



HANDBOOK

for Foreign Prisoners in Thai Prisons



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Preface

In Thailand, the total number of foreign national prisoners is nearly 15,000, representing 4-5% of all prison population. It is widely accepted that this group of prisoners has more difficulties and special needs than Thai prisoners as the foreign prisoners who were not resident in the country of imprisonment are usually cut off from their families and communities, and therefore lack the contact and support that is vital to reduce the harmful effects of imprisonment and assist with social reintegration. On top of that, they tend to encounter language barriers to communication with prison officers and other prisoners.

To cope with above-mentioned difficulties, Thailand's Department of Corrections has updated and published the prisoner handbook (in English) to provide the foreign prisoners with general information and useful guidelines for effectively serving time inside Thai prisons. In fact, this is a revised version, updating new rules and regulations as well as information in accordance with the Correction Acts, B.E. 2560 (2017) that replaced the old Penitentiary Act, B.E. 2479 (1936). It is sincerely hoped that this handbook will be beneficial for all foreign national prisoners who are incarcerated in Thai prisons.

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Admission and Prohibited Items

1

According to the Corrections Act, B.E. 2560 (2017), when a prisoner is admitted into prison, there are various processes to go through as follows:

Searching for Prohibited Items

The prison staff shall conduct the search of prisoner for preventing the smuggling of any prohibited items into prison. Whoever through any means brings in or takes out of a prison or possesses or uses in the prison or receives from or delivers to a prisoner the prohibited items, shall be punished with either imprisonment or fine, or both.

A newly admitted prisoner having money or valuable items, mobile phone, or any other prohibited items, must deposit such items at the prison authority or ask the family and relatives to take care of them. Medical equipment or medication for the continuous treatment of congenital disease shall be allowed only after inspection has been carried out by the medical staff. Perishable items will be disposed of.

Prohibited Items

Under Section 72 and Section 73 of the Corrections Act, B.E. 2560 (2017), the prohibited items include:

- Narcotic drugs, psychotropic substance and volatile substance, as well as the equipment for using such items;
- Alcohol or other intoxicants;
- Equipment for use in escaping;
- Weapon, firearm, ammunition, explosive, firework and artificial firearm;
- Gasoline or other substances causing fire;
- Computer, telephone or other communication devices including equipment for these items;
- Gambling device
- Items which are rotten or poisonous
- Money/ cash
- Tattooing device
- Items that may cause damage to the prison or public order and good moral.

Prohibited items that have been violated must be confiscated. If there is no further legal charge, the prison director shall have power to proceed with such prohibited items according to the criteria, guidelines and conditions specified in ministerial regulations.

Registration of Prisoner

It is required for the prison authority to make registration process by recording each prisoner's data at least containing the following details:

- Prisoner's first name and family name, national identification number or identification document as far as is known;
- Offence or accusation against prisoner;
- Fingerprints or personal identity, scar and physical description;
- Physical and mental conditions, knowledge and ability;
- Details as specified in the rules of the Department of Corrections.

Taking Physical Examination

On the day when a new prisoner is admitted to a prison; a doctor, nurse or prison official who has received nursing training shall conduct a physical examination of the prisoner. In case that such physical examination cannot be carried out on the day of admission, a prison official shall be a person conducting initial physical examination. Nevertheless, the following physical examination must be done without delay.

Informing about Prison Rules and Regulations

A prisoner must be informed of prison regulations, rules of the Department of Corrections regarding the conduct of prisoners, the rights, duties and benefits that prisoners shall receive as specified in the Corrections Act, B.E. 2560 (2017) as well as other necessary matters.

Daily Routine

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Normally, the prisoner's daily routine schedule is:

Weekday	
05.30 am	Wakeup call and cells unlocked
06.00 am	Personal activities, laundry
06.30 am	Exercise
07.00 am	Breakfast
08.00 am	Assembly for the National Anthem played
08.30 am	Education, vocational training, work, or rehabilitation program
12.00 pm	Lunch
01.00 pm	Education, vocational training, work, or rehabilitation program
03.30 pm	Sports and showering
04.00 pm	Dinner
05.00 pm	Returning to dorm-a prisoner count-cells locked up
06.00 pm	The National Anthem played and religious observances and prayers
09.00 pm	Sleeping time

Weekend

05.30 am	Wakeup call
06.00 am	Personal activities
06.30 am	Exercise
07.00 am	Breakfast
08.00 am	Assembly for the National Anthem played, weekly cleaning of bedding accessories, sports and recreation
12.00 pm	Lunch
02.00 pm	Meditation, religious activities
03.00 pm	Sports and recreation
03.30 pm	Showering
04.00 pm	Dinner
05.00 pm	Cell lock up
06.00 pm	National Anthem and religious activity
09.00 pm	Sleep time

**Note: the daily routine can be adjusted to suit the circumstances and conditions of each prison.*

Visiting and Contacting with the Outside

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To help prisoners deal with prison life and prepare them for a successful reintegration, prisoners are permitted to communicate or contact with family members and relatives in compliance with the rules of the Department of Corrections through these following channels:

Normal Visit

This is the most regular visit that the prison authority allows all eligible prisoners to receive. According to the rules of the Department of Corrections, all visitors must be permitted by the prison director to visit on the date and time set by the prison authority. The length of the prison visit may vary depending upon each prison. After being sent to prison, each prisoner is asked to provide the prison authority with 10 names of people in the approved visiting list. To put it simply, the prison authority shall allow only the persons whose names appear on the list to visit a prisoner. Having said that, in certain circumstances, according to the rules, the prison director might allow visitors other than those specified.

Visit from Lawyer/ Legal Representative

The lawyer or the prospective lawyer can request to meet the prisoner to discuss or consult about the case. However, the lawyer or legal representative must have obtained lawyer's license according to laws concerning lawyer. In case that the lawyer requests to take an interpreter with him/her as the prisoner is a foreigner or a Thai using local languages or cannot speak or understand Thai, or that prisoner cannot speak or hear or communicate, the interpreter must show the ID card or a passport together with the written request to meet the prisoner. Normally, the lawyer can visit the prisoner from 09.00 am – 03.30 pm on working days.

