

# Local Thai Pedagogical Practices and the Respect for International Human Rights: A Case Study of Failed Corporal Punishment Ban in Thai Schools

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**Abstract:** Physical punishment of children in Thailand is culturally seen as a justified strategy. Moreover, it is socially accepted and is commonly practiced among many Thai families as well as schools. Conversely, this kind of punishment is seen as violent and abusive from human rights perspective. It is considered as an abuse of children's rights in view of the fact that it has negative influence on children both physically and mentally. With respect for children's rights, the Thai Government has banned corporal punishment in Thai schools. However, corporal punishment is still being practiced by teachers and school administrators despite the existence of the ban.

This research aims to examine the collision of ideas and to critically analyze their link to the failure of the present ban on school corporal punishment in Thailand using documentary research, questionnaire, and interview in order to understand the influence which Thai pedagogical values and practices regarding corporal punishment have on the effectiveness of the ban.

**Keywords:** Corporal Punishment, Children'S Rights, Ban On School Corporal Punishment, Pedagogical Practices

## 1. Introduction

In Thailand, corporal punishment and society have been deeply tied to each other for a very long time. Many Thai parents consider corporal punishment a good disciplinary strategy that could be used in households. It is interpreted as a method of discipline with good intentions. There is a proverb in Thai regarding corporal punishment saying: "If you love your cows, tie them. If you love your children, hit them". Having this kind of attitude and teaching in their minds, corporal punishment becomes socially accepted in all parts of Thai society.

Apart from household corporal punishment, children also encounter corporal punishment in schools if they misbehave or disobey schools' rules and regulations as similar belief is shared among Thai teachers. However, children in the Kingdom of Thailand are now protected from violent treatment or punishment under the Convention on the Rights of a Child which has been ratified by the Thai Government in 1992. With respect for the articles written in the Convention regarding the issue of child protection, corporal punishment in schools has been banned by the Thai Ministry of Education in 2005. Notwithstanding the existence of the ban on school corporal punishment, some school teachers still continue to practice it in their classrooms which factor proves the ban to be ineffective.

This paper is a study of the failed ban on school corporal punishment. It mainly concentrates on the opposing standpoints which local Thai pedagogical practices and international human rights have towards the idea of corporal punishment and how this set of collisions leads to the failure of the ban on school corporal punishment in Thailand. In this research, answers to the following questions were sought: (1) What are the Thai pedagogical or institutional cultural values claimed to justify corporal punishment? (2) How Thai teachers/academic administrators think of the ban in terms of 'collisions' between local values and national law? And (3) How does corporal punishment remain despite the ban process?

## 2. Research Background and Rationale

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Convention on the Rights of the Child had been established since 1990; however, it does not contain a comprehensive explanation of 'corporal punishment on children'. The working definition of corporal punishment was later coined in 2007 by the Committee on the Rights of the Child in their General Comment No.8. The United Nations Committee on the Rights of the Child describes the definition in detail as:

*"...any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). ... In addition, there are other non-physical forms of punishment which are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child"* (United Nations, 2007).

This definition given in General Comment No.8 of the United Nations Committee on the Rights of the Child will be used as the main definition in terms of international standards. It explains that corporal punishment is intended to cause not only physical pain, but also discomfort. Furthermore, this definition also includes non-physical forms of punishment which are also considered as cruel and degrading.

Corporal punishment in human rights context can be seen as one type of violation against children under Article 19 of the Convention on the Rights on the Child. Article 19 (1) of the convention states:

*"States Parties shall ... protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child"* (OHCHR, 1990).

This Article 19(1) of the Convention gives that the State Parties shall take action in protecting the rights of the children of its citizen. Seeing from the information given in this article, child's rights are also protected even when the child is in the care of his/her legal guardians. In the case of protecting children from being abused of their rights by their legal guardians, the State Parties can ensure the child's rights protection through law-making and awareness-rising (i.e. announcing through media or arranging campaigns).

In addition, the Convention on the Rights of the Child (CRC) also protects children from violent treatment or punishment under Article 37 (a) which states: *"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment..."* (OHCHR, 1990).

Even though the article does not include school corporal punishment nor does it explain the idea of degrading treatment or punishment, it can still be argued that physical punishment in school which involves the infliction of bodily pain on children is to be considered as one kind of *'cruel treatment or punishment'*.

