Fighting Domestic Violence - Thailand

| Contents |
| --- |
| To generate table of contents, right-click here and select **Update Field.** |





[Thailand Full Report](https://resourcehub.bakermckenzie.com/en/-/media/fighting-domestic-violence/reports/reports/re-upload/2021_fdv_thailand.pdf)

**How to use and navigate this report**

# 1. Legal provisions

## 1.1 What are the relevant statutes and codes?

Even though Thai law is comprehensive in criminalizing acts of domestic violence against women as well as providing legal protections and remedies to victims, there are still problems regarding the enforcement of the law, especially during the investigation process. Generally in the case of domestic violence, the competent officials (e.g., the police) see it as a private issue or an internal family affair that should not be interfered with. Thus, they usually try to reconcile and conduct mediation between the offender and the victim for them to be able to live together again. As a result, victims are not aware of their rights and instead are discouraged from pursuing any legal actions that could, in turn, cause the cycle of domestic violence to continue.

The relevant legislation on domestic violence in Thailand is as follows:

**General rules**

Victims of Domestic Violence Protection Act B.E. 2550 (2007)(DVA)

This legislation was enacted to eliminate domestic violence in compliance with the Convention on the Elimination of all Forms of Discrimination Against Women.

Promotion of Development and Protection of Family Institution Act B.E. 2562 (2019) (FIA)

This law is prescribed to revoke and replace the DVA and it was specified to take effect on 20 August 2019. However, the effective date has been revised and postponed indefinitely and the FIA will take effect once a royal decree has been issued. The reason for the postponement is that the relevant officials, agencies and courts still lack the required knowledge and expertise, and they are not prepared to comply with the new rules, systems and procedures pursuant to the FIA. Thus, the DVA is currently enforceable.

The main reasons for enacting the FIA to replace the DVA are that the DVA has prescribed domestic violence as a separate criminal offense that overlaps with the general criminal offenses. This prescription of a separate criminal offense is not in line with the objective of the law that seeks to allow the offender to be rehabilitated rather than be punished. Moreover, the system, process, duties and power of the relevant officials under the DVA are also not in line with the current developments of domestic violence cases.[1]

The Juvenile and Family Court and Procedure Act B.E. 2553 (2010)

This is the law on the procedural process of the juvenile and family court, which is the court that has jurisdiction over domestic violence cases ("**Juvenile and Family Court**").

Criminal Code

This law prescribes criminal offenses, including, but not limited to, offenses related to domestic violence cases (e.g.,bmsoffense against body, sexual offense and offense against liberty).

Constitution of the Kingdom of Thailand B.E. 2560 (2017)

This law prescribes that children, youth, women, older people, persons with disabilities, indigent persons and underprivileged persons will be protected from violence or unfair treatment.

## 1.2 What is the controlling case law?

The Thai legal system is a civil law system that does not recognize the principle of binding judicial precedent. Thus, no controlling case law would affect future court rulings.

## 1.3 What are the specific parts of the court system that address domestic violence?

The Juvenile and Family Court is the main court that addresses domestic violence cases. However, pursuant to the DVA, if the offense of domestic violence is also an offense under other laws that have a higher maximum punishment, the litigation will proceed at the court that has jurisdiction over such offense.[2] For example, if the act committed includes both domestic violence and attempted murder, the criminal court or the provincial court, depending on the venue or the defendant's domicile, will have jurisdiction over such case.

## 1.4 What are potential causes of action?

The causes of action for domestic violence are quite broad, i.e., Section 4 of the DVA specifies that domestic violence includes any act done with the intention to or in a manner likely to cause harm to the body, mind or health of a family member or to exert coercion or immoral influence over a family member to wrongfully cause them to do, not to do or yield to any act, but not including an act done negligently.

Nevertheless, once the FIA becomes effective, the causes of action for domestic violence will be even broader, i.e., Section 4 of the FIA specifies that it includes any action that a family member commits against another family member with the intention to cause or that is in a manner likely to cause harm to the life, body, mind, health, freedom or reputation of a family member, or to compel or unduly influence a family member to unlawfully commit, refrain or accept any action.

