

**ACCESS TO JUSTICE FOR DEAF PERSONS IN THAILAND
: FOCUS ON FILING A CRIMINAL COMPLAINT WITH
INQUIRY OFFICERS**

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INQUIRY OFFICERS**

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**ACCESS TO JUSTICE FOR DEAF PERSONS IN THAILAND
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ABSTRACT

The aim of this qualitative research were to (1) examine experience, obstacle and problems on deaf persons in terms of access to criminal justice process, in particular prosecution informed the inquiry level, (2) survey opinions and needs of deaf persons, opinions and suggestions from guardian, inquiry officer, and expert or scholar who had direct experience and knowledge with deaf persons and criminal justice, and (3) present effective ways and mechanisms to aid deaf persons on access to criminal justice in Thailand in accordance with requirement of deaf persons. The research used purposive sampling and in-depth interview was conducted to twenty participants who were 5 deaf persons, 5 guardians, 5 inquiry officers, and 5 experts or scholars.

It was found that obstacles and problems for deaf persons in filing criminal complaints with inquiry officers were (1) communication, (2) absence of sign language interpreter to assist communication, (3) unawareness of deaf person in their own legal rights, (4) lack of knowledge of sign language interpreter in law and justice process, (5) inadequate number of sign language interpreter for services, (6) unfamiliarity of police officers with languages and cultures of deaf person, (7) insufficient ability and comprehension of police officer regarding sign language, and (8) absence of expert or sign language interpreter in police stations.

The finally recommendations for assistance on access to justice for deaf persons in Thailand are put forward; (1) sign language interpreter or TTRS shall be provided in police stations, (2) inquiry officer shall take training program of basic sign language, (3) priority lane shall be established for deaf persons, (4) a handbook for deaf persons shall be prepared for inquiry officers during prosecution, (5) deaf persons shall be provided with technology such as television and social media for education of law and justice process, (6) the Royal Thai Police shall contribute and appoint an expert interpreter of sign language, (7) it shall provide priority lanes in legal consultant and justice process for deaf persons, (8) video recording shall be conducted in inquiry stage, (9) female inquiry officer and sign language interpreter shall be involved during the investigation of sexual offences.

KEY WORDS: ACCESS TO JUSTICE / DEAF PERSON / INQUIRY OFFICER

131 pages

การเข้าถึงกระบวนการยุติธรรมทางอาญาของคนพิการทางการได้ยินในประเทศไทย : ศึกษากรณีการแจ้งความดำเนินคดีในชั้นพนักงานสอบสวน

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บทคัดย่อ

การศึกษาวิจัยครั้งนี้มีวัตถุประสงค์เพื่อศึกษาประสบการณ์ของคนพิการทางการได้ยินในการเข้าถึงกระบวนการยุติธรรมทางอาญา ปัญหาและอุปสรรคในการเข้าถึงกระบวนการยุติธรรมทางอาญา โดยเฉพาะการแจ้งความดำเนินคดีในชั้นพนักงานสอบสวน รวมทั้งความคิดเห็นและความต้องการของคนพิการทางการได้ยินในประเทศไทย ข้อคิดเห็นและข้อเสนอแนะจากผู้ปกครอง พนักงานสอบสวน ผู้เชี่ยวชาญและนักวิชาการที่มีองค์ความรู้และประสบการณ์เกี่ยวข้องกับคนพิการทางการได้ยินและกระบวนการยุติธรรมทางอาญา เพื่อเสนอแนะแนวทาง/รูปแบบการให้ความช่วยเหลือคนพิการทางการได้ยินในกระบวนการยุติธรรมทางอาญาไทยให้เหมาะสมและสอดคล้องกับลักษณะความต้องการจำเป็นที่เป็นพิเศษของคนพิการทางการได้ยิน ดำเนินการวิจัยโดยการวิจัยเชิงคุณภาพ คัดเลือกกลุ่มตัวอย่างแบบเฉพาะเจาะจง 4 กลุ่ม คือ คนพิการทางการได้ยิน ผู้ปกครอง พนักงานสอบสวน และผู้เชี่ยวชาญหรือนักวิชาการใช้การสัมภาษณ์เชิงลึกกลุ่มตัวอย่างทั้ง 4 กลุ่ม รวมทั้งสิ้นจำนวน 20 คน

ผลการศึกษาพบว่า ปัญหาและอุปสรรคของคนพิการทางการได้ยินในการแจ้งความดำเนินคดีในชั้นพนักงานสอบสวนคือ 1) ปัญหาเรื่องการสื่อสาร 2) ไม่มีล่ามภาษามือเพื่อช่วยในการสื่อสาร 3) คนพิการทางการได้ยินไม่รู้สิทธิของตนเองตามกฎหมาย 4) ล่ามภาษามือไม่มีความรู้เฉพาะทางด้านกฎหมายและกระบวนการยุติธรรม 5) ล่ามภาษามือไม่เพียงพอต่อการให้บริการ 6) ความไม่เข้าใจของตำรวจเกี่ยวกับภาษาและวัฒนธรรมของคนพิการทางการได้ยิน 7) ตำรวจไม่มีทักษะและความรู้เกี่ยวกับภาษามือ 8) ไม่มีผู้เชี่ยวชาญหรือล่ามภาษามือประจำสถานีตำรวจ

ข้อเสนอแนะและแนวทางในการให้ความช่วยเหลือคนพิการทางการได้ยินในกระบวนการยุติธรรมทางอาญาไทย คือ 1) ควรมีล่ามภาษามือหรือผู้บริการล่ามภาษามือ TTRS ประจำสถานีตำรวจ 2) พนักงานสอบสวนควรได้รับการฝึกอบรมการใช้ภาษามือเบื้องต้น 3) ควรมีช่องทางพิเศษสำหรับให้บริการคนพิการทางการได้ยิน 4) ควรจัดทำคู่มือวิธีการปฏิบัติสำหรับพนักงานสอบสวนเมื่อมีคนพิการทางการได้ยินเข้าแจ้งความ 5) ควรมีสื่อให้ความรู้ด้านกฎหมายและกระบวนการยุติธรรมทางโทรทัศน์และ Social Media สำหรับคนพิการทางการได้ยิน 6) สำนักงานตำรวจแห่งชาติควรจัดหาและแต่งตั้งล่ามภาษามือพิเศษเฉพาะทาง 7) ควรมีช่องทางกรอรับคำปรึกษาด้านกฎหมายและกระบวนการยุติธรรมสำหรับคนพิการทางการได้ยิน 8) ควรมีการบันทึกวิดีโอในระหว่างการสอบสวน 9) ควรมีพนักงานสอบสวนหญิงและล่ามภาษามือเพศหญิงร่วมในการสอบสวนในคดีที่เกี่ยวกับเพศ

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CHAPTER I

INTRODUCTION

1.1. Backgrounds and Problem Statements

Currently, there are numerous criminal cases in Thailand. Several people should be involved in such cases including criminal justice officers, plaintiffs, defendants, witnesses. Those people might be Thai citizens or foreigners. When one could not read or understand Thai language, it is necessary to have a liaison person for translation. The translation process enables accurate, quick and fair judicial proceeding. Also, this process should be accomplishment in accordance with universal human right protection standards. The Thai Procedure Code Section 13 insists that:

“The inquiry, preliminary examination or trial shall be made in Thai, but if it is necessary translate local Thai language or dialect or Thai into a foreign language or foreign language into Thai, an interpreter shall be required.

In case of the injured person, the alleged offender, the accused or the witness cannot speak or understand Thai language or can speak or understand only local Thai language or dialect and have no interpreter, the inquiry official. Public prosecutor or court shall procure an interpreter for him without delay”.

Also, the requirement of a translator is defined according to a part of statement in Thai Civil Procedure Code Section 46:

“Where any party or person appearing in Court does not understand the Thai language, or is deaf or dumb and illiterate, the services of an interpreter shall be provided by the party concerned”

Also, the Enhancement and Improvement Life Quality of Disability People Code in 2007 Section 20 (7) cite that disability people have the right to get a hand translator. The request procedure should be accordance with the committee’s enhancement and improvement life quality of disability people code in 2014. This code cites that a deaf person could request sign language interpreter service in several

activities including petitions, impeachment, and the witness duty in the investigation process. The qualified deaf people mean those who have the disability license card.

One has a right privilege and equality unless whether they are or whether they are rich or poor. Laws protect everyone equally. One should have his or her basic rights, however not everyone could get such rights equally. For example, one is accused with criminal charges or is being the victims of the criminal cases and he or she could not communicate with the law enforcements because of language barrier. He or she could not express what he or she wants to explain regarding the criminal case which posting some communication difficulties with his or her family members and lawyers. The communication barrier could defend the right to access the justice procedure. This implies the failure of criminal justice procedure from the beginning. An error in sentencing order in the court procedure is originally from the error in law enforcement investigation procedure.

