

**OBSTACLES TO THE BAN ON SCHOOL CORPORAL  
PUNISHMENT: EXPLORING LOCAL VALUES AND  
EDUCATIONAL PRACTICES IN SARABURI, THAILAND**



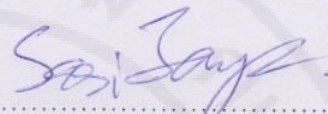
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**A THESIS SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS (HUMAN RIGHTS)  
FACULTY OF GRADUATE STUDIES  
MAHIDOL UNIVERSITY**

**2015**

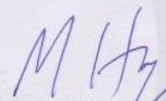
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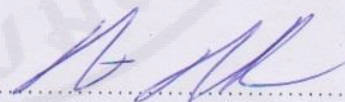
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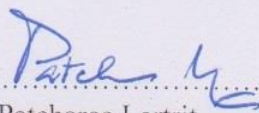
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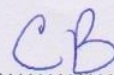
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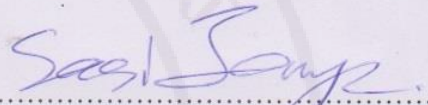


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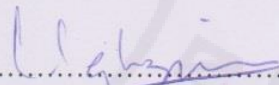
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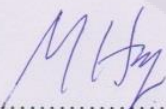
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on  
June 8, 2015



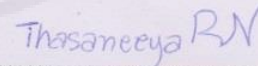
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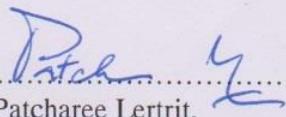
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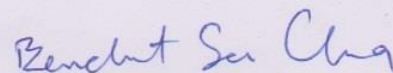
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## ACKNOWLEDGEMENTS

This research cannot be done without the support from various people. I am very grateful to my advisors, Dr. Michael George Hayes and Dr. Matthew Mullen for their support, encouragement, and academic guidance in conducting this research.

Moreover, I would like to give my gratitude to my parents, Mr. Suwat Jampian and Mrs. Prasong Jampian who gave me support and inspiration to do this research.

I am also very thankful to my aunt, Miss Arunee Srisopon who helped me getting in contact with school teachers who participated in the interview during data collection process.

Lastly, I would like to show my appreciation to the school principals, vice-principals, and teachers who kindly and openly shared their point of views for the sake of this research though their names are not mentioned.

Sasiprapa Jampian

**OBSTACLES TO THE BAN ON SCHOOL CORPORAL PUNISHMENT:  
EXPLORING LOCAL VALUES AND EDUCATIONAL PRACTICES IN  
SARABURI, THAILAND**

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**ABSTRACT**

Physical punishment of children in Thailand is perceived as a justified strategy. It is socially accepted and commonly practiced among many Thai families and schools. Conversely, this kind of punishment is considered as an abuse of children's rights in view of the fact that it has negative influence on children physically and mentally. With respect for children's rights, the Thai Government has banned corporal punishment in Thai schools. However, after conducting an interview research with 21 teachers from three schools of different academic levels in Saraburi, Thailand, corporal punishment continues as teachers claim the new regulation lacks adequacy in real classroom practice, which further leads to the need to use physical punishment in order to maintain discipline and a healthy learning environment. On the other hand, results from 273 students who participated in the questionnaire research have shown that students are more likely to be punished for not obeying the rules than for their academic performance or in-class participation.

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, questionnaires, and interviews in order to understand the influence that Thai pedagogical values and practices regarding corporal punishment have on the effectiveness of the ban.

**KEY WORDS: SCHOOL/ CORPORAL PUNISHMENT/ PEDAGOGICAL  
VALUES/ COLLISIONS/ CHILD'S RIGHTS**

89 pages

การศึกษาอุปสรรคต่อการระงับการลงโทษนักเรียนด้วยการตี กับค่านิยมท้องถิ่นและการปฏิบัติในสถานศึกษาในจังหวัดสระบุรี ประเทศไทย

OBSTACLES TO THE BAN ON SCHOOL CORPORAL PUNISHMENT: EXPLORING LOCAL VALUES AND EDUCATIONAL PRACTICES IN SARABURI, THAILAND

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#### บทคัดย่อ

การลงโทษเด็กด้วยการตีในประเทศไทยได้รับการยอมรับว่าเป็นการกระทำที่ถูกต้องทั้งทางสังคม ในครอบครัวไทยและในโรงเรียน ในทางตรงกันข้าม การลงโทษโดยให้ความเจ็บปวดทางร่างกายถูกมองว่าเป็นการละเมิดสิทธิเด็กซึ่งส่งผลในทางลบต่อร่างกายและจิตใจเด็ก

เนื่องจากต้องเคารพต่อสิทธิเด็ก รัฐบาลไทยจึงระงับการลงโทษเด็กด้วยการตีในโรงเรียน แต่หลังจากที่สัมภาษณ์ครู 21 คน จาก 3 โรงเรียนที่ต่างระดับกันในจังหวัดสระบุรี ประเทศไทย พบว่าการลงโทษนักเรียนด้วยการตียังมีใช้อยู่ในโรงเรียน เนื่องจากครูมีความคิดเห็นว่ากฎข้อบังคับใหม่ในการลงโทษนักเรียนไม่เพียงพอที่จะใช้ให้ได้ผลจริงในการปฏิบัติในห้องเรียน ซึ่งได้นำมาสู่ความจำเป็นในการการลงโทษด้วยการตี เพื่อรักษาซึ่งความเป็นระเบียบและบรรยากาศในการเรียนให้มีประสิทธิภาพ ในทางตรงกันข้าม ผลจากการวิเคราะห์แบบสอบถามนักเรียน 273 คน พบว่า นักเรียนมีความเป็นไปได้สูงที่ถูกทำโทษด้วยการตีเพราะทำผิดกฎของโรงเรียน มากกว่าที่จะถูกลงโทษด้วยการตีเพราะการทำผิดเรื่องการเรียนหรือการไม่เอาใจใส่ในการเรียนในชั้นเรียน

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## **CHAPTER I**

### **INTRODUCTION**

Thai society highly values teachers as they play an important role in shaping the future generation. For this reason, teachers are respectfully referred to as ‘Mae Pim Khong Chat (แม่พิมพ์ของชาติ)’ or the nation’s mold. Another term that is used to refer to a teacher is ‘second parent’, or ‘the third gratitude’ (พระคุณที่สาม) due to the fact that they play a major role in bringing up children while they are at school. How teachers are perceived by the society has a big impact on the failure of the ban on school corporal punishment as this ideology provides additional supremacy to the teachers’ existence.

Thai teachers are taught to be responsible in bringing up children and many teachers at times take the responsibility beyond their role. Likewise, Thai students are also taught to love and respect their teachers for their good guidance, kindness, and for the fact that teachers provide an important foundation for students’ knowledge and future. These factors contribute to the reason why Thai people are putting a lot of trust in their teachers.

As students’ second parents, teachers feel the responsibility to teach their students about discipline and obedience along with other academic knowledge. One of the disciplinary methods which are commonly used to eradicate students’ unwanted behaviors is caning. A teacher holding a rattan cane is a typical image of a Thai teacher. Though teachers may believe that this disciplinary method is a right and beneficial tool to be used with their students, their idea is in dispute with the international human rights standards and the Thai Ministry of Education’s attempt to eliminate physical punishment from Thai schools.

Although some school corporal punishment cases are portrayed on the media regularly, many cases still go unreported as this type of disciplinary method is often viewed as ‘normal’ and effective according to Thai teachers’ and parents’ belief. There is a proverb in Thai regarding corporal punishment saying: “If you love your

cows, tie them. If you love your children, hit them”. This belief is not only common among Thai parents, but also among Thai teachers who are considered as students’ ‘second parents’. Having shared this kind of attitude and teaching in their minds, corporal punishment has become socially accepted in all parts of Thai society.

This paper is a case study of a failed ban on school corporal punishment in Saraburi Province, Thailand. 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 Saraburi Province, Thailand.

## **1.1 Statement of Research Problem**

In Thailand, corporal punishment in schools has been eliminated from the Regulation on Student Punishment as an attempt to stop the use of physical violence against students in 2005. Consequently, teachers and most students are supposedly well-aware of the existence of the ban . However, the occurrence of violence against children in schools is not uncommon and severe cases of this practice can still be seen on the media repeatedly with few knowledge or research on what may be the underlying foundation to this problem.

There is little research which provides knowledge on what hampers the effectiveness of the ban, and how the ineffectiveness of the ban on school corporal punishment relates to violence against children in Thai schools. Collisions between local pedagogical values and international Human Rights standards in Thailand on corporal punishment and their relation to the ban failure needs to be studied in order to understand their coalition to this problem in Thai society

## **1.2 Objectives of Research**

- 1) To outline the reasons for ‘ban failure’ for corporal punishment in Thai schools.
- 2) To find and detail Thai pedagogical/institutional cultural values on corporal punishment.
- 3) To reveal the collisions between local values and national law in terms of usage of corporal punishment.

## **1.3 Research Questions**

- 1.) What are the Thai pedagogical or institutional cultural values claimed to justify corporal punishment?
- 2.) How Thai teachers and students think of the ban in terms of ‘collisions’ between local values and national law?
- 3.) How does corporal punishment remain despite the ban process?

## **1.4 Significance of Research**

This research aims to create an understanding on how the Thai pedagogical value has an effect on the capability of the ban on corporal punishment in Thai schools that was introduced by the Thai Ministry of Education in 2005 after its government has ratified the Convention on the Rights of a Child in 1992.

This research aims to study the collision between international human rights standards and local values on corporal punishment in Thai schools and how their collision links to the failure of the ban on school corporal punishment in Thailand by undertaking a case study in Saraburi Province, Thailand.

## 1.5 Research Scope

The interview research was carried out in Saraburi Province located in central part of Thailand, 108 kilometers from Bangkok, Thailand's capital city (Saraburi Province, 2014). There were 21 teachers who agreed to sign informed consent sheets and participated in the interview. All participants had more than 15 years of teaching experience. Interview participants included 8 high school teachers from High School R, 8 middle school teachers from Middle School X, and 5 elementary school teachers from Elementary School U.

Questionnaire research was carried out in 2 high schools in Saraburi Province, Thailand which were High School Q and High School R. Questionnaire distribution was restricted to students who were 15 to 18 years old. Researcher had handed the questionnaires to high school students in public after school.

These schools were used as samples for this research because they were standard schools in researcher's provincial town which may differ from other provincial schools or private schools.

## 1.6 Population

This research required information from two separate populations which were Thai school teachers and Thai students. Methods used for data collection were interview and questionnaire. In order to conduct a research about Thai teachers' pedagogical values and practices and students' perception on school corporal punishment in general, researcher had narrowed the research area down to one province which was 'Saraburi'. Saraburi Province was located in central part of Thailand, 108 kilometers from Bangkok, Thailand's capital city (Saraburi Province, 2014). Researcher chose to do a case study of schools in Saraburi Province because they were standard schools in researcher's provincial town which may be different from private schools or schools located in other provinces in Thailand.

The target group for interview research was Thai school teachers who had more than 15 years of teaching experience. There were three different categories of school teachers for this research consisted of elementary school teachers, middle

school teachers, and high school teachers. Researcher had chosen one school in Saraburi province for each category. The reason why participants had to have more than 15 years of teaching experience was because they had experienced teaching during the time when caning and school corporal punishment were available. Teachers who had experienced teaching both before and after the ban on school corporal punishment had different views about the ban and could contribute to the research more than teachers who had less teaching experience.

The target group for questionnaire research was Thai school students aged 15-18 years old who were studying in schools located in the same province. Researcher had chosen 2 high schools for questionnaire data collection.

### **1.7 Sample Size**

Participants for the interview research were Thai teachers who had more than 15 years of teaching experience and had experienced teaching during the period of time when caning and corporal punishment in schools were not banned. The interview research was carried out during July 2nd – 6th, 2012. Within the limited time period, there were 21 teachers from 3 schools of different academic levels who participated in the in-depth interviews which were 8 high school teachers from High School R, 8 middle school teachers from Middle School X and 5 elementary school teachers from Elementary School U. This research mainly focused on one provincial example ‘Saraburi’ which may be different from other provinces in Thailand. Vulnerable subjects were not included in the interview.

Participants for the questionnaire research were students whose ages were 15 to 18 years old. Questionnaires were handed out to students from two high schools in Saraburi which were High School Q and High School R during July 2nd – 4th, 2012. Total number of questionnaire handouts during the permitted time was 273. The distribution of questionnaires was done in public after school. Results of the questionnaire were used to refer to situation of the ban on school corporal punishment in Saraburi Province, Thailand. Their names, academic institutions’ names and any

personal information that could be used to track back to them were not asked in the questionnaire.

## **1.8 Research Methodology**

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

This research largely relied 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, research articles and newspaper articles were selected and used for the paper.

In order to gather significant information about Thai teachers' view on the ban on school corporal punishment and the reason why some teachers still practice corporal punishment in their classes, in-depth interviews in the form of structured interview with school teachers were utilized on July 2nd – 6th, 2012.. In this process, researcher was able to collect quantitative data through purposive sampling by asking school teachers similar questions in similar style. As a result, collected data was used to evaluate and find their shared pedagogical values on corporal punishment. Participants were Thai teachers who had more than 15 years of teaching experience and had experienced teaching during the time before caning was banned. This research mainly focused on one provincial example 'Saraburi' which may be different from private schools or other primary and secondary schools in other provinces of Thailand. Total number of participants for in-depth interviews was 21 teachers from 3 schools of different academic levels which were High School R, Middle School X and Elementary School U.

Quantitative information on corporal punishment in schools was attained through questionnaire. This measure allowed researcher to collect statistic data in graphs and numbers, to evaluate, and to make comparison between data gathered. This measure required students whose ages were 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 which were High School Q and High School R on July 2nd – 4th, 2012. The distribution of questionnaires was done in public after school. This questionnaire research provided researcher information about current situation of school corporal punishment and the effectiveness of the ban in Saraburi Province, Thailand. Total number of questionnaire handouts was 273.

## **1.9 Data Collection Process**

### **1.9.1 Recruitment process**

In order to recruit participants for the interview research, researcher sent letters to the principals of High School R, Middle School X and Elementary School U asking for permission to conduct research in their schools. After getting the approval from the principals, researcher had selected 8 teachers from High School R, 8 teachers from Middle School X, and 5 teachers from Elementary School U. Researcher had approached them in their offices during their free time, showed them the participant information sheet and explained to them about the research and the condition. After they had agreed to join the research, researcher provided them with the informed consent sheet and asked them to sign the form. Date and time for each interview were set accordingly to the participants' convenience. Interviews were utilized in closed rooms in their schools in order to maintain their confidentiality.

For the questionnaire research, researcher had approached students from High School Q and High School R outside their schools after schools had finished. Researcher had explained about the research and the privacy condition. After they had agreed to answer the questionnaire, researcher provided them with information sheet for the questionnaire and a set of questionnaire questions. Due to the fact that participants for the questionnaire research were 15 to 18 years old students, information sheet and informed consent sheet for minors were also provided and explained before the questionnaires were distributed for necessary cases.

### **1.9.2 Informed consent process**

After provided the subjects for interview with the participant information sheets and the subjects had agreed to participate in the interview, researcher asked them to read the Form of Informed and Voluntary Consent to Participate in Research. After finished reading, the subjects were asked to sign the form and decided on the interview time and location.

For questionnaire research, students were provided with the questionnaire participant information sheet and priory informed that their names, academic institutions' names and any personal information that could be used to track back to them will not be asked in the questionnaire. Students who were willing to answer the questionnaires were asked for their 5 minutes to answer a set of questions provided in the questionnaire papers. The results were collected immediately after students had completed the questionnaires. However, due to the fact that participants for the questionnaire research were 15 to 18 years old students, information sheet and informed consent sheet for minors were also provided if necessary and explained before questionnaire distribution.

### **1.9.3 Ethical consideration**

For this research, apart from textual analysis, other research methods which were in-depth interview and questionnaire were also employed; therefore, there were some ethical concerns in carrying out the research.

In order to conduct structured in-depth interviews and maintain appropriate ethical level, researcher had asked for subjects' informed consent before beginning the interview. To ask for informed consent, researcher had provided relevant information about the situation and the interviews were carried out after the subjects had agreed to participate. Interviews were conducted in closed rooms in participants' schools to guarantee their privacy due to the fact that the research topic was utterly about their personal opinions which may or may not be agreeable in terms of domestic and international human rights standards regarding the issue of corporal punishment on children. Confidentiality and security of data were kept at high priority; data gathered and participants' names were kept separated. All data was destroyed after completing this research paper.

For questionnaire, participants' age was restricted to 15 to 18 years old. The questionnaire had included questions about their age and gender. However, names of subjects participated in the questionnaire research were not asked in order to guarantee their privacy and anonymity. Before given out questionnaires, researcher had provided concise information about researcher and the questionnaire's topic then asked for the subjects' agreement to participate or informed consent. Questionnaires were distributed in a public place after school. All data gathered was confidential.