There are also other causes of action pursuant to the Criminal Code, for example:

bodily harm — whoever causes injury to the other person's body or mind[3]

offense against liberty — whoever compels the other person to do or not to do any act, or to suffer anything by putting him/her in fear of injury to life, body, liberty, reputation or property of him/her or another person, or who commits violence so that he/she does not do such act or suffer such thing[4]

rape — whoever has sexual intercourse with another person who has the inability to resist by committing any act of violence or by causing such person to mistake himself/herself as another person[5]

# 2. Introduction: framework guiding domestic violence law

## 2.1 Are there civil and criminal legal remedies for domestic violence victims?

Yes. There are both civil and criminal legal remedies available for domestic violence victims.

## 2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

 The law does not explicitly recognize domestic violence to be a violation of human rights. However, the Constitution of the Kingdom of Thailand B.E. 2560 (2017) specifies, "the State shall protect children, youth, women, the elderly, persons with disabilities, indigent persons and underprivileged persons from violence or unfair treatment."[6]

## 2.3 Has your country signed and ratified the conventions?

Yes, Thailand acceded to the Convention on the Elimination of all Forms of Discrimination Against Women on 9 August 1985.

## 2.4 If it has ratified the Maputo Protocol, how has it been implemented into national law (African Union member states only)?

This is not applicable.

## 2.5 If it has ratified the 1979 Convention (CEDAW), how has the recommendations part of General Comment No. 35 been implemented into national law?

The DVA was enacted in 2007.

## 2.6 If the conventions have not been ratified or signed, is it envisaged that your country will do so?

This is not applicable.

# 3. Similarities and differences in terminology

## 3.1 Domestic violence

Pursuant to the DVA, domestic violence is defined as follows:

Any act done with the intention to or in the manner likely to cause harm to body, mind or health of a family member or to exert coercion or immoral influence over a family member in order to wrongfully cause them to do, not to do or yield to any act, but not including an act done negligently.

In addition, the FIA also refers to domestic violence as follows:

Any act done by family members to each other with the intent to or in the manner likely to cause harm to the life, body, mind, health, freedom, or reputation of a family member, or to exert coercion or immoral influence over a family member in order to wrongfully cause them to do, not to do or yield to any act.

## 3.2 Stalking

This term is not defined in any legislation.

## 3.3 Harassment

This term is not defined in any legislation. However, harassment is mentioned in Section 16 of the Labor Protection Act and in Section 397 of the Criminal Code.

## 3.4 Victim

Section 2(4) of the Criminal Procedure Code provides that an "injured person" (i.e., a victim) means "a person who has received injury through the commission of any offense."

In addition, Section 6 of the Regulation of the President of the Supreme Court on the Proceeding of Welfare Protection Cases provides that a "victim" means a "victim of domestic violence pursuant to the law on the protection of victims of domestic violence."

## 3.5 Abuser

This term is not defined in any legislation. However, the term "abuser" (i.e., offender) is used in both the DVA and the FIA to refer to a person committing the act of domestic violence.

## 3.6 Civil protection order

This term is not explicitly defined. However, measures prescribed by the relevant domestic violence laws for the protection of domestic violence victims may be considered a civil protection order.

## 3.7 Causes of action

This term is not defined in any legislation.

## 3.8 Marital rape

This term is not defined in any legislation. However, the rape offense under Section 276 of the Criminal Code has been amended to cover marital rape.

## 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

Since the definitions of domestic violence specifically refer to actions done to a "family member," the term "family member" is defined in both the DVA and the FIA as follows:

Pursuant to Section 3 of the DVA, a "family member" means "a spouse, a former spouse, those who cohabit or used to cohabit as husband and wife without registering for marriage, a child, an adopted child, members of the family, as well as any person who depends on or lives in the same household."

Pursuant to Section 3 of the FIA, a "family member" means "parents, descendants, a spouse, a former spouse, those who cohabit or used to cohabit as husband and wife without registering for marriage, adoptive child, as well as any person who depends on or lives in the same household."

# 4. Protection for domestic violence victims and relief granted

## 4.1 Civil protection orders

## 4.1.1 Are there civil protection orders available to victims of domestic abuse?

Yes, certain orders and measures are available to assist and protect victims of domestic violence.

