. 2476, the Thai Criminal Procedure Code and what were known as the special laws. He wondered whether the State party might consider reforming those other laws to ensure that, in the event of conflict, the Act prevailed.

The meeting was suspended at 5 p.m. and resumed at 5.15 p.m.

50. **A representative of Thailand** said that, although the Government had carried out an execution for the first time in nine years in 2018, it continued to work towards reducing the number of capital offences and had recently focused its efforts on abolishing the death penalty for drugs-related offences. During the third cycle of the universal periodic review process, Thailand had accepted nine recommendations related to the abolition of the death penalty from other States, including a recommendation from Mongolia to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; one from New Zealand to take further action towards the abolition of the death penalty; and one from Croatia to conduct awareness-raising campaigns with the aim of educating the public on human rights and alternatives to the death penalty. On 24 June 2022, the national committee that oversaw the universal periodic review process had considered a draft national action plan for effectively implementing all voluntary pledges and recommendations from that process. Relevant agencies were taking a holistic, step-by-step approach to amending laws on capital punishment to comply with human rights principles, and such efforts were also being made in the wider context of the Justice System

Reform Plan. While public opinion was in favour of retaining the death penalty, the Government was taking all views into account in its efforts to raise awareness of the ongoing debate concerning that matter.

51. The Act on Prevention and Suppression of Torture and Enforced Disappearance did not conflict with other laws but rather supplemented them. Perpetrators were prosecuted for all relevant offences and, if found guilty of multiple charges, the highest of the available penalties was applied.

52. **A representative of Thailand** said that prison officers were entitled to inspect all letters and packages for security reasons except for letters exchanged between prisoners and their lawyers and letters of complaint. Any letter or parcel with unknown contents had to be opened and inspected prior to delivery. Documents that were personally delivered to prisoners by visiting lawyers were not subject to inspection. Correspondence sent to prisons by post was typically delivered to its intended recipient within three or four days. Those practices were applied in respect of all prisoners regardless of category or nationality.

53. While prison officers typically stood nearby during meetings between prisoners and lawyers for security reasons, they made sure that they were not within hearing distance of such meetings if so requested by lawyers in compliance with rule 61 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which, pursuant to rule 2 of the Nelson Mandela Rules, was applied in respect of all prisoners without discrimination except for vulnerable prisoners.

54. The Department of Corrections welcomed visits that were mandated by law by the National Human Rights Commission of Thailand and other governmental agencies. The Commission was not required to request permission to make such visits or to announce them in advance. The Department usually discussed the outcomes of such visits with the agency in question. Pursuant to the Department's internal regulations, visits to prisons by private and civil society organizations were subject to the approval of the prison director.

55. All complaints were confidential and there were many channels for their submission, including a complaints box that could be opened only by the prison director, who had an obligation to investigate complaints and take appropriate action. Prisoners could also communicate complaints directly to visitors, who could then relay them to prison directors, the head of the Department of Corrections or the National Human Rights Commission of Thailand.

56. **A representative of Thailand** said that, under current police regulations, all police officers who had the authority to arrest, detain and interrogate suspects were required to make audio and video recordings during all of those processes.

57. **A representative of Thailand** said that, since the enactment of the Narcotics Code in 2021, the Government had placed a greater emphasis on health, development and human rights in its drug policies. The Ministry of Public Health had been given responsibility for the provision of rehabilitation services for drug users, who were now designated as patients rather than as offenders and encouraged to voluntarily undergo medical and rehabilitation treatments rather than being criminalized. That approach promoted the social integration of drug users and helped to alleviate prison overcrowding and to put an end to the cycle of drug use. Fewer people had been admitted for drugs-related treatment in the first half of 2024 than in the same period in 2023. The largest group of drug users undergoing treatment continued to be users of methamphetamine, who represented 75 per cent of all such patients. On 7 June 2022, the Government had extended its Universal Health Coverage system to cover drug rehabilitation services and had been implementing a community-based treatment scheme for drug users. The Ministry of Public Health provided drug treatment facilities throughout the country. Those facilities could accommodate nearly 16,000 patients.

