

Corporal punishment of children in Thailand

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Child population 14,131,000 (UNICEF, 2020)

Law reform has been achieved. Corporal punishment is prohibited in all settings, including in the home.

Current legality of corporal punishment

Home

Corporal punishment is prohibited in the home under the new article 1567 (2) of the Civil and Commercial Code. The amendment to the Civil and Commercial Code was passed by the Senate in December 2024. After it received royal assent on 20 March 2025, the amended Civil and Commercial Code came into force on 25 March 2025.

Article 1567 (2) of the Civil and Commercial Code states: "A person with parental authority/a guardian has the right ... to punish a child in order to teach, reprimand, or adjust their behaviour without committing acts of abuse or violence towards the body or mind or acting inappropriately."

Article 3 of the Civil and Commercial Code repeals all existing provisions allowing the use of corporal punishment as follows: "On and from the day of operation of this Code, all other laws, bye-laws, and regulations in so far as they deal with matters governed by this Code or are inconsistent with its provisions shall be repealed."

Prior to this reform, article 1567(2) of the Civil and Commercial Code stated that parents/guardians had the right to punish a child "reasonably" for the purpose of disciplining and teaching them.

The explanatory notes relating to the 2025 amendment to the Civil and Commercial Code clearly emphasized that the law reform process aimed to ban corporal punishment as an acceptable method of discipline. It intended to align Thailand's legislations with the UN Convention on the Rights of the Child, especially General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. The amendment of the Civil and

Commercial Code also aimed to address UPR recommendations to achieve full prohibition which were supported by the Government of Thailand in 2021.¹

Alternative care settings

Corporal punishment is unlawful in all alternative care settings under the 2025 amended article 1567 (2) of the Civil and Commercial Code which prohibits the use of abuse or violence towards the body and mind of children by parents and guardians. Moreover, article 3 of the Civil and Commercial Code repeals all previous provisions providing for corporal punishment of children, including articles 61 and 65 of the Civil and Commercial Code which authorized reasonable punishment for disciplinary purposes.

Day care

Corporal punishment is unlawful in all day care under the amended article 1567 (2) of the Civil and Commercial Code which prohibits the use of abuse or violence towards the body and mind of children by parents and guardians (see under "Home"). Article 3 of the Civil and Commercial Code repealed articles 61 and 65 which previously authorized in early childhood centres and in day care for older children (see under "Alternative care").

Schools

Corporal punishment was prohibited in schools in 2000, when the Regulation on the Punishment of Students 2000 did not include caning among permitted disciplinary measures. This was subsequently revised and the Ministry of Education Regulation on Student Punishment 2005 similarly does not include corporal punishment among permitted disciplinary measures. Article 6 of the Regulation states (unofficial translation): "It is prohibited to punish pupils and students with violent methods or with harmful, angry or revengeful intention...." The Regulation on the Promotion and Protection of the Rights of Children and Juveniles in Educational Establishments 2000 states in article 8: "Punishment of children and youth must not be carried out with torture or harsh treatment to the body or mind, by cruel, humiliating, inhumane means, or in any inappropriate manner."

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions under the Department of Corrections Regulation 2005 on Abolition of the Department of Corrections Regulations No. 3 on Punishment by Means of Physical Chastisement (1937). Previously, corporal punishment had been lawful under the Training Arrangement for Certain Groups of Children Act 1936, which provided for whipping up to 10 strokes of children in correctional schools, vocational training schools and penitentiaries (art. 11); the Ministry of Interior Regulation on Punishment of Certain Groups of Children 1937 specified that the rod to be used must not exceed 75cm in length and 0.5cm in diameter (reg. 4).

The Establishment of Juvenile and Family Court and Procedure Act 1991 had provided for the Director of an observation and protection centre to order a child to be flogged for disciplinary breaches. This Act was repealed by the Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010.

The Ministry of Justice Regulation on Children and Youth Punishment and Provisional Permission for Children and Youth 2003 pursuant to the Child Protection Act, does not include corporal punishment among permitted disciplinary measures; it does, however, authorise the imposition of hard labour (art. 4). Corporal punishment is not among permitted disciplinary actions in the Military Prisons Act 2007: previously the Military Prisons Act 1936 had authorised caning.