## **1.10 Data Analysis**

### **1.10.1 In-depth interview**

To evaluate and determine the perception of Thai teachers regarding the topics of corporal punishment, collisions between local pedagogical values/practices and the national law, and how corporal punishment in school still exists although the Ministry of Education had released the new Regulation on Student Punishment in 2005 which prohibits teachers from using physical punishment with their students, researcher had used a priori codes where researcher identified each data accordingly to the topics and questions prepared by researcher in advance. This process had made it easier for researcher to make comparison between each data. After putting acquired data into thematic groups, researcher had identified and interpreted the meaning of each set of data and referred it back to the research questions. The categorized sets of data were textually displayed and the relationship between data gained from each teacher and each school was closely observed. Researcher had studied implications of each data and interpreted them in order to determine how the findings answered the research questions.

### **1.10.2 Questionnaire**

Quantitative data analysis were used to evaluate statistic data in graphs and numbers gained from questionnaires which information was about the current situation

of school corporal punishment and the effectiveness of the ban. The results were transmitted into inferential statistics.

The data evaluation process for the questionnaire research was performed by SPSS program. The formulas required in the process of evaluation were portrayed and explained by using 'Elementary Statistics in Social Research' (2004) by Jack Levin and James Alan Fox.

The data gathered from questionnaires was portrayed using bar charts, cross-tabulations, and mean values.

Bar charts were used to demonstrate a clear vision of students' experience and level of opinions about school corporal punishment during academic year 2011.

Cross-tabulations which were tables that demonstrate the distribution of frequencies and percentages were used to show demographic characteristics, channels students received information about the ban on school corporal punishment from, students' support for school corporal punishment, punishment male and female students had encountered during academic year 2011, punishment students of different age had encountered during academic year 2011, factors which male and female students thought led to corporal punishment in school, factors which students of different age thought led to corporal punishment in school, punishment methods which male and female students thought were effective and should be used in school, and punishment methods which students of different age thought were effective and should be used in school. In order to obtain percentage of two variables in cooperation, each frequency ( $f$ ) were divided by the sample size ( $N$ ), or  $\% = (100) \frac{f}{N}$

Some of the cross-tabulation tables included mean values which were the measure of central tendency. The mean or  $\bar{x}$  was acquired by applying this formula:

$$\bar{X} = \frac{\left[ \sum_{i=1}^N x_i \right]}{N}$$

Where  $\bar{X}$  = mean

$\Sigma$  = sum

$X_i$  = raw score in a set of scores number  $i$ .  $i = 1, 2, 3, \dots, N$ .

$N$  = total number of scores in a set

Students answered questionnaires by choosing the number which represented their level of agreement to each question ranking from 1-5, in which 5 was strongly agree, 4 was agree, 3 was neutral, 2 was disagree, and 1 was strongly disagree. The result numbers after applying the formula can be interpreted as the following,

4.20 – 5.00 = strongly agree	3.40 – 4.19 = agree
2.60 – 3.39 = neutral	1.80 – 2.59 = disagree
1.00 – 1.79 = strongly disagree	

The next chapter of this thesis paper provides information from related literatures regarding cultural and pedagogical values and practices, human rights and corporal punishment, and collisions and the end result of deviation against the standards. Thai teachers' standpoints concerning the issue of the ban on school corporal punishment which were gathered from conducting in-depth interviews are discussed in Chapter 3. Next, questionnaire research findings on current situation of school corporal punishment in Saraburi Province, Thailand and students' views on the matter are demonstrated in Chapter 4. Finally, Chapter 5 summarizes research findings, gives answers to research questions, and also suggestions for further research that could be done on this area.



## **CHAPTER II**

### **REVIEW OF RELATED LITERATURE**

#### **2.1 Cultural and Pedagogical Values and Practices**

Physical or corporal punishment and Thai societies have been deeply tied to each other for a very long time. For many generations, Thai people view corporal punishment as a disciplinary approach to be used with their children. They believe that it helps children learn to not misbehave, to have self-control and to understand the rules and regulations of the society they are living in. By having this idea and attitude, many of the Thai parents adopt this practice and use it within their families for generation after generation. Parents believe that using corporal punishment on children is agreeable if it is done for the reason of disciplining and not with anger.

A study in the United States on the cultural perspectives of Asian immigrants living in the country states that more than 40 percent of the Chinese adults from the sample community believe that spanking a child is an effective disciplining strategy. Furthermore, more than 30 percent of them believe that this kind of corporal punishment will help children learn to develop self-control (Malley-Morrison & Hines, 2004: 194-195). Similar ideas are shared among the members of Thai society. For Asian societies such as Thailand, China and Vietnam, disciplining children by using corporal punishment is seen as a way of showing parents' love and care towards their children. Comparable to the Thai society, there is a saying in Vietnamese which states "When you hate them, give them sweetness; and when you love them give them punishment" (Malley-Morrison & Hines, 2004).

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 that is commonly used among Thai families to be used towards their students in classrooms. By having 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).

In schools, corporal punishment is used as retribution to students who abuse or do not follow the school’s rules and regulations. This includes, for example, the regulation for school uniform, class attendance, and behaviors within the school’s territory. Before the Thai Ministry of Education released the ban on school corporal punishment in 2005, many parents saw it as a reasonable and agreeable practice when teachers use physical punishment with their students in classroom- the punishment involves caning, hitting, pinching, slapping, and twisting ears (Quicker, 2002).

Even nowadays, corporal punishment in schools is still being practiced by teachers while children rarely report to their parents about the harsh punishment they encounter at their schools. Also, violence against children in Thai schools does not get reported to the authority very often due to the fact that parents usually assume that it is their children’s fault that they get punished by their teachers. As a result, the children tend to keep their silence and everything is eventually ignored by everyone (Childline Thailand Foundation, 2014)

Bijaya Rajbhandari, the Representative for UNICEF Thailand mentioned that this idea permits violence against children to continue to exist because Thai parents, teachers, caregivers, and even the children themselves believe that corporal punishment is acceptable and is a part of their lives (UNICEF Thailand, 2015). According to a study supported by the United Nations Children's Fund, Thailand, the survey has shown that more than 50% of children who participated in the survey have experienced some kind of violent punishment by their parents, teachers, and caregiver (UNICEF Thailand, *ibid*).

Even though the ban on school corporal punishment by the Thai Ministry of Education has been released since 2005, the process of putting it into practice in classroom is relatively slow and rather unsuccessful. The reasons for this matter are because many parents have been accepting the idea of themselves and teachers using corporal punishment in their households and in schools for a very long time before the ban was enforced and some parents still think it is agreeable that teachers use corporal punishment in necessary situations as they do so themselves domestically; moreover, Thai teachers believed for many years that it is a part of their job to discipline students.

## 2.2 Human Rights and Corporal Punishment

### 2.2.1 Definition of corporal punishment in human rights point of view

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.

Similar to the definition coined by the United Nations Committee on the Rights of the Child, Save the Children also has its definition for physical/corporal punishment identified into two categories stating:

*“ 1. Corporal or physical punishment and the threat of it includes hitting the child with the hand or with an object (such as a cane, belt, whip, shoes); kicking, shaking, or throwing the child, pinching or pulling the hair; forcing the child to stay in uncomfortable or undignified positions, or to take excessive physical exercise; burning or scarring the child;*

2. *Humiliating or degrading punishment takes various forms such as psychological punishment, verbal abuse, ridicule, isolation, or ignoring the child*” (Ennew & Plateau, 2004:14-15).

Furthermore, in *Positive Discipline Techniques to Replace Corporal/Physical and Humiliating and Degrading Punishment of Girls and Boys* by Bhandari and Karkara (2004), it is stated on page 11 the definition on physical and psychological punishment of girls and boys deprived from Save the Children Alliance Position Paper on Corporal Punishment April 2003 saying that corporal punishment is:

*“...the use of physical force or humiliating/degrading treatment causing some degree of pain or discomfort, in order to discipline, correct, control, change behaviour or in the belief of educating/ bringing up the child.*

*Physical punishment can take many forms including hitting the child with a hand or other objects, kicking, shaking or throwing the child, pinching or pulling the hair, caning or whipping.*

*Psychological punishment takes various forms such as humiliation, threat, neglect, degrade, demean, and ridicule...”* (Bhandari & Karkara, 2004:11).

### **2.2.2 Convention on the Rights of the Child**

Corporal punishment in human rights context as described above 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 (Bluestein, 2001; Hindberg, 2001: 17-18; Naker&Sekitoleko, 2009: 12-13; Straus & Mouradian, 1998: 353-374)

On the other hand, people who support the idea of corporal punishment can use Article 30 of the Convention on the Rights of the Child to claim their right to culture. Article 30 states that:

*“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language”* (OHCHR, 1990).

In view of the fact that corporal punishment is culturally and socially seen as a justified conduct to be used in the process of rearing a child in Thailand, Article 30 can be used to claim the right which allows parents to raise and socialize their children accordingly to their own cultural and traditional approach in order to sustain their cultural and traditional values.

However, researchers, human rights practitioners and organizations are concerned that some traditional or cultural practice, which in this case is corporal punishment, may violate children’s rights. Article 24(3) can play a role in this kind of

situation to prevent such violation from happening. Article 24(3) of the Convention on the Rights of the Child gives that State Party is obliged to protect the rights of children from harmful traditional and cultural practices by stating:

*“States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children”* (OHCHR, 1990).

### **2.2.3 Thailand’s Child Protection Act**

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).

### **2.2.4 Ministry of Education Regulation on Student Punishment**

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 regulation into real practice in classrooms as the perceptions of Thai people and human rights regarding the issue of school corporal punishment are in dispute.

## **2.3 Collisions and the End Result of Deviation against the Standards**

### **2.3.1 Collisions between local values and international human rights**

Due to the fact that many Thai people see corporal punishment towards children as a common and rightful conduct to do when children misbehave, it has been difficult to effectively apply the ban on school corporal punishment into practice.

According to the study done by John C. Quicker included in a book called “Domestic Violence: A Global View”, he argues about the long history of the relationship between teachers and students in Thai culture that school corporal punishment for Thai people is culturally and socially viewed as acceptable (Quicker, 2002: 158-159). People believe that it is the teachers’ duty to discipline their students by using corporal punishment because teachers are culturally and socially seen as the ‘second parents’ of the students. Therefore, teachers have the rights to discipline their students in the same way as how parents have the rights to discipline their children.

Furthermore, 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, but the practice has to be reasonable and under the school rules. In addition, some participants mentioned in the seminar that as corporal punishment is still practiced by Thai parents/adults and is seen as a part of Thai culture, it should be allowed to be practiced in schools with suitable and reasonable scheme (Chaimaungdee, 2004: 106-107).

Even though the Thai Government has made efforts in enforcing the ban on school corporal punishment, the process of putting the law into practice in classrooms is rather problematic. Thai pedagogical values/practices and the attitude many Thai people have regarding corporal punishment have created collisions against international human rights. These collisions make the process of putting the ban on school corporal punishment into practice in classroom slow and ineffective.

### **2.3.2 Rising problems**

According to the data collected from 631 hospitals in 2013 by the Ministry of Public Health, Thailand, over 19,000 children were hospitalized as a result of physical and sexual abuse (UNICEF Thailand, 2015). It cannot be denied that violence against children exists in Thai society and problems about corporal punishment in schools can still be seen on the news repeatedly though most cases are unreported. An example of the cases on school corporal punishment which raises child's rights concerns took place in Nakhon Ratchasima. On 23 August 2010, a teacher from a boarding school in the province caned 40 dorm students with a rattan cane which he claimed to be a punishment to students who did not follow the dorm's regulations and did not fulfill their cleaning duty as dorm members (Komchadluek, 2010).

As a response to this incident, an official of the United Nations Children's Fund (UNICEF) in Thailand called for the imperative improvement of awareness rising and stronger enforcement of the ban on school corporal punishment. Andrew Morris, the Deputy Representative of UNICEF Thailand, emphasized on the importance of the ban on corporal punishment enforced by the Ministry of Education and called for professional and legal punishments for teachers who violated the law (UNICEF, 2010). Furthermore, he claims that the ban has been ignored and has not been realized by many school teachers. Morris suggested later in the article that orientations and trainings on how to discipline students accordingly to the regulations from the Ministry of Education should be provided to teachers in all Thai schools (UNICEF, 2010).

There are many other cases of school corporal punishment on the news with different levels of violence's intensity. The two examples from famous latest cases with different levels of intensity are:

On 28 May 2011, a father of a 13 year-old girl from a school in Ang Thong Province has reported to the local news agent that his daughter was caned so hard that it left horrible bruises on her body. After talking to the teacher who was responsible for the case, the teacher explained that he and his students have made an agreement that whoever gets a '0' for their grades will be caned six times, an 'I' (incomplete) and insufficient class attendance will be caned for three times each. The girl was caned for 12 times according to this deal. The father of the girl criticized the teacher for taking advantage of his authority and violently punished his daughter. He later took his daughter to the hospital and made arrangement to report this to the police afterward. However, the teacher claimed that he caned his student because he cared for the student and was afraid that she will repeat the class if she still does not pay attention to her study and does not make up for her grades. He also argued that he wants his student to learn from the punishment and pay more attention to her study (Daily News, 2011).

Another example of the case of severe school corporal punishment took place in Nakon Pathom on 9 June 2011 when a teacher punished one of his students for talking loudly during class period by hitting a 13 year-old boy with a rattan cane in the head. The boy felt severe headache when he went back home before he vomited in blood and died at the hospital later on. The doctor stated that his death was caused by intracranial hemorrhage. However, the teacher refused that he did not hit his student and said there are 10 other students who can be his witnesses. The police are still investigating this incident (Thairath, 2011).

Seeing from these example cases, it can be understood that in some cases of school corporal punishment, some teachers used this punishment method wrongfully and violently. Should this kind of teachers' behaviors be considered as a rightful act of disciplining their children with good intention? Or, should it be considered as a violent and cruel act towards children which is also an abuse of child's rights? When the Thai society has attitude and belief towards the issue of corporal punishment in a positive way, some teachers find it rightful to discipline their students physically. In addition, this also allows the ambiguous gap to occur while some teachers find their ways to apply such practice in classroom secretly behind the law when they feel there is a need to do so. Many times, the practice of punishment

escalates up to abusive and violent conducts. This creates an outcry from the Thai society, researchers, human rights advocates and organizations who are concerned about child's rights and well-being.

Even though some people use corporal punishment in a wrong and abusive way, it does not mean that majority of people in the Thai societies agree with such conduct. However, it cannot be denied that corporal punishment has the possibility to escalate up to the intensity level that could make it into physical abuse. Adults can claim that they use the 'suitable' punishment measure to deal with children and this is their cultural/traditional practice for child-rearing when the difference between physical abuse and corporal punishment is ambiguous and debatable. Having the difficulty in distinguishing the difference between these two terms, researchers, human rights advocates and organizations have come to agree that there is a need to end all forms of corporal punishment for the best interest of children (Whipple & Richey, 1997: 431-444).

On January 19<sup>th</sup>, 2015, the United Nations Children's Fund or UNICEF and the Ministry of Social Development and Human Security or MSDHS, Thailand has begun the "End Violence Against Children" campaign in Thailand to create understanding and awareness in order to stop parents, teachers, and caretakers from abusing their children (UNICEF Thailand, 2015). The campaign provides information on the negative effects violence has on children. It also provides details about CUTE (Confidence, Understanding, Trust, Empathy) or the positive disciplinary approaches that parents and teachers can use with their children (End Violence Thailand, 2015).

## **2.4 Example of a Successful Ban on Corporal Punishment in Sweden**

The first country to effectively eliminated corporal punishment was Sweden. In 'Ending corporal punishment: Swedish experience of efforts to prevent all forms of violence against children- and the results (2001)', Barbro Hindberg has explained successful steps to the ban on corporal punishment against children in Sweden that started to take place even before the country ratified the United Nations Convention to the Rights of the Child in 1990. Before the ban, Swedish children in the

early 20<sup>th</sup> century had no voice and had to do what adults and authorities tell them to do. The rule of the society did not leave too much room for children to be independent and voice their opinion. This unconditional obedience allowed corporal punishment to take place. However, the Swedish society has changed. They promote the understanding of childrearing within the community. Children are empowered with education based on interaction, care, and mutual respect. Sweden believes that for children to grow up to be strong, socially competent and independently minded, they need to be brought up in a healthy environment that does not suppress and degrade them. Apart from presenting healthy childrearing methods, it is also very important to change the society's attitude towards children and adult relationship.

In legal aspect, Sweden sees that it is crucial to ban humiliating treatment that may affect children development along with corporal punishment. Their first attempt was banning school corporal punishment against elementary school students in their senior year, and later the ban had covered the whole school system in 1962. The Children and Parent Code had omitted the right to administer corporal punishment to children in 1966. In 1979, the ban on corporal punishment had become part of the Children and Parent Code. The legislation passed in 1982 and corporal punishment and maltreatment of children at home and anywhere became a crime and can be reported to the police.

In-depth interview findings on Thai pedagogical/institutional cultural values claimed to justify corporal punishment, teachers' views of the ban, and factors which allow corporal punishment to remain despite the ban process are provided in the following chapter.

