



**Thailand's Compliance with the Convention on the Elimination of All Forms of
Discrimination Against Women:
The Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

Anti Death Penalty Asia Network

International Federation for Human Rights

and

The World Coalition Against the Death Penalty

for the 91st Session of the Committee on the Elimination of Discrimination Against Women
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Anti Death Penalty Asia Network (ADPAN) is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from 20 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman, and degrading punishment and that the death penalty should be entirely abolished internationally.

Founded in 1922, **FIDH** is a global federation of nearly 200 organizations in more than 115 countries working together to protect, support and raise the voices of human rights defenders and victims through investigation, prosecution and advocacy.

EXECUTIVE SUMMARY

1. This report supplements the report that the authors submitted in October 2022 at the List of Issues stage and provides relevant updates.¹ This report provides suggested recommendations for the Committee to consider as it prepares its Concluding Observations.

Thailand fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

2. Thailand has failed to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, particularly for women in conflict with the law who are charged with capital offenses and women under sentence of death.
- I. The Thai justice system fails to ensure that women in conflict with the law have access to justice, particularly when they face capital charges (List of Issues Prior to Reporting, paras. 4-5).**
3. In its List of Issues Prior to Reporting, the Committee requested information about progress made toward, inter alia, “[s]trengthening the gender responsiveness and gender sensitivity of the justice system,” and “[e]nsuring that women belonging to ethnic minorities have access to interpretation where and when needed and that women with disabilities have access to assistance.”²
 4. The Committee also focused on the disproportionate effect on women of the death penalty for drug offenses, inquiring whether authorities had conducted “any analysis of this phenomenon,” and also requested disaggregated data on women on death row, clarification of whether courts impose the death penalty against women who acted in self-defense, and response to reports that “courts are usually not allowed to consider mitigating factors such as exposure to gender-based violence, trauma and poverty.” The Committee further requested information “about any intention to codify gender-specific defences and mitigation in capital trials that include gender-based violence, trauma, poverty and economic pressure and caretaking responsibilities.” The Committee also requested information on “any steps taken to increase the resources for court-appointed lawyers in capital cases to allow for quality preparation of defence and to ensure that lawyers have the necessary expertise and experience.”³
 5. In its eighth periodic report (State Party Report), Thailand reports that the “Office of the Attorney General has provided training courses for specialists in child and women’s

¹ The Advocates for Human Rights et al., *Thailand’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Prior to Reporting Relating to the Death Penalty*, 3 Oct. 2022,

<https://www.theadvocatesforhumanrights.org/Res/Thailand%20CEDAW%20LOIPR%20death%20penalty%20FINAL.pdf> (hereinafter List of Issues Prior to Reporting Report, October 2022).

² Committee on the Elimination of Discrimination Against Women, *List of issues and questions prior to the submission of the eighth periodic report of Thailand*, (4 Nov. 2022), U.N. Doc. CEDAW/C/THA/QPR/8, ¶ 4.

³ Committee on the Elimination of Discrimination Against Women, *List of issues and questions prior to the submission of the eighth periodic report of Thailand*, (4 Nov. 2022), U.N. Doc. CEDAW/C/THA/QPR/8, ¶ 5.

issues,”⁴ but offers no information about strengthening the gender responsiveness and gender sensitivity of the justice system in the context of women in conflict with the law. The report adds that the “Rights and Liberties Protection Department” in 2022 “initiated the work of interpreters in the process of justice” for people who are unable to communicate in the Thai language, noting without explanation a significant drop in the number of listed female interpreters from 281 in 2022 to 101 in 2023.⁵ It is unclear whether the Rights and Liberties Protection Department provides interpretation services to women in conflict with the law.

6. With respect to the death penalty, the State Party Report states that “[b]etween 2015-2021, Thailand had 68 incarcerated women receiving a death sentence from drug-related offenses, homicides, and related weapon offenses. During this period, the Department of Corrections did not impose the death penalty on any female prisoners. Instead their cases were reviewed for clemency each year.”⁶ However, this information is outdated, and Thailand does not provide any disaggregated data or further information about the nature of those crimes.
7. FIDH has obtained information from the Court of Justice confirming that since the Committee’s last review, courts of first instance have continued to sentence people to death at alarming rates: 173 in 2017; 205 in 2018; 163 in 2019; 164 in 2020; 100 in 2021; 171 in 2022; 140 in 2023; and 173 in 2024. There is no downward trend. The number of women sentenced to death over the same period was: 26 in 2017; 47 in 2018; 28 in 2019; 31 in 2020; 22 in 2021; 20 in 2022; 11 in 2023; and 21 in 2024. Women foreign nationals accounted for 4 death sentences in 2017, 6 in 2018, 6 in 2019, 10 in 2020, 5 each in 2021 and 2022, and 1 in 2023 and 1 in 2024.⁷ Amnesty International observed that Thailand’s “death penalty for drug related offences disproportionately affected women” in 2024.⁸ According to FIDH, as of the end of 2024, 364 people were under sentence of death, of which 252—including 37 women—had been convicted of drug-related offenses.⁹ Two additional women were under sentence of death for other offenses, meaning that a total of 39 women were on death row as of the end of 2024.¹⁰ FIDH reports that “[a]s of December 2024, nearly 95% [of women under sentence of death] had been sentenced to death for drug-related offenses, which was significantly higher than the 66% of male