58. **A representative of Thailand** said that the office responsible for coordinating efforts to prevent and suppress torture and enforced disappearance currently had only three dedicated staff members and required more personnel and resources. The Government was planning to develop a manual on the Act on Prevention and Suppression of Torture and Enforced Disappearance that would provide comprehensive explanations of the background and purpose of each of its articles and clarifications as to how international conventions were

linked with national law. Relevant agencies had submitted budget requests to cover the cost of procuring and maintaining equipment required to implement the Act, such as video recording and audiovisual storage equipment. A streamlined system for simultaneously notifying both the Office of the Attorney General and the Department of Provincial Administration of arrests was being developed, and proposals for the establishment of a centralized system for consolidating statistics on complaints and tracking follow-up action were under consideration. Ongoing online and offline training on the implementation of the Act, the Convention and other relevant international standards would be provided to all relevant stakeholders.

59. **A representative of Thailand** said that, since 2019, the Immigration Bureau and the Ministry of Social Development and Human Security had been leading efforts to implement the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to the Detention of Children in Immigration Centres and associated standard operating procedures. Nearly 600 children and parents had benefited from those efforts so far. A plan was developed for each child by a multidisciplinary case management team that included an official from the Ministry of Social Development and Human Security, a representative from an international organization – such as the United Nations Children’s Fund, the International Organization for Migration, or the Office of the United Nations High Commissioner for Refugees – and an NGO partner. An NGO case manager liaised with community leaders, schools and health service providers to ensure that children and families had access to basic services and were able to exercise their rights to healthcare and education. Upon reaching 18 years of age, children had to report to the Immigration Bureau. Under regulations that had entered into force in March 2024, the US\$ 1,500 release fee had been eliminated. In August 2024, Thailand had withdrawn its reservation to article 22 of the Convention on the Rights of the Child regarding protection of children who were seeking refugee status or who were considered a refugee in accordance with applicable international or domestic law and procedures. Other persons could be exempted from detention on certain conditions. Foreign nationals who could not return to their country of origin could apply for protected status.

60. **A representative of Thailand** said that separate juvenile courts had been in operation since 1951. The Juvenile and Family Court and Procedures Act of 2010 provided for a special procedure as an alternative to criminal proceedings in the case of children and young people. Special procedures were also in place in the juvenile justice system for arrests, investigations and court proceedings that took the special needs and circumstances of minors into account. Courts had the power to substitute alternatives such as participation in rehabilitation or training programmes and probation for criminal sanctions. Juvenile and family courts had been operating in all 77 provinces of Thailand since 2003. An inter-agency memorandum of understanding on protecting the welfare of children under the minimum age of criminal responsibility, which was in alignment with the Convention on the Rights of the Child and the Child Protection Act of 2003, had been signed by seven governmental and judicial agencies in February 2024. Resources from various sectors would be mobilized to ensure that the memorandum was fully implemented, and a standard operating procedure would be developed for all agencies that would ensure the welfare of children who were under the minimum age of criminal responsibility.

61. Section 173 of the Thai Criminal Procedure Code provided that persons who were 18 years of age or under and persons accused of a capital offence who did not have a lawyer would have one appointed for them, while persons who had been accused of an offence which carried a penalty of imprisonment who did not have a lawyer would have one appointed for them if they so wished. Regulations aimed at increasing the number of available public defence lawyers, improving their qualifications and assisting the courts in evaluating their capabilities had been issued by the Court of Justice in September 2024.

62. **A representative of Thailand** said that the in-person and online workshops and training sessions held throughout Thailand to raise awareness of the Convention against Torture and the Act on Prevention and Suppression of Torture and Enforced Disappearance had reached more than 100,000 persons. Campaigns utilizing videos, short films and leaflets had also been launched to raise awareness of those instruments among officials and the public. Agencies such as the Ministry of Public Health that worked to implement the

Minnesota Protocol on the Investigation of Potentially Unlawful Death and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) had organized their own training sessions to ensure compliance with those protocols. The Rights and Liberties Protection Department and UNDP had conducted regular training sessions for law enforcement officers on sexual orientation, gender identity and gender diversity.

63. The Rights and Liberties Protection Department had been working closely with civil society organizations for longer than Thailand had been a State party to the Convention, and civil society organizations had been involved in the formulation of the Act on Prevention and Suppression of Torture and Enforced Disappearance, as well as in conducting training on the Convention and the Act and participating in an open dialogue on ways of improving the implementation of the Act. The Department also worked with such organizations to ensure that participants in legal proceedings had access to justice and that victims received appropriate legal aid. In addition, the Department would establish an action plan for the implementation of the recommendations issued by the Committee and would work with other stakeholders to monitor and ensure their implementation.

The meeting rose at 5.55 p.m.