### **CHAPTER III**

## **RESEARCH FINDINGS FROM QUALITATIVE DATA**

From the findings, teachers who participated in the interviews used the idea of ‘second parents’ to justify their action and reprimand students. Apart from educational aspect, they felt that it was their duty to pay attention to their students’ uniform, behavior and discipline. Participants also claimed that teaching students about discipline was an important part of their job because discipline helped create a healthy learning environment.

Another topic which was brought up by teachers in every interview was respect. As the Thai saying goes ‘if you love your cows, tie them, if you love your children, hit them’, teachers had been claiming that they caned their students with good intention of wanting them to be a better person. There were many approaches that could effectively substitute rattan canes such as point reduction that would affect students’ scores directly or giving extra homework. However, some teachers expressed that they felt they had less power and less control over their students when they cannot use their canes which made it hard for them to manage the learning environment. This interview result shows teachers’ preference for the use of physical punishment. Without rattan canes, teachers claimed that students had less respect towards them. But, was it really respect they were aiming to achieve? Or perhaps what they truly pursued were submission and obedience?

Teachers who supported the use of physical punishment argued during their interviews that many students nowadays were irresponsible and did not pay respect to their teachers because they had never been caned. Furthermore, some teachers believed that the new regulation did not work because students did not feel affected when they had their points deducted. Many students did not hand in their homework or assignments. However, when corporal punishment was available and common, students were afraid of getting hit, so they usually completed their homework.

One of the most shocking claims that were brought up by one of the teachers who participated in the interview research was that physical punishment was more effective than other milder methods for students who were raised in households which practiced physical punishment. The teacher further stated that students who studied in the city were different from students who studied in rural areas in a way that it required corporal punishment for rural students in order to maintain the effective learning environment inside the classroom otherwise it would be hard for teachers to teach effectively, while for city students, the punishment strategies listed in the new Regulation may be enough. Yet, none of these claims can be proved to be true. Was there really such difference between city students and rural students that created a need for different kinds of punishment? Why must students who had to endure physical punishment inside their households be facing the same kind of violent punishment at their school? Although teachers may claim that physical punishment had many benefits and should be used, this idea of maintaining learning environment, students' submission, and obedience by enforcing physical punishment is considered as a violation of Article 29 (1a)<sup>1</sup> and Article 37 (a)<sup>2</sup> of the Convention on the Rights of the Child that Thailand is a state party to since 1992 as it inflicts bodily pain and may have negative impacts on students' development.

What seems to be a big foundation for school corporal punishment is how Thai people value teachers very highly. Parents and students are very acceptable and have been putting a lot of their trust in their teachers because of the value teachers have in the society. Thus, people seldom complain when children get hit because parents and children themselves assume that they are at fault and need to be punished. Could this be the factor that allows some teachers to carry on using rattan canes with their students?

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<sup>1</sup> "...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"

<sup>2</sup> "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment..."

### **3.1 Thai Pedagogical or Institutional Cultural Values Claimed to Justify Corporal Punishment**

In-depth interviews in a form of structured interview were conducted to attain teachers' perceptions of the Thai pedagogical values or institutional values claimed to justify corporal punishment, the ban on school corporal punishment, and how corporal punishment remains despite the exclusion of corporal punishment from the Regulation on Student Punishment (2005). Participants for in-depth interviews were from three schools in Saraburi province. Each school represented different academic levels consisting of High School R for high school, Middle School X for middle school and Elementary School U for elementary school. There were 21 teachers who participated in the in-depth interview (8 high school teachers from High School R, 8 middle school teachers from Middle School X and 5 elementary school teachers from Elementary School U). All participants had at least 15 years of teaching experience

#### **3.1.1 Second parents**

The results gained from conducting structured interviews with 21 experienced Thai teachers working in three schools of different academic levels in Saraburi province indicated that all participants shared a common ideology that apart from teaching, teachers also had to pay attention to their students and care for them in various aspects, for example, uniform, health, behavior, socialization, and discipline like how parents would care for their children. Therefore, they regarded themselves as their students' 'second parents'. This idea has been around for a long time and it has become a part of the participants' way of thinking.

Kru<sup>3</sup> Met, a 53 year-old teacher from High School R had shared her opinion on the idea of teachers being 'second parents' to their students and why teaching discipline was important. She commented that teachers had an essential part in raising children (students) and turning them into respectable adults in the future. She will try to look after her students as much as she can. Thus, she felt the responsibility to teach students about discipline aside from teaching her subject in

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<sup>3</sup> Kru or ครู means teacher.

class. She believed strongly that not only parents, but teachers were also in charge of shaping the future Thai society.

Kru Prach, a 60 year-old teacher from the same high school had also explained why teachers were called ‘second parents’ by stating that children will start to spend their time at school more than 6 hours a day for 5 days a week since the age of 5 or 6. Teachers have to teach them how to socialize with other children, look after them, and also provide them with knowledge. This is the reason why teachers are students’ ‘second parents.’

### **3.1.2 Discipline and obedience**

In order to teach students to respect other people in the society, teachers have to teach them the importance of rules and regulations and also correct their students if they do something that is undesirable and against the school rules.

The importance of discipline had been emphasized again by Kru Supa, a 60 year-old teacher from High School R. She had commented during the interview that teachers have the duty to look after the children when they are at school. Apart from intellectual knowledge, she believes teachers also need to teach students about discipline and regulations inside the school. It is very important that they learn about the rules here because doing so will provide them with the vital foundation for them to have before entering in to the society.

Kru Su, a 47 year-old teacher from the same school also shared her similar idea about this matter by stating that it is the teachers’ basic commitment to educate and make sure that their students learn not only what’s written in the books, but also learn to be respectful to school rules and regulations.

Likewise, Kru Sucha, a 59 year-old teacher from Middle School X had shared her opinion that discipline and punishment are very important because in learning there should be punishment and discipline. Otherwise, it would be very hard to stop students’ unwanted behaviors or to maintain the learning environment.

During the interviews, apart from the intellectual aspect, every teacher had put their focuses heavily on the topic of discipline and its importance when asked about their responsibility as teachers. The results of the interview research had shown similar trends that participants had the idea that teaching students about discipline is

an important part of a teacher's job. In order to maintain an effective and beneficial learning environment, the classroom has to be kept in order. Students need to follow school rules and regulations and teachers have the authority to penalize those who do not obey the rules accordingly by applying methods which they see suitable. It is very likely that this ideology creates the foundation for school corporal punishment. With this kind of thought in their minds, many teachers still feel that it is not wrong to employ physical and verbal punishment towards their students in order to gain obedience.

### **3.1.3 The power of rattan canes**

Before corporal punishment was prohibited by the Ministry of Education, the most common equipment used by teachers to discipline their students was rattan cane. Rattan canes were used to hit students who disobeyed or broke rules in order to correct their behaviors and maintain obedience. A rattan cane is a symbol which represents power and control. It also represents the image of a Thai parent as well as a pedagogical image of a strict Thai teacher. This factor also indicates that there are differences between children's and adults' or other authorities' positions. Teachers have the power and control over their students in schools, while students have to obey the rules and respect their teachers. The need for obedience has allowed adults and teachers to use corporal punishment.

Out of 21 participants, 16 of them had supported the idea of corporal punishment such as caning or spanking while 5 of them supported the usage of gentler approaches towards students.

In order to understand more about their upbringings, a question about how they were brought up by their parents was asked. Interestingly, all participants admitted that during their childhood they had experienced corporal punishment both in their households and in schools. Most of them also believed that they were able to be successful in their lives and career because they had encountered with rattan canes since they were young.

Kru Arun, age 48, a teacher from Middle School X shared her childhood experience by commenting:

“I was raised in a family that used rattan canes as a punishment. My mother was very strict and I have a lot of siblings. As a child, I was caned by my parents almost every time when I misbehaved. When I was a student, my teachers also caned me when I didn't finish my homework. I believe that rattan canes have made me become a good and successful adult that I am today. It helped me not to get out off track and lose my way, so I believe that it's a good disciplinary method to be used with students.”

Kru Wass, a 48 year-old teacher from Elementary School U even thanked her teachers for caning her because she believed that this disciplinary method had made her become what she is today.

Kru Pai, age 44, a teacher from Middle School X had shared her opinion about caning in the interview that it can play an important role in disciplining children. However, teachers have to also explain to students why they get hit. The reason must be clear to both parties before choosing to cane them, if not; students will go against the teachers and do not change their unwanted behaviors. She had also mentioned about the Thai proverb ‘If you love your cow, tie them, if you love your children, hit them’ that it is very effective when apply this saying into practice. By saying so, she meant that if teachers or parents care for their children, they have to correct the children when they misbehave and guild them to the right path. Kru Wass, a teacher from Elementary School U had also commented that she believed caning helps fix children's behavioral problems and it also helps with their study. She was also caned by her teachers when she was a student and believed that it had helped her as she mentioned further that:

“For small children, it's good to cane them from time to time as a disciplinary approach because they don't really listen. If teachers do not cane them, they would not know that they did something wrong unlike the more grown-up kids. With older kids, we can talk and explain to them about their wrong-doings and they will understand. However, it depends on each situation. We need to stop our students sometimes or else they will not know that they did something wrong and should stop.”

When we talk about teachers, many Thai people will immediately think of rattan canes as the two seem to always come together. Thai people have the image of teachers standing in front of a black board with a rattan cane in his/her hand. Kru Arun, a 48 year-old teacher from Middle School X had compared a teacher and a rattan cane to a soldier and his gun.

### **3.1.4 Teachers' and students' standings**

It is clear that there is a difference between students' and teachers' standings. Thai society highly values teachers as their career serves and plays an important role for the nation. There is a famous phrase that Thai people often use to describe a teacher, which is Mae Pim Khong Chat (แม่พิมพ์ของชาติ), meaning the nation's mold, or the nation's educator. By calling teachers 'Mae Pim Khong Chat', it means that teachers help shape the nation's future generation. In other words, teachers have an essential part in building Thai quality society.

In Thailand, there is a tradition called 'Wai Kru' (ไหว้ครู) which takes place every year on 16<sup>th</sup> January when students pay respect to their teachers by presenting flowers that are beautifully arranged in a tray with pedestal. Each item and flower in the tray with pedestal has its own meaning associated with education, for example, Ixora represents wisdom, popped rice represents discipline, Bermuda grass represents developing intelligence, and eggplant flower represents humbleness. It can be understood that teachers are well appreciated and respected by the Thai people. Thai teachers' way of teaching and disciplining is also viewed as constructive and helpful by the interview participants who were once students themselves.

Being valued and well-accepted among the Thai society as the nation's mold, parents and children have been putting a lot of their trusts in their teachers. Children are taught to listen and obey when they are with their teachers while parents believe that teachers can help their children grow up to be responsible adults. This is one of the reasons that allow teachers who believe in corporal punishment to not view it as a wrong and violent method to be used towards children. Furthermore, children tend to obey and look up to their teachers while believing that they deserve the caning because they misbehave. Also, it is less likely to get complaints from the parents if

their children get hit because parents usually assume that their children do something wrong at school and need to be punished.

### **3.2 Teachers' Views of the Ban in Terms of 'Collisions' Between Local Values and National Law?**

Thailand has been a State Party to the Convention on the Rights of the Child (CRC) since 1992. There are three main articles listed in the Convention which protects children against any form of physical or emotional abuse which children may encounter inside or outside their homes, and one article which guarantees the children's right to the development of their abilities in education. The four main articles consist of Article 19(1)<sup>4</sup>, Article 24(3)<sup>5</sup>, Article 29(1a)<sup>6</sup>, and Article 37(a)<sup>7</sup>

Later in 2007, corporal punishment and its working definition were discussed and coined by the United Nations Committee on the Rights of the Child in their General Comment No.8<sup>8</sup>. As a State Party to the Convention on the Rights of the Child, the Ministry of Education has adjusted its Regulation on Student Punishment (2005) accordingly to the international standard and limits punishment methods that can be used by school teachers and administrators into four types in Article 5 of the

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<sup>4</sup> "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."

<sup>5</sup> "States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children."

<sup>6</sup> "...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."

<sup>7</sup> "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment..."

<sup>8</sup> "...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"

Regulation which consist of caution, parole, point reduction, and behavior development workshop.

The new Regulation implies that corporal punishment should no longer be an alternative. Though some participants have accepted, majority found it challenging to their standings as teachers.

Sixteen participants 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 were not sufficient and rather ineffective. They said that they respected the Regulation on Student Punishment; however, they disagreed with the ban on school corporal punishment as it's 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).

Teachers who have used rattan canes to discipline their students in the past elucidated their stand-point during the interview that they feel the obstacles in maintaining their teaching career and their standings as teachers after corporal punishment was taken out from the Regulation on Student Punishment. Participants believe that corporal punishment can make students afraid of doing something wrong. They also stated that rattan canes make them feel confident that they have control over their students and classes. Participants claimed that teachers who are empowered by rattan canes can control and maintain the class environment effectively. Additionally, they mentioned that the ban could be the reason students pay less respect to the teachers despite the fact that teachers are the mother/father figures that students should respect. They further explained that student conduct and respect for teachers are worsening as they do not fear about the outcome of their actions. As the student conduct aggravates, it becomes challenging for teachers to maintain their class order because students don't listen to them. . However, these claims are more likely to relate to power, authority and unconditional obedience than to education which is supposed to be the main focus, in which case, the government should take action according to Article 24(3) of the Convention on the Rights of a Child.

When questioned about her opinion on the ban as an experienced Thai teacher, Kru Wass, age 48, a teacher from Elementary School U replied that she did not agree with the ban because she felt that it took away her control over her students, or as she referred to as “breaking her rattan cane”

Kru Sun, age 60, a teacher from Middle School X also expressed her view on the conflicting matter by stating that teachers and rattan canes were meant for each other. She agreed that the new Regulation is a good idea, but she could not really see its effectiveness. However, she said that the result shows so much faster when teachers use sticks. They will be able to see immediate effects by doing so. Students will immediately stop unwanted behaviors without teachers repeating and telling them to stop. With that being said, it does not mean that corporal punishment is the only ultimate choice teachers like to use. There are still many other kinds of disciplinary method depending on the case and teachers’ discretion. They have to talk and listen to their students’ opinions, too. It’s the pedagogical ethics. They will not use excessive force since their intention is to teach them to have self-control and grow up to be good adults for the society.

Although disagreed with the idea of using corporal punishment in school, Kru Pra, a 55 year-old teachers from High School R expressed that sometimes positive reinforcement does not work and it usually takes a lot of time to change students’ unwanted behaviors using this method. She also said that the problem with many students here is their sense of responsibility. There are too many students of around fifty per class. Teachers cannot maintain the class and look after them thoroughly using the methods given in the Regulation. In some cases, it takes some time to achieve the wanted result, while in some cases, it is ineffective. It does not work. Kru Pra claimed that she did not agree with corporal punishment. However, when she looked at the overall picture, she believed that teachers still need it because students’ behaviors are worsening and they tend to be more aggressive, obstinate, likely to break rules, unlike before the ban when teachers still can control their behavior more effectively.

Kru Sarin, a 51 year-old teacher from Elementary School U had made a comment regarding student performance by stating that students nowadays do not pay much attention to their study. Students will come to school because it’s what they have

to do, but they don't tend to pay attention in class. It's not uncommon for them to not do their homework. There would be only 10 out of 30 students who hand in their assignments because there is no punishment for not doing so. The punishment which she can apply in this case is point reduction which she believes her students are not afraid of. Unlike before, teachers can cane students if they don't finish and hand in their homework. Students back then were afraid of getting hit, so they would do all the homework assigned to them. She believes that if teachers used a little bit of physical punishment, students will be more enthusiastic in class and in doing their tasks and assignments. She further said that students today are irresponsible and have no respect for teachers because they have never been caned. If it stays like this, she thinks there might be problems in the future because many students in her school cannot read very well and also do poorly in their classes. If they grow up and enter in to the society, they will find it problematic.

Kru Mon, age 49, a teacher from Elementary School U also commented on student performance that has been affected by the ban on school corporal punishment that she believes punishment is a necessity when it comes to regulation and discipline. There must be rules, so students can learn to be more responsible because students these days lack the sense of responsibility even elementary school students. They do not feel responsible for their homework. Many of them do not hand in their homework on time and lie that they have lost their homework. If teachers cannot discipline students effectively, their study will be affected. However, she admitted that rattan canes do not work on every student. For some students, it is enough just to talk and explain to them where they are wrong and they will understand. Yet, teachers cannot deny that rattan canes are still needed in cases which students are very naughty. It's always good that they learn about responsibility and regulations since they are young.

Furthermore, Kru Sucha, age 59, a teacher from Middle School X stated that after the Government has banned school corporal punishment, students seem to care less about their study because they do not fear punishment. Many students think that it is alright not to do their homework because they will only be penalized by not getting any extra score for their homework. This affects their study. Many of them have poor grades because they don't finish their assignments.

Although many teachers have claimed that students' performance is worsening due to the ban on school corporal punishment, there is no study or research on the change in Thai students' academic performance before and after the ban was enacted that could be used to support their statement.

Another factor which participants who disagree with the ban claimed to be the ground to the need for corporal punishment is students' family background.

Kru Nij, age 53, a teacher from Middle School X described the situation of students in her school that they come from families that exercise corporal punishment in their households. Most parents of students who attend her school are poor. She was convinced that this kind of family environment affects children's behavior. She further claimed that many of their parents are not well educated, poor, have hard-labor jobs, and have no time to discipline their own children.