Consular Visit

To provide foreign prisoners with consular assistance, the prison authority shall permit a prisoner to receive consular visit. Nevertheless, the diplomatic officers and consular staff from the embassy/consulate can visit only the prisoners who are their own citizens. In a special case, some countries may have a regional cooperation with other states to provide consular assistance on their behalf, especially those not having embassy or consulate in Thailand. Usually, each prison shall provide special visiting room for the consular visit, separately from the normal one. The embassy can contact the prison authority directly for asking permission and making an appointment to visit their prisoners.

Contact Visit

This is a face-to-face visit where prisoners and families can be seated to have a meal together and where physical contact is available. Qualified and well-behaved prisoners are eligible for contact visits held on special occasions inside the prison, generally twice a year. The prison authority shall announce the schedule of contact visits beforehand so that the visitors can make a reservation. In case of the foreign prisoners whose families and relatives cannot participate in such scheduled event due to travel restrictions or expenses, his or her embassy/consulate can submit the letter requesting for a special contact visit but there must be sufficient evidence supporting that a foreign prisoner has not received the contact visit for more than 12 months and the travel documents of family members showing that they come to Thailand for a specific period of time and for such purpose.

Tele-Visit

Many prisons can facilitate prisoners' remote visits via telecommunication technologies, the internet and software, such as video conference system, Skype and LINE applications, in order to provide prisoners and visitors with more visiting options and convenience, as well as to increase the effectiveness. Please contact prison officers for more details.

Correspondence

Writing, receiving and reading letters or other forms of written messages are allowed behind bars. But in order to protect state security, or to keep public order or good morals, Section 29 of the Corrections Act B.E. 2560 (2017) indicates that the prison official shall have power to censor letters, documents, parcels or other communication matters to or from a prisoner. However such practice cannot be applied to any petition or complaint or correspondence between the prisoner and lawyer.

In case of foreign languages, the sending and receiving letters may take longer time than usual as the prison authority needs to seek advice or confirmation from concerned authority regarding the contents of written messages to make sure that there is no any part of message posing security problems, i.e. escape, disturbance or riot plans, and causing criminal actions, such as threatening the victims or other persons.

Health-Care Service and Medical Treatment

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Inside each prison, there is a medical clinic/ unit or an infirmary providing prisoners with a primary health care, basic medical treatment and health consultation. All Thai prisoners having 13 digits of National Identification Card can access to necessary health-care services free of charge.

Disorders or diseases with complications that require particular drugs or specialized treatments must be approved by a doctor on duty. Nonetheless, there may be a cost incurred to the prisoner for such drugs and treatments and payment has to be made by the prisoner. A doctor will write a prescription, and hand it to a nurse in order to contact prisoner's relatives to obtain the medicine.

Foreign prisoners are not eligible for the national healthcare coverage. Thus they are required to proceed with one of the following procedures;

1. If a prisoner can afford for the payment (money available in "*book*"), the prisoner will make a payment by filing a petition with the prison authority. If not, the nurse will contact the embassy or consulate of the country to which such prisoner belongs, or the prisoner's relatives for covering the medical expenses.

2. The prison authority requests for additional financial support from the Social Work Department of a partner hospital.

3. If the hospital grants partial support, the prison authority will seek further financial support from donation or charity.

4. The prison director will consider using any other kind of prison budget to support the medical expenses.

Persons who have been on medication prior to admission to prison will have their medication inspected and approved by the authority before use.

Purchase of Necessities

5

All people in prison have an account (widely known as *'book'*) which they can use to purchase approved grocery items on a daily basis. According to the Regulation of the Department of Corrections on Deposit and Payment of Prisoners' Account, B.E. 2561 (2018), each prisoner's account is limited to a maximum of 9,000 THB and a prisoner cannot spend more than 300 THB per day. Under some special circumstances, prisoners may request for spending more than such limited amount but they must submit a form requesting permission from the prison authority.

Family, relatives or friends can deposit money into a prisoner's account. Deposits can be made by cash at prison while visiting; or at any branches of Krung Thai Bank (KTB) as a result of the recent cooperation between Department of Corrections and KTB. Please ask prison staff for more details about the latter scheme because it is still a pilot project operated in some prisons.

Behind the prison walls, there is a prison commissary or a grocery shop (widely known as a "welfare shop") where prisoners can purchase necessities for their own use and consumption. Nowadays, the transaction is made by the prisoner's fingerprint as cash is one of the prohibited items inside the prison. Once the transaction has been made, money will be deducted from the prisoner's account. Family members and relatives visiting the prisoners can also order such groceries and/or products from the prison's shopping list at the visiting room. The prisoners will receive the ordered and paid items later.

Prisoner's Clothing

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During weekdays, prisoners shall wear the uniforms. According to the Regulation of the Department of Corrections on Prisoner's Clothing, B.E. 2538 (1995), there are two colors of prisoner's uniform specifying different types of prisoners: brown uniform for people on remand and blue uniform for convicted prisoners.

Disciplinary Punishment

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Prisoner who violates or does not follow orders of prison official, prison regulations or rules of the Department of Corrections shall be treated as a person committing a disciplinary offence. It is indicated in the Corrections Act, B.E. 2560 (2017) that when a prisoner commits a disciplinary offence, such prisoner shall be punished in any of the following ways:

- (1) Admonishment;
- (2) Deferring prisoner class promotion for limited period of time;
- (3) Retrogression in class;
- (4) Deprivation of permission to be visited or communicated not exceeding three months except for the contact with a lawyer according to the relevant laws or contact between women prisoners and their children;
- (5) Reduction or suspension of the whole or part of benefit or reward or some items thereof;
- (6) Solitary confinement not exceeding one month;
- (7) Deprivation of reduction of imprisonment term

Classes of Convicted Prisoners

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In general, a prisoner shall be assigned to '*class*', only when his or her case becomes final. To put it simply, a person on remand is not categorized in any classes until finally becoming a convicted prisoner. In such case, he or she shall be classified as a '*moderate-class*' prisoner.