## 4.1.2 Who can petition for civil protection orders?

Under the DVA, after the victim has filed a complaint, a competent official who ranks no lower than a senior administrative or police officer under the Criminal Procedure Code and who has been assigned by the minister or the court can order a protective order called a "**provisional relief measure**," even without a request from the victim.[7]

Unlike the DVA, the FIA does not require a complaint to be filed before a protective order can be granted. Under the FIA, after a person has reported domestic violence, the Family Promotion and Protection Center (FPPC) can file a motion to the Juvenile and Family Court for a protective order called a "**welfare protection measure**."[8]

In addition, the victim or the interested person can file a motion for a "**welfare protection case**" to the Juvenile and Family Court directly for the court to order welfare protection measures. The victim (or other persons on behalf of the victim if the victim is not able to make the petition themselves, e.g., relatives, an officer, a prosecutor or an official of the relevant institution for the protection of children/women) can also file a motion to the Juvenile and Family Court for a welfare protection order.[9]

## 4.1.3 Are there temporary custody of a child or child support orders?

Yes. The scope of the provisional relief measure under the DVA is prescribed to be very broad as a competent official can impose any order as necessary and appropriate, which includes the order for the offender of domestic violence to pay for the basic "**relief fund**," the initial fund for the damage caused by the domestic violence or any necessary expenses[10] and the order concerning the method to take care of a child.[11] Thus, this provisional measure may also include matters regarding temporary custody of a child or child support.

Under the FIA, the scope of the order that the FPPC can request the Juvenile and Family Court to issue includes the order to revoke the child custody rights of the offender, either partially or wholly, if the offense of domestic violence was done against the child in his/her custody,[12] and the order for the offender to pay a relief fund to the victim.[13]

## 4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

Yes. The provisional relief measure under the DVA includes an order prohibiting the offender of domestic violence from entering the residence of the family or approaching an individual in the family.[14]

Similarly, under the FIA, the welfare protection measures that the Juvenile and Family Court can order include the order prohibiting the offender of domestic violence from approaching or entering the residence of the victim or the order for the offender to vacate the victim's residence.[15]

## 4.1.5 Are there any other types of emergency, preventive and civil protection orders?

Yes. The provisional relief measure that a competent official can order under the DVA could be considered a type of emergency protective order since the competent official can impose this measure immediately if they deem it necessary and appropriate. The provisional relief measure can only be enforced for 48 hours unless there is a court order to continue the enforcement of the measure.[16]

Under the FIA, the FPPC can impose certain welfare protection measures in emergencies where a delay may cause harm to the life, body or mind of a family member and it cannot wait on the process of obtaining an order from the Juvenile and Family Court. In such cases, the FPPC can order the following measures for a temporary period as necessary:[17]

prohibiting the offender from taking/using alcohol or narcotics

prohibiting the offender from causing a disturbance to the victim of domestic violence, including following, stalking, taking pictures and calling via a phone

ordering the offender to attend counseling or rehab at a specialized hospital

ordering the offender to relinquish any weapon in their possession/control to the FPPC

## 4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

Under the DVA, protective orders can only be imposed after the victim has filed a complaint. The following persons can file the complaint on behalf of the victim:

a competent official if the victim is not able to make the complaint themselves[18]

the legal representative in children's cases[19]

 Under the FIA, if a notification regarding domestic violence is made to the FPPC, the FPPC can request the Juvenile and Family Court to order welfare protection measures even without a request from the victim and even without the victim filing the complaint.[20]

## 4.1.7 Are there different types of civil protection orders, e.g., for a short- term period?

The relevant regulations do not explicitly separate different types or refer to civil protection orders. However, as explained above, different types of measures perform different functions (e.g., provisional relief measures, welfare protection measures and welfare protection cases). Thus, it could be considered that there are different types of civil protection orders.

## 4.1.8 Are ex parte orders permitted without the aggressor being present?

Under the DVA, the competent official can order provisional relief measures without the offender being present.[21] Similarly, under the FIA, the FPPC can order welfare protection measures without the offender being present in emergencies.[22]

## 4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

Under the DVA, provisional relief measures may be extended to protect family members of the victim but it depends on the discretion of the competent official. However, under the FIA, welfare protection measures may not be extended to protect family members.[23]

## 4.1.10 How long do the orders last?

Under the DVA, provisional relief measures can only be enforced for 48 hours unless there is a court order to continue the enforcement of the measure.[24] For the FIA, welfare protection measures can only be enforced for 48 hours, unless the welfare protection measures have been issued by the court (i.e., in this case, the court can specify the period of the order for up to one year).[25]

## 4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information, e.g., police reports, convictions, etc.

Pursuant to the DVA, the Ministry of Social Development and Human Security is legally required to prepare an annual report on the number of domestic violence cases, the number of protective orders or measures, the number of violations of the said orders/measures of the relevant officials or the court and the number of settlements.