¹ 21 December 2021/A/HRC/49/17, Report of the working group: Addendum, para. 51

Prohibition of corporal punishment in penal institutions Is confirmed under the 2025 amended article 1567 (2) of the Civil and Commercial Code which prohibits the use of abuse or violence towards the body and mind of children by parents and guardians (see under "Home").

Sentence for crime

Corporal punishment is unlawful as a sentence for crime under the Revised Penal Code 2003 and the Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010: the latter repealed the Establishment of Juvenile and Family Court and Procedure Act 1991, which had authorised courts to order flogging of children and young people in observation and protection centres (art. 39). The Constitution 2007 states that "torture, brutal acts or punishment by cruel or inhumane means shall not be inflicted" but also that "a punishment imposed pursuant to a Court judgment or by virtue of law shall not be deemed as punishment by cruel or inhumane means under this paragraph".

Universal Periodic Review of Thailand's human rights record

Thailand was examined in the first cycle of the Universal Periodic Review in 2011 (session 12). The following recommendations were made:²

"Adopt all necessary measures to eradicate the abuse and sexual exploitation of children, corporal punishment, the recruitment of children by armed groups and to combat the worst forms of child labour (Uruguay);

"Prohibit corporal punishment of children in all settings (Slovenia)"

In accepting the recommendations in relation to corporal punishment, the Government stated: "Corporal punishment is already prohibited in schools and other alternative care settings. We are determined to improve the laws in order to prohibit corporal punishment in communities and families.... As a State Party to the CRC, Thailand is committed to eradicating corporal punishment as well as the abuse and sexual exploitation of children...."

Examination in the second cycle took place in 2016 (session 25). In its national report, the Government asserted that corporal punishment is prohibited in article 26 of the Child Protection Act 2003 and in article 1567 of the Civil and Commercial Code, "which allows guardian to punish the child only in a reasonable manner for disciplinary purposes". The following recommendations were made and were accepted by the Government: 5

"Carry out measures to prohibit corporal punishment of children in all settings, including the home (Bolivia);

"Prohibit corporal punishment of children in all settings (Slovenia);

"Adopt legislation prohibiting corporal punishment of children in all settings (Madagascar);

"Explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings (Sweden)."

Examination in the third cycle took place in 2021 (session 39). The following recommendations were made:⁶

"Prohibit corporal punishment of children in all settings (Slovenia);

"Explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings, including in schools and at home, as previously recommended (Sweden);

² 8 December 2011, A/HRC/19/8, Report of the working group, paras. 89(36) and 89(37)

³ 6 March 2012, A/HRC/19/8/Add.1, Report of the working group: Addendum, para. 15

⁴ 12 February 2016, A/HRC/WG.6/25/THA/1, National report to the UPR, para. 72

⁵ 15 July 2016, A/HRC/33/16, Report of the working group, paras. 158(103), 158(104), 158(105), 158(106)

⁶ 21 December 2021/A/HRC/49/17, Report of the working group, paras. 51(159), 51(160), 51(161) and 51(162)

- "Prohibit all forms of corporal punishment against children and make this legislation known to the public (Angola);
- "Abolish corporal punishment by law and in practice, by enacting specific national legislation prohibiting corporal punishment in all environments (Israel)"

The Government supported the recommendations.⁷

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(17 February 2012, CRC/C/THA/CO/3-4, Concluding observations on third/fourth report, paras. 7, 8, 47 and 48)

