

-Unofficial translation-
**Act on Protection of Victims of Domestic Violence
2007**

BHUMIBOL ADULYADEJ, REX.
Enacted on the 25th Day of July 2007
Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on protection of victims of domestic violence;

Be it, therefore, enacted by and with advice and consent of the National Legislative Assembly as follows:

Article 1 This Act is called the "Act on Protection of Victims of Domestic Violence B.E. 2550".

Article 2 This Act shall come into force after ninety days after the date of its publication in the Government Gazette.

Article 3 In this Act:

“Domestic violence” means any conduct performed with the intention to inflict harm on a family member’s physical, mental or health condition, or with the intention that is likely to cause harm on a family member’s physical, mental or health condition, or any use of coercion or unethical dominance which compels a family member to commit, omit or accept any unlawful act, except an act committed through negligence.

“Family member” means a spouse, former spouse, person who lives and cohabits, or used to live and cohabit together as husband and wife without registering marriage, legitimate child, adopted child, family member, including any dependent person who has to live in the same household.

“Court” means the Juvenile and Family Court according to the laws on Establishment of the Juvenile and Family Court and the Juvenile and Family Procedure.

Monetary Relief means a primary amount of compensation for money or property the victim of domestic violence has lost as a result of the act of domestic violence. It also includes lost incomes, medical expenses, expenses for acquiring a new accommodation and other necessary expenses.

“Psychologist” means the psychologist according to the Criminal Procedure Code.

“Social worker” means the social worker according to the Criminal Procedure Code.

“Competent officer” means the person appointed by the Minister to perform in accordance with this Act; and the administrative official or the police officer according to the Criminal Procedure Code.

“Investigator” means the competent officer who is assigned by the Minister to become an investigator according to the Criminal Procedure Code. In the area there is no competent officer assigned by the Minister, an investigator according to the Criminal Procedure Code shall be the investigator according to this Act.

“Minister” means the Minister in charge of the enforcement of this Act.

Article 4 Any person who has committed an act of domestic violence shall be deemed to have committed a domestic violence offence, and shall be liable to a term of imprisonment not exceeding six months or a fine not exceeding six thousand Baht, or both.

The offence under paragraph one is compoundable, but shall not nullify an offence according to the Criminal Code or other laws. In case where an offence under paragraph one is also a bodily assault offence according to Article 295 of the Criminal Code, such offence shall be compoundable.

Article 5 A victim of the act of domestic violence or a person witnessing such act has the duty to notify a competent officer to proceed as stipulated under this Act.

Persons notifying a competent officer in good faith according to paragraph one shall be protected and shall not be liable to any civil, criminal or administrative penalty.

Article 6 Notification to a competent officer in accordance with Article 5 may be done verbally, in writings, by telephone, by electronic or other means.

When a competent officer has witnessed an act of domestic violence, or received notification according to Article 5, he or she is competent to enter home or place, where such act of domestic violence has occurred, for the purpose of interviewing the victim or the perpetrator of such act of domestic violence, or other persons who are presented at that place concerning the notified act; and is competent to arrange for the victim of domestic violence to have medical examinations and treatment from a physician and to request for counseling services from a psychiatrist, psychologist or social worker. In case the victim of domestic violence wants to initiate of criminal prosecution, the competent officer shall arrange for that person to make a complaint in accordance with the Criminal Procedure Code. If that person is not able or does not have an opportunity to bring a charge by him/herself, the competent officer may make a compliant on his/ her own behalf.

The criteria and process under paragraph two shall be regulated by the regulations announced by the Minister.

Article 7 If no notification is made to a competent officer in accordance with Article 5, or no complaint is made in accordance with Article 6 within a period of three months from the time that the domestic violence victim is able or has the opportunity to make a notification or a complaint, the case shall be deemed to have expiration of the period of prescription. Such expiration shall not nullify the rights of the victim of domestic violence or interested persons to ask for safety protection in

accordance with the laws on Establishment of Juvenile and Family Court and the Juvenile and Family Procedure.