Kru Na, age 44 and Kru Mon, age 49, teachers from Elementary School U explained during their interviews about the reason why family background is essential. They commented that family background of students in a school creates a different kind of environment for each school. They claimed that this difference may contribute to the need for some teachers to use physical punishment.

“Parents of students in this school don't have enough time for their children, so it becomes teachers' job to look after their kids in many aspects. If parents do not help the school and take part in their children's school matters, it is very hard for teachers to do the job on their part. Parents don't participate in meetings with teachers and students because most parents of students in this school have low income. They claim they have to work hard every day and have no time.” said Kru Na and Kru Mon.

During her interview, Kru Pach, age 54, a teacher from Middle School X added her opinion on the importance of the difference of each school's society that creates the need for different kind of teaching and disciplining by stating that:

“They shouldn't have banned school corporal punishment because each school each society is different. Schools in the city are different from those in the rural areas. If it's a school in rural areas like this school, they should allow teachers to cane their students because students in this school are

from the society that use corporal punishment in child-rearing. The way they are brought up and their parents' occupations are different from those in the city. I think children in this school still need to be punished this way. It tends to be more effective for them because that is how they are raised. Without corporal punishment, it's hard for teachers to teach while maintain an effective learning environment. However, it all depends on each case."

On the other hand, the question still rises that how much time it usually takes for parents to discipline their children when they misbehave, or does it take any time at all? Does working hard and having low income actually affect one's child's behavior? Does having higher income parents and living in the city make a child better-behaved? Participants have used these factors to preserve teachers' need to take part in disciplining students by enforcing physical form of punishment with certain groups, though these claims remain unconvincing. It is possible that participants preferred physical punishment because they were raised in the society where this form of punishment is considered as a normal approach to be used by adults or authorities towards children. In a community where adults have more power and children need to obey, it is understandable why many participants are afraid of losing their control and their students' obedience.

### **3.3 How Corporal Punishment Remains Despite the Ban Process**

#### **3.3.1 Teachers' support**

Sixteen teachers who participated in the in-depth interview in a form of structured interview admitted that they supported the idea of school corporal punishment and believed that it's one of the effective strategies to be used with students. Furthermore, this group of teachers also disagreed with the four types of punishment methods provided in article 5 of the current Ministry of Education Regulation on Student Punishment (2005). They claimed during their interview that they felt the lack of adequacy when practiced in real classroom situation. This lack of

adequacy had led some teachers to continue to use their canes in cases which they felt were appropriate.

A large number of teachers admitted that corporal punishment was often carried out inside the classroom in front of students in the class without the knowledge of other school authorities, while other types of punishment including parole, point reduction, and behavior development workshop were still practiced accordingly to the Regulation on Student Punishment by the school's student affairs division.

In cases 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. 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.

“In fact, some teachers still cane their students with the approval of their parents or guardians. Sometimes, parents themselves give authority to the teachers and allow them to cane their children if their children cause any kind of trouble. However, it depends on each individual. I cannot deny that caning is more effective than other alternatives, but I don't prefer to use it myself.” Kru Pra, age 55, a teacher from High School R said during her interview about the current situation of school corporal punishment.

### **3.3.2 Parents' approval**

Though omitted from the Regulation on Student Punishment (2005), some students still encounter physical punishment such as caning with the approval from their guardians. Discussion between teachers and guardians are usually made every year during classroom meeting that includes parents. During the meeting, it is not uncommon that some parents who believe their children need a physical form of discipline would kindly allow homeroom teachers to punish their children in anyway suitable.

“When students do something undesirable, I will ask them first if they are aware of their wrong-doings and how many times I should cane them.

During classroom meetings, I will also discuss this matter with the parents of students in my class”

Kru J., Age 47, an English teacher from High School R explained how corporal punishment can still be carried out.

However, not every teacher has the permission from parents to cane their children. Some teachers who see it as rightful and constructive still practice physical form of punishment inside their classrooms without the knowledge of other school authorities because they believe that it's a part of their duty to discipline a child effectively. Though they may claim that they caned their students because they love and care for them, sometimes they can get into trouble with parents who are aware of the exclusion of corporal punishment and disagree with the practice.

“I still cane my students sometimes, but not as often and as hard as before. I am afraid that I might get complaints. However, I still use a rattan cane in some cases with good intention of wanting my students to be better. Before caning them, I will explain to them first about the reasons why I need to cane them and what I hope they will change after being penalized by me. There was one time that parents of a student came to complain about me hitting their child to the school principal. They wanted me fired without listening to me reasons. Their child was very badly behaved and he always did wrong things repeatedly. I caned him because I wished for him to have self-control and be a good student.”

Kru T., Age 52, an elementary school teacher from Elementary School U described about the problem she had come across.

Even though teachers claimed that they love and care for their students and intended to teach their students to have self-control, their choice of approach still seemed to be violent according to the human rights standard and contradicting with their intention.

A large number of interview participants see the new regulation as deficient; yet, the frequency and quality of corporal punishment practice in school were decreasing. Many teachers who supported school corporal punishment no longer make it one of their alternatives, while a few of them openly admitted that they were still using this form of punishment in real classroom situation.

Kru S., age 58, a teacher who teaches in both elementary and middle school of Middle School X is a passionate old-school teacher who values her pedagogical status greatly. She believes that in cases that students are out of control, a rattan cane works better than any other equipment.

“Nowadays, there are many teachers who still cane their students. However, they don’t do it as much as before anymore. Many of them do not want to disobey the new regulation on student punishment. As for myself, I still cane my students. I always ask their parents in my classroom meeting. Some parents would give their permission for me to discipline their children. They said I can cane my students. For example, this year, there was a student who would not come to school and their parents could not force their child to come, so they asked me to go to their house. I brought a rattan cane along with me and caned that student until he got dressed and came to school with me. He attended every class after that day because I told him that if he doesn’t come, I will go wake him up with my rattan cane every day.”

Kru S., age 58, a teacher from Middle School X narrated about one of the cases in which corporal punishment became beneficial and had helped her student get back on track.

### **3.3.3 Regulation has no power**

Although the Ministry of Education Regulation on Student Punishment has made an effort to ban school corporal punishment by deleting caning from its regulation in 2005, breaking the regulation is not considered as a crime punishable by the law because it is still not a law. The Regulation on Student Punishment provides a fundamental rule for each school to use as a ground to adapt and create their own regulation. Therefore, it depends on each school to decide what to do with teachers who break the regulation and cane their students. Participants’ schools which are High School R, Middle School X, and Elementary School U have no official punishment for teachers who practice corporal punishment. During the interview, only one teacher from Elementary School U had been reported to the school principal by student’s parents for caning her student and the principal only gave her light warning.

In order to understand corporal punishment situation inside Thai schools, a questionnaire research was conducted on 15-18 year-old students from 2 high schools in Saraburi Province. The questionnaire results will be portrayed and discussed in the next chapter.





## **CHAPTER IV**

### **RESEARCH FINDINGS FROM QUANTITATIVE DATA**

Results from questionnaire research portray information that is contradicting with what teachers who participated in in-depth interview proclaimed. Questionnaire results have shown that the main cause for physical punishment in schools is not students' academic performance or something related to education. On the other hand, majority of students who have experienced physical punishment in school stated that they were physically punished because of their violation against the school's uniform policy. The violation included not wearing uniform 'properly', wearing accessories, using fashionable bags, growing hair too long, hair coloring, and hair styling. These results have shown that teachers are paying most attention to their students' obedience, while in class participation and class attendance are second and third causes for corporal punishment.

Information regarding students' opinions on the elimination of school corporal punishment and the current situation of school corporal punishment were acquired using questionnaires. There were 273 student participants for this questionnaire research. Participants were students between the ages of 15 to 18 years old. All participants studied and lived in Saraburi Province. The questionnaire research took place in two high schools which were High School Q and High School R.

**Table 4.1 Frequency distribution of demographic characteristics of students participated in the survey**

	<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	22.7
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
Total = 273		

Questionnaire participants consisted of 92 male and 181 female students of different academic levels and study programs. Participants were selected through random sampling. However, the amount of female participants was more than male participants because on the last day of questionnaire research, researcher had opportunities to hand out questionnaires to students inside the classrooms where there were more female than male students with the help from their homeroom teachers. But, the difference between male and female population does not affect the statistic as the outcomes do not differ significantly base on gender.

**Table 4.2 Frequency distribution of channels students received information about the ban on school corporal punishment**

	<i>f</i>	%
Internet	80	29.3
Television	178	65.2
Newspapers	87	31.9
School	113	41.4
Teachers	150	54.9
Radio	17	6.2
Friends	75	27.5
Others	5	1.8
<b>Total = 273</b>		

The survey has also shown that majority of students who participated were acknowledged of the presence of the ban. Approximately, 91.6% or 250 out of 273 students were well aware of the Ministry of Education's attempt to stop corporal punishment from being practiced by Thai teachers, while only 8.4% said they did not know that teachers could no longer exercise physical form of punishment. Questionnaire participants received information regarding the exclusion of school corporal punishment from the Ministry of Education Regulation on Student Punishment (2005) mostly through television (65.2%), teachers (54.9%), and school notice (41.4%). However, according to the in-depth interview results, most students tended to stay quiet when their teachers used physical form of punishment in the classroom. One of the reasons why students chose not to complain about being punished was because their parents were also aware of the practice and viewed it as a rightful approach to be used to discipline their children. According to the qualitative data in chapter 3, many parents have given their approval for teachers to physically discipline their children in school.

**Table 4.3 Male and female students' support for school corporal punishment**

Gender	Yes		No	
	<i>f</i>	%	<i>f</i>	%
Male	32	34.78	60	65.22
Female	64	35.36	117	64.64
Total	96	35.16	177	64.84
Total = 273				

Results in table 4.3 demonstrate that teachers were not the only ones who viewed physical form of punishment as acceptable, rightful and beneficial. However, over 1/3 of students who participated in answering the questionnaires also shared the same idea. Approximately 35% of both male and female participants equally supported the use of corporal punishment, although most students were acknowledged about the existence of the ban.

**Table 4.4 Students from different age groups' support for school corporal punishment**

Age (years)	Yes		No	
	<i>f</i>	%	<i>f</i>	%
15	12	26.67	33	73.33
16	6	16.67	30	83.33
17	60	43.48	78	56.52
18	18	33.33	36	66.67
Total	96	35.16	177	64.84
Total = 273				

Unlike students from other age groups, students who were 17 years old were most likely to support the idea of practicing school corporal punishment following by students who were 18 years old. Almost half of the 17 years old group's population or 43.48% believed that this type of disciplinary approach was useful.

Likewise, 33.33% of 18 years old group's population also agreed with this method. The results in table 4.4 can be explained that 17 and 18 years old students who took part in the questionnaire survey were mostly from the same academic level which contributes to the reason why their answers were very different from other age groups. The similar outcomes can also be seen in the next table.

**Table 4.5 Students from different academic levels' support for school corporal punishment**

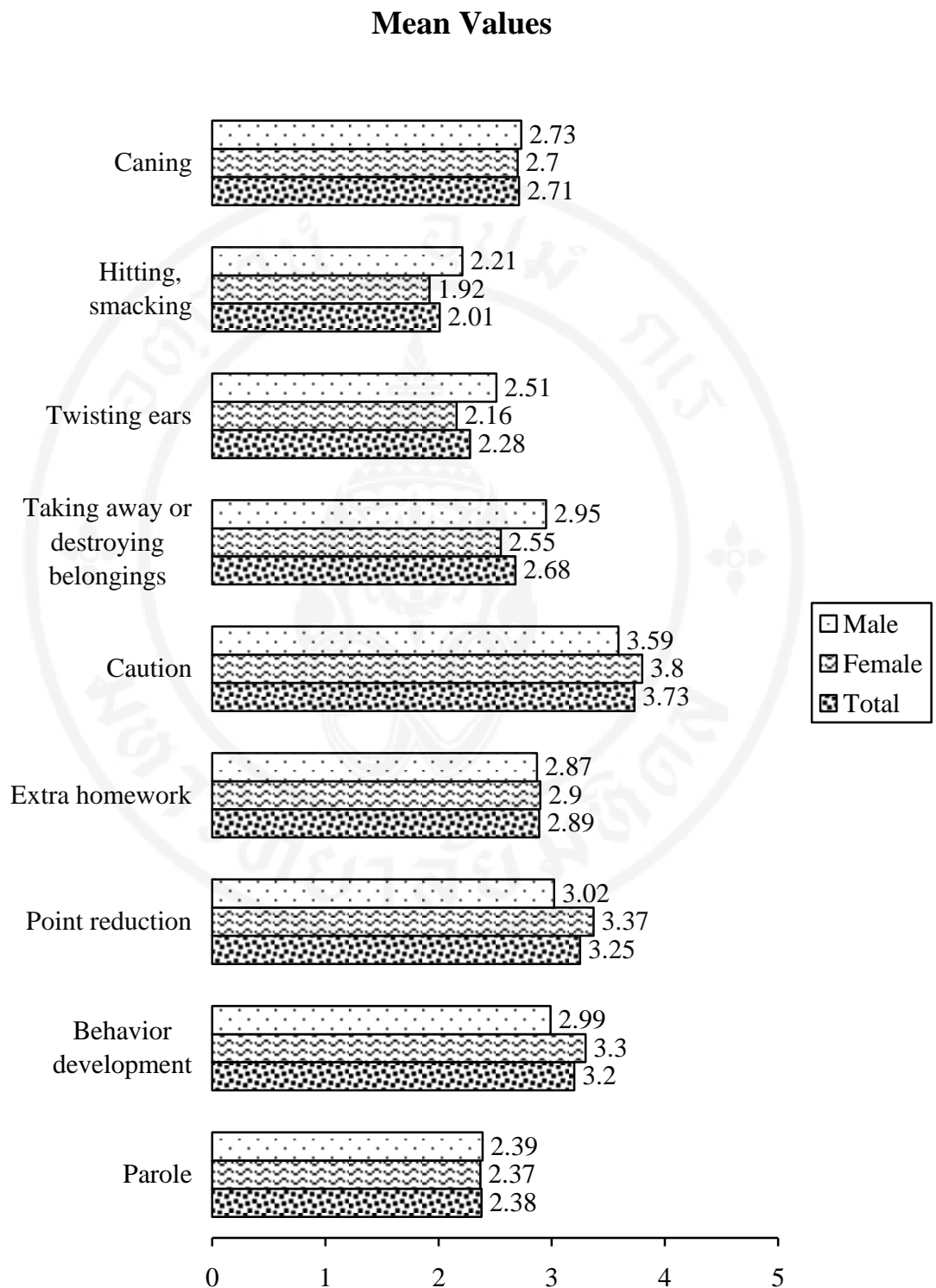
Academic Level	Yes		No	
	<i>f</i>	%	<i>f</i>	%
Grade 10	16	25.81	46	74.19
Grade 11	7	20.00	28	80.00
Grade 12	73	41.48	103	58.52
Total	96	35.16	177	64.84
Total = 273				

Apart from the results portrayed in table 4.4, results in table 4.5 are also pointing out the fact that students who were in their last year of high school were more likely to support school corporal punishment than students from other academic levels. Approximately, 41.48% of students who were studying in Grade 12 agreed with this physical form of disciplinary strategy. The reason why almost half of Grade 12 students were supporting school corporal punishment while only 25.81% of Grade 10 students and 20% of Grade 11 students shared the same idea is because this group of students were about to graduate which made them become more focused on their future plans and rarely encountered with physical form of punishment themselves.

**Table 4.6 Students from different study programs' support for school corporal punishment**

Study Program	Yes		No	
	<i>f</i>	%	<i>f</i>	%
Science-Mathematics	45	32.61	93	67.39
Mathematics-English	43	45.74	51	54.26
Linguistic	8	19.51	33	80.49
Total	96	35.16	177	64.84
Total = 273				

The statistics show that students who studied in Mathematics-English program were more likely to be supportive of school corporal punishment. Approximately 45.74% of students from this study program agreed with this disciplinary approach, following by students from Science-Mathematics program (32.61%). However, most students who belonged to Linguistic programs (80.49%) disagreed with the use of physical punishment in school while only 19.51% of them supported the idea. The reason why students from Mathematics-English program are most supportive of school corporal punishment will be discussed in Figure 4.6.

