

**Violation of the Rights of Women and
Children
at the Bangkok Central Women's
Correctional Institution:
*A Shadow Report***

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THAILAND

Submission to the UN Committee on the Elimination of
Discrimination against Women (CEDAW)

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Introduction

1. This is a re-submission by Fairly Tell Group, based in Bangkok, Thailand. Fairly Tell Group is a non-governmental organization effectively working with former prisoners through advocacy and rehabilitation workshops. It also aims at improving the prison conditions for all prisoners, especially women and LGBT groups.
2. Since the 119th session on the International Covenant on Civil and Political Rights (ICCPR) of Thailand in March 2017, there has not been any measure undertaken by the government to effectively improve conditions of detention. The prisoners in Thailand are yet to be treated with humanity and dignity.
3. Female prisoners are still facing poor conditions and unequal treatment without recognition of their human rights; this submission intends to emphasize the importance of the promotion, protection and fulfillment of their human rights by providing generic information with reference to **Article 2, 3, 12, and 15 of CEDAW**.

Recommendations

1. As the prisoners are entitled to adequate healthcare services, the Fairly Tell Group would like to urge the relevant government agencies to proactively improve the healthcare system that meets the specific needs of women prisoners.
2. Education about women's rights should be embodied in the work guidelines to the correctional officers and staff.
3. All correctional facilities must be urged to abolish the hierarchical model between staff and prisoners, and instead emphasize the promotion of basic human rights.
4. Regarding the fact that many women prisoners are located far away from their families, they should be facilitated with telephone and e-mail services like their male counterparts.
5. The government and relevant agencies should prioritize both physical and mental health of women prisoners by providing access to appropriate forms of exercises.
6. Due to harsh working conditions in prisons nationwide, the government and relevant agencies must reconsider the system of remuneration of the work of female prisoners.
7. Enhance the capabilities of female prison authorities to make them able to respond to the special needs of women prisoners returning into society and managing safe rehabilitation, provide facilities and measures enhancing capabilities including access to senior positions, being responsible for the development of policies and strategies relating to the care and treatment of inmates.
8. Prison authorities should cooperate with probation and/or social welfare services, community groups, local organizations and the private sector to design and implement projects and preparation before women are released back into society, including a comprehensive consideration of the specific needs of women prisoners.
9. The government should implement and promote comprehensive research on the consequences of the offence. For example, the impact that prison has on a woman, or being labeled as a criminal on employment prospects. The effect on a woman of the nature of the act, including a project created to reduce the risk of repeat offences. Effective policies to meet the rehabilitation and integration back into society of those who act against the women

Article 2: *Implementation of inappropriate legislations without comprehension of gender specific needs, which contributes to gender-based discrimination*

1. There are no rules or guidance to provide specific consideration when dealing with pregnant prisoners or prisoners with young children. This is left entirely to the discretion of the court and the judge just simply sends them to jail without taking into account the pregnancy or welfare of young children.
2. Female ex-prisoners cannot work as a massage therapist or open a spa for one year after release which limits opportunities for income. According to the Workplace Health Act 2559, Section 23 Eligibility for registration as a provider of data categories. Prohibitions (2) having a final judgment to be an offence in the offence or sex offence against property under the Criminal Code. Under the law on drugs or offences under the Prevention and Suppression of Prostitution. Unless acquitted for not less than one year. Before applying for registration.

Article 3: *The gender-based discrimination prevents the full enjoyment of fundamental freedoms on a basis of equality with men*

1. The female inmates are mixed in together irrespective of the type of case or sentence, unlike in male prison. The narcotic cases or serious cases in male prisons are separated into four areas but in female prisons these are not segregated, which causes overcrowding.
2. The policy of no smoking cigarettes in prison is strict only in female prisons but not in male prisons. The warden has given the reason that males have more stress than women and males face more difficulties than women.
3. Only 10 named persons are allowed to visit each female prisoner. This has been strictly enforced following the military take over. This limits women prisoners' right to see their families, friends and relatives. Moreover, delays always occur due to poor technology not coping with managing visiting times punctually, unlike in male prison.
4. The Muslim prisoners are not allowed to wear hijab. They have Muslim classes with outside teachers. Foreign prisoners can wear hijab.
5. Within the reception center the female prisoners of the state security sentences are not able to receive letters from their relatives.