The communication between those who use different language needs the translator as the median tool for making the understanding and enabling the efficient communication. However, the lack of the qualified standard to check the quality of translator is one of important problem in criminal justice. Evidently, the basic right accessibility in some case needs the appropriate an English-Thai translator as a helper for communication in order to access and protect their rights. This is true for disability people. Disability people require any facilitate things to help them for doing routine activity such as wheelchair, slope path, and other facilitate to help the disability person to access some place. The blind people, another example, require sound as the median tool for leading and gaining some knowledge and events.

Deaf people are a group which lack of the accessibility to basic right. A significant limited basic right is the right to access the information because of several barriers such as physical barrier, the lack of sign language interpreter, the limitation knowledge of criminal justice officers to understand some culture of deaf people, including some limitation of laws.

Thus, deaf people should use sign language for their daily life and need a sign language interpreter for their communication. According to Thai Criminal Procedure Code insist the right of suspect and defendant to have a translator or sign language interpreter in case such person could not speak, hear or communicate in Thai

language. However, it is not claim that it is necessary to have at least two translators and do not declare any necessary detail regarding the right to have a translator. In reality, deaf people may access such sign language interpreter right but they may not fully access or understand due to the lack of qualified sign language interpreter. Consequently, a qualified and knowledgeable sign language interpreter is required because every communication in criminal justice procedure is important.

Now, law emphasizes on the necessary and enhancement the quality life of disability people. The Thai constitution laws, for example, do not permit to discrimination to a person due to their disability to make the equality between disability people and others. This concept also falls into other laws beyond the constitution such as the Enhancement and Improvement Life Quality of Disability People Code in 2007.

According to the notion of basic right, all human should have equality right to access criminal justice procedure. However, some group of people could not get appropriate help and practice especially disability people who have to get involved in criminal justice. Several barriers could be counted such as the limitation of physical, psychological problem including the intelligent of disability people. These barriers are from the internal factors of disability people. Other external barriers includes environment factor, facilitate factor and people and organization in criminal justice system misunderstanding about special needs of each disability person. As a result, some disability people could not understand regarding the management and practices according to the law of criminal procedures which is the main point of justice administration.

Currently, there are 1,676,044 disability people who have official registration and disability license card in Thailand (Department of Empowerment of Persons with Disabilities, 2015). According to disability types, there are 802,783 persons with physical disabilities, 278, 547 deaf persons, 182,205 blind persons, 122,530 persons with intelligence disabilities, 119,844 persons with double disabilities, 113,022 persons with disorder disabilities, 44,210 persons with unclassified disabilities, 6,881 autistics, and 6,022 persons with learning disabilities.

Comparing to other type of disability persons, 278,547 deaf persons are the second high numbers beyond the person with physical disabilities. The number

tends to be higher in the future. Among persons with disabilities who involving in criminal justice process require special needs and cares. The deaf group is one of the most problematic groups. A deaf person has hearing problem impacting their ability to read, write, and communicate. The deaf person could not get maximum benefits from the speaking and listening.

As a result, they may need to use other way for communication. This may create some communication problems, especially when the deaf persons have to be involving in the criminal justice system. For example, a deaf person may have to answer or communicate with law enforcements, in which there might be some errors in communication. This might create bad results. Consequently, a deaf person should get an appropriate special help for understanding their right of legal services in criminal justice process.

For Thailand, Constitution claim the significant principle regarding the rights of persons with disabilities protection as “persons with disabilities have the protection right in an appropriate criminal justice procedure and have the right to get the appropriate practices in sexual or harassment criminal case.” However, Criminal Procedure Code also insist only sign language interpreter service for a deaf person or communication in criminal justice process. Currently, there are insufficient sign language interpreters for deaf people, while the number of deaf people is increasing. According to sign language interpreter information in Thailand (Department of Empowerment of Persons with Disabilities, 2015), there are 550 registered sign language interpreters divided into two group; 450 good listening translators and 100 sign language interpreters. When comparing with the 278,547 registered deaf people, one hand translator is for 506 deaf people. The problem of insufficient sign language interpreter, especially those who lack of the criminal justice procedure understanding could impact a deaf people to know and comprehend all process in criminal justice procedure.

As the notion of the right of deaf people right to access criminal justice procedure easily, quickly and thoroughly. However, some group of people could not get appropriate help and practice especially disability people who have to get involved in criminal justice. Several barriers could be counted such as the limitation of physical, psychological problem including the intelligent of disability people. These barriers are

from the internal factors of disability people. Other external barriers includes environment factor, facilitate factor and people and organization in criminal justice system misunderstanding about special needs of each disability person. As a result, some disability people could not understand regarding the management and practices according to the law of criminal procedures which is the main point of justice administration.

As a result, the researcher thinks that the criminal justice procedure about the deaf people needs more study for improvement and revising appropriate help both guidelines and methods including the new technology innovation and personal training to create the professional persons for deaf people enhancement. This professional persons should have specific knowledge in any discipline and should have the duty as the representative for the deaf person who getting involved in criminal justice since the investigation until the sentence according to the basic right and equality right.

So far, the researcher interested to study about “Access to justice for deaf persons in Thailand: focus on filing a criminal complaint with inquiry officers” This topic is the new knowledge and there are no prior studies in Thailand. This study will be benefit for the deaf people in Thailand.

1.2 Research Objectives

1.2.1 To study the experience accessing the justice for deaf persons in Thailand

1.2.2 To study problems and obstacles in accessing the justice for deaf persons in Thailand

1.2.3 To suggest effective ways and mechanisms to aid deaf persons on access to criminal justice in Thailand in accordance with requirement of deaf persons.

1.3 Research Questions

1.3.1 How deaf persons in Thailand have experience in accessing criminal justice procedure?

1.3.2 What are problems or obstacles for deaf persons in accessing criminal justice procedure?

1.3.3 What are the effective ways and mechanisms to aid deaf persons on access to criminal justice in Thailand in accordance with requirement of deaf persons?

1.4 Research Scope

The study “Access to justice for deaf persons in Thailand: focus on filing a criminal complaint with inquiry officers” is a qualitative research utilizing in-depth interview with deaf people, guardian, inquiry officer, and experts or scholars, who have knowledge and experience with deaf people and criminal justice procedure. This study have content, population and sampling scope as follow:

1.4.1 Content Scope

This study focuses on experience of deaf people in accessing criminal justice procedure, problems and procedures in accessing criminal justice procedure especially filing a criminal complaint with inquiry officers including their opinion and requirement. This study also study regarding some suggestions from criminal justice officer, expert or scholar who have knowledge and experience with deaf people and criminal justice procedure. This study aims to suggest guidelines and patterns of deaf people in criminal justice procedure in Thailand.

1.4.2 Population Sample Scope

This study comprises four population samples: deaf people, parents, investigators, professionals, and scholars who have knowledge and experience with deaf people and criminal justice procedure. Each sample group comprises five samples. There were twenty interviewees or until data saturation.

1.4.3 Research areas Scope

This study focuses on deaf people, parents, investigators, professionals, and scholars who have knowledge and experience with deaf people and criminal justice procedure in every part of Thailand.

1.5 Definitions

1.5.1 Deaf person refer to a person who have disability to listen which impact their communication. This study focuses on only deaf people who were involving in investigation process.

1.5.2 Sign Language Interpreter refer to a person who registered to be a sign language interpreter who translate the speaking word into sign language and translate sign language into speaking word for helping deaf person to understand the communication. This study focus only sign language Interpreter who have knowledge and experience to be a legal translator or working as a sign language Interpreter in courts or criminal justice process.

1.5.3 Criminal justice procedure process refer to a process leads to consideration and sentencing in courts starting from investigation, prosecution, sentencing and the mandatory penalty.

1.5.4 Accessing to criminal justice procedure refer to the facilitating process for disability people in criminal justice procedure including any administration, officers and strategies to help and facilitate the disability people.

1.5.5 Inquiry officer refer to the law enforcements who have the duty to receive criminal case in police stations and have experience regarding the deaf people cases.

1.5.6 experts or scholars refer to a person who have knowledge and experience regarding deaf person and criminal justice procedure such as professors, researcher and sign language interpreter .