Please refer to this link for previous annual reports (it is only available in Thai): <http://violence.in.th/publicweb/Stat.aspx>.

## 4.2 Steps for receiving a protective order

## 4.2.1 What documentation is needed to obtain a civil protection order?

During the investigation process conducted by the competent official, the victim does not need to present any documentation to obtain a civil protection order. However, during court proceedings, the motion for a welfare protection case is legally required to be submitted to the court (or an oral declaration for the court to record in writing, as the case may be).[26]

## 4.2.2 Does the victim need to attend a hearing?

In a welfare protection case, the victim must attend a hearing.[27]

## 4.2.3 Can you request remedies?

The victim may request remedies. However, it depends on the discretion of the competent official.

## 4.2.4 Are there time limits?

Under the DVA, the complaint must be made within three months from the date that the victim has the ability or opportunity to notify or file a complaint.[28] However, since the FIA does not require a complaint to be filed before a protective order can be granted, there is no time limit for filing a complaint in this case.

## 4.2.5 Are there different rules in emergencies?

 There are no different rules in emergencies.

## 4.3 Judicial discretion

## 4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

Pursuant to the DVA, during the investigation or trial, the Juvenile and Family Court is entitled to order welfare protection measures or any order, as it deems appropriate.[29] The court can also decide whether the provisional relief measures issued by the competent official can continue to be enforced after 48 hours. If the court disagrees with such measures, it is entitled to revise, amend or revoke the orders, including prescribing additional conditions.[30]

Similarly, under the FIA, the court has the discretion to order welfare protection measures.[31]

## 4.3.2 Are there age limits on who can obtain orders?

No.

## 4.4 Restitution and remedies available to victims

## 4.4.1 Can victims obtain reimbursement for costs and restitution paid?

Yes; however, it depends on the discretion of the competent official or the court.

## 4.4.2 Can they recover wages and profits lost?

Yes; however, it depends on the discretion of the competent official or the court.

## 4.4.3 Is a separate civil process required?

No.

# 5. Prosecutorial considerations

## 5.1 Police procedures

## 5.1.1 When do the police get involved in domestic disputes or legal actions?

If the complaint is filed with the police, the police must investigate the case immediately. They have to subsequently send the offender the case file and submit the case file and the opinion to the prosecutor so that the prosecutor can file a case with the court.[32]

## 5.1.2 What circumstances effect law firm involvement?

The circumstances change on a case-by-case basis (e.g., if the victim files a complaint with the competent official under the DVA, the prosecutor will file the case; thus, law firm involvement may be affected).

## 5.2 Standard of proof

## 5.2.1 Is proof required by any legal means?

Yes.

## 5.2.2 Are there any requirements regarding evidence and documents?

Yes.

## 5.2.3 Is proof "beyond a reasonable doubt" required?

Yes.

## 5.2.4 Is the standard of proof different for ex parte orders?

No.

## 5.3 Affirmative defenses

## 5.3.1 Are affirmative defenses available to the accused?

Yes. For example, under the Criminal Code, there is the concept of self-defense (i.e., a person will not be punished for committing any offense due to necessity when such person is under the compulsion or under the influence of a force such that the person cannot avoid or resist it, or when such person acts to make himself/herself or another person escaping from an imminent danger that could not be avoided by any other means and the person did not cause to exist through his/her own fault, provided that no more is done that is reasonably necessary under the circumstances).[33]

## 5.3.2 Is willful intent required?

Yes.

## 5.3.3 Are false accusations punishable for the victim?

 Yes; however, if the victim notifies the competent official in good faith, the victim will be protected and there will be no criminal, civil or administrative liability.[34]

## 5.3.4 How is consent discussed in the law?

Consent does not exempt the liability of the offender.

## 5.3.5 Is self-defense or insanity a defense?

Yes.[35]

## 5.4 Witness status

## 5.4.1 What is a witness's duty to testify honestly and completely?

Every witness has to swear that he/she will give true testimony.[36]

## 5.4.2 Who may abstain from testifying in certain situations?

The witness may not be presented in court if he/she has an illness or has any other excuses of necessity, provided that the notification is made to the court and the court views the claim or excuse to be reasonable.[37]

## 5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

Please refer to our response above.

## 5.4.4 What is the impact of domestic violence on witnesses who are children?

There are more legal requirements if the witness is a child (e.g., there must be a psychologist or social welfare worker present and a person requested by the child and prosecutor).[38]

## 5.4.5 Can children be called upon to testify?

Yes.