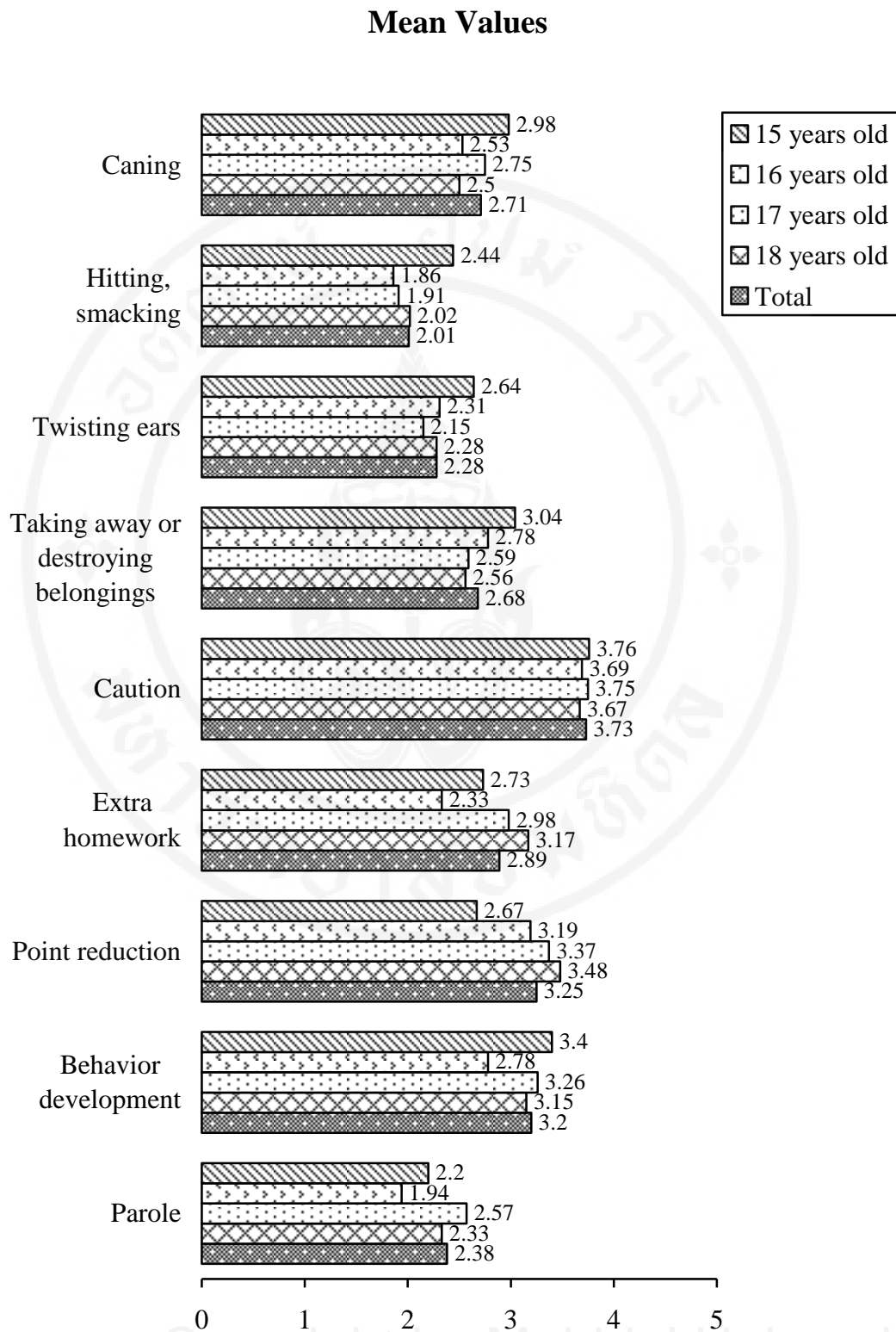


**Figure 4.1: Punishment methods which male and female students think are effective and should be used in school**

Figure 4.1 shows the comparison between male and female students' perspectives towards physical/emotional punishment such as caning, hitting, smacking, twisting ears, and taking away belongings and disciplinary approaches which are allowed by current Ministry of Education Regulation on Student Punishment such as caution, extra homework, point reduction, behavior development, and parole. Results displayed in a form of mean values or central tendency show that both male and female students agreed that caution was the most effective disciplinary strategy that should be used in schools ( $\bar{x} = 3.73$ ).

On the other hand, both male and female students had neutral feelings towards caning ( $\bar{x} = 2.71$ ) and taking away belongings ( $\bar{x} = 2.68$ ) while they disagreed with other violent methods such as hitting, smacking, and twisting ears. This can also be translated that although they did not agree with the methods, the students did not disapprove of them either. This element can lead to the reason why it is very less likely for students to complain when they witness their teachers cane students in school knowing that such method should not be practiced.

Although physical and emotional forms of punishment have higher mean values for male than female students, the difference between values does not have a significantly large gap. However, these results can also indicate that male students were more likely to be accepting of violent forms of discipline such as caning and hitting than female students. In contrast, female students were more likely to prefer disciplinary approaches allowed by the new regulation such as extra homework, caution, point reduction, behavior development workshop, and parole.



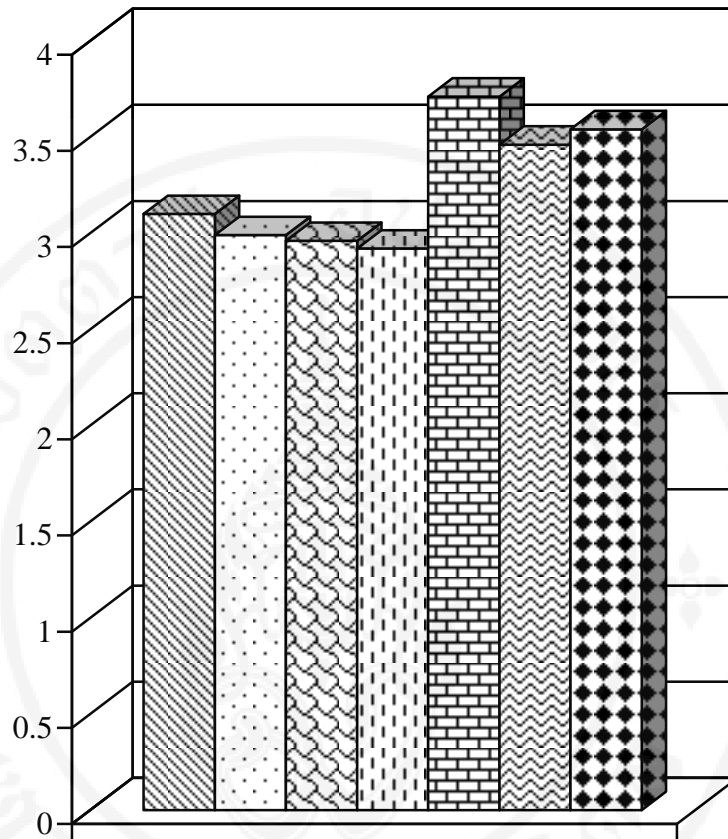
**Figure 4.2: Punishment methods which students of different age think are effective and should be used in school**

Mean values ( $\bar{x}$ ) in figure 4.2 reveal different viewpoints students from different age groups had towards the effectiveness of each given variable. The disciplinary method which students from different age group correspondingly viewed as most effective and should be used in school is caution which has the overall mean value ( $\bar{x}$ ) of 3.73. On the other hand, younger participants tend to agree with physical or emotional forms of punishment more than participants who belonged to older age groups. As demonstrated in a bar chart in figure 4.2, disciplinary methods such as caning, hitting or smacking, twisting ears, and taking away belongings that are not allowed to be practiced inside schools have higher mean values ( $\bar{x}$ ) for answers from students who were 15 years old, while the mean values relatively declined for answers from students who belonged to older age groups. Though students from High School Q and High School R felt neutral towards the effectiveness of most disciplinary methods given in the questionnaire, difference in the pattern of answers can still be seen accordingly to their age groups. For example, the overall mean value ( $\bar{x}$ ) for students' answers on caning is 2.71 which represents 'neutral' level of agreement, however, students who were 15 years old were apt to be more assenting to physical/emotional forms of punishment as the mean value for their answers is 2.98 while answers from students who were 16 years old have the mean value of 2.53, answers from students who were 17 years old have the mean value of 2.75, and answers from students who were 18 years old have the mean value of 2.50. Similar trend is shared among mean values of other given variables which include hitting or smacking, twisting ears, and taking away belongings. Although younger students did not support the use of physical punishment as much as older students, they were more approving of physical and emotional forms of punishment as the results in Figure 4.5 show that they had encountered these forms of punishment during academic year 2011 more than students from older age groups. This factor may influence them to believe that these methods were normal more than older students who were less likely to face physical and emotional punishment.

Some of the given variables that represented disciplinary methods which were operable according to current Ministry of Education Regulation on Student Punishment (2005) included extra homework and point reduction showed the opposite trend to the corporal/emotional punishment. Students who belonged to older age

groups tended to view giving extra homework and reducing points as effective, while students in younger age groups found them less favorable. For example, 18 years old students' answers for point reduction has the mean value of 3.48 which can be interpreted as 'agree', but the results decreased relatively to 'neutral' for younger age groups as following: 17 years old ( $\bar{x} = 3.37$ ), 16 years old ( $\bar{x} = 3.19$ ), and 15 years old ( $\bar{x} = 2.67$ ). On the other hand, results from Table 4.4 have pointed out that 17 and 18 years old students were the groups who supported the use of corporal punishment more than students from younger age groups. The results are contradicting because when older students were asked if they supported school corporal punishment in general, they did not see it as something personal and they had not experienced such treatment as often as younger students during the academic year, so they agreed with it more. However, when they were asked about punishment methods that were effective and should be used in schools, they felt it had more to do with themselves, so they were more likely to favor milder methods.

**Mean Values**



☒ Class size	3.1
☐ Study program	2.99
☒ Proportion of male and female students	2.96
☐ Proportion of teachers and students	2.92
☒ How students wear uniform	3.71
☒ Class attendance	3.46
☒ In class participation	3.54

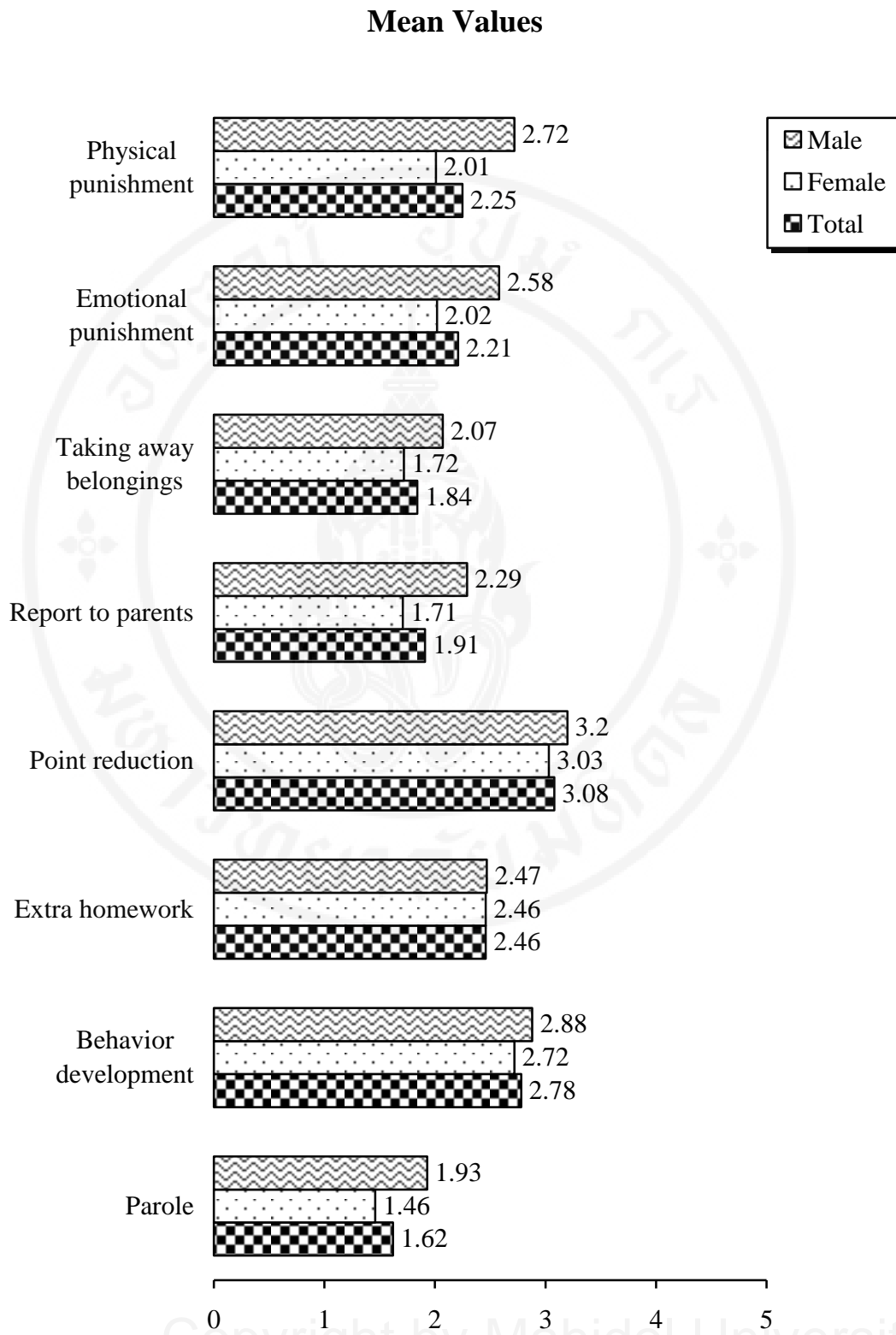
**Figure 4.3: Factors which lead to corporal punishment in school**

In the questionnaire, participants were asked about the reasons why students got corporally punished by teachers or school administrators. Their responses

and mean value ( $\bar{x}$ ) for each given factor are presented in Figure 4.3. From these results, it can be interpreted that students from High School Q and High School R agreed that students were most likely to be caned by their teachers if they violated the school uniform policy ( $\bar{x}=3.71$ ), following by not participating in classroom ( $\bar{x}=3.54$ ), and skipping class ( $\bar{x}=3.46$ ).

Uniform policy in Thailand is generally very strict because uniforms represent each school's good nature. Thai students start wearing uniforms since kindergarten until they finish bachelor degrees. Uniforms are different for each school and academic level. Teachers and school administrators often take their uniform policy very seriously. School uniform policy is usually written in details along with the punishment and provided in student handbooks which will be distributed to every student in school. The policy include details on hair styles, white shirts, trousers, skirts, belts, shoes, school bags, and name of each student which should be embroidered to his/her white shirt. Homeroom teachers will check their students' uniforms on a regular basis. Students who do not follow school uniform policy will be warned. If students do not do as they were told before the next uniform check, they will then be penalized by their homeroom teachers. However, the fact that uniform has the highest mean value can also be translated that teachers were paying most of their attention on uniform policy and obedience instead of education and their students' academic performance.

Data on situation of school corporal punishment during academic year 2011 was congregated by distributing questionnaires to students from High School Q and High School R. Students were asked about the frequency of different forms of punishment they had encountered throughout academic year 2011. The results are displayed in Figure 4.4 and 4.5.



**Figure 4.4: Frequency of Punishment male and female students encountered during academic year 2011**

Results presented in Figure 4.4 indicate that male students in general get punished more often than female students. Central tendency for each of the given methods for male students are higher than those of female students. The punishment method which both male and female students had encountered the most was point deduction which has the highest overall mean value of 3.08 (male students  $\bar{x}=3.20$  and female students  $\bar{x}=3.03$ ). The results in Figure 4.4 also point out that male students were more likely to face physical form of disciplinary approaches while they were at school as the mean value for physical punishment for male students is 2.72 while the mean value for female students is only 2.01. Only 75 students (27.47%) out of 273 students said that they had never been physically punished by their teachers during academic year 2011. Before they gave their answers on how often they experienced each punishment method given in the questionnaire, researcher had already provided them with information that physical punishment in this place included all forms of physical punishment such as caning, smacking, hitting, slapping, twisting ears, swallowing hot spices or bitter plants, and standing in uncomfortable position.

Emotional form of punishment such as taking away or destroying students' belongings that were not allowed inside school, cutting hair, and shaming in front of class which theoretically should no longer be practiced with students were still being used by Thai teachers from time to time according to the mean value for emotional punishment displayed in Figure 4.4. Mean value ( $\bar{x}$ ) for the frequency of emotional punishment male students had encountered throughout academic year 2011 is  $\bar{x} = 2.58$  (almost sometimes), and for female students is  $\bar{x} = 2.02$  (rarely). Exactly 181 students (66.30%) out of 273 students who took the questionnaire answered that they have experienced emotional punishment when they are at schools.