1.6 Expected Benefits

1.6.1 Acquiring in experience of deaf person toward accessing of criminal justice procedure in Thailand.

1.6.2 Gathering problems and obstacles from deaf person regarding access to criminal justice procedure in Thailand.

1.6.3 Gaining suggestions, solutions and ways result in establishment of effective policies to each criminal justice procedures for deaf person and this are in accordance with the important requirements of deaf person for access to criminal justice procedure in Thailand.

1.6.4 Gaining ways of development and obtaining further study about access to criminal justice procedure for other group of people with disabilities in Thailand.

CHAPTER II

LITERATURE REVIEW

The study entitled, “Access to justice for deaf persons in Thailand: focus on filing a criminal complaint with inquiry officers” The researcher conducted literature review from concepts, theories and research as follows:

2.1 People with disabilities concept and theories

2.1.1 General definition of people with disabilities

2.1.2 Types of disabilities

2.1.3 General definition of deaf person

2.1.4 Thai sign language and Thai sign language interpreter

2.2 Theories and aspects of criminal justice procedure

2.2.1 The process of criminal justice

2.2.2 Crime control model

2.2.3 Due process model

2.3 Criminal victimization concepts

2.3.1 Criminal victimization definition

2.3.2 Victimization theories

2.4 Rights of the disabled in Thailand and related laws

2.4.1 The act on the promotion and development of the quality of life of the disabled 2007

2.4.2 Right of justice process in international law

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- Convention on the Rights of Person with Disabilities

2.4.3 The principle of accessibility

2.4.4 Justice process for deaf person

2.4.5 Problem of access to criminal justice for disabled person in Thailand

2.5 Pervious Study

2.1 People with Disabilities Concept and Theories

2.1.1 General definition of people with disabilities

Definition of people with disabilities

The Enhancement and Improvement Life Quality of Disability People Act in 1991 defines the meaning of a person with disability like “a person with disability” is a person with disability in any way such as physical disability, memorable disability, mental disability according to the types and definition in UN code regarding the right of disability people. According to UN code, a disability person is any person who could not live by themselves like other normal people because of their physical or memorable limitation.

In 2007, Thailand have the new laws as “The Enhancement and Improvement Life Quality of Disability People Act in 2007” which define the meaning of a disability person as the person with some limitations for routine living due to the problem of disability such as seeing, listening, moving, and communicating including those who have some limitations or problems which requiring special needs for routine living and social living like normal people.

Hammerman and Maikowski (1981) defines that “disability” means handicap, disability, and impairment. This implied that a person who is impairment whether disability or not disability would not unfavorable if he or she has the supporting from their families and physical facilitates. These supporting could replace their impairment and protect the unfavorable from their impairment. A blind person, for example, could use the computer with sounding for playing music, sports. A deaf person could be the cheer leaders and dancers.

The World Health Organization (WHO) defines that a disability person is one’s unfavorable due to their impairment or handicap. This impact their ability to do things in accordance with their age, social, culture and environment (Public Welfare Department, 1997, p.7)

United Nations (UN) (1976) defines a disabled person in Declaration on the Rights of Disabled Persons as one could not have their guarantee for themselves either a whole or a part of the living requirement for individual or part of society due to their physical or mental disability whether innate or not.

International Labor Organization (ILO, 1983) defines a disabled person is an individual who have a decreasing way to create their security or keep their career goal due to their impairment.

Several meaning of disability, disabled person and decrepitude have defined in the legal division of public departments such as Section 4 of the Enhancement and Improvement Life Quality of Disability People Act in 1991 defines the meaning of a person with disability like “ a person with disability” is a person with disability in any way such as physical disability, memorable disability, mental disability according to the types and legal principle of ministry code. Section 5 of Social Security Act in 1990 defined the word “decrepitude” means the loss of body parts or the loss of body part abilities or problem of psychological mind.

The right of disability declaration in 1998 defines the meaning of disability person or decrepitude as the valuable human resource who could get their right and opportunity for improvement, protection, involvement in several economic and social activities equally and receiving appropriate information and getting human dignity.

For Thailand “The Enhancement and Improvement Life Quality of Disability People Code in 2007” defines the meaning of a disability person as the person with some limitations for routine living due to the problem of disability such as seeing, listening, moving, and communicating including those who have some limitations or problems which requiring special needs for routine living and social living like normal people.

According to United Kingdom’s the Disability Discrimination Act in 1995 defines a disability person is a physical or mental impairment person. This impairment has long-term impact for one’s living conditions.

Moreover, the Americans with Disability Act 1990 (ADA) declares a disability person is one who has physical or mental which have one or more limitation for living conditions and one should have the impairment registration document. There

are four types of disability person: (1) physical disability person, (2) a blind person (3) a deaf person and (4) intellectual disability person.

Now, there is an attempt for creating clear philosophy and concept for disability person in Thai context such as the Enhancement and Improvement Life Quality of Disability People Act in 2007 which was improved from the act in 1991. This act was passed from parliament on August 8, 2007. This act had signed by the king and declared to the public on September 27, 2007 and finally mandated on next day. The main contents of the act have changed from philosophy from medical to social pattern, from social welfare to improvement and empowerment, from rehabilitation act to discrimination act. This act reports the definition of disability or disabled person focusing the relationship between physical condition impairment and environment condition obstacles as defining in section 4. As a result, a disability person refer to an individual who has a limitation condition for living or engaging social activities due to the impairment of seeing, listening , moving, communicating, mind, feeling, behavior, intellectual learning, or others, including other obstacles and special needs in which requiring any help for them to live like normal person (Tavee Cheausuwantavee, 2009).

2.1.2 Types of disabilities

Currently, Thai law classifies disability person into six to nine categories according to the ministry act.

The Enhancement and Improvement Life Quality of Disability People Act in 2007 divide six disability categories

- 1) Visual Impairment
- 2) Deaf
- 3) Physical or moving Disability
- 4) Mental, Behavior or Autistic
- 5) Intellectual Impairment
- 6) Learning Impairment

Ministry of Social Development and Human Security Declaration about the disability types and rules volume two in 2012 divide “disability” into seven categories:

- 1) Blind Impairment
- 2) Deaf or Communication Impairment
- 3) Physical or moving Disability
- 4) Mental and behavior impairment
- 5) Intellectual Impairment
- 6) Learning Impairment
- 7) Autistic

Education for Disability Act in 2008 Section 3 cites that “a disability person” refer to an individual who has a limitation condition for living or engaging social activities due to the impairment of seeing, listening , moving, communicating, mind, feeling, behavior, intellectual learning, or others, including other obstacles and special needs in which requiring any help for them to live like normal person according to types and rules in Ministry of education declaration.

In addition, another law involving the definition of disability is the National Education Act 1999, New revision (Volume 2) 2002 and Volume 3 2010 declare that children should have equally basic education including the disability children. So the disability selection and classification for education committee insist that disability person according to this act including one requiring special need for education. This act classified one requiring special need into nine categories

- 1) Blind Impairment
- 2) Deaf Impairment
- 3) Intellectual Impairment
- 4) Physical or Health Impairment
- 5) Learning Impairment
- 6) Speaking and language Impairment
- 7) Behavior , Feeling, Short memorial Impairment
- 8) Autistic
- 9) Multiple Disability

2.1.3 General definition of deaf person

Deaf persons

Definition: Ministry of Social Development and Human Security Declaration about the disability types and disability rules in April 30, 2012 defines:

Section 5 the rules for deaf or communication impairment notes that:

1) Deafness means an individual has a limitation condition for living or engaging social activities due to the impairment of hearing. When he has hearing inspection with 500 to 2,000 hertz sound with his good ear, he might be loss hearing with the 90 decibel or more.

2) Hard of hearing means an individual has a limitation condition for living or engaging social activities due to the impairment of hearing. When he has hearing inspection with 500 to 2,000 hertz sound with his good ear side, he might be loss hearing between 40 to 90 decibel.

3) The lack of communication disability refer to an individual has a limitation condition for living or engaging social activities due to misleading impairment such as dumb, misleading listening or speaking.

The deaf organization cites the word 'deaf person' means a person who lose their hearing inspecting by the specific devices for hearing wording or other sounds. This device is for one to checking how much you can hear word or sound. Unit of hearing is decibel (dB).

Ministry of Health defines the meaning of deaf as:

1) One could hear at 500 hertz 1000 hertz 2000 hertz in good ear side with the average sound as below:

- For children whose aged less than 7 years old could hear more than 40 dB until deafness

- For adult could hear more than 55 dB until deafness

2) One who have understanding impairment or communication impairment, or could not communication with other people

Ministry of Education by the individual education plan section defines the meaning of deaf impairment person as an individual who lose their hearing from maximum to minimum level which dividing into 2 groups:

1) Deafness means one who lose their hearing until he could not get any communication through their hearing whether he wear hearing aids. When he has hearing inspection with his good ear side, he might be loss hearing with the 90 decibel or more. Decibel is the unit of hearing. Deafness could hear sound at 90 dB or more when comparing to the hearing at 26 dB by normal children.