⁴ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 23.

⁵ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 27.

⁶ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 29.

⁷ FIDH, Communications from Thailand’s Court of Justice, 15 May 2025, 6 Sept. 2024, 17 May 2022. There are some discrepancies between the official data FIDH received and the “official figures” that Amnesty International reports. For example, Amnesty International reported 115 death sentences in 2024, including 20 women and 3 foreign nationals. The Court of Justice figures that FIDH received are higher.

⁸ Amnesty International, *Death Sentences and Executions 2024* (2025), at 27, available at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

⁹ *Id.* at 14; FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 15-16, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

¹⁰ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 15, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf; Amnesty International, *Death Sentences and Executions 2024* (2025), at 27, available at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

prisoners under death sentence for drug-related offenses,” and the proportion of people under sentence of death for drug-related offenses has increased since 2020.¹¹ According to FIDH, the number of women under sentence of death increased by 39% during 2024, from 28 to 39.¹² FIDH reported that as of the end of 2024, 67% of all women imprisoned in Thailand were incarcerated for drug-related offenses.¹³

8. The State Party Report fails to respond to the Committee’s question regarding whether authorities have conducted any analysis of the disproportionate effect on women of the death penalty for drug offenses, and it further fails to provide the disaggregated data that the Committee requested.
9. At the conclusion of its December 2024 country visit to Thailand, the Working Group on Discrimination Against Women and Girls stated that women’s involvement in drug-related offenses “reflects a broader pattern of intersectional discrimination, where women’s vulnerability is exploited by powerful actors within drug trafficking networks, who are mostly men, yet it is the women who are disproportionately subjected to harsh penalties such as the death sentence.”¹⁴
10. Responding to the Committee’s question about court consideration of mitigation evidence and self-defense, the State Party Report states that a court “may impose a penalty less than what is prescribed by law for the offense” if the offender experienced “acts of domestic violence that constitute criminal offenses, committed as a result of repeated violence against one, resulting in severe physical or psychological harm, and a complaint has been filed for the court’s consideration in a criminal case.”¹⁵
11. The State Party Report provides no further information about consideration of mitigating circumstances at sentencing or reducing penalties or any efforts to codify gender-specific defenses or mitigation. Nor does the State Party Report provide any data about whether and under what circumstances women in conflict with the law have raised these defenses or their success rates. As discussed in greater detail in the authors’ report at the List of Issues Prior to Reporting stage, Thai judges apply mitigating factors enumerated in confidential mandatory-sentencing guidelines, and those “*yee-tok*” are unique to each court. Appellate courts strictly prohibit sentencing judges from considering non-enumerated mitigating factors.¹⁶
12. With respect to court-appointed lawyers for women charged with capital offenses, the State Party Report states that the Attorney General’s Office “has arranged for the appointment

¹¹ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 16-17, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

¹² FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 15, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

¹³ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 14, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

¹⁴ UN Working Group on discrimination against women and girls, *End of mission statement: Official visit to Thailand* (2-13 Dec. 2024), at 9, <https://www.ohchr.org/sites/default/files/documents/issues/women/wgdawg/statements/2024-12-13-eom-thailand-wgdawg-en.pdf>.

¹⁵ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 30.

