

#WhatsHappeningInThailand

JOINT LETTER

on Ongoing Restrictions
on Prison Visits and Correspondence



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#WeAreManushyan

@manushyafoundation



Joint Letter on Restrictions on Prison Visits and Correspondence

Re: Ongoing Restrictions on Prison Visits and Correspondence

Dear Mr. Ayuth,

We, the undersigned national and international human rights organizations, urge the Department of Corrections to accelerate the lifting of restrictions on prison visits and correspondence that have been put in place since the beginning of the COVID-19 pandemic in March 2020.

On 18 March 2020, the Department of Corrections temporarily suspended all in-person visits by families of inmates in prisons and correctional institutions nationwide, as part of the government's measures to contain the spread of COVID-19.

While we welcome Justice Minister Somsak Thepsutin's announcement that 38 prisons have re-opened for family visits since 12 November 2021, we note that visits are still suspended in the remaining 97 correctional facilities across Thailand. [1]

Since March 2020, all communications between prisoners and their families can only be conducted through video or phone calls on the Line messaging application or e-mails, depending on the availability in each prison. Online visitation measures introduced by the Department of Corrections have placed unjustifiable obstacles for visiting families of inmates. These include limited visitation time of 10 minutes per visit, only one visit per month, and the prohibition of online meetings for inmates undergoing quarantine. In addition, some families of inmates who do not have access to online communication channels are unable to have any contact with their relative in detention.

Visits from lawyers have been subject to prison authorities granting permission pursuant to the disease prevention guidelines set out by the Ministry of Public Health. On multiple occasions, prison authorities have denied permission for meetings between lawyers and prisoners, citing the COVID-19 situation or the mandatory quarantine period for prisoners. In many cases, prison authorities monitored or intervened in these meetings or examined documents or correspondence between lawyers and prisoners. In some prisons, communication equipment, such as mobile phones and computers, has been insufficient, resulting in limited meeting time between lawyers and their clients.

While we acknowledge that restrictions on visits were put in place to protect the health and well-being of prison staff, prisoners, and visitors during the pandemic, these restrictions should respect the right of prisoners to have contact with their families, friends, and the outside world. We recall that in their Interim Guidelines on COVID-19, the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) recommended that "any preventive measures need to take the rights and needs of families of prisoners into consideration as well as avoid placing extra-burden upon them" and that "interference with privacy or family must not be arbitrary or unlawful." [2]

The Interim Guidelines also state that during the COVID-19 pandemic, "prisoners' ability to meet with legal counsel must be maintained, and prison or detention authorities should ensure that lawyers can speak with their client confidentially."



Contact with the outside world through visits, telephone calls, and correspondence, and access to a lawyer, are guaranteed under Thailand's 1936 Penitentiary Act (amended in 2017). Under Article 60, prisoners "shall be permitted to contact persons outside prison." Article 61 requires that prisons "arrange a place for prisoners to personally meet and consult with lawyers."

Contact with the outside world and access to a lawyer are also part of international standards related to prison conditions. Rule 58 of the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) states that prisoners should be allowed, "under necessary supervision, to communicate with their family and friends at regular intervals [...] by receiving visits." Rule 61.1 stipulates that "prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff."

Prison visits and contact with the outside world also contribute to ensuring the humane and dignified treatment of prisoners, which is guaranteed under Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR). In addition, under Article 37 of the Convention on the Rights of the Child (CRC) children deprived of their liberty have the right to maintain contact with their families through correspondence and visits.

Extended periods of limited contact with the outside world have a negative impact on the mental health of prisoners, exacerbating their existing vulnerability to emotional and psychological distress. Ensuring that prisoners can maintain regular social contact with their families and friends is therefore of great importance to protecting their well-being.

As the Thai government announced the official "re-opening" of the country to visitors on 1 November 2021, we urge you to take urgent and necessary steps to re-open prisons to family members and lawyers as well. As 64% of the total prison population (183,304 out of 284,224) has been fully vaccinated as of 28 November 2021, the Department of Corrections should make swift progress towards the full resumption of regular visits and communications between prisoners and their families without unnecessary and disproportionate restrictions. We also call on the Department of Corrections to guarantee that prisoners can meet and communicate with their legal representatives. Any interference in these communications must be justified.

Finally, we note the use of masks, physical distancing, ventilation of indoor space, crowd avoidance, and hand hygiene remain key to reducing transmission of SARS CoV-2 even with the emergence of the Omicron variant. Contact tracing of COVID-19 cases to interrupt chains of transmission of SARSCoV-2 is strongly advised.

We urge you to consider these recommendations and urgently act upon them.

Yours sincerely,

ASEAN Parliamentarians for Human Rights (APHR)
FIDH – International Federation for Human Rights
Fortify Rights
Human Rights Watch
Manushya Foundation
Thai Lawyers for Human Rights (TLHR)
Union for Civil Liberty (UCL)



Footnotes

[1] Nation, 38 prisons reopen for family visits, eight more to follow suit by December, 18 November 2021

[2] Interim Guidance on COVID-19: Focus on Persons Deprived of Their Liberty, 27 March 2020; <https://bit.ly/3FD1Hf2>



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