2) Hard of hearing means one who could sufficient hearing to receive information from normal hearing. When he has hearing inspection with his good ear side, he might be loss hearing less than 90 dB until 26 dB.

Deaf Types

Poonphit Amartayakul (2002:6) notes that deaf person could hearing divide into two groups

1) Hard of hearing means one who could sufficient hearing whether he wears hearing aids.

2) Deafness means one who lose hearing with the 90 decibel or more.

Deaf Person Characteristics

There are several characteristics of deaf person.

1) A deaf person might have problem of speaking. He might speak less or unclear depending on how long they lose their hearing. For example, one who have insane hearing problem might have more speaking problem than those who lose their hearing later (Kayoon Wongkorn, 2005)

2) A deaf person might have problem of using language. He could use limited and incorrect language, grammar, vocabulary.

3) A deaf person might have poor study results due to their limitation of hearing, their poor language skill, and incorrect or inappropriate teaching and examining.

4) A deaf person might have adaptation problems because they could not communicate with others clearly.

5) A deaf person might have other characteristics such as

5.1 When he listens something, he might look on the mouth of speaker.

5.2 He might have stranger sound or words.

5.3 He could not do according to the order

5.4 He could not pay action to loud noise such as music, car horn.

Special needs for deaf persons

One who has hearing impairment should have special needs as follows:

1) Hearing aids for a deaf person to help for increasing sound, Now, there are several hearing aids.

2) Listening training

3) Speaking and sensing training

4) Lips reading, face and movement reading for better understanding

5) Thai sign language and finger spelling (Kayoon Wongkorn, 2005).

Communication for deaf persons

A deaf person has the problem of hearing impacting their fully benefits from listening and speaking. As a result, he might utilize other communication way rather than using only speaking language. There are seven categories of communication ways for deaf persons:

1) Speech is suitable for those who lose minimal hearing.

2) Sign Language is suitable for those who lose maximal hearing until deafness. It is suitable for an individual who could not use speaking to communicate. Instead, he might use sign language.

3) Gestures refer to the natural acting without sign language and sound language but using eye contact as a communication device which is basic to understand the important of sign language.

4) Finger Spelling refer to one using their fingers to represent alphabet, vowel and other signs for communication. In general, manual alphabets in any language are equal the number of alphabets.

5) Lip reading is the art of understanding by translating from the organism on face such as face, tongue, and neck. These are important organism part for understanding the wording though their eyes. Lip reading is an important way for deaf person to get conversation from others. So, lip reading is the first thing that deaf children need to learn and require for their lasting life.

6) Cued Speech is one of the creating communication way. Cued speech include eight hand sign representing alphabets, four hand positions representing vowels (face, neck, chin and lip) for deaf person notice those signs with the lip reading.

7) Total communication is multiple communications including several communications such as speaking, reading, language, writing, listening training, hearing aids, finger spelling, language sign. Total communication will facilitate for communication, language and intellectual development and approved by most of deaf people (Garrestson, 1976: 88 in Sriya Niyom, 2005: 127)

Worawan Kongkai (2006, 20-22) cites about the regulation and avoidance rules for those who needs to communicate with a deaf person.

Requirement Regulations:

- 1) Call their name with sign language
- 2) Honorably and respect their right equally
- 3) Asking a deaf person about the best way to communicate
- 4) Preparing the note taking for using and willing to using note taking
- 5) In case of misunderstanding, the communicator should find other synonym word due to the hearing impairment impact their limitation to learn vocabulary.

6) The communicator should observe a deaf person face because he might communicate through his face.

7) It should have experiment about several ways of communication such as writing, lip reading, sign language to find the best way for communication.

8) The communicator should be tolerate for doing the same things in several times.

9) It should have the examination the correctness of the conversation by asking a deaf person do the language signs what they have heard.

10) The communicator should be a nice friendship and relaxing while communicating with a deaf person.

11) The communicator should learn language sign especially those who works very close with deaf people.

12) The communicator should focusing and pay attention to a deaf person during the conversation.

13) If the communication failed, the communicator should try another way to communicate.

14) It should have the supporting the deaf person to have the highest education and engaging in social activities

15) The deaf person should use the dangerous sign in case working in dangerous zone.

Avoidance Rules

1) It should not call a deaf person as a dumb due to the word 'dumb' means insulting them

2) It should unconcern of ability of a deaf person

3) It should not force them to speak

4) It should not emphasize the wording because a deaf person might think that the communicator would not happy to talk with them.

5) Do not joking or laughing in language sign

6) Do not attempt to understand or guess the meaning if the communicator do not understand language sign

7) Do not use or speak the same. It should find another word to communicate.

8) Do not have anything inside your mouth during the communication with a deaf person

9) Do not communicate with a deaf person during the communicator is in front of the light. The light may protect the lip reading and face reading.

10) Do not say sorry to a deaf person in case the communicator could not use language sign clearly.

11) Do not put the opportunity of deaf person ability down.

12) Do not use dangerous signs or other sound signs with deaf of person.

Characteristics and development of deaf person

Phatsachon Sriissaraporn (2007, reference in Daranee Uthairattanakit (1995); Pradung Arayawit (1999); Jaruyaporn Troranin (1983) Sriya Niyomtham (2001) cites the detail of characteristic and development of hearing impairment individual

1) Intellectual development and education scoring

Intellectual development and education scoring have significant relationship. A hearing impairment child should have intellectual impairment regarding wording and signing however, there are no different in intellectual level comparing to normal child.

For education scoring, a deaf child might have poor study score due to their limitation of hearing, their poor language skill, and incorrect or inappropriate teaching and examining.

2) Development and problem of language

A deaf child lack of opportunity learning including the hearing language which effecting the development of learning and understanding language both speaking language and written language, the grammar or language sign in which a deaf person hear differently. This impact the problem the learning language.

3) Development of Feeling

As a deaf child lack of opportunity to insane hearing or hearing their voice or other's voice , it might create the negative impact on a deaf child's feeling such as isolation, separation, laziness resulting the problem of living adaptation in general society.

4) Feeling and Social

A deaf child might have low emotional qualification. He could be self-appointed person, selfish, and psychological problem.

The communication for deaf person

In general, human could speak when they hear the voice regularly until they get understanding and imitating such voice to speak. Deaf person lack the opportunity to learn language and speaking. An insane deaf child or a child with

deafness later have late development in every language sides such as speaking, reading, and writing (Sriya Niyomtham and Prapasorn Niyomtham, 1976: 112)

Deaf children is different from normal children regarding the learning process. While normal children think and perceive language through hearing even they may use the language sign, deaf children may communicate though their speaking. However deaf could not use their eyes or other sense to help them for evaluation their speaking. Normal children could hear and evaluate what they said whereas deaf children require their common sense to help for speaking and hear what they said (Sriya Niyomtham and Prapatsorn Niyomtham, 1976: 114-115) Moreover, the ability of language sign reading, lip reading and written language reading by each deaf child is different depending on their professional training, their learning from deaf school and the frequency of using this language signs. The child who could read the lip very well might not have communication problem. However, there are less number of such children. So, the written language reading is the simple training way for deaf children to communicate with other people. Even there would be some problem of sentence creation or difficult vocabulary, a literature deaf child could communicate with other better than those who could not read and write. Watching television with subtitle is good for literature deaf children than those who are illiterate children.

The significant problem of deaf individuals is the communication with those who can hear in society. A deaf child lack of opportunity learning including the hearing language which effecting the development of learning and understanding language both speaking language and written language, the grammar or language sign in which a deaf person hear differently. This impact the problem the learning language. An insane deaf child or a child with deafness later have late development in every language sides such as speaking, reading, and writing. (Schrimmer, 2001; Beck, 1989; Blachowiz, 1984).

Phatsachon Sriissaporn (2003 in Thassanee Chantanakiaiek, 1996) say about the philosophy of communication for deaf people dividing into three groups

1) Speaking Philosophy divide the practical pattern as follow

- Listen training
- Lip reading
- Speaking training and speaking rehabilitation

2)Hand sign training

- Sign language
- Finger Spelling
- Speaking Acting

3)Total Learning Philosophy

Total learning philosophy refers to the combining the learning device and communication device together such as speaking with language signs, lip reading with finger spelling. The total learning might use at least two communication ways calling total learning philosophy.

The total learning started at 1600s and it was conflicted in classroom whether it should use speaking or language sign in 1800s.