Corporal punishment against children can also be seen as a violation of Article 29 (1a) of the Convention on the Rights of the Child which states *"...the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential"* as many human rights and child development experts declare that corporal punishment interferes with children development and may cause children's physical, psychological, behavioral and developmental problems (Hindberg, 2001: 17-18; Naker&Sekitoleko, 2009: 12-13; Straus & Mouradian, 1998: 353-374)

Being obliged as a State Party to the Convention on the Rights of the Child or CRC since 1992, the Thai Government has made efforts in abolishing corporal punishment from schools in its country through the process of law-making. In 2003, the Child Protection Act was founded by the Thai Government with the content regarding the behavior promotion of pupils and students with reference to the regulations specified by the Ministry of Education in Article 65 of Chapter 7 states:

*"If a student or pupil violates the provisions..., a competent official shall act in accordance to the regulations specified by the Ministry and shall have authority to hand over the student or pupil to the administrator of the school or educational establishment attended by the pupil or student for investigation, admonition or punishment in accordance with the regulations..."* (Child Protection Act, 2003).

The Thai Government's efforts to abolish school corporal punishment were later reinforced by the foundation of the Ministry of Education Regulation on Student Punishment in 2005. There are four types of punishment that can be used by school administrators or teachers included in Article 5 of the Regulation ranging by the level of violation students or pupils committed. The four types of punishment include caution, parole, point reduction, and behavior development workshop (Ministry of Education, 2005).

According to the Article 65 Chapter 7 of the Child Protection Act which gives the authority to the schools to punish their students in accordance to the Regulation given from the Ministry of Education and the Regulation on Student Punishment which was later enforced in 2005 that specifies the types of punishment that can be used with students in educational institution, the schools are forbidden from physically punishing their students. However, there are difficulties in putting the law into real practice in classrooms as the perceptions of local Thai people and international human rights regarding the issue of school corporal punishment are in dispute.

Having come from the same socio-cultural background where deliberate domestic corporal punishment is viewed as justified, school teachers in Thailand also adopt the same practice of punishment and use it as retribution to students who abuse school's rules and regulations. With the same attitude of caning with good intention of love and care, Thai teachers; who are also culturally seen as "second parents", see school corporal punishment as a rightful disciplining strategy (Quicker, 2002: 158-159). Many parents saw it as an agreeable practice when teachers use physical punishment with their students in classroom- the punishment involves caning, hitting, pinching, slapping, and twisting ears (Quicker, 2002).

In *Child Rights in Thai Schools: Participatory Learning Processes* (2004), Kreangkrai Chaimaungdee reveals the result of a seminar concerning corporal punishment in Thai schools that participants agree with the idea of corporal punishment, but it has to be done with love and care for the children, so that the punishment will bring about positive adjustments. He explains the detail further that some participants did not agree with banning corporal punishment in schools as they believe that punishment teaches children what is right and wrong (Chaimaungdee, 2004: 106-107).

### **3. Research Methodology**

There are three main research methods which will be used to gain essential information and details for writing this paper. Both qualitative and quantitative measures will be employed in the process of attaining information.

This research will largely rely on documentary research and textual analysis in order to give detail on Thai domestic law, international human rights, corporal punishment in households and schools, and the collisions between international human rights and local values. In this part, relevant books, academic journals, and research articles will be selected and used for the paper.

In order to gather significant information about Thai teachers' view on the ban on corporal punishment in Thai schools and the reason why some teachers still practice corporal punishment in their classes, in-depth interviews in the form of structured interview with school administrators and school teachers were utilized. In this process, qualitative data was collected through purposive sampling by asking school teachers and administrators similar questions in similar style. As a result, data collected can be used to evaluate and find their shared pedagogical values on corporal punishment. Participants were preferably from different age and sex. This research mainly focuses on three schools in one provincial example 'Saraburi' which will represent primary and secondary schools in other provinces in Thailand. The number of participants for in-depth interviews is 21 consisting of teachers from 3 schools of different academic levels which are elementary school, middle school, and high school.

Quantitative information on corporal punishment in schools was attained through questionnaire. This measure required students whose ages are 15 to 18 years old to participate in answering the same set of questions provided in questionnaire papers. Questionnaires were handed out to students from two high schools in Saraburi province. The distribution of questionnaires was done in public after school using representative sampling in a form of random sampling of students. This questionnaire provided the researcher with information about current situation of school corporal punishment and the effectiveness of

the ban. Results of the questionnaire are used to refer to situation of the ban on school corporal punishment in other provinces assuming they share similar condition. The number of questionnaire handouts is 273.

