

Abstract

At present, it is widely recognized that mass media plays important role in fulfilling the right to know of people by being the medium. Their duties are to find facts and publicize information which is useful to the public. They publicize cases concerning rape, committing an indecent act which is one of the offences relating to sexuality for notifying the public to acknowledge offender's behaviors. The notifications prevent them from being the victims including stimulating the public to be more interested and participate in crime prevention. News gives people opportunity to examine the operation of officials in justice system which affects the safety of body and life. However, by the reason that offence relating to sexuality case affects the reputation of the victims and the characteristic of the offence involves a high level of privacy. If mass media publicizes the name, photo, identity of the victim including the details of committing a crime. Those actions violate the reputation, the credit and the privacy which is the fundamental right of the victim. In some countries, they specifically enact the law for controlling the publication of the case relating to sexual offence. In the United State of America, they provide the law in many states such as Florida, Georgia, South Carolina and Massachusetts. In England, the law is interpreted that the word "Any person" includes mass media who publicizes the name photo or identity the victim in the sexual criminal case. Moreover, if the press or the mass media publicize the news in the way that makes victims affecting, the publication shall be deemed to be defamation.

In Thailand, there is the criminal law which regulates the publication of the news relating to sexual offence. The publication is prohibited only the publication that violates the privacy of the victim. It does not cover every way and every group. The law censors the publication which is prior restraint. The law protects the victim who is child pursuant to Child Protection Act B.E. 2546 section 27. It prohibits the mass media from publicizing the personal information of the child. Aforementioned action is injurious to the reputation or the credit of a child. Furthermore, Domestic Violent Act B.E.2550 section 9 prohibits mass media from publicizing the incident, the violent photo or the

identification of the victim in details because it is defamation. There is a problem concerning interpretation of the word “defame”. Disagreement has been made between academicians. In case of defamation, the victims will be protected after the defamed fact is publicly circulated.

For creating the balance between the freedom of the press by publicizing the news relating to sexual offence which gives benefit to the public and the reputation of the victims, the researcher recommends that the mass media should publicize the news only the name and last name of the accused, apprehension details of the suspects, the investigation and the court trial. The character of the offence concerning the committing a crime to victims does not need to be elaborated in details. The researcher recommends Thai legislation should pass the specific new criminal law for punishing anyone including the mass media who publicizes the name, photo or the evidence which identify the victim in sexual offence case by properly adapting and using present American law as a model.