The classes of convicted prisoners are one of the important mechanisms for effective prison management and rehabilitation since each of the class carries a different extent of benefits and privileges, such as eligibility for being granted the royal pardon, good conduct time allowance, parole, and so forth.

According to the Ministerial Regulation on the Designation of Convicted Prisoner's Benefits, and the Conditions for Prisoners to be released on Good Conduct Time Allowance and Parole B.E. 2562 (2019), when the case becomes final, a prisoner will be designated a class.

There are 6 classes of convicted prisoners as follows:

- 1) Excellent
- 2) Very Good
- 3) Good
- 4) Moderate
- 5) Need for improvement
- 6) Extra need for improvement

As previously mentioned, once a remandee becomes a convicted prisoner, the person will be classified as a *“moderate- class prisoner”*, excepting these following conditions;

1. Internationally transferred prisoners who have been convicted and served sentence in other countries for more than 3 years will be classified as “good class prisoners”.

2. Prisoners whose length of imprisonment is increased by a court order by reason of reoffending will be classified in the “need for improvement” class.

3. If the fact reveals that a prisoner is an ex-convicted prisoner and recommitted a crime within 5 years after release of the previous conviction, the prisoner will be classified in the “need for improvement” class.

4. Prisoners who were imprisoned for more than 3 times will be classified in the “extra need for improvement” class.

5. Prisoners who committed serious violent crimes, intimidating crimes, or notorious crime will be classified in the “extra need for improvement” class.

6. In case that a prisoner is kept in custody for more than one offence, once any of the case is final (a court verdict), he/she will be classified in a class under the following rules;

a) The discretion of the prison director will be used to classify the class of prisoner in accordance with the conditions 1 – 5. The class promotion/demotion will also be under the discretion of the prison director, even though other cases have not yet been finalized by the court.

b) Under paragraph a), if later on the sentence term has been completed, and while other cases are still awaiting trial, his/her current class shall remain the same until other cases become final. Once other cases are finalized by the court, the class in which the prisoner is currently placed will continue.

7. Following the above Condition 6, when later the remaining cases become final and the court orders an increase in the length of imprisonment due to reoffending as stated in Condition 2, or the later cases fall into the category of a serious violent crime, intimidating crime, or notorious crime as stated in Condition 5, the prisoner will be classified in “need for improvement” class or “extra need for improvement” class no matter what class a prisoner is currently placed in.

Class Promotion

1) Regular Class Promotion

The Class Promotion Committee of the prison will convene twice to 4 times a year to consider the class promotion of prisoners who meet the criteria stipulated by the Department of Corrections.

2) Special Class Promotion

The committee will convene on occasions for special class promotion when a certain prisoner has performed remarkably in difficult and unusual situations or has shown an exceptional behavior, such as assisting prison staff in stopping an escape incident, assisting prison staff or other prisoners in a harmful situation, risking his/her safety to prevent or stop a prison riot, assisting staff to extinguish the fire in a fire incident, or other stressful situations.

Class Demotion/ Retrogression

Breaching prison's rules will result in a class demotion at least one or more levels depending on the seriousness of wrongdoings. Trying to escape or breaking out of the prison will be instantly degraded to "extra need for improvement" regardless of the previous level, for instance.

Complaint and Grievance

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A prison staff's maltreatment and mistreatment of a prisoner can be complained to the authorized prison staff in the form of a letter or an oral complaint. In case that the problem has not been resolved promptly or in an appropriate manner, the matter will be forwarded to the prison director. To submit a letter, prisoners can put the letter in the complaint box provided in the prison.

Procedure for submitting a complaint or grievance:

- 1) The letter must be hand-written by the complainant himself/herself.
- 2) The prisoner who is unable to write or illiterate can also make a complaint orally to the prison officer, and the officer will record such complaint in the form of a written note.
- 3) The written complaint requires the prisoner's signature, along with the signature of the officer who receives the complaint.
- 4) It is the prisoner's right to confidentially submit the complaint. If he/she wishes to do so, the prisoner shall write "confidential" on the flap of the envelope. In this case, the Corrections Act B.E. 2560 (2017) states that the prison official shall not have power to censor any petition or complaint or correspondence between the prisoner and lawyer.

Works in Prison

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Participating in work can keep prisoners focused, and therefore can help calm a worried mind and ease anxiety and frustration during incarceration. Prisoners will spend their time productively and make their time more valuable and be able to learn vocational skills useful in the future to become law-abiding citizens after release.

According to the Corrections Act B.E. 2560 (2017), prisoners are to abide by the order of prison staff. The prison officers are authorized by the laws to exercise power such as assigning prisoners the following tasks:

1. Public work
2. Cleaning and sanitary work
3. Prison maintenance
4. Other work that is beneficial to prison management and the work of the government

The major purpose of the above assignments is for the upkeep of the prison. Moreover, the assignments are subject to the approval of the prison staff under prison's administrative regulation, and must be congruent with the class of the prisoner, and the individual assessments such as security risks, physical and mental health assessments.

Working is voluntary either in non-profit or profit work. For profit work, after deduction of expenses, the profit from work will be given to prisoners as remuneration. According to the Regulation of the Department of Corrections on Remuneration of Vocational Training and Prisoner's Work B.E. 2562 (2019), 60% of the net profit derived from selling products or services of vocational training will be distributed to prisoners as remuneration.

Rehabilitation & Treatment Programs

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While serving time behind bars, there are various rehabilitation and treatment programs provided for prisoners.

Education

Education in prisons is provided mainly to the Thai national prisoners. Formal educational programs are offered in several courses and levels. Foreign prisoners who wish to study the Thai language as well as other courses are able to request for more information about the program which is available in every prison.

Religious activities

Religious activities and other mindfulness activities are available in every prison. The Corrections Act B.E. 2560 (2017) encourages religious activities to take place by means of prisons appointing qualified representatives of each religion to pay visits and hold services in order to share wisdom, give advice, pray, or teach prisoners in accordance with the religious belief. Everyone has a right to attend the services, possess the books of religious observance and instruction, practice and perform in religion-related activities.