Article 8 After a complaint has been made within the period according to Article 7, the investigator shall investigate the case without delay; and bring the perpetrator of domestic violence and deliver the investigation records including opinions to a public prosecutor for the prosecution within forty eight hours after apprehension of the perpetrator of domestic violence. But if the prosecution cannot be done within such period due to a necessary ground, application can be made to the court for an extended period not exceeding six days per time, but not exceeding three times. The provisions under the laws on Establishment of the Kwaeng Court (Municipal Court) and the Criminal Procedure for the Kwaeng Court (Municipal Court) shall be applied *mutatis mutandis*.

In case where an offence under Article 4 paragraph one is a divisible offence, which also violates other laws, the offence under Article 4 paragraph one shall be proceed together with the offences according to other laws. If the offence according to other laws is liable to a heavier penalty, the prosecution shall be carried out in the court that has jurisdiction over such offence. The provisions under this Act shall be applied *mutatis mutandis*.

By interrogation a victim of domestic violence, the investigator has to arrange a psychiatrist, psychologist, social worker or person requested by the victim of domestic violence to be presented to give advice during the interrogation.

In an urgent and necessary case, if there is a reasonable ground-not being able to wait for the psychiatrist, psychologist, social worker or person requested by the victim of domestic violence; the investigator shall conduct the interrogation without the presence of such persons, but he/she must declare the cause of not being able to wait for such persons in the investigation records.

The criteria and process for the investigator under paragraph two shall be regulated by the regulations announced by the Minister.

Article 9 After a notification has been made in accordance with Article 5 or a charge has been brought in accordance with Article 6, it is forbidden for any person to advertise or disseminate publicly by any means any photograph, story or data which may likely cause damage to the perpetrator of domestic violence or victim under this Act.

Any person who violates the provisions under paragraph one shall be liable to a term of imprisonment not exceeding six months or a fine not exceeding sixty thousand Baht, or both.

Article 10 In proceedings in accordance with Article 8, the competent officer, who has a position not lower than the senior administrative officer or senior police officer according to the Criminal Procedure Code and has been assigned by the Minister, may issue an order specifying temporary relief measures or means for a victim of domestic violence, either by such person's request or not. The competent officer may issue any order as deemed necessary and appropriate, including the order sending a perpetrator of domestic violence to have medical examinations and treatment from a physician, the order requiring a domestic violence perpetrator to repay the primary amount of compensation as appropriate for his/her financial status, the order forbidding a perpetrator of domestic violence from entering his/her family's residence or going closer to any family member, as well as setting forth the childcare arrangements.

After having issued the order specifying one or more relief measures or means according to paragraph one, the competent officer has to present the relief measures or means to the court within forty eight hours after having issued the order specifying such relieve measures or means. If the court agrees with the order specifying such relieve measures or methods, the order shall continue to be in effect.

In case where the court wholly or partly disagrees with the order specifying relief measures or means, or facts or circumstances have changed, the court shall immediately conduct an examination and issue an order if there are sufficient

facts or circumstances for considering an issuance of court order. The court may add, alter, revoke any order specifying relief measures or means, issue any order including imposing additional conditions.

Concerned persons regarding the order of a competent officer or the court under this Article can submit an appeal in writing for the court to review the order within thirty days as from the notification date of the order. The judgment or court order shall be deemed final.

Any person who violates or does not comply with the order issued by the competent officer or the court shall be liable to a term of imprisonment not exceeding three months or a fine not exceeding three thousand Baht, or both.

Article 11 During an investigation process or court trial, the court may issue an order specifying relief measures or methods in accordance with Article 10, or any order as deemed appropriate.

In the case where occurrences or circumstances concerning the domestic violence perpetrator or victim have changed, the court may add, alter or revoke any order relief measures or means. The court may also issue any order, as well as impose additional conditions.

Any person who violates or does not comply with the order issued by the court shall be liable to a term of imprisonment not exceeding six months or a fine not exceeding six thousand Baht, or both.

Article 12 In where the court passes a judgment determining that a domestic violence perpetrator is guilty according to Article 4, instead of punishing the offender, the court may specify the rehabilitation, treatment, probation to be used for the offender, or to impose conditions requiring the offender to repay the financial relieve assistance amount, to undertake public work, to refrain from actions which cause domestic violence, or placing the offender under bond of

performance according to the means and duration specified by the court.