## 5.4.6 What is the effect of a child victim on the charges against the offender?

Other legislation may be applied if the victim is a child, i.e., the Child Protection Act B.E. 2546 (2003).

## 5.5 Penalties and sentencing; penalty enhancements

## 5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

The law does not differentiate between a first-time domestic violence offender and a repeat offender. However, the court may consider this fact when determining the penalty to be imposed on the offender.

## 5.5.2 Are there criminal penalties?

Yes. Under the DVA, domestic violence is a criminal offense whereby the offender could be subject to a maximum six months of imprisonment and/or a maximum fine of THB 6,000.[39] However, under the FIA, domestic violence is not a separate criminal offense. Thus, the criminal offense and the penalty will be in accordance with the Criminal Code.

## 5.5.3 What is the result of a violation of an existing order for protection?

Under the DVA, the offender who violated the provisional relief measure issued by the competent official and/or approved by the court could be subject to a maximum three months of imprisonment and/or a maximum fine of THB 3,000.[40] In the case of a violation of the provisional relief measure issued by the court, the offender could be subject to a maximum six months of imprisonment and/or a maximum fine of THB 6,000.[41]

 Under the FIA, for the offender who violated the welfare protection measure without a justifiable reason, the court can order the offender to be detained until he/she complies with the measure but not for more than one month.[42]

## 5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

Under the DVA, the court is entitled to determine the method to rehabilitate, treat and control the behavior of the offender; order the offender to pay the relief fund or perform public service; omit the act that causes the domestic violence; or order the offender to parole in lieu of punishing the offender.[43]

## 5.6 Post-release restrictions

## 5.6.1 Does the law notify the victim of the offender's release from custody?

No.

# 6. Special issues

## 6.1 Battered woman syndrome

## 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered Woman Syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

Yes, for example, the lawyer may consider presenting evidence that shows that the battered woman committed the crime due to self-defense.

 Under the FIA, if the domestic violence is also a criminal offense whereby the court has ordered the offender to be under welfare protection measures and the offender has duly complied with the measures, the offender is entitled to submit a statement regarding the fact that the offender has been a victim of domestic violence and it severely affected their body or mind to the court for the court to consider reducing the criminal penalty.[44]

## 6.2 Domestic violence in the workplace

## 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

 No.

## 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

Under Thai law, the employer can terminate the employee at any time, provided that advance notice and other statutory and contractual payments are properly paid to the employee. If the employer wishes to terminate the employee immediately without severance pay, the employee's termination must fall under at least one of the six statutory grounds (e.g., if the employee violates any rules and regulations or lawful orders of the employer for which a warning in writing has been given by the employer and the employee repeats the same violation within one year from the date of the violation, except in serious cases in which the employer is not required to give a warning). However, there is the concept of unfair termination under Thai law.

## 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

It depends on the employer. For example, the employer may consider allowing the employee to take this leave as business leave as the employer deems appropriate.

## 6.3 Immigration

## 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents from using immigration laws to perpetrate domestic violence against their spouse?

No.

## 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?

 No.

## 6.3.3 Does domestic violence law discuss asylum accessibility?

No.

## 6.4 Armed forces

## 6.4.1 Can a victim seek a military protective order if the abuser is in active military?

No.

## 6.5 Child custody and child/spousal support

## 6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

Under the DVA, generally, the court will consider the protection of the domestic violence victim's rights; the reservation and protection of the marital status (if the marital status cannot be preserved, the divorce will be completed with fairness and minimum damage by considering the welfare and future of the child as a priority); family protection and support (especially when the family is responsible for taking care of and providing education to the family member who is a minor); and the different measures to assist the husband and wife and family member to live in harmony and to improve the relationship between themselves and a child.[45]

## 6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

Yes.

## 6.6 Housing rights of domestic violence victims

## 6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

No.

## 6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

No.

## 6.6.3 Can an order exclude the abuser from the residence?

Yes. The provisional relief measure under the DVA includes the order prohibiting the offender of domestic violence from entering the residence of the family or approaching an individual in the family.[46]

 Similarly, under the FIA, the welfare protection measures that the Juvenile and Family Court can order include the order prohibiting the offender of domestic violence from approaching or entering the residence of the victim or the order for the offender to vacate the victim's residence.

## 6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

It depends on the discretion of the court.