### Mean Values

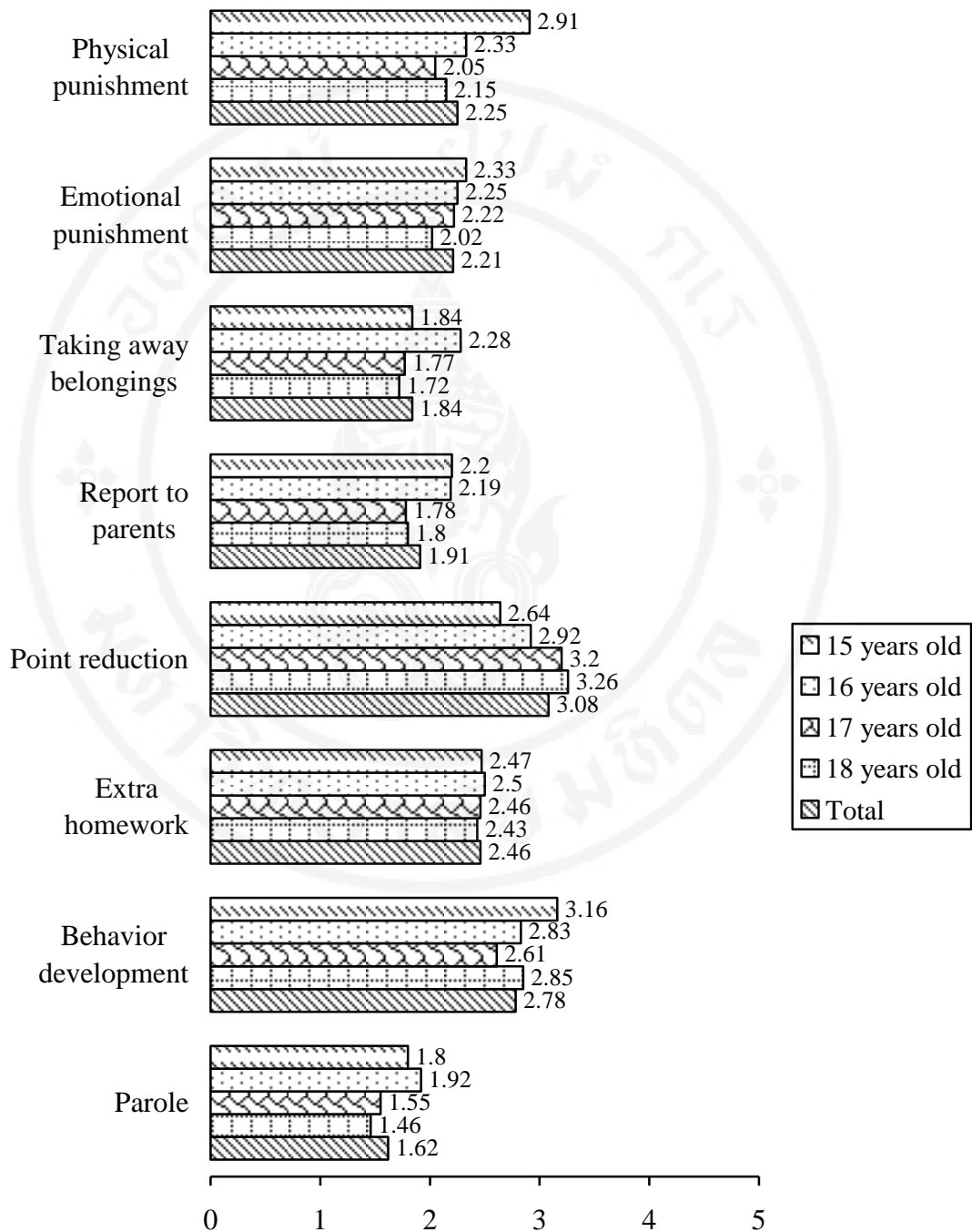
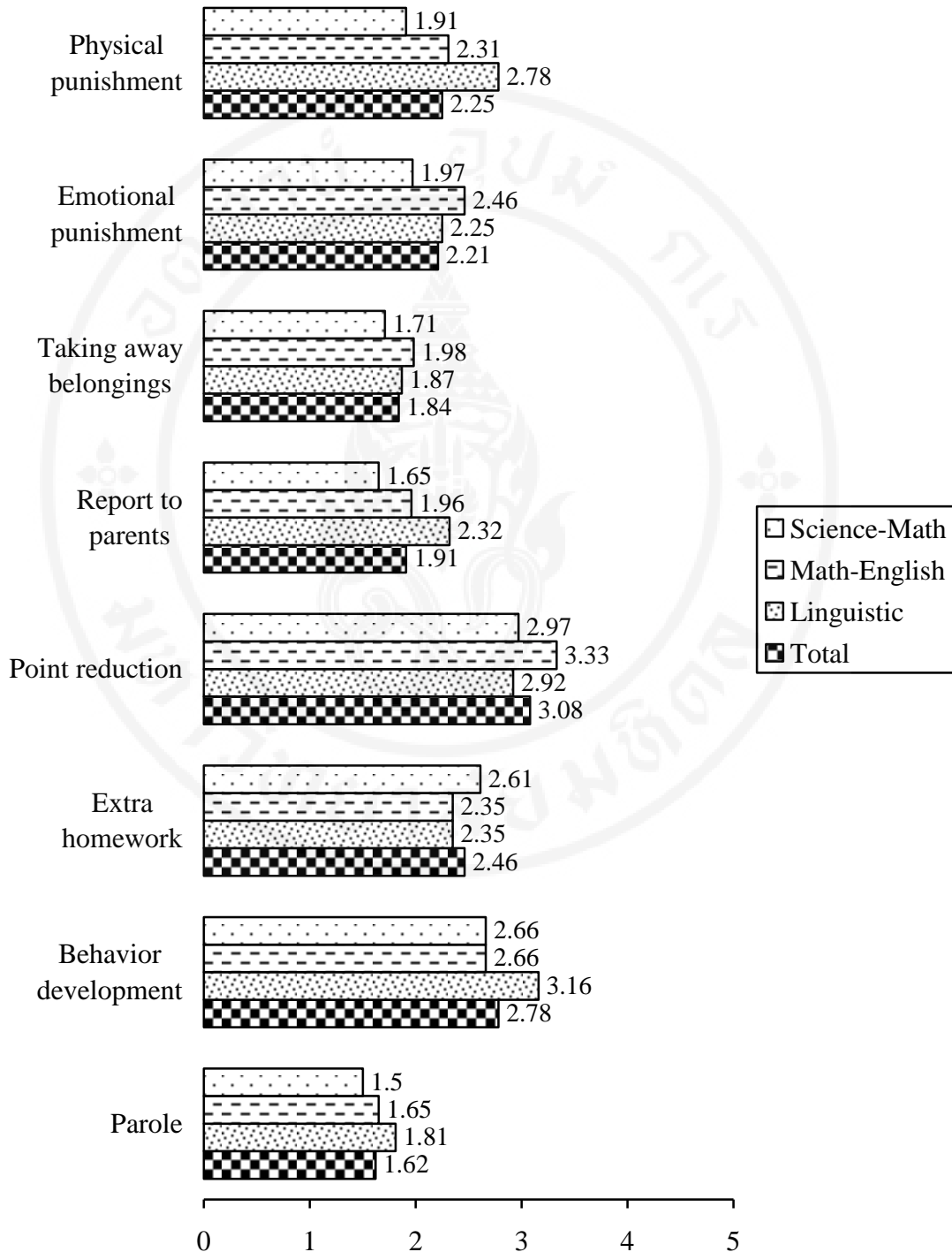


Figure 4.5: Frequency of Punishment students of different age encountered during academic year 2011

Results displayed in Figure 4.5 point out that during academic year 2011 younger students had encountered physical form of punishment such as caning, smacking, hitting, slapping, twisting ears, swallowing hot spices/ bitter plants, and standing in uncomfortable position more often than students from older age groups. In Figure 4.5, it can be seen that the mean value or  $\bar{x}$  of 15 years old students who had experienced physical form of punishment when they were at school is 2.91 while the mean value for students who were 16 years old is 2.33, 17 years old is 2.05 and 18 years old is 2.15. On the other hand, instead of being physically punished by their teachers, students who were 17 and 18 years old were more likely to get their points deducted as a punishment (15 years old  $\bar{x} = 2.64$ , 16 years old  $\bar{x} = 2.92$ , 17 years old  $\bar{x} = 3.20$ , and 18 years old  $\bar{x} = 3.26$ ). The punishment method that has the highest overall mean value is point reduction which is  $\bar{x} = 3.08$ . This result corresponds to the interview results that when students need to be punished, teachers were more likely to use point reduction because it was considered as agreeable according to the new Regulation by the Ministry of Education. However, younger students tended to encounter physical form of punishment more often than students who were 17 or 18 years old. It can be understood that teachers preferred to use physical punishment with younger students because they felt this approach was more effective when students were too young and wouldn't listen to them. However, with older students who were more matured and would listen more to the teachers, they preferred using point reduction as a punishment strategy.

### Mean Values



**Figure 4.6** Frequency of Punishment students of different study programs encountered during academic year 2011

The results portrayed in Figure 4.6 point out the fact that students from Linguistic program ( $\bar{x} = 2.78$ ) were physically punished more often than students from Mathematics-English ( $\bar{x} = 2.31$ ) and Science-Mathematics programs ( $\bar{x} = 1.91$ ) during academic year 2011. On the other hand, students from Mathematics-English program were most likely to get their points deducted by their teachers ( $\bar{x} = 3.33$ ) while students from Science-Mathematics program ( $\bar{x} = 2.97$ ) and Linguistic program ( $\bar{x} = 2.92$ ) got their points deducted less often.

The fact that Mathematics-English students were more likely to have their points reduced rather than facing physical forms of retribution may have contributed to their level of support for school corporal punishment in Table 4.6 (45.74% were supportive of school corporal punishment). Likewise, Linguistic students who were likely to face with physical forms of punishment more often than students from other programs were less likely to support it (only 19.51% of them supported the idea).

However, the support from majority of teachers and 1/3 of students who participated in this research cannot be used to justify physical punishment and other maltreatments against children. These results imply that the government needs to take action and provide understanding among its people in order to change people's attitude towards corporal punishment and successfully outlaw it from the society.

## **CHAPTER V**

### **CONCLUSION**

#### **5.1 Summary of Findings**

The results from interview research have shown that out of 21 participants, 16 teachers supported physical form of punishment such as caning and spanking because they were convinced that this type of disciplinary tactic helped reduce their students' unwanted behaviors and created a healthy learning environment in the classroom.

Most participants were raised in households where parents used corporal punishment to discipline their children. They were thankful to their parents and former teachers for caning them and claimed that this strategy was effective and should be put into practice. The belief that caning children was a way of showing parents' love and care was very common among Thai families as the Thai old saying stated 'If you love your cow, tie them. If you love your children, hit them'. This same idea was also shared by Thai teachers who were respected by Thai people for their important role in the society. It reminded parents, guardians, and teachers how important discipline and obedience were for childrearing and how they should take action in order to correct the unwanted behaviors, so they could successfully lead the children to the right path.

Having such belief in their minds, most participants claimed that methods listed in the new regulation on student punishment were insufficient and impracticable. Some participants self-admitted that they still used corporal punishment in classrooms without knowledge from other school authorities. Some teachers who still practiced corporal punishment stated that they had received their students' parents' permission to cane.

Teachers who participated in the interview research mentioned that they believed physical punishment was necessary in some cases such as cases when students came from households that parents practiced physical punishment, cases with

young students who did not listen, and cases which schools were consisted of students from rural areas.

After the ban on school corporal punishment, participants claimed that students had been paying less respect towards them. Another problem which teachers claimed to be the result of the ban was homework. Unlike before, after the ban was enacted teachers claimed students did not finish their homework and assignment because they were not afraid of point reduction. They also claimed that when physical punishment was available, students were more responsible with their homework and study, so it was easier for teachers to maintain effective learning environment. However, there was no intellectual research to support these claims.

Results of questionnaire research have shown that 250 out of 273 students or 91.6% of participants were well acknowledged of the existence of the ban on school corporal punishment. There were 96 students (35.16%) who were supportive of physical punishment and believed it should be used in schools. During academic year 2011, 198 students had encountered physical form of punishment inside their schools. Questionnaire participants who were more likely to be physically punished by their teachers or school authorities were young male students who were 15 years old where senior students who were more supportive of physical punishment rarely faced this type of disciplinary strategy at school. The questionnaire results have also shown that students got punished for breaking the school uniform regulation the most, following by not participating in classroom and skipping class which means that teachers paid more attention to obedience than to education.

## **5.2 Conclusion**

### **5.2.1 What are the Thai pedagogical or institutional cultural values claimed to justify corporal punishment?**

Thai teachers are valued as students' 'second parents' by the society. This ideology gives teachers a higher standing than their students' and leads teachers to feel responsible for their students. Thai teachers believe that it is their obligation as a

teacher to teach their students about discipline, rule, and obedience. During the interview research, every teacher heavily focused their attention on the topic of discipline and obedience. This idea allowed them to practice corporal punishment in order to correct their students and eliminate the unwanted behaviors.

One of the disciplinary methods that have been used by teachers for a very long time is caning. The image of a teacher holding a rattan cane can be considered as a typical image of a Thai teacher which is also comparable to a soldier and his gun. Many teachers were convinced that caning can put students on their right tracks and turn them into successful adults. Some teachers who participated in the interview had shown their gratitude towards their former teachers for caning them. However, a rattan cane is not only a tool which is used only for disciplining purpose; it also represents power, control, and respect.

Teacher is a career that is highly valued by Thai society as it serves a significant role in shaping the future generation. Apart from being their students' second parents, teachers are also referred to as 'Mae Pim Khong Chat (แม่พิมพ์ของชาติ)' or the nation's mold. Being valued and well-accepted among Thai society as the nation's mold, parents and children have been putting a lot of their trusts in their teachers. Students are taught to listen and obey their teachers while parents believe that teachers can help their children grow up to be responsible adults. This is one of the reasons that allow teachers who believe in the use of corporal punishment to view it as a justified disciplinary strategy. Furthermore, children tend to obey and look up to their teachers while believing that they deserve the caning because they misbehave. Also, this belief makes it less likely for teachers to get complaints from parents if their children get hit because parents usually assume that their children did something wrong at school and need to be punished.

### **5.2.2 How Thai teachers and students think of the ban in terms of 'collisions' between local values and national law?**

Thai teachers who supported the idea of corporal punishment claimed that the ban on school corporal punishment affected their ability to control the class. Some teachers further stated that utilizing the ban equaled breaking their rattan canes. After the ban has been enacted, teachers believed that students had less respect towards them

and it made it harder for them to maintain the healthy learning environment as students did not participate in class nor finish their assignment like before. They stated that the ban had made student become less responsible with their homework as they did not fear for the results of their actions and they suggested that physical form of punishment was better suited with the Thai students' background as many of them were brought up in households that practice corporal punishment.

Almost all of the students who participated in the questionnaire research were acknowledged about the ban existence and they also knew that their teachers were not obeying the new Regulation. However, 35.16% of students were still supportive of physical form of punishment and believed that physical punishment was necessary and effective in some cases.

### **5.2.3 How does corporal punishment remain despite the ban process?**

The corporal punishment still remains despite the ban process because the regulation on student punishment has no legal power and there is no official punishment stated in the regulation for teachers who do not follow. Furthermore, majority of the teachers supported this type of disciplinary strategy and some teachers had admitted that they still used it inside their classrooms as they viewed it as very effective, unlike the new Regulation which they claimed to be unrealistic.

Parents also played an important role in allowing corporal punishment to remain after the banning process by permitting teachers to hit their own children at school. Discussion between teachers and guardians were made every year during class meeting with parents.

There's still a long way for Thailand to reach the international human rights standard on corporal punishment. However, it could be possible if the government provides more information on the international rights of a child and successful cases of the ban on school corporal punishment in other countries. Campaigns such as the End Violence Against Children by UNICEF and the Ministry of Social Development and Human Security, Thailand can be considered as an important step toward a successful ban on both school and household violence against children by providing information on negative impacts of violence and positive disciplinary approaches for teachers, parents, and caretakers to use with children.

### **5.3 Suggestions**

This thesis paper only covers school corporal punishment for children who were 15-18 years old. However, the results have shown a tendency that younger students were more likely to be physically punished by their teachers. Therefore, further studies on corporal punishment can be done on students whose ages are less than 15 years old in elementary school and middle school.

Further research can also focus on the students' family background and study about households' corporal punishment and violence against children since this factor is often brought up by many teachers as a justification to employ corporal punishment towards students at school.

Another area which can be studied is the change in students' academic performances before and after the ban as many teachers who participated in the interview research were convinced that students' performance was weakening.



