

Legal Update: Criminal Code Reform Strengthening Sexual Offences and Sexual Harassment

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Thailand has strengthened its legal framework on sexual harassment through amendments to the **Criminal Code B.E. 2499 (1956)** (the “**Criminal Code**”) under the **Act Amending the Criminal Code (No. 30) B.E. 2568 (2025)** (“**Criminal Code No. 30**”), which came into force on 30th December 2025.

The recent amendment aims to modernize the criminal provisions relating to sexual offences in line with current social realities. In particular, the law has been clarified to cover sexual harassment conducted in digital environments, including inappropriate statements or behavior made through email, social media, or other online platforms.

1. Legal Gaps Prior to Criminal Code No. 30

Prior to the enactment of Criminal Code No. 30, conduct constituted the offence of “rape” under Sections 276 and 277 of the Criminal Code only where it strictly fell within the specific acts expressly prescribed as rape under Section 1(18). Conduct of a similar or comparably serious nature that did not satisfy these narrowly defined statutory elements could instead be classified as “sexual assault”, which is subject to lighter penalties.

In addition, sexual harassment was regulated solely as a petty offence under Section 397 of the Criminal Code. Section 397 provides that any person who commits an act against another person constituting harassment of a sexual nature shall be liable to imprisonment for a term not exceeding 1 month, or a fine not exceeding 10,000 THB, or both. These relatively light penalties, together with the broad and unclear definition of the offence, proved insufficient to effectively deter sexual harassment and, in certain cases, allowed serious misconduct to be treated merely as a minor offence.

2. Key Changes Introduced by Criminal Code No. 30

2.1 Expansion of the Scope of Rape

Criminal Code No. 30 expands the scope of the term “rape” under Section 1(18) of the Criminal Code to cover acts classified as sexual assault when committed under aggravating circumstances. This amendment addresses prior legal gaps under which serious sexual misconduct could be prosecuted only as sexual assault and subject to lighter penalties.

2.2 Sexual Harassment

2.2.1 Definition

Pursuant to Criminal Code No. 30, the Criminal Code has been amended to introduce Section 1(19), which defines “sexual harassment” as:

“Any act committed by physical means, words, sounds, gestures, communication, watching, stalking, or by any other means, including acts carried out through computer systems, telecommunications devices, or other electronic devices capable of conveying meaning to another person, that has a sexual connotation and is likely to cause that person distress, annoyance, embarrassment, humiliation, fear, or a sense of sexual insecurity.”

2.2.2 Key Elements of Sexual Harassment



Based on the statutory definition under Section 1(19), sexual harassment comprises the following elements:

- **Conduct**

Sexual harassment may occur through physical acts, words, sounds, communication, gestures, watching, stalking, or any other means that clearly convey sexual intent toward another person. It also expressly includes acts conducted through computer systems, telecommunications devices, or other electronic means.

Examples include unwelcome touching, hugging, or brushing against another person's body; making sexually suggestive remarks, jokes, or comments; sending sexually explicit messages, images, or videos via messaging applications or social media; or making sexual gestures or sounds toward another person whether in person or online.

- **Effect on the Victim**

The act must be objectively capable of causing the victim distress, annoyance, embarrassment, humiliation, fear, or a sense of sexual insecurity. Actual harm does not need to be proven, provided that the conduct could reasonably cause such effects.

- **Intent**

The offender's motive for sexual gratification is not required. It is sufficient that the offender intentionally commits the act or foresees that it may amount to sexual harassment. Claims that the behavior was merely a joke, teasing, or made without sexual intent does not excuse liability if the offender knew or should have known that the conduct could cause sexual discomfort or distress.

- **Gender-Neutral Application**

Sexual harassment is not limited to conduct by a man against a woman. It can be committed by any person, regardless of gender, toward another person of any gender.

2.2.3 Penalties

Criminal Code No. 30 introduces Section 284/1 of the Criminal Code, which provides that any person who commits sexual harassment against another person shall be liable to imprisonment for a term not exceeding 1 year, or a fine not exceeding 20,000 THB, or both.

Enhanced penalties apply where sexual harassment is committed under aggravated circumstances, as follows:

- Repeated commission of the offence, resulting in the victim being unable to carry on normal daily life: imprisonment for a term not exceeding 2 years, or a fine not exceeding 40,000 THB, or both.
- Commission of the offence in a public place, in the presence of the public, or through an online platform accessible to the general public: imprisonment for a term not exceeding 3 years, or a fine not exceeding 60,000 THB, or both.
- Commission of the offence against a child aged not more than 15 years, regardless of whether such child has given consent: imprisonment for a term not exceeding 5 years, or a fine not exceeding 100,000 THB, or both.
- Where the offence is committed by abusing a position of authority over the victim, arising from a relationship such as that of a supervisor, employer, or other similar power-based relationship, the offender shall be liable to imprisonment for a term not exceeding 3 years, or a fine not exceeding 60,000 THB, or both.
- In addition, where the court issues an order prohibiting the offender from engaging in acts constituting sexual harassment or orders the suspension of dissemination or the removal of obscene content from an online platform, failure to comply with such order shall be punishable by imprisonment for a term not exceeding 6 months, or a fine not exceeding 10,000 THB, or both.
- Where sexual harassment involves the input of obscene data into a computer system, the court may also order the platform operator or service provider to suspend dissemination or remove such data. Failure by the platform operator or service provider to comply with the court's order shall likewise be punishable by imprisonment for a term not exceeding 6 months, or a fine not exceeding 10,000 THB, or both.

Although criminal liability under these provisions applies to individuals, acts of sexual harassment may have significant implications for companies. Such misconduct may expose companies to reputational harm, loss of trust among employees, customers, and business partners, as well as potential regulatory or civil liabilities.

Accordingly, companies should ensure that appropriate compliance measures are in place, including clear internal policies on sexual harassment, regular employee training, and effective whistleblowing or reporting mechanisms that allow misconduct to be reported safely and confidentially. These measures help reduce legal and reputational risks and demonstrate the company's commitment to maintaining a safe and respectful workplace.

3. Conclusion

Criminal Code No. 30 represents a significant strengthening of Thailand's legal framework on sexual offences. By expanding the scope of rape and formally criminalizing sexual harassment with clearer definitions and heavier penalties, the amendments address previous legal gaps and enhance protection for victims. While criminal liability is imposed on individuals, such offences may expose companies to serious reputational and operational risks, particularly in workplace and online contexts. Companies should therefore proactively review and enhance their compliance measures, including internal policies and effective whistleblowing mechanisms, to ensure a safe working environment and mitigate potential legal and reputational exposure.

Should you have any questions or require further clarification regarding your company compliance requirements, please do not hesitate to contact One Asia Lawyers (Thailand Office), where our team will be pleased to assist you.

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