# 7. Endnotes

[1]   Summary of the FIA, Department of Women's Affairs and Family Development, <http://www.violence.in.th/publicweb/pdf/mou/saraprb62.pdf>.

[2]   Section 8, paragraph 2 of the DVA.

[3]   Section 295 of the Criminal Code.

[4]   Section 309 of the Criminal Code.

[5]   Section 271 of the Criminal Code.

[6]  Section 71, paragraph 3 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017).

[7]   Sections 10 and 11 of the DVA.

[8]  Section 28 of the FIA.

[9]   Section 7 of the DVA; Section 172 of the Juvenile and Family Court and Procedure Act B.E. 2553 (2010).

[10]  Section 3 of the DVA.

[11]   Section 10 of the DVA.

[12]  Section 29(12) of the FIA.

[13]   Section 29(10) of the FIA.

[14]   Section 10 of the DVA.

[15]   Section 29(4) of the FIA.

[16]   Section 10, paragraph 2 of the DVA.

[17]   Section 37 of the FIA.

[18]   Section 6, paragraph 2 of the DVA.

[19]   Section 5 of the Criminal Procedure Code.

[20]   Section 24 of the FIA.

[21]  Section 10, paragraph 2 of the DVA; Sections 10, 11 and 12 of the Regulation of the Ministry of Social Development and Human Security on the Rules and Method of Investigation Under the Victims of Domestic Violence Protection Act B.E. 2550 B.E. 2551.

[22]   Section 37 of the FIA.

[23]   Section 29 of the FIA.

[24]   Section 10, paragraph 2 of the DVA.

[25]   Section 32 of the FIA.

[26]   Section 8 of the Regulation of the President of the Supreme Court on the Proceeding of Welfare Protection Cases.

[27]  Sections 10 and 12 of the Regulation of the President of the Supreme Court on the Proceeding of Welfare Protection Cases.

[28]  Section 7 of the DVA.

[29]   Section 11 of the DVA.

[30]  Section 10, paragraph 2 of the DVA.

[31]   Section 28 of the FIA.

[32]   Section 8 of the DVA.

[33]   Section 67 of the Criminal Code.

[34]   Section 5, paragraph 2 of the DVA; Section 23, paragraph 2 of the FIA.

[35]   Sections 65 and 67 of the Criminal Code.

[36]   Section 15 of the Criminal Procedure Code; Section 112 of the Civil and Commercial Procedural Code.

[37]  Section 108 of the Civil and Commercial Procedural Code.

[38]   Section 133-*bis* of the Criminal Procedure Code.

[39]   Section 4 of the DVA.

[40]   Section 10, paragraph 5 of the DVA.

[41]   Section 11, paragraph 3 of the DVA.

[42]   Section 34 of the FIA.

[43]   Section 12 of the DVA.

[44]   Section 36(3) of the FIA.

[45]   Section 15 of the DVA.

[46]  Section 10 of the DVA.

©Copyright © 2025 Baker & McKenzie. All rights reserved. **Ownership**: This documentation and content (Content) is a proprietary resource owned exclusively by Baker McKenzie (meaning Baker & McKenzie International and its member firms). The Content is protected under international copyright conventions. Use of this Content does not of itself create a contractual relationship, nor any attorney/client relationship, between Baker McKenzie and any person. **Non-reliance and exclusion**: All Content is for informational purposes only and may not reflect the most current legal and regulatory developments. All summaries of the laws, regulations and practice are subject to change. The Content is not offered as legal or professional advice for any specific matter. It is not intended to be a substitute for reference to (and compliance with) the detailed provisions of applicable laws, rules, regulations or forms. Legal advice should always be sought before taking any action or refraining from taking any action based on any Content. Baker McKenzie and the editors and the contributing authors do not guarantee the accuracy of the Content and expressly disclaim any and all liability to any person in respect of the consequences of anything done or permitted to be done or omitted to be done wholly or partly in reliance upon the whole or any part of the Content. The Content may contain links to external websites and external websites may link to the Content. Baker McKenzie is not responsible for the content or operation of any such external sites and disclaims all liability, howsoever occurring, in respect of the content or operation of any such external websites. **Attorney Advertising**: This Content may qualify as “Attorney Advertising” requiring notice in some jurisdictions. To the extent that this Content may qualify as Attorney Advertising, PRIOR RESULTS DO NOT GUARANTEE A SIMILAR OUTCOME. **Reproduction**: Reproduction or copying of the Content on this Site without express written authorization is strictly prohibited.