Vocational Training

Vocational training can be provided in the form of short-term courses. In each prison, there are several types of training. Personal information about previous background, knowledge and skills provided by the prisoner at the intake or admission process will be considered and referred to in order for the prison staff to identify the skill set and preference so that suitable vocational training can be arranged.

Rehabilitation

Participation in rehabilitation programs is very important for prisoners. Prisoners are listed for the programs designed in response to their offences or their needs. Prisoners are required to attend the program once it commences, and receive a certificate for passing or attending the program. The certificate is a proof of the prisoner's intention for self-improvement. Passing rehabilitation courses will benefit prisoners at least in several ways such as being promoted to a higher-ranking class of prisoners that comes with the class's certain benefits and privileges, an increased amount of good conduct time allowance, and other benefits.

Prisoner's Benefits

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According to Section 52 of the Corrections Act, B.E. 2560 (2017), 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:

(1) To be afforded facilities in the prison according to the rules of the Department of Corrections;

(2) To be promoted in classes;

(3) To be appointed to a position implying the duty to assist the prison official;

(4) To leave not exceeding seven days at a time, excluding the time to be spent for travel, when there is obvious necessity for important business or family affairs, provided that he or she shall not leave the Kingdom and shall have to comply with the conditions prescribed by the rules of Department of Corrections. Such period of leave shall not be deducted from the calculation of the term. If a convict who has been permitted to leave does not return to the prison within twenty-four hours of the period fixed, such convict shall be treated as a person escaping from custody according to the Penal Code.

(5) To receive a reduction of imprisonment term not more than five days a month, provided that such reduction shall only take place when at the time being the convict shall have served his or her sentence under the final judgment for not less than six months or one third of the term mentioned in the warrant of the Court whichever is more, or not less than ten years in case of imprisonment for life that changed to imprisonment of specific term.

(6) To receive a reduction of imprisonment not more than the number of days of public work or other work for the benefit of government service performed outside the prison, as well as to receive the reward that may be obtained.

(7) To be released on parole when a convict has served not less than six months or one third of the term mentioned in the warrant of the Court whichever is more, or not less than ten years in case of imprisonment of life that changed to imprisonment of specific term, and a period determined for following the conditions must be equal to the remaining sentence. For these, in calculating the period of being on parole, if there is a reduction of imprisonment under (6), such reduction shall be included to the parole period.

(8) To be permitted to attend vocational training in private company or receive educational training outside the prison, with or without a custodian, but such permission to attend vocational training or educational training outside the prison shall be only granted when a convict has served his or her sentence under the final judgment for not less than one third of the term mentioned in the warrant of the Court and his or her remaining sentence is less than three years and six months. In this regard, the benefits of educational training and rehabilitation of convict, as well as the safety of society shall be together considered. If such convict who has been permitted to attend vocational training in private company or receive educational training outside the prison without a custodian does not return to the prison within twenty-four hours of the period fixed, such convict shall be treated as a person escaping from custody according to the Penal Code.

Procedures according to (2), (3), (5), (6), (7) and (8) shall comply with the criteria, guidelines, and conditions specified in ministerial regulations with the approval of the Corrections Committee. The criminal behavior, type of offence, severity of case and previous offence must be together considered.

Royal Pardon

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Royal Pardon is the granting of pardon by His Majesty the King to convicted prisoners. The pardon may be either in the form of an unconditional release, a commutation or a reduction of punishment. There are 2 types of royal pardon which are: (1) individual royal pardon, and (2) collective royal pardon.

Individual Royal Pardon

Any convicted prisoner and related persons are entitled to submit the petition to His Majesty the King for pardon. The parties that can submit a petition include:

- Convicted prisoner himself/herself, with the final judgment
- Relevant persons: parents, children and spouse
- Diplomatic representative (in case of foreign prisoners only)

(Note: lawyer is not regarded as the interested person)

Prisoners sentenced to death who wish to submit the petition for pardon are required to do so within 60 days after receiving the final judgment.

Individual Royal Pardon

To submit the petition, the required documents are:

- Petition letter with prisoner's signature
- Relevant documentation e.g. certificate as a proof of decent behavior and diligent progress of education, work, or rehabilitation program, mental and physical record confirming the illness or disability.
- Certified copy of court verdict and certified copy of all court incarceration warrants for all final verdicts (prison officer shall make a request for the mentioned copies to the court; however, the request can be done by relatives of prisoners if they wish)
- Additional documents prepared by prison officer e.g. report on prisoner's background obtained from further investigation and imprisonment warrant.

The prison authority will forward the documents to the Department of Corrections who then submits the documents together with the opinion to the Ministry of Justice. The Minister of Justice will propose the petition to His Majesty the King through the Secretariat of the Cabinet and the Office of His Majesty Principle Private Secretary. Once the result of the petition is informed, the Department of Corrections will notify the petitioner and take action accordingly.

Collective Royal Pardon

Collective Royal Pardon is granted on special grounds on auspicious national events, such as on the occasion of HM birthday, the Royal Coronation and so on. All the procedures are taken by the concerned authorities, without requiring any actions of the prisoners.

Domestic Transfer or Relocation of Prisoner

14

Domestically transferring or relocation of foreign prisoners is aimed at facilitating the consular assistance, and allowing foreign prisoners to be visited by relatives and officials from their embassy or consulate more often. To domestically transfer foreign prisoners to another facility, the prisoners must be:

1. Convicted prisoners all of whose cases are final;
2. Well-behaved prisoners;
3. Not under the withhold release order, except; the order by the authority in the same jurisdiction with the receiving prison, or the withhold release order for the charge against Immigration Act; and
4. Having the remaining sentence not exceeding the sentencing commission or the authorized capability of the receiving prison indicated in the custodial term.

The Department of Corrections will consider the petition of a prisoner, prisoner's relatives, or the embassy based on the fact that the domestic transfer will facilitate visitation of relatives and embassy. In case of foreign prisoners whose nationalities are of the neighboring countries (i.e. Lao PDR, Myanmar, Cambodia, and Malaysia), the Department of Corrections will consider moving these prisoners to be detained in a prison nearest to their home countries under the condition that the remaining sentences do not exceed the sentencing commission or the authorized capability of the receiving prison indicated in the custodial term.