¹⁶ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶ 22.

and registration of volunteer lawyers . . . to provide legal assistance to disadvantaged people who have not received justice or have a justifiable reason to receive assistance in legal consultation, litigation and resolving legal disputes. The Office of the Attorney General has also enhanced the capabilities of registered volunteer public defenders through additional training sessions held once a year.”¹⁷

13. It is unclear whether these programs are specific to women charged with capital crimes or whether every woman charged with a capital crime is entitled to state-provided legal representation. It is also unclear whether any of the training for “volunteer public defenders” or other “volunteer lawyers” relates to gender-based violence, coercive control relationships, or gender-specific defenses or mitigation that may be relevant to women charged with capital crimes. It is also unclear whether authorities provide interpreters for foreign national women charged with capital crimes so that they can communicate with their attorneys outside the courtroom.¹⁸ As discussed in greater detail in the authors’ report at the List of Issues Prior to Reporting stage, court-appointed lawyers in Thailand are under-resourced and are less likely than their private peers to engage in good practices.¹⁹
14. During its December 2024 country visit, the Working Group on Discrimination Against Women and Girls observed that “legal proceedings are not adapted to address the trauma or coercion . . . women [in conflict with the law] may have experienced, further contributing to unfair trial outcomes.”²⁰

II. Efforts to combat gender-based violence against women fail to protect women who come in conflict with the law as a result of such violence (List of Issues Prior to Reporting, para. 9).

15. In its List of Issues Prior to Reporting, the Committee requested information “about measures taken to combat gender-based violence against women,” including “[e]fforts to increase the availability, accessibility and quality of essential services and support to victims.”²¹ The State Party Report describes Thailand’s “significant progress in taking continuous measures to eliminate violence against women and promote gender equality.”²²
16. As discussed in greater detail in the authors’ report at the List of Issues Prior to Reporting stage, gender-based violence may influence a woman’s likelihood to commit a capital crime, as well as her likelihood of facing criminal consequences.²³ The State Party Report fails to identify programs or policies that reduce the risk that gender-based violence will

¹⁷ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 31.

¹⁸ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶ 23.

¹⁹ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶¶ 20-21.

²⁰ UN Working Group on discrimination against women and girls, *End of mission statement: Official visit to Thailand* (2-13 Dec. 2024), at 9, <https://www.ohchr.org/sites/default/files/documents/issues/women/wgdawg/statements/2024-12-13-eom-thailand-wgdawg-en.pdf>.

²¹ Committee on the Elimination of Discrimination Against Women, *List of issues and questions prior to the submission of the eighth periodic report of Thailand*, (4 Nov. 2022), U.N. Doc. CEDAW/C/THA/QPR/8, ¶ 9.

²² Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 47.

²³ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶¶ 11, 15-19.

push a woman to come into conflict with the law under the influence or manipulation of her abuser.

III. Foreign nationals face additional fair trial violations (List of Issues Prior to Reporting, para. 16(d)).

17. In its List of Issues Prior to Reporting, the Committee requested information about measures taken to “[p]rotect migrant women workers from abusive and exploitative conditions.”²⁴ The State Party Report provides information about health insurance for migrant workers, coordination among various government agencies to ensure investigation of labor rights violations and complaints from Thai and migrant workers, as well as a Ministry of Labour collaboration on projects aimed at protecting and assisting migrant women workers.²⁵ The report further states that 825,613 women migrant workers are authorized to work in Thailand “under Article 9.”²⁶
18. As discussed in greater detail in the authors’ report at the List of Issues Prior to Reporting stage, foreign nationals in conflict with the law in Thailand have reported that authorities did not notify consular officials of their arrest and they did not receive consular assistance.²⁷

IV. Detention conditions for women do not comply with international human rights standards (List of Issues Prior to Reporting, para. 23).

19. In its List of Issues Prior to Reporting, the Committee requested information about measures taken to reduce the number of women in detention and to bring detention conditions into line with the Nelson Mandela Rules and the Bangkok Rules.²⁸
20. The State Party Report states that the Corrections Department “has enacted the Royal Decree on Correctional Standards B.E. 2560 (2017),” which calls on correctional facilities to improve their operational standards and bring them in compliance with the Nelson Mandela Rules. It further asserts that the Department of Corrections has “also incorporated” the Bangkok Rules “since 2010.”²⁹ The report provides further details about the detention of pregnant and lactating women in detention,³⁰ but other than a passing reference to physical examination of people who are newly arrived in detention facilities,³¹ and guidelines for handling complaints,³² the report offers no concrete information about

²⁴ Committee on the Elimination of Discrimination Against Women, *List of issues and questions prior to the submission of the eighth periodic report of Thailand*, (4 Nov. 2022), U.N. Doc. CEDAW/C/THA/QPR/8, ¶ 16(d).

²⁵ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶¶ 104-107.

²⁶ *Id.* ¶ 106.

²⁷ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶ 23.

²⁸ Committee on the Elimination of Discrimination Against Women, *List of issues and questions prior to the submission of the eighth periodic report of Thailand*, (4 Nov. 2022), U.N. Doc. CEDAW/C/THA/QPR/8, ¶ 23.