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**OBSTACLES TO THE BAN ON SCHOOL CORPORAL PUNISHMENT:  
EXPLORING LOCAL VALUES AND EDUCATIONAL PRACTICES IN  
SARABURI, THAILAND**

**SASIPRAPA JAMPAN  
2015**





## APPENDIX A

### QUESTIONNAIRE HAND-OUT

แบบสอบถามงานวิจัย

เรื่อง

No: \_\_\_\_\_

Date: \_\_\_\_\_

**วัฒนธรรมการปฏิบัติของครูอาจารย์ในสถานศึกษาและความเคารพต่อสิทธิมนุษยชน :**  
**ตัวอย่างการศึกษาผลการปฏิบัติตามระเบียบการลงโทษนักเรียนในสถานศึกษา**  
**ที่ว่าด้วยการยกเลิกการลงโทษด้วยการเขียนดี**

คำชี้แจง กรุณาตอบแบบสอบถามตามความคิดของท่าน เพื่อประโยชน์ในการศึกษางานวิจัย ครั้งนี้ โดยทำเครื่องหมาย ✓ ลงในช่องหน้าข้อความที่ตรงกับความเป็นจริง

**ตอนที่ 1 ข้อมูลทั่วไปเกี่ยวกับผู้ตอบแบบสอบถาม**

1. เพศ:             ชาย             หญิง
2. อายุ:             15             16             17             18
3. กำลังศึกษาอยู่ชั้นมัธยมศึกษาปีที่: \_\_\_\_\_
4. สาขาการเรียน     วิทยาศาสตร์             ศิลปคำนวณ             ศิลปภาษา

**ตอนที่ 2 ความรู้ทั่วไปเกี่ยวกับระเบียบกระทรวงศึกษาธิการว่าด้วยการลงโทษนักเรียน**

5. ท่านทราบถึงระเบียบว่าด้วยการลงโทษนักเรียนในสถานศึกษาเรื่องการยกเลิกการเขียนดีหรือไม่  
 ทราบ             ไม่ทราบ
6. ท่านได้รับข่าวสารเกี่ยวกับระเบียบการลงโทษนักเรียนจากแหล่งข่าวใด  
(สามารถเลือกได้มากกว่า 1 ข้อ)  
 อินเทอร์เน็ต             โทรทัศน์             หนังสือพิมพ์             โรงเรียน  
 คุณครู/อาจารย์             วิทยู             เพื่อนๆ  
 อื่นๆ(โปรดระบุ)\_\_\_\_\_

**ตอนที่ 3 ปัจจัยด้านสิ่งแวดล้อมที่ส่งผลต่อการลงโทษนักเรียน**

คำชี้แจง โปรดทำเครื่องหมาย ✓ ลงในช่องที่ตรงกับความคิดเห็นของท่านมากที่สุด

คำอธิบาย อ่านข้อความในแบบสอบถามทีละข้อแล้วจึงพิจารณาว่าปัจจัยในเรื่องนั้นส่งผล มาก น้อย เพียงใดใน 5 อันดับ ตามความเป็นจริง

มากที่สุด หมายถึง ปัจจัยที่ส่งผลต่อการตัดสินใจมากที่สุดต่อคำถามนั้น

มาก หมายถึง ปัจจัยที่ส่งผลต่อการตัดสินใจมากต่อคำถามนั้น

ปานกลาง หมายถึง ปัจจัยที่ส่งผลต่อการตัดสินใจพอสมควรต่อคำถามนั้น

น้อย หมายถึง ปัจจัยที่ส่งผลต่อการตัดสินใจน้อยต่อคำถามนั้น

น้อยที่สุด หมายถึง ปัจจัยที่ส่งผลต่อการตัดสินใจน้อยมากถึง ไม่มีผลเลยต่อคำถามนั้น

ท่านคิดว่าปัจจัยต่อไปนี้ส่งผลต่อการทำให้นักเรียนถูกรุทำโทษมากน้อยเพียงใด	ระดับความคิดเห็น				
	มากที่สุด	มาก	ปานกลาง	น้อย	น้อยที่สุด
1. จำนวนนักเรียนต่อห้อง					
2. สายวิชาที่ศึกษา					
3. อัตราส่วนระหว่างนักเรียนหญิงต่อนักเรียนชาย					
4. จำนวนครูประจำชั้น					
5. การแต่งกายของนักเรียน					
6. จำนวนชั่วโมงการเข้าเรียนของนักเรียน					
7. การส่งงานตามที่ได้รับมอบหมายและการทำกิจกรรมกลุ่มร่วมกับเพื่อนๆ					
ท่านคิดว่า การลงโทษดังต่อไปนี้ จะส่งผลให้เด็กมี ทัศนคติที่ดีขึ้นเพียงใด	ระดับความคิดเห็น				
	มากที่สุด	มาก	ปานกลาง	น้อย	น้อยที่สุด
1. การเขียนตี เช่น ตีด้วยไม้เรียว ตีด้วยมือ หรือ ตีด้วยสิ่งของอื่นๆ					
2. การตบ หรือ เขก ศรีษะ					
3. การดึง หรือ ดึงหู					
4. การลงโทษด้วยการทำให้สิ่งของส่วนตัวเสียหาย เช่น ตัดผม ยึดสิ่งของส่วนตัว					
5. การลงโทษด้วยการว่ากล่าวตักเตือน					
6. การลงโทษด้วยการเพิ่มการบ้าน					
7. การลงโทษด้วยการหักคะแนน					
8. การลงโทษด้วยการบำเพ็ญประโยชน์					
9. การลงโทษด้วยการทำทัณฑ์บน					

**ตอนที่ 4 ความถี่ของบทลงโทษที่ผู้ตอบแบบสอบถามได้ประสบ**

ในแต่ละปีการศึกษาท่านถูกลงโทษด้วยวิธีต่อไปนี้บ่อยครั้งแค่ไหน โปรดเติมเครื่องหมาย (✓) ในช่องที่ตรงกับความเป็นจริงมากที่สุด

วิธีการลงโทษ	ความถี่ของการถูกลงโทษ				
	บ่อยมาก	บ่อย	บางครั้ง	น้อยครั้ง	ไม่เคย
การลงโทษด้วยการทำให้รู้สึกเจ็บปวด					
การลงโทษด้วยการทำให้ได้รับความอับอาย					
การลงโทษด้วยการหักคะแนน					
การลงโทษด้วยการยึดทรัพย์สินส่วนตัว					
เพิ่มการบ้าน					
บำเพ็ญประโยชน์					
ทำทัณฑ์บน					
เรียกผู้ปกครอง					

**ตอนที่ 5 ความคาดหวังของนักเรียนต่อระเบียบกระทรวงศึกษาธิการว่าด้วยการยกเลิกการลงโทษนักเรียนด้วยการเขียนตี**

9. ท่านคิดว่าโรงเรียนควรมีการลงโทษด้วยการเขียนตีต่อไปหรือไม่

ควรมีต่อไป                       ไม่ควรมีต่อไป

**ตอนที่ 6 ความคิดเห็นและข้อเสนอแนะ**

10. ท่านคิดว่าการลงโทษนักเรียนควรมีการปรับปรุงอย่างไรเพื่อให้ได้ผลลัพธ์ที่ดีที่สุดทางการเรียนการสอน

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ขอขอบพระคุณที่กรุณาสละเวลาในการตอบแบบสอบถาม

นางสาวศศิประภา จำเพียร

นักศึกษาหลักสูตรศิลปศาสตรมหาบัณฑิต สาขาวิชาสิทธิมนุษยชนและสันติศึกษา  
บัณฑิตวิทยาลัย มหาวิทยาลัยมหิดล



**Questionnaire****on****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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**Part 1 General Information**

1. Gender:       Male                       Female
2. Age:           15               16               17               18
3. Grade:        \_\_\_\_\_
4. Study Program:  Science - Math     Math - English     Linguistic

**Part 2 Regulation on Student Punishment**

5. Do you know about the ban on school corporal punishment?  
 Yes               No
6. From which channel did you receive information about the ban on school corporal punishment? ( Can choose more than 1 answer)  
 Internet     Television     Newspapers               School  
 Teachers     Radio               Friends  
 Others (please specify) \_\_\_\_\_

### Part 3 Factors which lead to punishment

Please answer by choosing the number which represents your level of agreement to each factor ranking from 1-5, in which 5 is strongly agree, 4 is agree, 3 is neutral, 2 is disagree, and 1 is strongly disagree.

Which factors lead to punishment?	Level of agreement				
	Strongly agree	Agree	Neutral	Disagree	Strongly Disagree
1. Class size					
2. Study Program					
3. Proportion of male and female students					
4. Proportion of teachers and students					
5. How students wear uniform					
6. Class attendance					
7. In class Participation					
Punishment methods that are effective and should be used in school	Level of agreement				
	Strongly agree	Agree	Neutral	Disagree	Strongly Disagree
1. Caning					
2. Hitting, smacking					
3. Twisting ears					
4. Taking away or destroying belongings					
5. Caution					
6. Extra homework					
7. Point reduction					
8. Behavior Development Workshop					
9. Parole					

**Part 4 Frequency of punishment encountered during academic year**

Punishment Method	Frequency				
	Always	Often	Sometimes	Rarely	Never
Physical punishment					
Emotional punishment					
Point reduction					
Taking away belongings					
Extra homework					
Behavior development					
Parole					
Report parents					

**Part 5 Opinions on the ban on school corporal punishment**

9. Do you think school corporal punishment should continue to be practiced?

Yes

No

**Part 6 Suggestions**

10. How can we improve student punishment in order to benefit academically?

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## APPENDIX B

### INTERVIEW QUESTIONS

วัฒนธรรมการปฏิบัติของครูอาจารย์ในสถานศึกษาและความเคารพต่อสิทธิมนุษยชน :  
ตัวอย่างการศึกษาผลการปฏิบัติตามระเบียบการลงโทษนักเรียนในสถานศึกษา  
ที่ว่าด้วยการยกเลิกการลงโทษด้วยการเขียนดี

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#### คำถามในการสัมภาษณ์

1. ท่านคิดอย่างไรกับคำกล่าวที่ว่าครูเป็นพ่อแม่คนที่สองของนักเรียน
2. ท่านคิดว่าเหตุผลใดคนไทยจึงใช้การเขียนดีในการอบรมบุตรหลาน
3. ก่อนการออกระเบียบว่าด้วยการลงโทษนักเรียนในสถานศึกษา (พ.ศ.2548) เรื่องการยกเลิกการเขียนดี ได้มีการเขียนดีด้วยเหตุผลใดบ้าง และรุนแรงในระดับใด (อย่างเช่นไม่ทำการบ้าน แต่งตัวผิดระเบียบ หนีเรียน พุดจาหยาบคาย )
4. ท่านเห็นด้วยหรือไม่กับระเบียบว่าด้วยการลงโทษนักเรียน พ.ศ. 2548 ที่ยกเลิกการเขียนดีเพราะเหตุใด
5. ท่านคิดว่ายังมีการลงโทษนักเรียนด้วยการเขียนดีในโรงเรียนอยู่หรือไม่ หลังจากมีการออกระเบียบว่าด้วยการลงโทษนักเรียนของกระทรวงศึกษาธิการ พ.ศ. 2548 เรื่องการยกเลิกการเขียนดี ทั้งในโรงเรียนของท่านและโรงเรียนอื่นๆในประเทศไทย
6. ท่านคิดว่าเพราะเหตุใดคุณครู/อาจารย์บางท่านยังคงใช้วิธีการลงโทษนักเรียนด้วยการเขียนดีอยู่
7. เมื่อระเบียบการลงโทษนักเรียนได้มีการยกเลิกการเขียนดีด้วยไม้เรียว ท่านคิดว่าระดับการลงโทษนักเรียนเพียงพอที่จะพัฒนานักเรียนให้เป็นคนดีของสังคมได้หรือไม่
8. ในความคิดของท่าน การเขียนดียังจำเป็นสำหรับการลงโทษนักเรียนหรือไม่ เพราะเหตุใด
9. เมื่อโรงเรียนไม่มีการเขียนดีนักเรียน การปกครองนักเรียนภายในโรงเรียนของท่านมีปัญหาหรือไม่
10. ท่านคิดว่าหลังจากใช้ระเบียบว่าด้วยการลงโทษฉบับใหม่นี้ ปัญหาทางพฤติกรรมของนักเรียนเพิ่มขึ้นหรือลดลง อย่างไร

11. ตามความคิดเห็นของท่าน การลงโทษโดยการว่ากล่าวตักเตือน การเชิญผู้ปกครองมาร่วมแก้ปัญหานักเรียน การลงโทษนักเรียนโดยการให้บำเพ็ญประโยชน์ การจัดนักเรียนเข้าค่ายเพื่อปรับพฤติกรรม การหักคะแนน ทำทัณฑ์บน และการเขียนตีใช้สำหรับความผิดในเรื่องใดบ้าง ท่านมีวิธีอื่นๆในการทำโทษเด็กเพื่อให้มีการพัฒนาทางพฤติกรรมในทางที่ดีขึ้นหรือไม่

### **English Translation**

#### **Interview Questions**

1. What do you think about the idea that teachers are students' second parents?
2. Why do you think many Thai parents and guardians use corporal punishment to discipline their children?
3. How did you apply corporal punishment in school before the ban?
4. Do you agree with the new Regulation on Student Punishment that has cancelled physical form of punishment such as caning?
5. Do you think corporal punishment still exist inside schools?
6. Why some teachers still practice corporal punishment?
7. After caning has been banned, do you think the new regulation is sufficient?
8. In your opinion, is caning still necessary? Why?
9. After the ban, does your school have any problem with managing students?
10. How does the new regulation affect students' behaviors? Do students' behavior problems increase/decrease? How?
11. How do you apply the following punishment methods: caution, report to parents, behavior development, point reduction, parole, and caning? Do you have other punishment methods that will help with student's development?

## APPENDIX C

### PARTICIPANT INFORMATION SHEET

#### เอกสารชี้แจงผู้เข้าร่วมการวิจัย

ในเอกสารนี้อาจมีข้อความที่ท่านอ่านแล้วยังไม่เข้าใจ โปรดสอบถามหัวหน้าโครงการวิจัย หรือผู้แทนให้ช่วยอธิบายจนกว่า จะเข้าใจดี ท่านจะได้รับเอกสารนี้ 1 ฉบับ นำกลับไปอ่านที่บ้านเพื่อปรึกษาหารือกับญาติพี่น้อง เพื่อนสนิท แพทย์ประจำตัว ของท่าน หรือผู้อื่นที่ท่านต้องการปรึกษา เพื่อช่วยในการตัดสินใจเข้าร่วมการวิจัย

#### ชื่อโครงการ(ภาษาไทย)

วัฒนธรรมการปฏิบัติของครูอาจารย์ในสถานศึกษาและความเคารพต่อสิทธิมนุษยชน: ตัวอย่างการศึกษาผลการปฏิบัติตามระเบียบการลงโทษนักเรียนในสถานศึกษาที่ว่าด้วยการยกเลิกการลงโทษด้วยการเขียนดี

#### ชื่อผู้วิจัย นางสาวศศิประภา จำเพียร

สถานที่วิจัย สถานที่ทำงานและหมายเลขโทรศัพท์ที่ติดต่อได้ทั้งในและนอกเวลาราชการ  
ศูนย์สิทธิมนุษยชนและสันติศึกษา

โทร 02-4414125 ในเวลาราชการ และ 080-577-0136 นอกเวลาราชการ

#### ผู้ให้ทุน ทุนส่วนตัว

โครงการวิจัยนี้ทำขึ้นเพื่อศึกษาความขัดแย้งทางความคิดและวิเคราะห์ความเชื่อมโยงไปสู่ความล้มเหลวของระเบียบกระทรวงศึกษาธิการที่ว่าด้วยการยกเลิกการลงโทษนักเรียนนักศึกษาในสถานศึกษาด้วยการเขียนดี ซึ่งผลการวิจัยที่ได้จะนำไปสู่ความเข้าใจเกี่ยวกับผลกระทบที่วัฒนธรรมการปฏิบัติของครูอาจารย์ในด้านการลงโทษเด็กนักเรียนนักศึกษามีต่อศักยภาพของระเบียบกระทรวงศึกษาธิการเรื่องการยกเลิกการลงโทษนักเรียนนักศึกษาในสถานศึกษาด้วยการเขียนดี

ท่านได้รับเชิญให้เข้าร่วมการวิจัยนี้เพราะแนวความคิดทางด้านวัฒนธรรมการปฏิบัติของครูอาจารย์ที่ท่านมีเป็นข้อมูลอันสำคัญยิ่งเกี่ยวกับสถานการณ์ปัจจุบันและศักยภาพของระเบียบการ

ลงโทษนักเรียนนักศึกษาในสถานศึกษาที่ว่าด้วยการยกเลิกการลงโทษด้วยการเขียนดี

จะมีผู้เข้าร่วมการวิจัยนี้ทั้งสิ้นประมาณ 20 คน ระยะเวลาที่จะทำวิจัยทั้งสิ้น 4 เดือน

หากท่านตัดสินใจเข้าร่วมการวิจัยแล้ว จะมีขั้นตอนการวิจัยดังต่อไปนี้คือ

-ท่านจะได้รับการสัมภาษณ์ซึ่งหัวข้อในการสัมภาษณ์ประกอบด้วยวัฒนธรรมปฏิบัติของครูอาจารย์เกี่ยวกับการลงโทษเด็กนักเรียนนักศึกษา ระเบียบกระทรวงศึกษาธิการว่าด้วยการยกเลิกการลงโทษนักเรียนด้วยการเขียนดี และผลกระทบที่ตามมาหลังจากได้มีการออกระเบียบดังกล่าว

- การสัมภาษณ์ประกอบไปด้วยคำถามทั้งสิ้น 11 คำถาม

- การสัมภาษณ์นี้ใช้เวลาประมาณ 30 - 45 นาที

- ข้อมูลการสัมภาษณ์ทั้งหมดจะถูกบันทึกด้วยการพิมพ์ลงในคอมพิวเตอร์โดยข้อมูลทั้งหมดที่ได้จะถูกเก็บเป็นความลับ และจะถูกลบทิ้งทันทีหลังจากที่ผู้ทำการวิจัยเสร็จสิ้นการทำวิทยานิพนธ์

ความเสี่ยงที่อาจเกิดขึ้นเมื่อเข้าร่วมการวิจัย คือ ท่านอาจรู้สึกอึดอัด ไม่สบายใจ เครียด กับบางคำถาม ท่านมีสิทธิ์ที่จะไม่ตอบคำถามเหล่านั้นได้