There are some communication way in U.S. schools. There are several school providing the education for deaf people such as Gallaudet University emphasizing language sign while Clerc emphasizing speaking. In the late 1960 and the 1970, several boarding schools used speaking sign (Quigley, S & Pual P, 1984)

Later, there were a combination speaking, listening and language sign using for teaching deaf people. This combination started in the late 1960 by RoyHolcomb for deaf students and their children.

In addition, National Association of Deaf also support the total communication philosophy for deaf because it is help for improving their language and intellectual to be well known for deaf people. It also support self-esteem for deaf person. It has been found that a psychological doctor working with deaf people utilized this philosophy to create better communication and environment.

The recognition for deaf people

1)The eye recognition of deaf people

A deaf person use the eye for recognition which is complicate process. This process originate from eye and brain system. The deaf use what they see and translate it combining with their learning. The development of eye recognition depends on their age, maturity, and environment. As a result, deaf people use the eye for learning instead of listening or helping their hearing for the purpose of

communication . This is the basic way to learn things and it might impact their recognition in comparing things and find the relationship between two different things.

The examination of deaf recognition presents that a deaf person have lower score in speaking test, however he may have equal or higher score in alphabet or picture language test.

The eye recognition is important for deaf children because several sounds are similar and fast speaking may lead to unclear lip reading.

Grove and Rodda, 1984 in Sriya Niyomtham, 2001 :52) found that there might be efficient reading when using simple influences following by language sign and speech.

Erber, 1975 in Sriya Niyomtham 2001:52) report that hearing recognition and is better than hearing recognition and seeing in children and adult both deaf people and normal people.

Robbins (1981 in Sriya Niyomtham 2001: 52) compared the understanding of reading deaf youth with the picture language and found that the understanding in reading has significant improved when using language sign together.

Gillman, Davis, and Raff, 1980 in Sriya Niyomtham 2001: 53) reported that the eye recognition influence the environment to present and the understanding and developing language of deaf children.

The eye recognition by deaf people is the basic way to learn things and it might impact their recognition in comparing things and find the relationship between two different things.

2)The memory of deaf

There are several definition of the memory as follow:

Memory refer to the result of the brain system after the influences have disappeared from the touching system and the results are still in any coding and the results from the relationship between receiving information (Sawai Leaimkraew in Kannikar Phurkwisut, 2004:15)

Memory efer to the ability of brain system to accumulating learning experience and correct recognition. (Sriya Niyomtham, 1995:53)

Memory refer to the results of learning and some part of past learning to represent now.(Chantana komjit, 2000:190)

Memory and recognition have the relationship due to the recognition is the first part of memory system. One collect what they learn in the memory before later using. Gane(1974:70-71 in Aunchalee Phawong, 1992:18) says about the process of memory system:

- Apprehended process is the process in which one understand the experience which are the influential. So the learner should pay attention and receive what they have learnt depending on each ability and experience of individual.

- Acquisition Process is the process of receiving. This process leads to the change of brain system for learning the new thing.

- Storage Process is the process of storing what one receive in acquisition process in the memory. The time to storage depending on each individual, events and environment.

- Retrieval Process is the process that what one have learnt and storage in the memory might be retrieved to present as the behavior which observing by other people. This process leads to intellectual ability.

Normal people could recognize thing from five common senses such as eyes, ears, nose, tongue and body. These organisms help for recognition. If one of the organism is impairment, the recognition would be impairment too.

There is a question that whether the blind or the deaf have better memory. The deaf utilize the seeing to help them for memory things while a blind utilize the hearing to help them. Normally, children with seeing recognition have fast learning but fast forgetting while children with hearing recognition have a good memory. So a deaf person usually forget easily.

In sum, the memory of deaf person is better in some part comparing with other people. The best part is the pattern memory and the worst part is the number memory.

Deaf lifestyle

Erting, Carol(1994) wrote about deaf lifestyles. Normally deaf people usually live with a group of deaf people who have a similar lifestyle. So the behavior pattern, opinion, belief , and values could be called 'Deaf World' or Deaf Community or Deaf Culture

Harvey J. Carson (1991) deaf lifestyle is the way how they look on themselves and others. How the deaf look on the world depends on the seeing and transmit to generation by language sign. The way to look on the world by deaf originate from what they have learnt and experience.

George W Veditz (in Gannon, 1981:319) study about the language culture history, arts, social science, and humanity science. The brain system and learning create the changing what we know about deaf. A deaf know themselves and search and compare the similar and different thing between themselves and others. This decrease some problems because when a deaf person understand the different, it lead to know from unknown.

Deaf community is one of community in society. Learning their culture is necessary thing for deaf and is the basic thing which leading them to connect their culture with the real world. It does not means that their culture would separate them from regular people in the world.

Ladd Paddy (1994) insist that deaf person could bring their experience to comparing with normal people. It can be represent how deaf people different from other people.

Culture means shared patterns of behaviors and interactions, cognitive constructs and understanding that are learned by socialization. Thus, it can be seen as the growth of a group identity fostered by social patterns unique to the group.

Deaf culture is the set of social beliefs, behaviors, art, literary traditions, history, values, and shared institutions of communities that are influenced by deafness and which use sign languages as the main means of communication.

Padden (in Jitprapar Srion, 2002) says that deaf person is different from other disability persons. Deaf people in the core of the community who use a sign language (and appreciate their heritage, history, literature, and culture. The Deaf community is also comprised of other individuals who use the language and have an

attitude that makes them an accepted part of the community though they may not be in the core of the community. It exists because of the need to get together, the need to relax and enjoy everything while being together.

Deaf lifestyle and culture intertwined and passed down through generations of Deaf people which is only 10% in foreign country and only 1% in Thailand (Sri-on, J 2001)

Deaf culture exists because Deaf people who are educated at residential Deaf schools develop their own Deaf network once they graduate, to keep in touch with everyone. Most of them go on to take on leadership positions in the Deaf community, organize Deaf sports, community events, etc. and become the core of the Deaf community. They ensure that their language and heritage are passed to other peers and to the next generation. They also form links with parents and siblings of Deaf children to strengthen and enlarge the community circle for Deaf children.

Language and culture are interrelated. Sign language is central to any Deaf person, child or adult for their intellectual, social, linguistic and emotional growth but to truly internalize the language, they must have the culture that is embedded in the language. Every linguistic and cultural group has its own way of seeing and expressing how they see and interpret the world and interact in it.

Deaf culture is different depending on the geographical education, economic, social status, sex, national, religious, and career. A deaf student in regular school may have different culture comparing those who study in deaf schools.

Ninety percent of deaf people grew up from the hearing family which is the large group of society and the deaf culture is one of the group in society. As a result, deaf people are the multiple culture person which are the normal culture and deaf culture. The family with deaf child should learn the deaf culture for better understanding.

The most obstacle of deaf is communication. Deaf people have impairment problem which normal people may not fully understand their environmental obstacles. The normal people would understand deaf people through communication. This obstacles impact their learning. (Chawaphol, 2003:26)

Wolk and Allen (1984) and Schimer, (2001: 74) conducted the study with 1664 deaf students in special educational program and found that only one- third of

deaf students could pass the test level according to the deaf standard and they might use at least three years old top pass the test. There were less deaf students who could read equal to the normal students.

Water and Dohering, 1990; Kelly, 1995; Traxler, 2000; Marchark, et al, 2002: 157) says about the reading by deaf people. There are less number of deaf people who can read very well. Most high school deaf students could read equally to the primary school student and only 3% that deaf could read as their age and more than 30% finish the high school with illiterate knowledge.

2.1.4 Thai sign language and Thai sign language interpreter

Thai sign language is the national language for deaf people (Ministry of Education, 1999). Thai sign language has unique grammar and contexts which qualified to the language standard. Thai sign language is different from the Thai language. The communication with language sign enables for deaf people in accessing the information like other people. Ninety percent of deaf people in several countries have the hearing parents however, 99% of deaf people in Thailand born in hearing family which have low ability of using sign language.

The definition of sign language

Sign language refer to the language for deaf people using for represent their speech by using their hand face or acting. Sign language are worldwide for deaf people as a device for communication between the deaf person or between the deaf person and other people.

Vocational Education Department (1983:6) define the meaning of sign language for deaf people using for represent their speech by using their hand face or acting. Each language sign is different depending on norms, culture and geographic such as Chinese sign language, American sign language and Thai sign language. In the education system, it had announced that sign language is one of language to communicate with deaf people calling “Sign Language” or “Manual Communication”. The popular sign language for deaf people should be simple and quickly and similar to natural meaning. Language sign should be in order.