- "The Committee, while welcoming the State party's efforts to implement the concluding observations on the State party's second periodic report (CRC/C/THA/CO/2), notes with regret that a number of the recommendations contained therein have not been given sufficient follow-up.
- "The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the second periodic report that have not yet been, or not sufficiently, implemented, including on such issues as ... corporal punishment in the home.... The Committee also urges the State party to provide adequate follow-up to the recommendations contained in the present concluding observations.
- "The Committee is concerned that corporal punishment remains lawful in the home. Moreover, article 1567 of the Civil and Commercial Code states that those with parental authority over children have a right to impose 'reasonable' punishment for the purpose of discipline.
- "The Committee reiterates its previous concerns and concluding observations (CRC/C/THA/CO/2, paras. 40 and 41) and encourages the State party to take into account its general comments Nos. 13 (2011) on the right of the child to freedom from all forms of violence, and 8 (2006), on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment in adopting measures to combat all forms of violence against children.
- "The Committee recommends that the State party:
- a) prohibit explicitly by law corporal punishment of children in the home and alternative care settings, including for disciplinary purposes;
- b) introduce sustained public education and awareness-raising and social mobilization programmes involving children, families and communities on the harmful effects of corporal punishment with a view to changing attitudes and promoting alternative, positive and non-violent forms of child-rearing and discipline;
- c) prioritize the elimination of all forms of violence against children, and ensure the effective implementation of the recommendations of the United Nations study on violence against children (A/61/299);
- d) provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, in particular:
- (i) the development in each State of a national comprehensive strategy to prevent and address all forms of violence and ill-treatment against children, paying particular attention to gender;
- (ii) the introduction of an explicit national legal ban on all forms of violence against children in all settings;
- (iii) the consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence and ill-treatment against children."

⁷ 21 December 2021/A/HRC/49/17, Report of the working group: Addendum, para. 51

Committee on the Rights of the Child

(17 March 2006, CRC/C/THA/CO/2, Concluding observations on second report, paras. 39, 40, 41, 76 and 77)

"The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools and takes note of the recent Ministerial regulation prohibiting the use of corporal punishment in penal institutions. The Committee nevertheless regrets that corporal punishment in the home and in alternative care settings is not explicitly prohibited by law. Further, it notes the State party's acknowledgement that child victims are often afraid to complain and that assistance is rarely available to them.

"The Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and is not consistent with the requirement of respect for the child's dignity, as specifically required by article 28, paragraph 2 of the Convention. Therefore, the Committee urges the State party, taking into account the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools (see CRC/C/111), to prohibit by law all forms of corporal punishment in the home and in all alternative care settings.

"The Committee recommends that the State party sensitize and educate parents and other caregivers, law enforcement officials and professionals working with and for children by carrying out public awareness-raising campaigns about the harmful impact of corporal punishment. It encourages the State party to promote positive, non-violent forms of discipline as an alternative to corporal punishment. The Committee also recommends that the State party establish specific child-sensitive complaint mechanisms and services, and ensure access of all children to these mechanisms.

"The Committee welcomes the recent amendment to the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 that entered into force in February 2005.... It notes the recent Ministerial regulation prohibiting corporal punishment in penal institutions....

"The Committee reiterates its previous recommendations and urges the State party to ensure that its legislation and practice concerning juvenile justice is in full compliance with the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (General Assembly resolution 45/112), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113), and the Guidelines for Action on Children in the Criminal Justice System (annexed to Economic and Social Council resolution 1997/30 of 21 July 1997). In this regard, the Committee recommends that the State party: ...

b) amend its national legislation to reinforce the prohibition against the use of corporal punishment in penal institutions; ..."

Committee on the Rights of the Child

(26 October 1998, CRC/C/15/Add.97, Concluding observations on initial report, para. 21)

"The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools. It is concerned, however, that corporal punishment is still practised and that domestic legislation does not prohibit its use within the family, the juvenile justice and alternative care systems and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2."

Committee Against Torture

(19 November 2024, CAT/THA/2 Advance Unedited Version, Concluding observations on second report, paras. 38 and 39)

"While appreciating information provided by the State party regarding proposed legislation to prohibit abusive or violent action to punish children to adjust their behaviour, the Committee regrets that corporal punishment of children has not yet been fully prohibited in the home or in alternative care settings (arts. 2, 4, 11-13 and 16).

"The State party should prohibit the use of corporal punishment in all settings, including at home and alternative care settings, and raise public awareness of the prohibition of the use of corporal punishment against children and its consequences, along with providing information on the benefits of positive, participatory, and non-violent forms of discipline."