International Transfer of Prisoners

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Convicted foreign prisoners whose their governments have the treaty or agreement on prisoner transfer with Thailand can be transferred to serve their remaining sentences in their home countries in compliance with the Procedure for Cooperation between States in the Execution of Penal Sentences B.E. 2527. The purpose of the legislation is to facilitate social reintegration of prisoners in order to return to society as law-abiding and productive citizens.

The petition for the transfer of foreign prisoners to serve their sentence in the Receiving State shall be submitted by the Receiving State through diplomatic channels to the responsible officials of the Kingdom of Thailand's Ministry of Foreign Affairs in accordance with the procedures and in the documentary format specified by the Committee for Consideration of the Transfer of Prisoners. In essence, the transfer of foreign prisoners shall not take place under any of the following circumstances:

(1) When the sentence received by the foreign prisoner, whether in whole or in part, involves an offence against the person of the Monarch, the Queen, or the Monarch's son or daughter, an offence against national security from within the Kingdom; an offence against national security from outside the Kingdom; or an offence against the laws governing national art treasures.

(2) (a) A foreign prisoner who has served a prison sentence in the Kingdom less than one third of the total sentence imposed or ordered or less than four years, whichever period is less.

(b) A foreign prisoner who has served a prison sentence in the Kingdom less than eight years for charges of production, distribution, and import for distribution or possession for distribution of narcotics, as proscribed by the Narcotic Act, and the sentence imposed to him or her is life imprisonment.

(3) When the remainder of the total sentence imposed or ordered that the foreign prisoner must serve in the Kingdom is less than one year.

The Committee for Consideration of the Transfer of Prisoners may disapprove the transfer of a foreign prisoner when it appears that the transfer would threaten the national security or stability of the Kingdom or domestic civil order.

In any case in which a foreign prisoner is required to pay a fine, make restitution of property, or pay compensation for the cost of damages according to a Court's judgment in a criminal case or according to the order of a competent authority, then the foreign prisoner shall be required to make full payment of the fine, restitution of the property, or compensation for the damages before the Committee shall issue the order approving the transfer.

At present, the Kingdom of Thailand has the bilateral prisoner transfer treaties with 37 countries and 1 special administrative region as follows:

1. France	14. Denmark	27. Cambodia
2. Spain	15. China (Hong Kong)	28. Pakistan
3. Canada	16. Switzerland	29. Vietnam
4. USA	17. Norway	30. Belgium
5. Italy	18. The Philippines	31. Japan
6. Sweden	19. Estonia	32. Iran
7. UK	20. Czech Republic	33. South Korea
8. Finland	21. Australia	34. China
9. Germany	22. Nigeria	35. India
10. Portugal	23. Mali	36. Maldives
11. Austria	24. The Netherlands	37. Peru
12. Israel	25. Lao PDR	38. Sri Lanka
13. Poland	26. Eswatini (Swaziland)	

As of March 2020

Procedures for the Prisoner Transfer Consideration

1. The Receiving State submits a request for the transfer of prisoners to the Ministry of Foreign Affairs through its respective embassy in Thailand.
2. The Ministry of Foreign Affairs sends the request to the Department of Corrections (the Secretariat of the Committee for Consideration of the Transfer of Prisoners).
3. The Department of Corrections collects and examines all the documents, and arranges a meeting of the Committee.
4. A meeting of the Committee is held for consideration of the request(s).
5. The Department of Corrections produces a report of the meeting and drafts a transfer order to be signed by the Permanent Secretary for Justice who is the Chairman of the Committee.
6. The Receiving State and relevant authority will arrange the delivery process. A transfer ceremony will be held before the delivery.

If the foreign prisoner would like to be transferred under the treaty, please contact the embassy/consulate for more information.

Pregnant Woman, Mother and Child

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Pregnant Women

According to the Regulation of the Department of Corrections on Pregnant and Breastfeeding Prisoners, B.E. 2561 (2018), the prison authority shall provide all necessary prenatal and postnatal care and treatment for pregnant and breastfeeding prisoners, including doctor and professional health-care practitioners for health examination and vaccination. Childbirth will be conducted at an outside hospital designated by the prison.

Breastfeeding Women

Prisons shall encourage and facilitate breastfeeding by providing all the necessities and services in a separate section for pregnant women.

Children in Prison

According to the Regulation of the Department of Corrections on Pregnant and Breastfeeding Prisoners, B.E. 2561 (2018), children accompanying parents in custody means the children under 3 years old who are under their incarcerated mothers' care, or the children under 3 years old who were born during their mothers' incarceration.

The prison director will consider the necessity of rearing a child inside the prison. There are some cases where a child has to be with their incarcerated mother due to the inability of the prisoner's family members, relatives, or other persons to take care of the child. The incarcerated mothers can file a petition to the prison director requesting for raising the child inside the prison.

To place a child under another person's or an organization's care, or for adoption, the consent has to be made in written form in 3 copies. Each copy will be kept by the prisoner, the prison authority, and the child recipient. Nevertheless, in the case of a foreign prisoner, the prison authority will contact the embassy or consulate of the prisoner's nationality to endorse the legal status of the child, and to acknowledge the person or the organization who will be taking care of the child.

If the prison authority cannot find a person or an organization to transfer the child to, the prison will contact the Ministry of Social Development and Human Security to enforce any regulation on the basis of the best interest of the child.

Release

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Prisoners shall be discharged in any of the following cases:

- When a prisoner has completely served his or her term.
- When a prisoner has served a period of time mentioned in the warrant of detention.
- When a case is dismissed.
- When a prisoner is provisionally released on bail.
- When a prisoner is released on parole/ good conduct allowance.
- When a convicted prisoner is pardoned.

At completion of their sentence, foreign prisoners will be released. However, by laws, the foreign prisoners on release will be going through a deportation procedure conducted by relevant authorities, and therefore will be disallowed to remain in the Kingdom of Thailand.