หากท่านไม่เข้าร่วมในการวิจัยนี้ก็จะไม่มีผลต่อ หน้าที่การงานของท่าน

หากเกิดผลข้างเคียงที่ไม่พึงประสงค์จากการวิจัยหรือมีข้อข้องใจที่จะสอบถามเกี่ยวกับการวิจัย ท่านสามารถติดต่อ นางสาวศศิประภา จำเพียร โทร 080-577-0136

การเข้าร่วมการวิจัยครั้งนี้ ท่านจะไม่ได้รับค่าตอบแทน และไม่เสียค่าใช้จ่ายใดๆ

หากมีข้อมูลเพิ่มเติมทั้งด้านประโยชน์และโทษที่เกี่ยวข้องกับการวิจัยนี้ ผู้วิจัยจะแจ้งให้ทราบโดยรวดเร็วไม่ปิดบัง

ข้อมูลส่วนตัวของผู้เข้าร่วมการวิจัยจะถูกเก็บรักษาไว้ ไม่เปิดเผยต่อสาธารณะเป็นรายบุคคล แต่จะรายงานผลการวิจัยเป็นข้อมูลส่วนรวม ข้อมูลของผู้เข้าร่วมการวิจัยเป็นรายบุคคลอาจมีคณะบุคคลบางกลุ่มเข้ามาตรวจสอบได้ เช่น ผู้ให้ทุนวิจัย, สถาบัน หรือองค์กรของรัฐที่มีหน้าที่ตรวจสอบ, คณะกรรมการจริยธรรมฯ เป็นต้น

ผู้เข้าร่วมการวิจัยมีสิทธิ์ถอนตัวออกจากโครงการวิจัยเมื่อใดก็ได้ โดยไม่ต้องแจ้งให้ทราบล่วงหน้า และการไม่เข้าร่วมการวิจัยหรือถอนตัวออกจากโครงการวิจัยนี้ จะไม่มีผลกระทบต่อหน้าที่การงานของท่านแต่ประการใด

โครงการวิจัยนี้ได้รับการพิจารณารับรองจาก คณะกรรมการจริยธรรมการวิจัยในคนของมหาวิทยาลัยมหิดล ซึ่งมีสำนักงานอยู่ที่ สำนักงานอธิการบดีมหาวิทยาลัยมหิดล ถนนพหลโยธิน

สาย 4 ตำบลศาลายา อำเภอพุทธมณฑล จังหวัดนครปฐม 73170 หมายเลขโทรศัพท์ 02-849-6223-5  
โทรสาร 02-849-6223 หากท่านได้รับการปฏิบัติไม่ตรงตามที่ระบุไว้ ท่านสามารถติดต่อกับประธาน  
คณะกรรมการฯ หรือผู้แทน ได้ตามสถานที่และหมายเลขโทรศัพท์ข้างต้น

ข้าพเจ้าได้อ่านรายละเอียดในเอกสารนี้ครบถ้วนแล้ว

ลงชื่อ.....ผู้เข้าร่วมวิจัย

(.....)

วันที่.....

### **Participant Information Sheet**

*In this document, there may be some statements that you do not understand. Please ask the principal investigator or his/her representative to give you explanations until they are well understood. To help your decision making in participating the research, you may bring this document home to read and consult your relatives, intimates, personal doctor or other doctor.*

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

**Name of Researcher:** Sasiprapa Jampian

**Research Site-Office and its telephone number available for contact both in and out of the office hours:** Office of Human Rights and Peace Department 02-4414125.  
Hours: 9-5

**Source of Fund:** Private

This research project 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.

You are invited to participate in this research project because it will contribute to the research on the collision between Thai pedagogical value on corporal punishment and international human rights. Moreover, your perceptive standpoint will provide relevant details on the current situation of the ban on school corporal punishment in Thailand and its effectiveness to the civil society.

There will be 20 participants, and the research will last for 4 months

- If you decide to participate in this research project, you will be interviewed and asked to answer a set of open ended questions intended to gather details, opinions and reactions.

- Interview topics will include; Thai pedagogical value on corporal punishment, the ban on school corporal punishment, and collision between local pedagogical value on corporal punishment and the ban.

- There will be 11 questions to the interview

- The interview will take about 30 to 45 minutes

- Each interview will be recorded by typing using a word document.

Confidentiality and security of data will be kept at high priority; data gathered and participants' personal information will be kept separated on the researcher's computer to which only the researcher will be able to access using a password. All data gathered will be deleted after the completion of thesis.

- In the case of uneasiness or discomfort due to some questions. The participant has the right not to reply.

- During the interview, researcher will record all of your answers by typing it into a word document and no record of your name or address will be kept. Information that would make it possible to identify you will never be included in any sort of report.

If you do not participate in this research project, you will receive a standard diagnosis and treatment.

**If you have any questions about this research please feel free to contact Sasiprapa Jampian Telephone: 080-577-0136**

The participant is not responsible for any expense for participating in this research.

If relevant information arises about benefits and risks of the research project, the researcher will inform the participant immediately and without concealment.

The participant's private information will be kept confidential, it will not be subject to an individual disclosure, but will be included in the research report as part of the overall results. Individual information may be examined by a researcher, the ethics committee, etc.

The participant has the right to withdraw from the project at any time without prior notice. And the refusal to participate or the withdrawal from the research project will not at all affect the proper service or treatment that he/she will receive.

On the condition that I am not treated as indicated in the information sheet distributed to the subjects, I can contact the Chair of The Committee for Research Ethics (Social Sciences) at the office of MU-SSIRB, Office of Faculty of Social Sciences and Humanities, Mahidol University, Tel 66 2 441 9180, Fax 66 2 441 9181

I thoroughly read the details in this document.

Signature..... Participant  
(.....)  
Date.....

**APPENDIX D**  
**FORM OF INFORMED AND VOLUNTARY CONSENT**  
**TO PARTICIPATE IN RESEARCH**

หนังสือแสดงเจตนายินยอมเข้าร่วมการวิจัยโดยได้รับการบอกกล่าวและเต็มใจ

วันที่..... เดือน..... พ.ศ.....

ข้าพเจ้า..... อายุ.....ปี อาศัยอยู่บ้านเลขที่.....

ถนน.....ตำบล.....อำเภอ.....

จังหวัด.....รหัสไปรษณีย์.....

โทรศัพท์ .....

ขอแสดงเจตนายินยอมเข้าร่วม โครงการวิจัยเรื่อง

วัฒนธรรมการปฏิบัติของครูอาจารย์ในสถานศึกษาและความเคารพต่อสิทธิมนุษยชน:

ตัวอย่างการศึกษาผลการปฏิบัติตามระเบียบการลงโทษนักเรียนในสถานศึกษาที่ว่าด้วยการยกเลิกการลงโทษด้วยการเขียนดี

โดยข้าพเจ้าได้รับทราบรายละเอียดเกี่ยวกับที่มาและจุดมุ่งหมายในการทำวิจัยรายละเอียดขั้นตอนต่างๆ ที่จะต้องปฏิบัติหรือได้รับการปฏิบัติ ประโยชน์ที่คาดว่าจะได้รับของการวิจัยและความเสี่ยงที่อาจเกิดขึ้นจากการเข้าร่วมการวิจัย รวมทั้งแนวทางป้องกันและแก้ไขหากเกิดอันตรายขึ้น ค่าตอบแทนที่จะได้รับ ค่าใช้จ่ายที่ข้าพเจ้าจะต้องรับผิดชอบจ่ายเอง โดยได้อ่านข้อความที่มีรายละเอียดอยู่ในเอกสารชี้แจงผู้เข้าร่วมการวิจัยโดยตลอด อีกทั้งยังได้รับคำอธิบายและตอบข้อสงสัยจากหัวหน้าโครงการวิจัยเป็นที่เรียบร้อยแล้ว โดยไม่มีสิ่งใดปิดบังซ่อนเร้น

ข้าพเจ้าจึงสมัครใจเข้าร่วมใน โครงการวิจัยนี้:

วัฒนธรรมการปฏิบัติของครูอาจารย์ในสถานศึกษาและความเคารพต่อสิทธิมนุษยชน:

ตัวอย่างการศึกษาผลการปฏิบัติตามระเบียบการลงโทษนักเรียนในสถานศึกษาที่ว่าด้วยการยกเลิกการลงโทษด้วยการเขียนดี

ข้าพเจ้าได้ทราบถึงสิทธิ์ที่ข้าพเจ้าจะได้รับข้อมูลเพิ่มเติมทั้งทางด้านประโยชน์และโทษจากการเข้าร่วมการวิจัย และสามารถถอนตัวหรืองดเข้าร่วมการวิจัยได้ทุกเมื่อ โดยจะไม่มีผลกระทบต่อ การบริการและการรักษาพยาบาลที่ข้าพเจ้าจะได้รับต่อไปในอนาคต และยินยอมให้ผู้วิจัยใช้ข้อมูล

ส่วนตัวของข้าพเจ้าที่ได้รับจากการวิจัย แต่จะไม่เผยแพร่ต่อสาธารณะเป็นรายบุคคล โดยจะนำเสนอเป็นข้อมูลโดยรวมจากการวิจัยเท่านั้น

หากข้าพเจ้ามีข้อข้องใจเกี่ยวกับขั้นตอนของการวิจัย หรือหากเกิดผลข้างเคียงที่ไม่พึงประสงค์จากการวิจัยขึ้นกับข้าพเจ้า ข้าพเจ้า จะสามารถติดต่อกับนางสาวศศิประภา จำเพียร โทร 080-577-0136

หากข้าพเจ้าได้รับการปฏิบัติไม่ตรงตามที่ได้ระบุไว้ในเอกสารชี้แจงผู้เข้าร่วมการวิจัย ข้าพเจ้าจะสามารถติดต่อกับประธานคณะกรรมการจริยธรรมการวิจัยในคนหรือผู้แทนได้ที่ สำนักงานคณะกรรมการจริยธรรมการวิจัยในคน กองบริหารงานวิจัย สำนักงานอธิการบดี มหาวิทยาลัยมหิดล โทร. 02-849-6223-5 โทรสาร 02-849-6223

ข้าพเจ้าเข้าใจข้อความในเอกสารชี้แจงผู้เข้าร่วมการวิจัย และหนังสือแสดงเจตนายินยอมนี้ โดยตลอดแล้ว จึงลงลายมือชื่อไว้

ลงชื่อ.....ผู้เข้าร่วมการวิจัย/ผู้แทนโดยชอบธรรม/  
วันที่.....  
(.....)

ลงชื่อ.....ผู้ให้ข้อมูลและขอความยินยอม/หัวหน้า  
โครงการวิจัย/ วันที่.....  
(.....)

ในกรณีผู้เข้าร่วมการวิจัยไม่สามารถอ่านหนังสือได้ผู้ที่อ่านข้อความทั้งหมดแทนผู้เข้าร่วมการวิจัยคือ..... จึงได้ลงลายมือชื่อไว้เป็นพยาน

ลงชื่อ..... พยาน/  
วันที่.....  
(.....)

**Form of Informed and Voluntary Consent to Participate in Research**

Date...../...../.....

My name is....., aged.....years old,  
 now living at the address no.....road/street.....  
 sub-district/tambon.....  
 District/amphur.....province.....  
 Postal code.....Tel.No.....

I hereby express my consent to participate as a subject in the research project entitled “Local Thai Pedagogical Practices and the Respect for International Human Rights: A Case Study of Failed Corporal Punishment Ban in Thai Schools”

In so doing, I am informed of the research project’s origin and purpose; its procedural details to carry out or to be carried out; its expected benefits and risks that may occur to the subjects, including methods to prevent and handle harmful consequences; and remuneration, and expense. I thoroughly read the detailed statements in the information sheet given to the research subjects, I was also given explanations and my questions were answered by the head of the research project.

I therefore consent to participate as a subject in this research project.

On the condition that I have any questions about the research procedures, or on the condition that I suffer from an undesirable side effect from this research, I can contact Sasiprapa Jampian

On the condition that I am not treated as indicated in the information sheet distributed to the subjects, I can contact the Chair of The Committee for Research Ethics (Social Science) at the office of MU-SSIRB, Office of Faculty of Social Sciences and Humanities, Mahidol University, Tel 66-2- 441 9180, Fax 66-2-441 9181

I am aware of my right to further information concerning benefits and risks from the participation in the research project and my right to withdraw or refrain from the participation anytime without any consequence on the service or health care I am to receive in the future, I consent to the researcher’s use of my private information obtained in this research, but do not consent to an individual disclosure of private information. The information must be presented as part of the research results as a whole.

I thoroughly understand the statement in the information sheet for the research subjects and in this consent form. I thereby give my signature.

Signature.....Participants/Proxy/  
 (.....) Date.....

Signature.....Person in Charge of Informing and  
 Requesting a Consent/Head of (.....) Research  
 Project/Date.....

In case that the participant is not literate, the reader of all the statements for the participant is (Mr./Mrs./Ms.....), who gives his/her signature as a witness.

Signature.....Witness  
(.....) Date.....



**APPENDIX E**  
**LETTER TO SCHOOL DEANS**  
**FOR PERMISSION TO CONDUCT RESEARCH**



สถาบันสิทธิมนุษยชนและสันติศึกษา  
อาคารบัณฑิตวิทยาลัย มหาวิทยาลัยมหิดล  
25/25 ถนนพุทธมณฑล สาย 4 ตำบลศาลายา  
อำเภอพุทธมณฑล จังหวัดนครปฐม 73170  
โทร. 024414125 ต่อ 400/401

ที่ 2012/134.2704

วันที่ กรกฎาคม 2555

เรื่อง ขอความอนุเคราะห์เข้าเก็บข้อมูลเพื่อประกอบการทำวิทยานิพนธ์

เรียน ท่านผู้อำนวยการโรงเรียน

ด้วย นางสาวศศิประภา จำเพียร รหัสนักศึกษา 5338054 CHHR/M นักศึกษาหลักสูตรศิลปศาสตรมหาบัณฑิต สาขาวิชาสิทธิมนุษยชนและสันติศึกษา (หลักสูตรนานาชาติ) สถาบันสิทธิมนุษยชนและสันติศึกษา มหาวิทยาลัยมหิดล ได้รับอนุมัติการทำวิทยานิพนธ์ในหัวข้อเรื่อง Local Thai Pedagogical Practices and the Respect for International Human Rights: A Case Study of Failed Corporal Punishment Ban in Thai Schools

ในการทำวิจัยเพื่อวิทยานิพนธ์นี้ นางสาวศศิประภา จำเพียร ได้เลือกโรงเรียนของท่านเป็นกรณีศึกษา ในฐานะที่โรงเรียนของท่านเป็นโรงเรียนกลุ่มตัวอย่างที่ได้จากการสุ่มข้อมูลเพื่อทำการศึกษาวิทยานิพนธ์ครั้งนี้ หลักสูตรฯ จึงใคร่ขอความอนุเคราะห์จากท่านในการอนุญาตให้นางสาวศศิประภา จำเพียร เข้าเก็บข้อมูล และทำการสัมภาษณ์ครูในการดูแลของท่านตามความ

เหมาะสม โดยขอเก็บข้อมูลจากโรงเรียนของท่านในวันและเวลาที่ท่านเห็นสมควร ในเดือน  
กรกฎาคม 2555

หลักสูตรฯ ขอขอบพระคุณอย่างสูงในความอนุเคราะห์ของท่าน ความอนุเคราะห์ของท่าน  
จะช่วยสนับสนุนให้นางสาวศศิประภา จำเพียร สามารถบรรลุแผนการศึกษาที่วางแผนไว้ได้อย่างมี  
ประสิทธิภาพ หากท่านมีข้อสงสัยใดๆ หรือต้องการข้อมูลเกี่ยวกับนางสาวศศิประภา จำเพียร  
เพิ่มเติม กรุณาติดต่อ สถาบันสิทธิมนุษยชนและสันติศึกษา มหาวิทยาลัยมหิดล

ขอแสดงความนับถือ

(Dr. Michael George Hayes)

ประธานหลักสูตรศิลปศาสตรมหาบัณฑิต  
สาขาวิชาสิทธิมนุษยชนและสันติศึกษา (หลักสูตรนานาชาติ)

## BIOGRAPHY

**NAME** SASIPRAPA JAMPIAN

**DATE OF BIRTH** 10 OCTOBER 1986

**PLACE OF BIRTH** SARABURI, THAILAND

**INSTITUTIONS ATTENDED** Mahidol University International College,  
2006 – 2010  
Bachelor of Arts (Major: Social  
Science/ Minor: Japanese)  
Mahidol University, 2010 – 2015  
Master of Arts (Human Rights)

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E-mail: T.sasi4869@gmail.com

**PUBLICATION / PRESENTATION** “Local Thai Pedagogical Practices and the  
Resect for International Human Rights: A  
Case Study of Failed Corporal Punishment  
Ban in Thai Schools”  
Presented at 2012 2<sup>nd</sup> International  
Conference on History and Society  
Development (ICHSD 2012)  
Published in International Proceedings of  
Economics Development and Research:  
History and Society Development Vol. 54  
Electronically available at [www.ipedr.com](http://www.ipedr.com)