

**BRIEFING ON THAILAND FOR THE
HUMAN RIGHTS COMMITTEE, 119th session (March 2017)**

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**This briefing provides an update on the opportunities for law reform in Thailand in light of the recent legal developments and the state’s review during the second cycle Universal Periodic Review. Although we welcome the Government’s renewed commitment to enact legislation implementing its international obligation, corporal punishment of children is still not prohibited in every setting.**

**We hope the Committee will recommend, in its concluding observations on Thailand’s second state party report, that the Government’s renewed commitment be followed through, that legislation prohibiting corporal punishment in all settings, including the home, be enacted and implemented as a matter of priority, and that all legal defences be repealed.**

**1 The renewed commitment of Thailand to prohibit corporal punishment of children in all settings**

* 1. Thailand was examined in the second cycle of the Universal Periodic Review 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”.[[1]](#footnote-1) Nevertheless, the Government went on to accept the recommendations to explicitly prohibit in law corporal punishment in all settings, including the home.[[2]](#footnote-2)
	2. The near universal acceptance of a certain degree of violence in childrearing necessitates clarity in law that all degrees and kinds of corporal punishment are unacceptable and unlawful, including the “reasonable discipline” referred to above.

**2 Current opportunities for law reform**

2.1 As at June 2016, the Child Protection Act is under review and proposed revisions include strengthened protection for children from all forms of violence, including corporal punishment. The draft Constitution 2016 also strengthens protection from violence, stating in article 71 that the State should protection children from violence and unjust treatment (art. 71). The draft Constitution should be promulgated in the coming weeks.

2.2 **We hope the Committee will recommend that the state include explicit prohibition of all corporal punishment of children in its review of the Child Protection Act as well as the repeal of the legal defence contained in the Civil and Commercial Code.**

*Updated briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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1. 12 February 2016, A/HRC/WG.6/25/THA/1, National report to the UPR, para. 72 [↑](#footnote-ref-1)
2. 15 July 2016, A/HRC/33/16, Report of the working group, paras. 158(103), 158(104), 158(105), 158(106) [↑](#footnote-ref-2)