#### 4. Findings

From the interview's result, it shows that participators mutually agreed with the idea that Thai teachers are considered as students' 'second parents'. They explained the reason to this ideology that apart from spending their time with families at their homes, students will also spend around eight hours of their day at school for five days a week, therefore, teachers have the duty of teaching and disciplining them. By discipline, it means teachers have to teach their students rules and regulations and punish those who do not obey the rules accordingly by applying methods which they see as suitable. There is a belief shared among many experienced Thai teachers and parents that the rattan cane will help children grow up to be good adults. Many Thai teachers who participated in the interview even stated that 'a teacher and a rattan cane are inseparable'. Majority of teachers interviewed feel the lack of adequacy in the disciplinary methods given in the Regulation on Student Punishment by the Ministry of Education. A large number of teachers admit that corporal punishment is often carried out inside the classroom without the knowledge of other school authorities, while other types of punishment including caution, parole, point reduction, and behavior development workshop are still practiced accordingly to the Regulation on Student Punishment by the school's student affairs division. In the case that corporal punishment is considered as an appropriate disciplinary method, teachers will be discussing and explaining to the students about the reason for using corporal punishment prior to its employment. Out of 21 participators, 16 supported the idea of corporal punishment such as caning or spanking. They claimed that corporal punishment is not as violent as it may seem because teachers will provide prior warning and explanation about the violation or the unwanted behavior of the student. Corporal punishment will only be used in the case that students still violate the regulations even though are previously warned by teachers. According to the teacher's ethics, corporal punishment will only be used as a disciplinary technique with good intentions and no association with anger or hatred. 16 participators who supported the idea of corporal punishment also claimed that the 4 types of punishment methods listed in the Regulation on Student Punishment by the Ministry of Education are not sufficient and rather ineffective. They said that they respect the Regulation on Student Punishment; however, they disagree with the ban on school corporal punishment as corporal punishment is still needed in some areas. They further clarified that after the school corporal punishment is banned, students have become more irresponsible for their study as they fear less for the punishment for not following the teachers' orders (i.e. homework and in-class exercises). On the other hand, 5 teachers who agreed with the ban on school corporal punishment stated that corporal punishment is not a necessity and that the punishment methods given by the Ministry of Education in the Regulation on Student Punishment are ample if they are rigorously followed by the school. In addition, they declared that students' behavior in general has not changed before or after the ban was enforced. They also believed that positive reinforcement is a more effective approach to be used with students than punishment.

Table 1: Frequency distribution of demographic characteristics

	<i>f</i>	%
<i>Gender</i>		
Male	92	33.7
Female	181	66.3
<i>Age (years)</i>		
15	45	16.5
16	36	13.2
17	138	50.5
18	54	19.8
<i>Academic level</i>		
Grade 10	62	22.8
Grade 11	35	12.8
Grade 12	176	64.5
<i>Study Program</i>		
Science-Mathematics	116	42.5

Mathematics-English	94	34.4
Linguistic	63	23.1
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<i>N</i> = 273		

Information on the current situation of corporal punishment and the effectiveness of the ban is gathered using questionnaires. Estimated number of the participators for the questionnaire is 273 consisting of students between the ages of 15 and 18 years old from Saraburi Witthayakhom School and Suthi Witthaya School. There are 92 male and 181 female participators from different academic levels and study programs.

Table 2: Frequency distribution corporal and emotional punishment students encounter during academic year 2011, students' awareness of the ban on school corporal punishment, and support for school corporal punishment

	<i>f</i>	%
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<i>Experienced school corporal punishment</i>		
Yes	198	72.5
No	75	27.5
<i>Experienced punishment which belittles, humiliates, or ridicules the student</i>		
Yes	181	66.3
No	92	33.7
<i>Students are aware of the ban on school corporal punishment</i>		
Yes	250	91.6
No	23	8.4
<i>Corporal punishment is necessary in school</i>		
Yes	96	35.2
No	177	64.8

*N* = 273

The results in Table 2 show that more than 90% of the students who answered the questionnaire are acknowledged about the presence of the ban on school corporal punishment while more than 30% of them see corporal punishment as an effective disciplinary approach that is still required to be used with some students. They gave the reason for supporting corporal punishment that they believe corporal punishment can correct students when they misbehave and that it is very helpful in some cases. However, 64.8% of the students see corporal punishment as violent and should not be practiced to any further extent.

Although corporal punishment is banned in Thai schools, the results from Table 2 show that many students still encounter this type of punishment. Within academic year 2011, 72.5% of the questionnaire participators have self-experienced school corporal punishment while 66.3% of them faced emotional punishment that belittles, humiliates, or ridicules them. Looking at the results, it can be interpreted that the ban on school corporal punishment in Thailand is far from effective.

## 5. Concluding Comments

The ban on school corporal punishment in Thailand is to be considered as unsuccessful due to the fact that there are numerous teachers who support this type of punishment and perceive it as an effectual way to discipline students in their care. Furthermore, some students also support the punishment despite their awareness of the ban. This gives teachers an alternative to practice it with the agreement of students themselves. These factors create complication in putting the ban into practice. Viewing corporal punishment as a rightful act results in collisions between the international child's rights standards and the local pedagogical values and practices.

Even though majority of teachers who participate in this research claim that methods of punishment provided in the Regulation are insufficient, it can also be understood that the Regulation itself is not taken seriously by the school authorities. If teachers and school administrators put the Regulation into practice and strictly follow the guideline provided by the Ministry of Education, school corporal punishment seems to no longer be necessary.

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