Article 12: *Inadequacies of healthcare services*

1. Personal medical checks are not carried out, for example Tuberculosis screening, even though lots of people have tuberculosis. The prison does not segregate the tuberculosis prisoners.
2. It can take 3 months to see a dentist.
3. Patients are given pain killers for long periods.
4. Doctors do not do face to face physical examinations, they just read the OPD and write a prescription.

5. It is extremely difficult to access psychological therapy or counselling. It can take more than a month after sending a written request.
6. The limited sport equipment is mainly for the elderly, and prisoners who need physical therapy, unlike in male prisons where they have fully equipped gyms. The equipment is not designed for the female use and therefore of limited benefit to female prisoners.
7. Prisoners attend outside hospitals to give birth. They are not allowed to make any noise whilst in labour or giving birth. No medical instruments can be used to open the cervix. Some prisoners are not stitched because they could make a noise. They have to leave the hospital within 30 minutes of childbirth. They do not receive any post natal treatment at all. Nutritious food is not available for pregnant prisoners
8. Babies sleep with their mothers in the dormitory which are surrounded with illness.
9. There is no play area for children who come to visit the prisoners, and they are not allowed to make any noise or visits are terminated.
10. The prison is not flexible for pregnant women or mothers with infants. The wardens give more work to them. Moreover, there is not enough space to feed the infants. They can spend time with children only at night time, in the day time they have to ask for help from other prisoners to take care of their children because they have to work on the order of the wardens. They do not have enough time to pump breast milk and the breast pumps are not enough for the requirement. The mothers have to use powdered milk to feed their infants instead of breast milk which they have to buy by themselves because there is no policy to give them powdered milk before six months. The prison does not provide diapers for infants so the inmates have to provide them by themselves.
11. The prison ignores the child's development and there is no proper temperature controlled room for them. The children have to go wherever their mothers go which is not a good environment for a child's development.
12. There is no concern for the sanity of children, the children and mothers have to stay together with skin diseased prisoners and other illnesses. The children have no protection from other prisoners beside their mothers, the other prisoners can take the children away from their mother without permission, which exposes the children to other diseases.
13. The baby can leave the prison at age 11 months but not more than 12 months (some cases went out at age 12 months)
14. The registered place of birth of the children indicates that they were born in prison.
15. The management of personal hygiene is poor in prison with insufficient provision of basic toiletries i.e. towels and sanitary napkins. The prison does provide some sanitary napkins but not enough for prisoners and with no proper way to dispose of them. The prison does not provide the sanitary disposable bin. Lockers are too small and prisoners may only keep two items.

Article 15: *Inequality in the justice system*

1. During the elementary detainment, the prisoners are not be given verbal or written explanation of The Correction Statute about the rights of prisoners. The information is withheld by the wardens, the new prisoners can only access the information paper from the senior prisoners. However, when the warden knows that details of the information papers are being disclosed, the warden will prevent access to them.
2. There is no difference between the alleged offender, who has not been sentenced, and convicted prisoners. The food, sleeping accommodation and the timetable is the same for all inmates even before being proven guilty.
3. Female inmates who have high penalties are sent to The Central Women Correctional Institution in Bangkok. This facility is isolated from their families and friends. In addition, the procedure of moving back to their local region is very slow.
4. The inquiry officials and police do not inform the prisoner of the right to have a lawyer with them during the investigation.
5. The law around the criminal procedures relating to pregnant women or women with young children is not corroborated. The law code states that the criminal procedure for the court to impose penalties on pregnant women or the women with young children is subject to the discretion of the judge, which is not verifying. (Reference to being number one and in the top range of female prisoners in the world)
6. In Article 112 lèse majesté case, the Court's discretion does not take into account gender or maternity when sentencing or considering the right to bail.
7. The process of seeing a lawyer is prolonged and made inconvenient. (The information provided by a lawyer from Thai Lawyers For Human rights). Women prisoners who have been sentenced are unable to access their lawyer again, unlike male prisoners.
8. The process of being put in jail pending appeal is that the Court of First Instance ruled that the defendant is not guilty because the prosecution failed to find evidence to convict the defendant. But the court has an informal ruling that the defendant was involved, so the defendant is kept in custody pending the prosecution deciding whether to appeal or not. The prisoner is therefore deprived of freedom and an opportunity to make a living. Although there are channels for bail, it is a process that is contrary to the freedom of the court which ruled that the defendant innocent. The bail appeal is costly therefore some prisoners do not have access to bail for this reason. Access to justice is limited to only the elite.