

National Laws

Legislation of Interpol member states on sexual offences against children

Thailand – Thaïlande - Tailandia

Bangkok

I. Ages for legal purposes

Age of simple majority

According to the Prostitution Prevention and Suppression Act, "child" means a person who is not yet over 18 years of age.

Age of consent for marriage

Book 5 of the Civil and Commercial Code states that marriage can be done when both parties are seventeen (17) years of age but with a reasonable ground, the court may permit them to be married before.

II. Rape

Title IX 'Offences relating to sexuality' Section 277 of the Penal Code

'Whoever has sexual intercourse with a girl not yet over thirteen years of age, with or without her consent, shall be punished with imprisonment of seven (7) to twenty (20) years and fine of fourteen thousand to forty thousand baht, or imprisonment for life.

If the offence according to the first paragraph is committed by participation of persons in the nature for destroying a girl and such girl is not consent, or by carrying or using any gun or explosive, the offender shall be punished with imprisonment for life.'

Title IX Section 277 bis

'If the commission of offence according to the first paragraph of ... Section 277 causes:

1. grievous bodily harm to the victim, the offender shall be punished with imprisonment of fifteen to twenty years and fine of thirty thousand to forty thousand baht, or imprisonment for life.

2. death of the victim, the offender shall be punished with death or imprisonment for life.'

Title IX Section 277 ter

'If the commission of the offence according to the second paragraph of ... Section 277 causes

1. grievous bodily harm to the victim, the offender shall be punished with death or imprisonment for life.
2. death to the victim, the offender shall be punished with death.'

Title IX Section 285

'If the commission of offence according to ... Section 277, 277 bis, 277 ter, ... is against the descendant, a pupil under taken his care, a person under his control according to his official authority, or a person under his tutorship, guardianship, or curatorship, the offender shall be liable heavier punishment than that as provided in such section by one third.'

III. Other forms of child sex abuse

Title IV Section 279

'Whoever commits an indecent act on a child not over thirteen years of age, with or without her consent, shall be punished with imprisonment not exceeding ten years or fine not exceeding twenty thousand baht, or both.'

If the commission of offence according to the first paragraph, the offender commits it by threatening by any means whatever, by doing any act of violence, by taking advantage of such child being in the condition of inability to resist, or by causing such child to mistake him for another person, the offender shall be punished with imprisonment not exceeding fifteen years or fine not exceeding thirty thousand baht, or both.'

The **Section 285** is also applied in the case of indecent acts.

IV. Child prostitution

The 'Prostitution Prevention and Suppression Act'.

In this Act 'Prostitution' means

'The acceptance of sexual intercourse, the acceptance of any other act, or the commission of any act for sexual gratification of another person in a promiscuous manner, in order to gain financial or other benefit, no matter whether the person who accepts such act and the person who commits such act are of the same or opposite sex.'

Section 8 of the 'Prostitution Prevention and Suppression Act' states

'Whoever, for sexual gratification of that person or of the third person, commits sexual intercourse or any other act against a person who is over fifteen (15) years but not yet over eighteen (18) years of age, with or without his or her consent, in a place for prostitution, shall be punished with imprisonment of one to three years and a fine of twenty thousand to sixty thousand baht.

If the commission of the offence as specified in the first paragraph is committed against a child not over fifteen (15) years of age, the offender shall be punished with imprisonment of two to six years and a fine of forty thousand to one hundred and twenty thousand baht.'

Section 9 of the 'Prostitution Prevention and Suppression Act' states

'Whoever procures, seduces, or traffics the other person to commit the act of prostitution, even with consent of the other person, no matter whether the commission of various acts which constitute the offence are committed inside or outside the territory of the Kingdom, shall be punished with imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand baht.

If the commission of the offence as specified in the first paragraph is against a person who is over fifteen (15) years but not yet over eighteen (18) years of age, the offender shall be punished with imprisonment of five to fifteen years and a fine of one hundred thousand to three hundred thousand baht.

If the commission of the offence as specified in the first paragraph is against a child not over fifteen (15) years of age, the offender shall be punished with imprisonment of ten to twenty years and a fine of two hundred thousand *to hundred thousand* baht.

If the commission of the offence as specified in the first, second or third paragraph is perpetrated by using deceitful means, threat, physical assault, immoral influence, or mental coercion by any other means, the offender shall be punished with imprisonment one-third heavier than the punishment accordingly specified in the first, second, third or fourth paragraph as the case may be.'

Section 10 of the 'Prostitution Prevention and Suppression Act' states

'Whoever is the father, mother, or guardian of a person not yet over eighteen (18) years of age, with the knowledge that there is the commission of the offence as specified in the second third, or fourth paragraph of Section 9 against the person within his or her guardianship, colludes with another offender in the commission of that offence, shall be punished with imprisonment of four to twenty years, and a fine of eighty thousand to four hundred thousand baht.'

Section 11 of the 'Prostitution Prevention and Suppression Act' states

'Whoever is the owner, supervisor, or manager of a prostitution business or a place for prostitution, or controller of a prostitute in the place of prostitution, shall be punished with imprisonment of three to fifteen years, and a fine of sixty thousand to three hundred thousand baht.

If the prostitution business or place for prostitution as specified, has a person not yet over eighteen (18) years of age performing the act of prostitution in such place, the offender shall be punished with imprisonment of five to fifteen years, and a fine of one hundred thousand to three hundred thousand baht.

If the prostitution business or place for prostitution as specified, has a child not yet over fifteen (15) years of age performing the act of prostitution in such place, the offender shall be punished with imprisonment of ten to twenty years, and a fine of two hundred thousand to four hundred thousand baht.'

Section 12 of the 'Prostitution Prevention and Suppression Act' states

'Whoever detains or confines the other person, commits any other act that deprives the liberty of the other person, assaults the other person, or threatens with any other means to use physical force to commit a violent act against the other person, in order to force the other person to perform the prostitution activity, shall be punished with imprisonment of ten to twenty years, and a fine of two hundred to four hundred thousand baht.

If the commission of the offence as specified in the first paragraph causes to the other person:

- 1) serious bodily injury, the offender shall be punished with life imprisonment.
 - 2) death, the offender shall be punished with the death penalty or life imprisonment.
- (...).'

V. Child pornography

Section 287 of the Penal Code

'Whoever:

1. for the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings, or causes to be brought into the Kingdom, sends causes to be sent out of the kingdom, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph,

cinematograph film, noise tape, picture tape or any other thing which is obscene;

2. carries on trade, or takes part or participates in the trade concerning the aforesaid obscene material or thing, or distributes or exhibits to the public, or hires out such material or thing;
3. in order to assist in the circulation or trading of the aforesaid obscene material or thing, propagates or spreads the news by any means whatever that there is a person committing the act which is an offence according to this section, or propagates or spreads the news that the aforesaid obscene material or thing may be obtained from which person or by what means,

shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand baht, or both.'