



Global Initiative to
**End All Corporal Punishment
of Children**

THAILAND

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 12th session, 2011

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Thailand despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and schools, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Thailand

1.1 Corporal punishment is lawful in the **home**. Article 1567(2) of the Civil and Commercial Code states that those with parental authority over children have the right to impose “reasonable” punishment for the purpose of discipline.

1.2 A number of research studies have revealed the nature and extent of corporal punishment in the home. A UNICEF survey of nearly 500 children found that 38% had direct experience of violent punishment like beating with a stick or belt; 8% said this happens often.¹ The Government’s written reply to the list of issues raised by the Committee on the Rights of the Child in 2005 gave the following figures for the percentages of children aged 6-12 and 13-17 experiencing violence in the home in 2003: being yelled at/scolded 45.9% and 51.5% respectively; being cursed with bad words 31.1% and 32.1%; being condemned 6.0% and 8.2%; being compared to an animal 8.3% and 11.8%; being whipped/caned 27.9% and 7.8%; being thrown at with an object 6.6% and 7.2%; having hair pulled 5.0% and 2.2%; being slapped 3.7% and 3.0%; being kicked and punched 2.9% and 2.5%; being trampled on 1.4% and 0.9%; having head knocked against the wall 0.7% and 0.2%; and being burned with a cigarette 0.3% and 0.1%.²

1.3 Corporal punishment is unlawful in **schools** under the Ministry of Education Regulation on Student Punishment (2005) and the National Committee on Child Protection Regulation on Working Procedures of Child Protection Officers Involved in Promoting Behaviour of Students (2005). However, it continues to be used: a study funded by the National Health Foundation found that punishment of children in schools included hitting students with open palms, fists, clothes and blunt objects, kicking, applying heated materials and slapping the face, with up to 60% of the teachers surveyed supporting the use of corporal punishment.³

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Revised Penal Code (2003), but provisions in the Establishment of Juvenile and Family Court and Procedure Act (1991) allowing courts to order flogging of children and young people in observation and protection centres have yet to be repealed. Similarly, corporal punishment is prohibited as a disciplinary measure in penal institutions by the Ministry of Justice Regulation on Children and Youth Punishment and Provisional Permission for Children and Youth (2003) but legislation authorising such punishment has not yet been repealed. The Establishment of Juvenile and Family Court and Procedure Act allows the Director of an observation and protection centre to order a child to be flogged for disciplinary breaches; the Training Arrangement for Certain Groups of Children Act (1936) provides for whipping up to 10 strokes of children in correctional schools, vocational training schools and penitentiaries; the Ministry of Interior Regulation on Punishment of Certain Groups of Children Regulation (1937) prescribes the implement that must be used to administer the whipping.

1.5 Corporal punishment is lawful in **alternative care settings**. Under article 61 of the Child Protection Act an owner, guardian of safety, and staff of a nursery, remand home, welfare centre, safety protection centre and development and rehabilitation centre must not mentally or physically assault or impose harsh punishment on any child under their care and guardianship,

¹ UNICEF (2008), *Everyday Fears: A study of children’s perceptions of living in the southern border area of Thailand*, Bangkok: UNICEF

² Associate Prof. L. Mohsuwan et al. (2003), reported in Ministry of Social Development and Human Security, Replies to the List of Issues Sent by The United Nations Committee on the Rights of the Child, CRC/C/THA/Q/2/Add.1, 2005

³ Reported in *The Nation*, 17 November 2006

“except where such acts are reasonably applied for disciplinary purposes in accordance with the regulations specified by the Minister”. Article 65 of the Act provides for punishment of children which must be “carried out reasonably for disciplinary purposes”.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended that Thailand prohibit corporal punishment in all settings, including the home and penal and care settings – in 2006 in its concluding observations on the state party’s second report (CRC/C/THA/CO/2, paras. 39, 40, 41, 76 and 77) and in 1998 on the initial report (CRC/C/15/Add.97, para. 21).

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