Warintorn Jaruchotsanawat (1999:7) summarized sign language is gestural communication and has accepted as one of the language in the world for communication and education.

Chitprapa Sriorn (2000 in Kasernsornyut Jantapuchongdech, 2001) define the meaning of sign language as one of the language which qualified for the language standard like other language. Each sign language is different from each culture such as United Kingdom, United States, and Australia. There would be different language sign such as BSL, ASL AUSLAN.

There are five characteristics for language sign

- 1) Hand Shape
- 2) Position
- 3) Location
- 4) Movement
- 5) Ficial Expression

Thai sign language or TSL is the sign language for deaf people in Thailand It is a language as unique to Thailand as spoken Thai is. It is said to have been around as old as spoken Thai. They utilize hand face and head acting. The understanding of communication though seeing. The clearly action should be important for deaf people. (Ministry of Education, 1999)

Wikipedia (2006) define that sign language is a language which chiefly uses manual communication to convey meaning, as opposed to acoustically conveyed sound patterns. This can involve simultaneously combining hand shapes, orientation and movement of the hands, arms or body, and facial expressions to express a speaker's thoughts. Sign languages share many similarities with spoken languages (sometimes called "oral languages"), which depend primarily on sound, and linguists consider both to be types of natural language.

Language sign can divided into 3 categories (Pikul Leawsiripong, 2003)

- 1) International language sign or natural language sign
- 2) Disability language sign for deaf people
- 3) Army force language sign for army using

Each sign language is different from each culture. There would be different sign language such as deaf people in United States using American Sign Language : (ASL) or deaf people in Japan using Japanese Sign Language (JSL)

Thai Sign language originate from natural language and American Sign Language which including two parts. The first part combine with gestures, action and routine hand sign. This part could look on mouth, shoulder, tender, eyebrow action. The second part is finger spelling dividing into alphabet, vowel, and number spelling categories (National Electronic and Computer, 1994).

Woodward (1996 in Kasernsornnyut Jantapuchongdeat, 2001) say about current Thai sign language using by each deaf people in each community has 83% similarity and 52% of Thai sign language is originated from American Sign Language.

The Sign Language Interpreter

The meaning of Sign Language Interpreter can be defined as follow

Maliwan Thamsaeng (2003) referred to Sasithorn Supwatthanapaisarn (2011) who has given the definition of Sign Language Interpreter that is the person who performs the translation from the Sign Language to verbal language or verbal language to Sign Language. Such translation shall include the state of emotion and the accuracy of contents and can deliver to the recipient in fully language conveniently and understandingly.

Jitprapa Sri-On (1999:6) also defined the meaning of Sign Language Interpreter that is the person who listens to spoken language and translates to the hand language as the language of deaf people. The interpreting requires both expert skills of spoken language and hand language and the knowledge of contents. In general, most deaf people use hand language as national dialects for communicating between each others. When the deaf people and the normal people need to communicate between each other, there may be the problem of understanding of used language. The deaf do not understand verbal speech and the normal do not understand hand sign. Sign language interpreter is the significantly the intermediary of language translation which contains emotion within contents in order to make both messengers and recipients clearly understanding and accuracy. Thus, the interpreter has substantial role for the relationship of normal people. The hand language interpreting is more likely to

involve an adult than a child. However, the need for hand interpreting has currently increased in all age groups.

Sign language interpreter in Thailand has begun after Kamala Krairikse was the director of Setsathien School (Dusit Deaf Teaching) in 1952. There are deaf students who came to study and there are teachers who initially learn hand-to-hand communication with deaf students. The first sign language interpreter who was well known and recognized as a translator of hand-to-hand communication with a deaf student as a verbal language or a translator of verbal language is PathipThipsuppharaj. She has been appointed from Kamala Krairikse to assist the police officer when there were deaf people involving in various cases. The translation may be performed at the school, police department, or court. Generally, PathipThipsuppharaj would have another deaf person who worked on duty at deaf school as her assistant in order to verify the accuracy of language which deaf people use when they are plaintiffs or defendants in the communication.

It can be seen that the hand language interpreter is intermediary who connect between messengers and recipients to assist communicating what they need. The interpreter requires proficient skills in both spoken and hand languages due to deaf people need eye contact and clearly gesture and listener must also clearly hear that will fully obtain accurate information. Hence, the interpreter is necessary for preparing the place and scene. As known that the eyes are controlled by muscles and the ears are uncontrollable, the use of eyesight will be more exhausted than listening. Thus, the sign language interpreters must realized and prepare their works by managing the appropriate working times.

Function and qualification of sign language interpreter

The sign language interpreter is responsible for balancing communication. It can be explained the fact that the interpreter will try to convey the balance of receiving information. It includes audio, images and additional situation which deaf person and normal person receiving. This means that interpreter will translate heard language as well as any various voices including any condition in that situation to deaf person accurately and completely. It can be seen that the role of sign language translator is not only the messenger of hand language.

Qualification of sign language interpreter (MaliwanThamsaeng , 1996: 9)

1) Professional the interpreter must have self-rule and regulation to be responsible for their works as professional translator. Even if the interpreters are varied, but they should have the rule to indicate that they are the professional interpreters.

2) Flexibility even if the sign language interpreters hold the rule to be professional, they are also flexible. For example, they may hear the new words which unfamiliar from the previous. They should adapt their knowledge in order to make the interpretation accurate and go well.

3) Skillful the sign language translator is one of expertise. They have expert skill in both ways. The interpreter must be fluent in the languages involved that can fluently translate from verbal to sign and sign to verbal vice versa.

4) Punctuality the translator must be also punctual because their work may depend on various situations. They may need the time for preparing the script or understand the situation before start working in order to familiarize themselves with the jobs and location as well as the case study (if any)

5) Status the position of interpreter is merely the intermediary between messengers and recipients. The function is to translate from sound speech to sign language. The translator should not provide suggestion or give their opinions to speaker because they are not fluent in the knowledge of speaker. They are just communicator to translate receiving information meaningfully, accurately, politely and appropriately.

It can be seen that the problems of perception and communication of deaf people are the significant obstacle to access to the criminal justice system. This is a serious drawback in the accessible, understanding, and recognition of deaf people. Thus, it is necessary to be obtained the special assistance properly in order to understand and recognize the right to proceed of the rule of law and the code of conduct which base on the criminal justice process.

Accordingly, the problem of perception and communication of the disabilities is obstacle to be access to the legal justice process. It is a significant drawback to the understanding and recognition of deaf person. It is necessary to provide special assistance appropriately in order to understand and recognized the rights, process, legal contents, and legal practice in criminal justice system accurately.

2.2 Theories and Aspects of Criminal Justice Procedure

2.2.1 The process of Criminal justice

The criminal justice process is the proceeding of governmental departments which legally enforce under criminal laws such as police department, state attorney agencies, court, and the agencies of Ministry of justice in order to establish the fairness to be occurred in law compliance. The law enforcement and judicial decision include the process of investigating, judging, and legal executing of the cases or any process which carry on the social justice. (Ministry of Justice, 2015)

The Fundamental Element of Criminal Justice

The criminal justice administration is composed of four main components which are:

1) Offender the offender in criminal justice consists of the person who has deviated behaviour. It means the person who has not act any violation of social norms and the person who is criminal which committed any act offence the law.

2) Victim it can be categorized the criminal victims to three levels as follow: a) Primary level who is directly victim; b) Secondary level who is close to victim and be effected the criminal offence indirectly; c) Tertiary Level who are people nearby in the community at the crime scene occurred or whole society.

3) Criminal Justice System the system consists of police department, state attorney agencies, court, and the agencies of Ministry of justice including community base program. The system will use community justice to refine the habits of behaviour in order to restore good people to society as re-socialization program.

4) Society consists of the people in both private sector and civil society in order to promote the cooperation in the criminal justice process and there is also the prevention repeat offences program by sending people who are out of justice system to involved department in society.

Criminal Justice Theory

The current concept of criminal justice theory emphasizes between the protection of civil rights of the people and control the volume of crime as least as

possible. Such aspect, Professor Herbert Packer has distinguished two theories which are Crime Control Model and Due Process Model. Both models are different in each concept and there are conflicts between both values.

2.2.1 Crime Control Model

This model emphasizes on the prevention, control, and suppression of crime. It is believed that the efficiency of justice process significantly depends on control and crime suppression. There must have the statistic of arresting records and high volume of punishments due to the officer cannot control and suppress crime or arrest perpetrator. It can be indicated that the peace of society has been lost resulting in the freedom of people will be effected. Thus, the crime effective control is essential. There must be high level of efficient performance. In criminal enforcing process, there must be arrest, criminal lawsuit, and judgments including criminal punishment to most cases. It also certain that the process should be fast, less formal and without the obstacle which makes process delayed. The high performance of police officer will result in the high volume of crime suppression. This brings about the peace of society.