Before getting released, prisoners are asked to return any items currently in their possession that belong to the prison. Prisoners who have money left in their account will receive their money back in cash. Their belongings or valuable items deposited with the prison on the first day of entering will also be returned to them.

Annex

Diplomatic and Consular List (as of February 2019)

Country	Embassy/Consulate	Telephone No.	Fax No.
Argentina	The Embassy of the Argentine	0 22590401	0 22590402
	Republic Glas Haus Bldg., 16th Fl, Suite 1601, 1 Sukhumvit Soi 25, Sukhumvit Road, Watthana, Bangkok, Thailand 10110	0 22599198	0 26617579
Australia	The Austrian Embassy	0 2344 6455 - 7	0 2344 6310
	181 Wireless Road, Lumpini, Pathumwan, Bangkok 10330	0 2344 6300	0 2344 6593
Austria	14, Soi Nantha-Mozart Sathorn Soi 1, Sathorn Tai Road Thungmahamek, Sathorn Bangkok 10120	0 2105 6700-09	02 2401 6160
Bahrain	The Embassy of the Kingdom of Bahrain Sathon Nakhon Tower 31st Floor, 100/66 - 67, North Sathon Rd., Bang Rak, Bangkok 10500	0 2266 6565	0 2266 6566
Bangladesh	The Embassy of the People's	0 2390 5107	0 2390 5106
	Republic of Bangladesh 47/8 Ekamai Soi 30, Sukhumvit 63, Khlong Tan Nuea, Watthana, Bangkok 10110	0 2390 5108	

Country	Embassy/Consulate	Telephone No.	Fax No.
Belgium	The Embassy of Belgium 16th Floor, Sathon Square, 98 North Sathon Road, Bangrak, Bangkok 10500	0 2108 1800	0 2108 1807
Bhutan	The Royal Bhutanese Embassy 375/1 Soi Ratchadanivej, PrachaUthit Road, Samsen Nok, Huay Kwang, Bangkok 10310	0 2744740-2	0 274 4743
Brazil	The Embassy of the Federative Republic of Brazil Lumpini Tower 34 F, 1168/101 Rama IV Rd., Thungmahamek, Sathon, Bangkok 10120	0 2679 8567-8	0 2285 6081-4
Brunei Darussalam	The Embassy of Brunei Darussalam 12 Ekamai soi 2, Sukhumvit Road, Soi 63 Prakhanong Nua, Watthana, Bangkok 10110	0 2714 7395-99	0 2714 7392 0 2714 7383
Cambodia	The Royal Embassy of Cambodia 518/4 Pracha Uthit Rd (Soi Ramkamhaeng 39), Wang Thonglang, Bangkok 10310	0 2957 5851-2	0 2957 5850

Country	Embassy/Consulate	Telephone No.	Fax No.
Canada	The Embassy of Canada 15th Fl., Abdulrahim Place, 990 Rama IV Road., Bang Rak, Bangkok 10500 P.O. Box 2090, Bangkok 10501	0 2646 4300	0 2646 4312
Chile	The Embassy of the Republic of Chile 193/67 Lake Rajada Office Complex, 17th Floor, Unit A, Ratchadapisek, Khlongtoey, Bangkok 10110	0 2260 0045-8	0 2260 0049
China	The Embassy of the People's Republic of China 57 Rachadapisake Road, Din Daeng, Bangkok 10400	0 2245 0088 0 2245 7033	0 2247 2214
Colombia	The Embassy of the Republic of Colombia 63 Wireless Road, Athenee Tower, Floor 18th, Unit 1807 Lumpini, Pathumwan, Bangkok 10330	0 2168 8715-7	0 2168 8721
Cuba	The Embassy of the Republic of Cuba 5 Mela Mansion, Apt. 3B, 3rd Floor, Sukhumvit Soi 27, Sukhumvit Road, Klong Toei Nuer, Wattana, Bangkok 10110	0 2665 2803 0 2661 6563	0 2661 6560

Country	Embassy/Consulate	Telephone No.	Fax No.
Czech	The Embassy of the Czech Republic 71/6 Ruam Rudee Soi2, Ploenchit Road, Bangkok 10330	0 2250 9223-4	0 2255 4978 0 2250 9225
Denmark	The Royal Danish Embassy 10 Soi Sathorn 1(Attakarn Prasit),South Sathorn Road, Bangkok 10120	0 2343 1100	0 2213 1752
Egypt	The Embassy of the Arab Republic of Egypt Sorachai Building, 31st Floor, 23/122 - 125 Sukhumvit 63 (Ekamai), Khlong Tan Nuea, Watthana, Bangkok 10110	0 2726 9831-3	0 2726 9834
Finland	The Embassy of Finland Athenee Tower, 14th Floor, 63 Wireless Road, Lumpini, Pathumwan, Bangkok 10330	0 2207 8700	0 2207 8702
France	The French Embassy 35 Soi Rong Phasi Kao (Soi 36),Charoen Krung Road,Bang Rak, Bangkok 10500	0 2657 5100	0 2657 511
Germany	The Embassy of the Federal Republic of Germany 9 South Sathon Road, Bangkok 10120	0 2287 9000	0 2287 1776

Country	Embassy/Consulate	Telephone No.	Fax No.
Greece	The Embassy of the Hellenic Republic 23rd Floor, Unit 100 100/41 Sathorn Nakorn Tower Office Condominium, North Sathorn Road, Silom, Bangkok 10500	0 2667 0090-2	0 2667 009
Hungary	The Embassy of Hungary Park Ventures Ecoplex, 14th floor, (Units 1401, 1411-1412) 57 Thanon Witthayu (Wireless Road), Lumpini, Pathumwan, Bangkok 10330	0 2118 9600	0 2117 4901
India	The Embassy of the Republic of India 46 Soi Prasarnmitr, Sukhumvit Road, Soi 23, Bangkok 10110	0 2258 0300-6	0 2258 4627 0 2262 1740
Indonesia	The Embassy of the Republic of Indonesia 600-602 Petchburi Road, Bangkok 10400	0 2252 3135-40	0 2255 1267
Iran	The Embassy of the Islamic Republic of Iran 215 Sukhumvit Road, Sukhumvit Soi 49/11 (Soi Klang), Khlong Tan Nuea, Watthana, Bangkok 10110	0 2390 0871-3	0 2390 0868