²⁹ Committee on the Elimination of Discrimination Against Women, *Eighth periodic report submitted by Thailand under article 18 of the Convention, due in 2023*, (11 June 2024), U.N. Doc. CEDAW/C/THA/8, ¶ 142.

³⁰ *Id.* ¶¶ 143-44.

³¹ *Id.* ¶ 145.

³² *Id.* ¶ 146.

measures to operationalize the Nelson Mandela Rules or the Bangkok Rules. It offers no information about measures to ensure availability of hygiene products.

21. Thailand has one of the highest proportions of women in prison in the world.³³ According to the Institute for Crime & Justice Policy Research's World Female Imprisonment List, as of December 2024, 33,057 women were in prison in Thailand.³⁴ This figure accounts for 12.1% of the total prison population, and gives Thailand a female prison population rate of 47.1.³⁵ In 2024, Thailand's total prison population increased for the second consecutive year, growing to 277,475.³⁶ The number of women imprisoned increased by 2.4%, compared to a 0.09% increase in the number of men imprisoned.³⁷
22. As described in greater detail in the authors' report at the List of Issues Prior to Reporting stage, women's prisons in Thailand are severely overcrowded.³⁸ As of October 2024, the total occupancy rate for correctional facilities housing women stood at 99%.³⁹ During its December 2024 country visit, the Working Group on Discrimination Against Women and Girls visited two women's prisons and reported that both "had serious issues with overcrowding," with the Songkhla Women's Correctional Institution having over 100 women per room, with one communal toilet.⁴⁰
23. The authors' 2022 report explains that women in detention experience poor detention conditions that do not address their gender-specific needs, including inadequate access to sanitary napkins and clean water for bathing, as well as lack of access to gender-specific health services.⁴¹ Women detained in Thai prisons also report patterns of degrading treatment by prison guards and other officials, and they also report that prison officials sometimes threaten women who complain about detention conditions.⁴² In March 2025,

³³ Helen Fair and Ron Walmsley, Institute for Crime & Justice Policy Research, *World Female Imprisonment List*, World Prison Brief (6th ed. 2025) <https://www.prisonstudies.org/sites/default/files/resources/downloads/world_female_imprisonment_list_6th_edition.pdf>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ International Federation for Human Rights, *Thailand: Annual prison report 2025* (March 2025) <https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf>.

³⁷ International Federation for Human Rights, *Thailand: Annual prison report 2025* (March 2025) <https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf>.

³⁸ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶ 25; International Federation for Human Rights, *Thailand: Submission to the United Nations (UN) Working Group on discrimination against women and girls* (Oct. 2024) <https://www.fidh.org/IMG/pdf/20241023_thailand_wgdawg_su_en.pdf>.

³⁹ International Federation for Human Rights, *Thailand: Submission to the United Nations (UN) Working Group on discrimination against women and girls* (Oct. 2024) ("FIDH UN Submission") <https://www.fidh.org/IMG/pdf/20241023_thailand_wgdawg_su_en.pdf>.

⁴⁰ UN Working Group on discrimination against women and girls, *End of mission statement: Official visit to Thailand* (2-13 Dec. 2024), at 8, <https://www.ohchr.org/sites/default/files/documents/issues/women/wgdawg/statements/2024-12-13-eom-thailand-wgdawg-en.pdf>.

⁴¹ International Federation for Human Rights, *Thailand: Submission to the United Nations (UN) Working Group on discrimination against women and girls* (Oct. 2024) <https://www.fidh.org/IMG/pdf/20241023_thailand_wgdawg_su_en.pdf>.

⁴² List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶¶ 29, 32; International Federation for Human Rights, *Thailand: Submission to the United Nations (UN) Working Group on discrimination against women and girls* (Oct. 2024) <https://www.fidh.org/IMG/pdf/20241023_thailand_wgdawg_su_en.pdf>.