In case where there is a settlement, withdrawal of charge, withdrawal of prosecution of the offence under Article 4, the investigator or the court, as the case may be, shall arrange to have an initial settlement record made prior to such settlement withdrawal of charge, withdrawal of prosecution and the means under paragraph one shall apply *mutatis mutandis*, as the imposed conditions for compliance with such settlement record. Opinions from the victim and family members may also be heard for consideration. Permission for a settlement, withdrawal of charge or withdrawal of prosecution of an offence under Article 4 shall be allowed only after the accused has fully complied with such settlement record and conditions. If the accused violates or does not comply with such conditions, the investigator or the court is competent to resume the prosecution.

The criteria and process under paragraph one and paragraph two shall be regulated by the regulations announced in the Government Gazette by the Chief Judge of the Central Juvenile and Family Court or the regulations announced by the Minister, as the case may be.

Article 13 The Ministry of Social Development and Human Security shall set up working systems to support the operations and enforcements of provisions under Article 10, Article 11 and Article 12, by issuing ministerial Regulations.

Article 14 If the trial procedure, submission and admissibility of evidences are not explicitly stipulated in this law, the laws on Establishment of the Juvenile and Family Court and the Juvenile and Family Procedure shall be applied *mutatis mutandis*.

Article 15 At any stage of proceedings for domestic violence cases, the court shall try to attain a settlement between the parties, with an aim towards achieving peaceful

cohabitations within the family, taking into consideration the following principals:

- (1) Protection of the rights of the domestic violence victims.
- (2) Maintaining and protection of the status of marriage as the center between a man and a woman who voluntarily live and cohabit together as husband and wife. If the marriage status cannot be maintained, a divorced shall be fairly made with the least damage, taking into consideration the security and the future of their children's.
- (3) Protection and assistance for the family, especially while the family has to be responsible to take care and educate young family member.
- (4) Assistance measures for husband, wife and family member to live together in harmony, and measures for better relationship between the husband and wife and their children.

Article 16 For the benefit of attaining settlement in a domestic violence case, the competent officer or the court, as the case may be, may appoint reconciliator, comprising a person or group of persons, who are the parties' father, mother, guardian, relative or other person the competent officer or the court finds appropriate to provide counseling or assistance in reconciling the parties for a settlement. The competent officer or the court, as the case may be, may assign a social worker, a social welfare agency or any person to assist in reconciling parties for a settlement.

After the reconciliator or the assigned person under paragraph one has performed the reconciliation in accordance with the order of the competent officer or the court, he/she shall also report results of the reconciliation to the competent officer or the court, as the case may be. In the case where the reconciliation is successful, such person may either arrange to have a settlement agreement made, or request for the parties to

make a settlement agreement in the presence of the competent officer or the court.

When the competent officer or the court is of the opinion that such settlement agreement is not in violation of the laws and public order and good morals, the competent officer or the court shall proceed to make such settlement agreement effective.

Article 17 The Ministry of Social Development and Human Security shall prepare annual report showing the number of domestic violence cases, the number of orders specifying relieve measures or methods, the number of violations against order specifying relieve measures or methods that were issued by competent officers or the court and the number of settled cases, and report to the Cabinet and the Parliament annually.

Article 18 The Minister of the Ministry of Social Development and Human Security shall be responsible for the enforcement of this Act, and has the power to appoint competent officers and issue ministerial regulations and regulations to enable the implementation of this Act.

Ministerial regulations and regulations shall be enforced from the time of its publication in the Government Gazette.

Counter-signed
General Surayuth Julanonth
Prime Minister

Remarks :- Domestic violence is a complicate problem as it happens among closely-related persons. It contains special factors which are different from ordinary cases of bodily assault committed by one person against another. The enforcement of criminal measures under the Criminal Code against domestic

violence cases is not appropriate, since the Criminal Code has an objective to punish, rather than to correct and rehabilitate the offenders or to protect the victims of domestic violence. Therefore, having the law protecting the victims of domestic violence is more appropriate than applying the criminal procedures. As a result, the form, means and procedures can be more suitably specified than the application of the criminal proceedings, by giving the offenders a chance to change and refraining them from re-offending as well as maintaining good relationships within the family. Children, young people and family members also have the rights to enjoy protection from the state from violence and unfair-treatment. It is deemed necessary to promulgate this act.

(10-09-2007 edited)