Country	Embassy/Consulate	Telephone No.	Fax No.
Ireland	The Embassy of Ireland Unit 1201, 12rd Floor, 208 Wireless Road, Lumpini Pathumwan, Bangkok 10330	0 2016 1360	0 2675 3933
Israel	The Embassy of Israel Ocean Tower II, 25th Floor, 75 Sukhumvit Road, Soi 19, Bangkok 10110	0 2204 9200	0 2204 9255
Italy	The Embassy of Italy CRC Tower, 40th Floor, All Seasons Place, 87 Wireless Road, Lumpini, Bangkok 10330	0 2250 4970	0 2250 4985
Japan	The Embassy of Japan 177 Witthayu Road, Lumpini, Pathumwan, Bangkok 10330	0 2696 3000 0 2207 8500	0 2207 8510
Kazakhstan	The Embassy of the Republic of Kazakhstan GPF Witthayu Towers, Office 804A, 8th Floor, Building A,93/1 Wireless Road, Lumpini, PathumWan, Bangkok 10330	0 2254 3043-5	0 2254 3042
Kenya	The Embassy of the Republic of Kenya 62 Thong Lor Soi 5, Sukhumvit 55 Road, Klong Tan, Watthana, Bangkok 10110	0 2712 5721 0 2391 6906	0 2712 5720

Country	Embassy/Consulate	Telephone No.	Fax No.
Korea PDR	The Embassy of the Democratic People's Republic of Korea 14 Mooban Suanlaemthong 2, Pattanakarn Road Soi 28, Suan Luang, Bangkok 10250	0 2319 2686	0 2318 6333
Korea Republic	The Embassy of the Republic of Korea 23 ThiamRuammit Road, Ratchadapisek, Huai Khwang, Bangkok 10310	0 2247 75373-9	0 2247 7535
Kuwait	The Embassy of the State of Kuwait Sathon Nakhon Tower, 24A Floor, 100/44 North Sathon Road, Bang Rak, Bangkok 10500	0 2636 6600	0 2636 7461-3
Lao PDR	The Embassy of the Lao People's Democratic Republic 520, 502/13 Soi Sahakarnpramoon PrachaUthit Road, Wang Thonglang, Bangkok 10310	0 2539 6679 0 2539 6667-8	0 2539 3827 0 2539 6678
Libya	Embassy of the State of Libya 149 Galaxy Place building, Unit 4/6, 4th Floor Nonsee Road, Chongnonsee district, Yannawa District, Bangkok 10120.	0 2681 1995	0 2681 1996

Country	Embassy/Consulate	Telephone No.	Fax No.
Luxembourg	The Embassy of the Grand Duchy of Luxembourg Q HouseLumphini, 17 th Fl., 1 South Sathon Road, Thung Mahamek, Sathon, Bangkok 10120	0 2677 7360	0 2677 7364
Malaysia	The Embassy of Malaysia 33-35 South Sathon Road, Thung Mahamek, Sathon, Bangkok 10120	0 2629 6800, 0 8702 84659	0 2679 2208
Maldives	The Embassy of the Republic of Maldives Bubhajit Buiding t11th Floor A1, 20 North Sathon Road, Silom Bangrak, Bangkok 10500	02 234 6489	
Mexico	The Embassy of the United Mexican States Thai Wah Tower 1, 20th Floor, 21/60-62 South Sathorn Road, Bangkok 10120.	0 2285 0995 0 2285 1815-17	0 2285 0667
Mongolia	The Embassy of Mongolia 100/3 Soi Ekkamai 22, Sukhumvit 63 Road, Khlong Tan Nuea, Watthana, Bangkok 10110	0 2381 1400 0 2392 1011	0 2392 4199

Country	Embassy/Consulate	Telephone No.	Fax No.
Morocco	The Embassy of the Kingdom of Morocco Sathorn City Tower, 12th Floor, 175 South Sathon Road, Sathon, Bangkok 10120	0 2679 5604-6	0 2679 5603
Myanmar	The Embassy of the Republic of the Union of Myanmar 110 Sathon Nua Road, Bangkok 10500	0 2233 2237 0 2234 4698 0 2237 7744 0 2234 0320	0 2236 6898 0 2233 7250
Nauru	The Consulate-General of the Republic of Nauru, Bangkok 765/1 Pracha-Uthit Road, SamsenNok, HuayKhwang, Bangkok 10320	0 2274 3989-90	0 2274 3750
Nepal	The Embassy of the Federal Democratic Republic of Nepal 4/1, Soi 27, Pridi Banomyong, Sukhumvit Road 71, Klong Ton, Wattana, Bangkok 10110	0 2391 7240 0 2390 2280	0 2381 2406
Netherlands	The Embassy of the Kingdom of the Netherlands 15 Soi Tonson, Ploenchit Road, Lumpini, Bangkok 10330	0 2309 5200	0 2309 5225
New Zealand	The New Zealand Embassy MThai Tower, 14th Fl., 87 All Seasons Place, Wireless Road, Bangkok 10330 P.O. Box 2719, Bangkok 10500)	0 2254 2530	0 2253 9045