In the criminal proceeding, there is the screening process at each step since investigation before arrest, arrest, investigation after arrest, case preparation for lawsuit, judicial and punishment. It also includes the release of defendant in case the accused is innocent. For example, the accused may be screened out in case there is insufficient evidence or cannot certainly prove that they are guilty. If they are guilty, they will be prosecuted quickly. This theory indicates that the police officer and prosecutor can initially diagnosed guilt. (PrathanWatthanawanich, 1977, 150-151). The Professor Herbert Packer also stated that he screening process should be conducted by the police and prosecutors who are reliable. They are able to specify the person who is likely to commit the offence. It can be claim that the theory of crime suppression will empower to the justice officials more than the importance of the rights of accused or the defendant.

2.2.3 Due Process Model

This theory mainly complies with the law. It takes into account the protection of civil liberty of people. It can be explained that the criminal justice process must be fair in various steps of justice proceeding. This model emphasizes on the transparency of the process until there is the judgments which has been proved the accused is guilty. They believed that the defendants will not be guilty because there are merely evidences which can prove their legal offenses. But they will be guilty when the judicial authority has the decision that they are guilty .In addition, the judge must follow any laws which give the rights to protect the accused before there is the judgment.

Crime control theory and rule of law theory are both related to the criminal justice process. Even if there are different in legal practice, both models are also intended to maintain the peace in society. Crime control may be more effective on crime suppression. Nevertheless, the use of state power seems to be too broad. Meanwhile, the rules of law principle emphasizes on the civil liberty of people. It imposes that the state power must be exercised transparently. It will result that the justice procedure are delayed throughout process.

As mentioned above, it can be seen that both models have advantage and disadvantage. Hence, there is no state law to use one theory solely. It will be integrated from both models to make the criminal justice process high efficient. Nevertheless, the criminal justice process of the United State seems to be closer the rule of law concept that other countries. (PrathanWatthanawanich, 1977, 154)

For imposing the state policy in the term of criminal justice process, there are always conflicts in concepts of two theories. It can be defined that the ideal model of criminal justice process should be effective tool for preventing crime suppression and the re-socializing of the offenders to community. It then should be measure to protect civil liberty of involved people in any justice procedure simultaneously. (Kittipong, Kitiyarak, 2000: 11). Accordingly, the effectiveness and achievement of criminal justice process will depend on the integration between the principles of civil liberty protecting in accordant to the Criminal Procedure Code to be applicable to law enforcement and criminal execution. Nevertheless, it should realize to the balance

between principles of crime control and the Rule of Law as well. (Kittipong, Kitiyarak, 2000: 12)

It can be summarized that the criminal justice process is any justice procedure which lead to the trial and judicial of cases. Since, the crime has been occurred through the process of facts investigation from any justice agencies. It starts from investigation, prosecution, making judicial decision until punishment the offender under the legal framework.

2.3 Criminal Victimization Concepts

2.3.1 Criminal Victimization Definition

Victim or Crime Victim is a person who has been harmed by perpetrator without consent. The victim suffered from physical damage such as being physical attack; suffered from asset detriment such as being stolen or thief any asset. It can be seen the fact that the victim is not only direct abuser. It will include the person, who is close to victim that can be effect from such crime such as members of family, husband, wife, children, and any involved person who look after victim. (Pakorn Maneepakorn, 2010, 43)

For defining the meaning of crime victim, it must take into account the nature of victim, relationship between victim and criminals, and responsibility of victim against the crime. In general, there are two characteristic of crime victim which are: a person who are suffered; and a person who has been treated unfairly. In addition, crime victim will include a person who is unfairly treated from the system of judicial process. This may result from the loophole of unfair legal practice. (Pakorn Maneepakorn, 2010, pp. 43-45)

2.3.2 Victimization Theories

The crime victim theory can be divided as theories as follow:

2.3.2.1 Victim Precipitation Theory Marvin Wolfgang stated that some victims are motivator to make they face serious situation which led to harm themselves. The victims may express or ignore in that situation. Active Precipitation,

such as when the crime occurs, the victims may participate by using speech to challenge, intimidate, or provoke until it leads to violent act. This condition can be defined that is “Active Precipitation Crime”. And Passive Precipitation which occurs even if the victims do something unconsciously which cannot perceive what is the reason for the occurring of crime. For example, the competition of job applying, job promoting, and emotional desiring. It can occur even if the victims may never see the perpetrator. Some victims have never known there is this type of people. The offenders will attack victims when they are losing themselves to victims. Another case which often occurs that is the victims will be categorized which the group which makes the perpetrator feels unsafe in fame, honor, status, and economic well-being as called as “Hate Crime”. For example, in case of there are the refugees who immigrate into United State. It makes Americans feel competitive in job occasion and life stability that change their being in community. This results that there is hatred in subconscious of citizens. The refugees will be targeted or victims to be treated by citizens.

2.3.2.2 Life Style Theory there are criminal Psychologists, Gray Sensen, and David Brownfield believes that human’s life style will make them to be crime victim. It can be seen from the statistic the fact that cause of crime victim result from being single, associating with young man, outing to the night park, and living in suburb. It can be indicated that the crime victim is depended on life style of each person.

2.3.2.3 Routine Activity Theory Lawrence Cohen, and Marcus Felson who studied the research of human daily routine stated that people routine can be the cause of crime victim. They believed that many people need to offence the law for revenge, greed, and other motive. Thus, it can be assumed as Predatory Crime that is type of violent crime against victim or asset. This results from daily routine of individual.

2.4 Rights of the Disabled in Thailand and Related Laws

2.4.1 The Act on the Promotion and Development of the Quality of Life of the Disabled 2007

The right to obtain the assistance of the accessibility in policies, programs, projects, activities, development, public services, essential product for living, legal assistance, the private attorney appointment in order to comply with regulation which imposed by the committee.

This right has been legislated in the Act on Promotion and Development of the Quality of Life of People with Disabilities 2007, Section 20 (7). It legislate the regulation of The National Commission on the Promotion and Development of the Quality of Life of Persons with Disabilities on Legal Aid and the Procurement of Lawyers to Solve the Lawsuits with the significant point as follow:

The legal assistance services are:

- 1) Legal consultation.
- 2) Legal education
- 3) Drafting contract
- 4) Mediation or Compromise
- 5) Supplying private attorney
- 6) Other legal assistance in legal cases

The filing of service application

The disabled may file the application by verbal, in writing or mails for legal assistance services and private attorney appointment by filing the application at Department of Social Development and Welfare or other agencies as prescribed by the Director-General of the Department of Social Development and Welfare for the applicant who live in Bangkok and apply to the Provincial Social Development and Human Security Office or at service units in the area as prescribed by the Governor for the applicant who live in countryside.

In case of there are obstruction such as the applicant is minor, incompetent person, or the disabled who cannot file by themselves. The parent, the guardian, or the caretaker can file the application instead.

Criteria of Legal Assistance

1) The applicant is necessary as a result of the disabled has income lower than criterion which declared by the Secretary-General Declaration. And the disabled is damage resulting from being discriminated unfairly.

2) The applicants have a chance to be winner of the case when they will sue or being sued.

3) The applicant is a good conduct and reliable.

4) Compliance with contract, the applicant must repay the aid to the department which are government fee, attorney fee which obtain from the order of the court, and the temporary bail in case the insurance contract expire.

The Right of Receive Services of the Sign Language Interpreter under the Regulations of the Commission.

The Act on the Promotion and Development of the Quality of Life of People with Disabilities, 2007, Section 20 (7) imposed the criteria, method, and condition for obtaining the right in accordance with the regulation of The National Commission on the Promotion and Development of the Quality of Life of People with Disabilities that have significant contents as follow: the disabled who has the right to be obtained sign language interpreter are deaf people who have the identification of hearing or speech impaired.

Activities for assisting deaf people in the language interpreter services are:

1) Medical and public health services

2) Job application and career coordination

3) Complaints, Accusation, or being witness in investigation process of law

4) Attendance at seminars or training sessions as well as being lecturer in the event that there are deaf people participating.

5) other services as imposed by the Sub-Committee

For the place where can apply the language interpreter, it is imposed that the applicant can apply at Department of Social Development and Welfare or other place as prescribed by the Director-General of the Department of Social Development and Welfare for Bangkok and apply at the Provincial Social Development and Human Security Office or local service unit for countryside.