Prevalence/attitudinal research in the last ten years

Research conducted in 2022 as part of UNICEF's Multiple Indicator Cluster Surveys (MICS) programme, found that the prevalence of violent discipline has declined from 75% in 2015 to 54% in 2022, although levels have stagnated since 2019. The 2022 survey found that 54% of children aged 1-14 years experienced some form of violent discipline (psychological aggression and/or physical punishment) in the month prior to the survey. 37% had experienced physical punishment, and 2% severe physical punishment (hit or slapped on the face, head or ears, or hit repeatedly). The survey found that boys, young children, children in the poorest households and those from non-Thai speaking households are more likely to experience physical punishment. Just 42% of children experienced only non-violent forms of discipline. The survey also found that school-aged children who experience violent disciplinary methods are less likely to demonstrate foundational reading and numeracy skills.

(National Statistical Office of Thailand. 2023. Thailand Multiple Indicator Cluster Survey 2022, Snapshots of Key Findings Report. Bangkok, Thailand: National Statistical Office of Thailand.)

A 2020 survey found that 64 per cent of students nationwide and 70 per cent of students outside of Bangkok had experienced physical punishment in the classroom in the past year.

(Thitiratsakul, T., 'Teachers Need to Learn Child Rights', TDRI (Thailand Development Research Institute) Insight, 9

December 2020.)

Research conducted in 2015-16 as part of UNICEF's Multiple Indicator Cluster Surveys (MICS) programme, found on average 75% of children aged 1-14 years experienced some form of violent discipline (psychological aggression and/or physical punishment) in the month prior to the survey. On average 62% of children experienced psychological aggression, 56% physical punishment and 4% severe physical punishment (hit or slapped on the face, head or ears, or hit repeatedly). Only 21% of children experienced only non-violent forms of discipline, which was more common for girls than boys (23% compared to 19%) and more common in the wealthiest households than the poorest (32% compared to 16%).

(National Statistical Office & UNICEF (2016), Thailand Multiple Indicator Cluster Survey 2015- 2016, Final Report, Bangkok: National Statistical Office & UNICEF)

As part of a cross-sectional study carried out between July 2011 and January 2012, 34 caretakers of children aged 1-9 years born to methamphetamine abusing mothers were interviewed to assess their disciplinary actions; more than 90% of the caretakers were female aged 18-35 and about 60% were biological mothers. Physical discipline was used by 80% of caretakers.

(Patcharoros, N., et al. (2014), "Assessing child maltreatment in children born to mothers who used methamphetamine during pregnancy at Siriraj Hospital, Bangkok, Thailand: A Pilot study", International Scholarly Research Notices 1-4)

A study of the relationship between gender and physical punishment in China, Colombia, Italy, Jordan, Kenya, Philippines, Sweden, Thailand and the US, which used interviews with around 4,000 mothers, fathers and children aged 7-10, found that in Thailand 58% of girls and 72% of boys involved in the

study had experienced "mild" corporal punishment (spanking, hitting, or slapping with a bare hand; hitting or slapping on the hand, arm, or leg; shaking; or hitting with an object), 5% of girls and 3% of boys had experienced severe corporal punishment (hitting or slapping the child on the face, head, or ears; beating the child repeatedly with an implement) by someone in their household in the past month. Smaller percentages of parents believed it was necessary to use corporal punishment to bring up their child: for girls, 16% of mothers and 22% of fathers believed it was necessary; for boys, 11% of mothers and 10% of fathers.

(Lansford, J. et al (2010), "Corporal Punishment of Children in Nine Countries as a Function of Child Gender and Parent Gender", International Journal of Pediatrics)

A UNICEF study involving more than 2,300 children in the southern border area of Thailand found that violence, and the anxiety it causes, is an everyday occurrence in their lives, including corporal punishment in homes and schools. Of the 475 children who answered a question about corporal punishment in the home, 38% said they had direct experience of violent punishment like beating with a stick or belt, 8% said this kind of punishment happens often; 50% of the 1,010 children who answered a question on their opinion on corporal punishment at home disagreed that they deserved violent punishment when they did wrong.

(UNICEF (2008), Everyday Fears: A study of children's perceptions of living in the southern border area of Thailand, Bangkok: UNICEF, www.unicef.org/thailand/Everyday_fears.pdf)

<u>End Corporal Punishment</u> acts as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We support and analyse national progress, monitor legality and implementation worldwide, partner with organisations at all levels, and engage with human rights treaty body systems. End Corporal Punishment is hosted by the World Health Organization and supported by a multipartner Advisory Committee.