Country	Embassy/Consulate	Telephone No.	Fax No.
Nigeria	The Embassy of the Federal Republic of Nigeria 79/1 Soi Sukhumvit 61, Sukhumit Road, Khlong Ton Nuea, Wattana, Bangkok, 10110	02 391 0833-35	0 2391 0836
Norway	The Royal Norwegian Embassy UBC II Building., 18th Floor, 591 Sukhumvit Road, Soi 33, Bangkok 10110 Mailing Address: G.P.O. Box 81 Bangkok 10501	0 2204 6500	0 2262 0218
Oman	The Embassy of the Sultanate of Oman Saeng Thong Thani Tower, 32nd Floor, 82 North Sathon Road, Bangkok, 10500	0 2639 9380-2	0 2639 9390 0 2639 9394
Pakistan	The Embassy of the Islamic Republic of Pakistan 31 Nana Nuea, Sukhumvit Road Soi 3, Wattana, Bangkok 10110	0 2253 0288 0 2253 0289	0 2253 0290
Panama	The Embassy of the Republic of Panama Lumpini Tower Building, 16th Floor, 1168/37 Rama IV Road, ThungMahamek, Sathon, Bangkok 10120	0 2679 7988-90	0 2679 7991
Peru	The Embassy of the Republic of Peru Glas Haus Building, 16th Floor, 1 Sukhumvit Road, Soi 25, Watthana, Bangkok 10110	0 2260 6243 0 2260 6245 0 2260 6248	0 2260 6244

Country	Embassy/Consulate	Telephone No.	Fax No.
Philippines	The Embassy of the Republic of the Philippines 760 Sukhumvit Road, Corner Soi Philippines (Soi 30/1), Bangkok 10110	0 2259 0139-40 0 2258 5401	0 2259 2809 0 2259 7373
Poland	The Embassy of the Republic of Poland Unit 605-607, 6th Floor, Athenee Tower, 63 Wireless Road (Witthayu), Lumpini Pathumwan, Bangkok 10330	0 2079 7300	0 2079 7303
Portugal	The Embassy of Portugal 26 Bush Lane Soi Charoenkrung 30, New Road, Bang Rak, Bangkok 10500	0 2234 2123	0 2238 4275
Qatar	The Embassy of the State of Qatar Capital Tower, 14th Floor, All Seasons Place 87/1 Wireless Road Lumpini, Pathum Wan, Bangkok 10330	0 2660 1111	02 660 1122
Romania	The Embassy of Romania 388/41 Rama IV Road, Sirinrat Office Building, 12th Floor, Khlong Toei, Bangkok 10110	0 2240 2522	0 2240 2550
Russia	The Embassy of the Russian Federation 78 Sap Road, Bang Rak, Bangkok 10500	0 2234 9824 0 2268 1169	0 2237 8488

Country	Embassy/Consulate	Telephone No.	Fax No.
Saudi Arabia	The Royal Embassy of Saudi Arabia 82 Saeng Thong Thani Building, 23rd & 24th Floor, North Sathon Road, Silom, Bang Rak, Bangkok 10500	0 2639 2999 0 2639 2960-3	0 2639 2950
Singapore	The Embassy of the Republic of Singapore 129 South Sathon Road, Thung Mahamek, Sathon, Bangkok 10120	0 2348 6700	0 2348 6701 0 2348 6702
Slovakia	The Embassy of the Slovak Republic BKI/YWCA Building 9th Floor, South Sathon Road, Thung Mahamek, Sathon, Bangkok 10120	0 2677 3445-6	0 2677 3447
South Africa	The Embassy of the Republic of South Africa M-ThaiTower, 12 A Floor, All Seasons Place, 87 Wireless Road, Lumpini, Pathum Wan, Bangkok 10330	0 2659 2900	0 2685 350
Spain	The Embassy of Spain Lake Rajada Office Complex, 23rd Floor, 193, Ratchadapisek Road, Bangkok 10110	0 2661 8284 - 6	0 2661 9220
Sri Lanka	The Embassy of the Democratic Socialist Republic of Sri Lanka Ocean Tower 2, 13th Floor, 75-6/7 Sukhumvit Soi 19, Khlong Toey Nuea, Watthana, Bangkok 10110	0 2261 1938	0 2261 1936

Country	Embassy/Consulate	Telephone No.	Fax No.
Sudan	The Embassy of the Republic of the Sudan Ocean Tower 1, Unit 170/70 - Floor 22nd Rajadapisek Road - Sukhumvit Soi 16 Klong Toei district, Bangkok 10110	02 002 6742	02 004 2873
Sweden	The Embassy of Sweden Pacific Place One, 20th Floor, 140 Sukhumvit Road, (between Soi 4 and 6), Bangkok 10110	0 2263 7200	0 2263 7260
Switzerland	The Embassy of Switzerland 35 North Wireless Road, Bangkok 10330 G.P.O. Box 821, Bangkok 10501	0 2674 6900	0 2674 6901
Timor-Leste	The Embassy of the Democratic Republic of Timor-Leste 1550 New Petchburi Road, Thanapoom Tower, 7th floor, Makassan- Rattewi, Bangkok 10400	0 2654 7501-2	0 2654 7504
Turkey	The Embassy of the Republic of Turkey 61/1 Soi Chatsan, Suthisarn Road, Huai Khwang, Bangkok 10310	0 2355 5486-87	0 2274 7261
Ukraine	The Embassy of Ukraine All Seasons Place, CRC Tower, 33rd Floor, 87 Wireless Road, Lumpini, Pathum Wan, Bangkok 10330	0 2685 3216	0 2685 3217

Country	Embassy/Consulate	Telephone No.	Fax No.
United Arab Emirates	The Embassy of the United Arab Emirates Emirates CRC Tower, 29th Floor All Seasons Place (Chancery) 87/2 Wireless Road, Phatumwan, Bangkok 10330	0 2402 4000	0 2402 4005 0 2402 4044
United Kingdom	The British Embassy 14 Wireless Road, Bangkok 10330	0 2305 8333	0 2305 8372
United States of America	The Embassy of the United States of America 120-122 Wireless Road, Bangkok 10330	0 2205 4000	0 2205 4131
Uzbekistan	The Consulate-General of the Republic of Uzbekistan 83/4 Soi Vithayu 1, Wireless Road, Lumpini, Pathumwan, Bangkok 10330	0 2675 3995 0 2675 3996	0 2651 5602
Vietnam	The Embassy of the Socialist Republic of Vietnam 83/1 Wireless Road, Lumpini, Pathum Wan, Bangkok 10330	0 2251 5838 0 2251 7202 0 2251 3552	0 2251 7201

Source: Department of Consular Affairs, Ministry of Foreign Affairs, Thailand

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HANDBOOK

for Foreign Prisoners in Thai Prisons