FIDH reported that “[w]ith regard to women’s prisons, all interviewed former prisoners reported practices that could amount to ill treatment—such as verbal abuse—or torture—such as solitary confinement and being forced to sit and roll under the sun.”⁴³ FIDH also reported that “female prisoners faced particular challenges to maintain personal and menstrual hygiene due to the limited availability of time and water to shower. A former female prisoner at Trang Provincial Prison said female prisoners were given three minutes to take a shower, which was not enough to properly wash, particularly for those who were having their period. The same former prisoner also reported that prisoners who were having their period generally received one bowl of water to wash away their blood before joining other prisoners in the common shower area.”⁴⁴ Women reported that “they received personal hygiene products for free upon admission, but only indigent prisoners and those who did not receive any family visits could regularly receive new toiletries.” The frequency and quantity of menstrual hygiene products “varied greatly depending on the prison.”⁴⁵

24. According to FIDH, in some prisons transgender women are held in the male section and in the same cells with male inmates, while other prisons provided separate sleeping space for transgender women, and most prisons “failed to provide specific arrangements to ensure the safety and privacy of transgender women when showering,” not giving them the option to shower separately from men.⁴⁶ FIDH also received reports that transgender women experienced physical harassment by other people in detention.⁴⁷
25. As explained in the authors’ 2022 report, women are likely to be detained further away from their homes than men, as there are fewer women’s prisons in Thailand.⁴⁸ This distance—in contravention of the Bangkok Rules—disadvantages incarcerated women, as it serves to sever community ties, resulting in negative effects on mental health during incarceration and on social integration when released.⁴⁹

⁴³ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 37, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

⁴⁴ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 37, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

⁴⁵ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 37, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

⁴⁶ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 40, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

⁴⁷ FIDH, Thailand: Annual prison report 2025 (Mar. 2025), at 41, https://www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf.

⁴⁸ List of Issues Prior to Reporting Report, October 2022, *supra* note 1, ¶ 30; International Federation for Human Rights, *Thailand: Submission to the United Nations (UN) Working Group on discrimination against women and girls* (Oct. 2024) <https://www.fidh.org/IMG/pdf/20241023_thailand_wgdawg_su_en.pdf>.

⁴⁹ International Federation for Human Rights, *Thailand: Submission to the United Nations (UN) Working Group on discrimination against women and girls* (Oct. 2024) <https://www.fidh.org/IMG/pdf/20241023_thailand_wgdawg_su_en.pdf>; Rule 4 of the Bangkok Rules states: “Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman’s preference and the availability of appropriate programmes and services.” <https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf>.

V. Suggested recommendations for the Government of Thailand

26. The coauthors suggest that the Committee recommend that the Government of Thailand:

- Ensure that no person is sentenced to death for an offense that did not entail the offender committing an intentional killing, and commute all death sentences imposed for any offenses that do not meet this threshold.
- Publish on an annual basis comprehensive data about women charged with capital crimes and/or sentenced to death. This information should be disaggregated by various factors, including year of birth, nationality, ethnic group, occupation at the time of arrest, crime of conviction, relationship to any victims or codefendants, current location, age of any dependent children, and status of any requests for pardon or commutation.
- Ensure that every woman charged with a capital crime has access to qualified legal counsel with prior experience in capital cases, and ensure that legal counsel receive adequate compensation as well as sufficient funding to conduct an investigation and hire defense experts as needed.
- Amend the Penal Code to codify gender-specific defenses, particularly in the context of women charged with killing or harming their abusers, regardless of whether the offender previously filed a criminal report against her abuser.
- Amend the *yee-tok* sentencing guidelines to specify that judges may deviate from the guidelines if special circumstances exist and in the interest of justice, and to codify gender-specific mitigation, including trauma, gender-based violence, economic pressures, and family caretaking responsibilities, and direct all courts to publish these guidelines.
- In collaboration with civil society, undertake comprehensive training for all judges and other judicial officers presiding over capital criminal proceedings to educate them about the importance of considering gender-specific defenses and gender-specific mitigation.
- In collaboration with civil society organizations, ensure that the Attorney General's Office's training for public defenders includes strategies for presenting gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities.
- In collaboration with civil society, ensure that all law enforcement officials receive training regarding the right to consular notification under the Vienna Convention, and conduct periodic audits to ensure compliance.
- Commute the death sentence of any foreign national brought to trial in violation of the Vienna Convention on Consular Relations.
- Ensure that any foreign national or other individual in need of interpretation receives qualified interpretation services beginning at the time of arrest and through and including any trial and appellate proceedings, including when communicating with counsel in preparation for trial and other court hearings.

- Take immediate measures to address overcrowding in detention facilities where women are housed.
- Direct the Department of Corrections to ensure that all women have adequate access to free sanitary napkins and other menstrual products.
- Direct the Department of Corrections to ensure that all transgender women in detention have access to sleeping and bathing facilities that are separate from men.
- Commission an independent study of all detention facilities that house women to document the extent to which those facilities comply with the Nelson Mandela Rules and the Bangkok Rules.
- Subsidize the travel of dependent children of women in detention to visit their mothers with greater frequency.
- Investigate allegations that prison guards subject women in detention to degrading treatment.