

Complaint No. 262/2554: Rights and liberties in life and body – a case of one’s son lost his life while receiving narcotic drug treatment at Jindaporn physical rehabilitation centre in Songkhla Province

The complainant complained that his son aged 19 received narcotic drug treatment at Chindaporn Physical Rehabilitation Centre in Tha Mor Sai Sub-District, Chana District, Songkhla Province. After ten days into treatment, a staff at Chindaporn Physical Rehabilitation Centre telephoned the complainant informing that his son lost his life due to overconsumption of narcotic drug. When the complainant and relatives went to collect corpse of his son, it was found that there were wounds on his body like he had been physically harmed. Jana Provincial Police Station sent his son’s corpse to Prince of Songkhla Hospital for autopsy to identify cause of death and obtain information for court trial. After four months had passed, the complainant contacted Prince of Songkhla Hospital to ask for results of the autopsy but was informed that it had not been completed. Chana Provincial Police Station also never informed the complainant about progress of the proceeding. The complainant had suspicion about his son’s death and petitioned the NHRCT to investigate.

The NHRCT considered facts obtained from checking related laws and had a view that as for the complainant’s son being physically harmed by Chindaporn Physical Rehabilitation Centre while receiving treatment there, Chana Provincial Police Station, which had direct responsibility, had already taken actions according to its authority and duties. Moreover, those accused of physically assaulting the complainant’s son while receiving treatment at Chindaporn Physical Rehabilitation Centre have now entered the judicial process. Investigation on this matter should therefore stop for the time being. Methods for treatment or rehabilitation of drug addicts at Chindaporn Physical Rehabilitation Centre, that were handcuffing with a building pillar, disciplinary training at night time, and allowing those who received treatment to hurt themselves, on the other hand, were seen to be actions and negligence of actions that constituted violation of rights and liberties in life and body according to Section 32 of the Constitution of the Kingdom of Thailand B.E. 2550, related

laws and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The NHRCT therefore passed a resolution to propose measures for solving problems to Songkhla Province, Chana District, Southern Border Provinces Administrative Centre, and Songkhla Province Social Development and Human Security Office, and to give policy recommendations to the government cabinet as follows:

Problem-solving measures

1. Songkhla Province and Chana District, being government agencies that are responsible for Chindaporn Physical Rehabilitation Centre should:
 - 1.1 Consider doing an investigation to check facts and come up with measures to look for ways to prevent similar situation to happen again, and cooperation of local communities and local people in the area must be sought.
 - 1.2 Come up with a list of Do and Don't for staff of the centre to treat persons who went to receive narcotic drug treatment in order to prevent actions or negligence of actions that are violation of human rights, especially violation of rights and liberties in life and body according to the Constitution of the Kingdom of Thailand B.E. 2550, the Criminal Code, and the UN Convention Against Torture, and pillory (handcuff) cannot be used as well because it is against the law according to the Penitentiary Act B.E. 2479 (1936).
 - 1.3 Arrange to have physicians specializing on narcotic drug treatment to treat drug addicts apart from having physicians to do medical check of those receiving treatment regularly every month.
 - 1.4 Separate persons who come for treatment at the centre primarily by age group in case that they are children, youth or persons who may need better protection than adults, so that persons with knowledge and understanding about children

protection laws and mechanisms can come in to protect and take care according to the Child Protection Act B.E 2546 (2003).

1.5 Set measures or mechanisms for narcotic drug treatment by taking into consideration drug addicts who could be girls to receive equal treatment as boys according to the Child Protection Act B.E. 2546 and Narcotic Addict Rehabilitation Act B.E. 2545 (2002).

1.6 Increase standards for treatment possibly by promoting use of drugs to treat drug addicts who come to receive treatment at the centre.

2. Southern Border Provinces Administrative Centre should be the main agency for coordination and holistic development of Chindaporn Physical Rehabilitation Centre. For example, the centre's activity about physical and mental training and vocational training with staffs who are volunteers could be inadequate. Related agencies that can facilitate or provide various supports, such as Ministry of Education, Ministry of Justice and Ministry of Social Development and Human Security, should be drawn in to promote communities and volunteers to have more knowledge and skills in a way that is not dominating ideas of communities and the people, which would make development of the centre systematic, standardized and progressive.

3. Southern Border Provinces Administrative Centre, Songkhla Province, Chana District and Songkhla Provincial Social Development and Human Security Office should provide assistance to mentally remedy families of those who lost their life and coordinate with agencies involved in matter of financial assistance according to the Damages for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act, B.E. 2544.

Suggestions to the Government Cabinet

10. The government cabinet through the Ministry of Justice should allocate budget for treatment and rehabilitation of drug addicts which has been increasing by number

because the budget the government had annually allocated to Department of Corrections for treatment and rehabilitation of only 15,000 drug addicts all over the country which is inadequate to solve narcotic drug problems all over the country when drug addicts in the southern border provinces already number 20,000.

11. The government cabinet through agencies involved in establishment of narcotic drug treatment centres with participation of communities as a whole all over the country should not take control but should help support in a way that enables these centres to operate and make them models for communities, local administrative organizations and villages to use because the state does not have manpower to set up this kind of centre in every sub-district or village. If any community is cooperative but lacks academic knowledge, the government should advise, promote, give it knowledge for moving forward from what the community has achieved. This would help save budget and get more cooperation from communities.

The NHRCT would like to hear primary results from these problem-solving measures within 90 days and results of actions as a whole in 180 days from the day this report is received.