

Multi-sectoral workshop on criminal justice processes on the protection of women

1. Project Title

Multi-sectoral workshop on criminal justice processes on the protection of women.

2. Background and justification

Nowadays, there has been an increase in attention towards violence against women (VAW) particularly in forms of domestic violence and sexual conducts. Criminal justice process requires indisputable evidence to hold perpetrators accountable for their actions. The process can result in woman victim/witness at risk of secondary victimization throughout collection of evidence, forensic examinations and legal process. Initial inquiry from authority when reporting violence case, investigation and persecution requires extensive questioning back and forth repeatedly making victim relive trauma. In general, the trial and taking of evidence must be conducted in open court and in the presence of the accused. Cases related to sexual violence are highly sensitive and emotionally arduous and stigmatized for the victims.

Thailand has put in place protection mechanism for women during criminal justice process. For example, ensuring female authorities during inquiry and persecution process, prohibition of introduction of the complainant's sexual history in both civil and criminal proceedings, when appearing in court and alternatives for giving evidence in a manner that does not require victims to confront the defendant, protection of female victim during temporary release (bail) and release of perpetrator to ensure safety of female victim and family. Such mechanisms are aligned with Update Model Strategies and Practical Measures on the Elimination of Violence against Woman in the field of Crime Prevention and Criminal Justice including:

III. Criminal procedure

15 (c) Women subjected to violence are enabled to testify in criminal proceedings through adequate measures that facilitate such testimony by protecting the privacy, identity and dignity of the women;

15 (e) The credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant's sexual history in both civil and criminal proceedings is prohibited when it is unrelated to the case;

15 (h) Police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women,

(j) Safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(l) All procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination.

IV. Police, prosecutors and other criminal justice officials

16 (a) To ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively

implemented by the criminal justice system and supported by relevant regulations as appropriate;

(b) To develop mechanisms to ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization;

(c) To promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies,

(g) To ensure that laws, policies, procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family,

(l) To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official;

However, with existing legislations, there are still gaps in implementation and as a result from lack of knowledge and awareness on VAW and legislations.

Office of The Attorney General, Department of Juvenile and Family Litigation with mission to promote process, mechanisms and law enforcement on children, juvenile and family protection.

To address and tackle VAW and enforce strategies related to the above mentioned UN Update Model Strategies and Practical Measures to protect women, the workshop aims to build capacity of authorities related to criminal justice process to share and discuss experiences for effective collaboration and practices that ensure women safeguard.

3. Objectives

To share and brainstorm knowledge and experience on criminal justice processes on the protection of women, challenges in law enforcement to develop clear, practical and standardized operational guideline and to improve skills and enforcement of women and family related legislations including the Criminal Procedure Code, Domestic Violence Victim Protection Act, B.E. 2550, Supreme Court Order on court proceeding prohibiting confrontation with defendant, etc.

4. Participants

Prosecutors	(15)	
Inquiry police officer	(15)	
Representatives from Ministry of Social Development and Human Security		(15)
Representatives from OSCC	(15)	
NGO and Thailand Institute of Justice	(10)	

5. Process

- Brainstorm and share knowledge, experiences, challenges on law enforcement.
- Review and practice operational procedures and legislation.

6. Indicators

- Increased brainstorming and discussion platform on criminal justice processes on the protection of women.
- Enhanced knowledge and skills on relevant operational procedures and legislation.

7. Duration

3-Day workshop from 1 – 3 November 2017

8. Venue

Bangkok or other provinces

9. Funding

Funded by UN Women

10. Expected outcomes

Workshop participants have increased knowledge and understanding on VAW legislation and clear and standardized operational guideline.

11. Responsible agency

Department of Juvenile and Family Litigation

ศูนย์อำนวยการคุ้มครองสิทธิเด็ก เยาวชน และสถาบันครอบครัว สำนักงานคดีเยาวชนและครอบครัว

12. Project approver

Attorney General