

CONTROLLING OFFICER'S REPLY

SB184

(Question Serial No. 3140)

Head: (30) Correctional Services Department

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Prison Management

Controlling Officer: Commissioner of Correctional Services (WOO Ying-ming)

Director of Bureau: Secretary for Security

Question:

In the past 3 years, how many transgender persons were handled by the Correctional Services Department (CSD) and what were the nationalities involved?

According to sources, CSD disregarded the will of transgender persons and forced male-to-female persons to cut their hair. The Department has allegedly violated the United Nations Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment. In this connection, when handling the hair of transgender persons, has the Department considered their needs and provided special guidelines to frontline correctional officers for reference?

CSD has stated that the Transgender Unit (TU) is set up to handle transgender persons. If a male-to-female person is under custody, what will be the gender of the correctional officer deployed by TU to handle the transgender person, and vice versa? What are the existing staff establishment of TU and the expenditure involved? What are the professional backgrounds of the officers working in TU? At present, in which correctional facility is TU located? If transgender persons in other correctional facilities need assistance, how can they be referred to TU?

Did CSD receive from any parties or transgender persons any complaints about improper handling of transgender prisoners in the past? What were the relevant figures? How did CSD address or respond to such complaints? How many complaints were substantiated? Has any correctional officer been punished?

Earlier on, a transgender prisoner applied for judicial review against CSD's arrangements for transgender persons and the Court finally allowed in part the application for judicial review. Has CSD changed its policy according to the judgement with a view to improving and enhancing the human rights of transgender prisoners?

In the past, there were cases that involved some Thai transgender persons serving sentences in CSD's institutions. Since they were unfamiliar with the English and Chinese languages

as well as the environment, even though they had healthcare needs, they dared not raise their needs due to language problem. Therefore, they missed the opportunities of raising their basic healthcare needs. Has the Government provided appropriate translation support service to persons in custody of different nationalities, including transgender prisoners?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 18)

Reply:

From 2016 to 2018, there were a total of 60 admissions of transgender persons in the Correctional Services Department (CSD), of which 7 were local persons in custody (PICs), 2 were PICs from the Mainland, Taiwan or Macao, and 51 were PICs of other nationalities, making up 12%, 3% and 85% of the total number of transgender persons respectively.

According to the established mechanism, CSD arranges transgender PICs to serve their sentences in the Transgender Unit (TU) of Siu Lam Psychiatric Centre (SLPC). Having regard to individual circumstances and expert advice of Medical Officers, clinical psychologists or psychiatrists, CSD will make arrangements about searching, hairstyle, accommodation and other daily issues for the PICs concerned. Moreover, professionals in SLPC (including Medical Officers seconded from the Department of Health, clinical psychologists, psychiatrists and correctional officers with nursing qualifications) will provide transgender PICs with proper health care and necessary treatments. The aim of setting up TU is to protect transgender PICs from harassment by other PICs.

If PICs serving sentence in other correctional facilities make requests for referrals to TU, CSD will make appropriate arrangements having regard to the assessments and recommendations of Medical Officers and clinical psychologists. As the management of transgender PICs is part of the daily management work of CSD, the Department does not maintain a breakdown of the establishment and the expenditure involved.

From 2016 to 2018, CSD received a total of 2 cases concerning the treatment of transgender PICs. One of the cases was referred to CSD from an outside organisation, and was then assigned to the Complaints Investigation Unit (CIU) for investigation in accordance with established procedures. The case concerned the treatment of 3 transgender persons while they were serving sentences in CSD. During an interview with the investigator, one of the transgender persons indicated that no complaint would be lodged. The other two were already discharged. CIU was thus not able to get in contact with them to acquire further details. The Correctional Services Department Complaints Committee examined the investigation report and endorsed the finding as “Curtailed”. Another case involved a transgender ex-PIC who had been discharged. The person concerned has instituted civil proceedings against the treatment received while serving sentence. Since the case is now undergoing the judicial process, CSD is not in a position to make any comments.

In respect of the case that a PIC applied for judicial review against CSD’s arrangements for transgender PICs in 2015, CSD is not in a position to make any comments as it is still undergoing the judicial process.

CSD will, where possible, arrange for correctional officers who speak the relevant foreign languages to manage PICs of other nationalities. CSD has introduced tablet computers

with the capabilities to translate multiple languages (currently 62 languages/dialects), with a view to further facilitating communication between correctional officers and PICs of other nationalities. CSD will, where necessary, hire Part-time Interpreters (PTIs) from the register of PTIs provided by the Judiciary or seek assistance from the consulates concerned. Moreover, a “Multilingual Phrasebook for Emergencies” published by the Home Affairs Bureau is available in all centre hospitals of correctional institutions for use by PICs when needed.

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