2.4.2 Right of Justice Process in International Law

Right of relevant justice process which involve with the disabilities has been legislated in many human rights instruments. This research will mention to the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights And the Convention on the Rights of the Disabled. Generally, these focus on the right protection of the disabilities as a whole. These will not focus on any particular type of disability. (Arnon, 2014, p. 110)

2.4.2.1 Universal Declaration of Human Rights

Universal Declaration of Human Rights is the first international instrument which involve with human rights. It has been established by the United Nation. This instrument focuses on the establishing of human rights protection as mutual standard in international level in order to be respected in fundamental rights and freedom of individual. Even if the Declaration will not bind with international law, it still indicates that it is infrastructure of human rights which any stats should certify for human being. It is the individual right of human which cannot transfer to others. It can be seen that the Declaration focuses on making international standard of human rights for all countries. (Udomsak Sinthipphong, 2010). In other words, the instrument will be fundamental standard of human rights which all members of the UN must comply.

The Declaration also specifies the protection of the disabilities rights whether physical or intellectual disabilities. They are protected as well as normal person as prescribed on Article 7. It imposes that people are entitled to equal legal protection without any discrimination in accordance with the equality of the law. Whether people who are different in sex, language, religion, race, political opinion, or disability, they will be treated equally from states as non-discrimination. States must treat to citizens equally in the same point and treat differently if the main points are different. It is infrastructure point of human rights.

For the accessibility of justice system, it has been stated on Article 10 which imposes the rights of people to obtain the judicial review equally. The accused will be presumed as the innocent until the court proves that they are guilty and make decision under Article 11. Thus, state must provide special assistance

for the disability in order to maintain the equality of rights for the disabled as well as normal person.

2.4.2.2 International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Civil and Political Rights is the significant international human rights instrument. It imposes function of members to comply. This Code ensures that people are equally entitled to the judicial from the court as stated in Article 14 (1) that is: the person shall be equal in the consideration of the court or the tribunal in the criminal case if they are accused guilty. In Article 14 (3) is also stated that the person who is accused guilty have fundamental rights equally in criminal justice process that are the rights to be considered in person, the right to self-defense by appoint legal assistance by themselves, right to be informed that there is the right to obtain legal aid if there is no legal assistance for the equality in justice process. The person is entitled to appoint legal assistance without paid in case that person is not able to pay the fee.

2.4.2.3 Convention on the Rights of Person with Disabilities

According to Convention on the Rights of Person with Disabilities, Thailand signed and ratified the convention in July 29th, 2008 and entry into force in August 28, 2008. The convention is an international regulation to reaffirm the rights of disabled person. The preamble of the convention states that the state parties must;

- 1) Recognizes dignity and worth of inalienable rights, even person is disabilities.
- 2) Discrimination based on disabilities of person violates dignity and worth of inalienable right.
- 3) Providing of equal right to all human.

Overall, the treaty does not regulate new principle and the agreement fulfils human rights such as rights of citizen, politic, economic and social focus on discrimination and equality.

Reaffirming on the rights of disabled person toward criminal justice process has seen in article 12 and 13 which note that;

Article 12 defines recognition of equality on law which states that;

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

Article 13 explains access to justice which state that;

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

According to article 12, state parties shall provide protection before law and equal right for daily life to disabled person same as the right of natural person. Also, state parties shall not reduce legal ability of disabled person because of discrimination based on disabilities of person. Hence, state parties shall set up appropriate standard for disabled people to access to justice and reaffirming of the equal rights for disabled person same as the rights of natural person. In addition, state parties shall reduce problems toward social accessibility and provide assistances for access to justice.

According to the Article 13, the state parties shall assist or serve equally access to justice such inquiry process, trial process and access to basic justice for disabled person. Disabled people shall also participate both direct and indirect for process of witness.

Moreover, state parties shall provide training program toward understanding of disabled person to judicial officers. The training course can assist judicial officers to provide justice effectively for disabled person. Thailand as a state

party have to amend policy and standard in Thailand related to Article 12 and Article 13 of Convention on the Rights of Person with Disabilities.

Thailand as a state party has important duty to set up human rights for access to justice as follow; (Arnon, 2014)

1) Duty of respect, right of access to justice state that judicial officers such police officers, public prosecutors, judges and corrective officers shall not interfere with the rights of disabled person for access to criminal justice.

2) Duty of protection, rights of access to criminal justice note that private sectors, lawyers and families of disabled people will not interfere with the rights of disabled person for access to criminal justice.

3) Duty of fulfil, right of access to criminal justice say that it shall provide effective measure to promote the rights of disabled person such as proving of appropriate places for inquiry and trail, education relating deaf culture to judicial officers.

2.4.3 The principle of accessibility

Accessibility is fundamental principle to assist disabled person for fully exercise the rights. Accessibility is essential principle to protect the rights of disabled person. The purposes of principle are reduction of obstacles and reaffirming of rights of disabled person for all actual accessibility. The regulation toward accessibility has been found in varies international treaty such as article 81 of Convention of human rights. Article 81 of Universal Declaration of Human Rights focuses on equal access to public services in their own states. Similar to article 13 of International Covenant on Economic, Social and Cultural Rights concentrates the rights of equality for access to education. However, previous international treaty toward human rights did not apply directly to disabled person.

Consequently, UN reaffirmed standard of equality for disabled person. In 1994, the principle of accessibility was applied to context of disabled person into article 5 of Standard Rules on the Equalization of Opportunities for Person with Disabilities. The article 5 set up that state shall recognize equal accessibilities of disabled person. Nonetheless, this standard rule was not a status of international law to force state parties

In 2006, Convention on the Rights of Person with Disabilities reaffirmed the principle of accessibilities for disabled person. The constitutional law in Thailand also applied the rule of accessibilities into article 40 and article 54. The preamble of the convention recognizes accessibilities of physical, social, economy, culture, health, education and information technology for disabled person, as a result, disabled person shall be fulfill fundamental rights and freedom. The convention also bind the state parties to provide effective measures for disabled person in terms of accessibility of physical environment, transportation, information technology and other public services. (Lords et al, 2012)

Furthermore, the principle of equality was recognized and regulated into article 9 of Convention on the Rights of Person with Disabilities which related to the general principle of article 3 in the convention. It can be said that Convention on the Rights of Person with Disabilities is the first international law regarding the rights of disabled person.

According to the Convention on the Rights of Person with Disabilities, the principles are wide and intangible. Obviously, it has been found general principle and rule of accessibility for disabled person. General principle control legal mechanism related to purpose of the convention, consequently, state parties shall enact the law to be relevant with general principle of the convention. This is because it assist disabled person to exercise the fundamental rights and freedom same as natural person. Rule of accessibilities focuses on effective measures for disabled person to access the rights of public services. (Lords, 2010)

Obstacles of accessibility for disabled person are various. Problem of physical is an obstacle for disabled person to access environment such as public buildings, entertainment places, public transportations and other services. Several public places do not provide priority lane such wheelchair lanes for disabled person. Another obstacle for disabled person is accessibility of information technology. Disabled person cannot access to news and information. Several television programs do not provide caption, as a result, this is an obstacle for deaf person. Consequently, deaf person does not understand and leads to institutional barriers. Disabled person also cannot access to information toward law and justice process. For instance, deaf

person and mental illness person in some countries are not illegible to vote an election. (Lords et al, 2012)

2.4.4 Justice process for deaf person

1) Policing stage

Police officer is the first stage of criminal justice process. According of criminal code of Thailand, police officers have power to search, arrest ,inquiry, investigate offender after committing a crime, or filling a criminal complaint. Police officers then take suspected person or offender for investigation. Criminal justice process is important in particular relating to deaf person because this is legal process. In case of deaf person, police officer possibly face problem of communication between deaf person and police officer. This problem leads to serious mistake because police officer cannot collect important information and correct evidence. Deaf person also could be stress toward criminal justice process.

2) Trail stage in the court of justice

There are several obstacles for deaf person toward trail stage in the court. Problem of physical environment for deaf person can be lacking of appropriate facilities such as no wheelchair lane, inappropriate furniture, no technology and prohibition of guide dog for the blind. (Ortoleva, 2011)

According deaf person, there are various problems for access to criminal justice such as complicated of trail, difficulty of legal terms, difficulty of hearing of witness and judge including emotion of deaf person during trial the court. Those problems impact on the ability of deaf person for access to criminal justice

3) Corrective stage

In correction institution, disabled prisoners are possibly sensitive and face violation of human rights because of limitation of physical and wisdom. Correctional institution is restricted area and overcrowding. Consequently, disabled prisoners are ignorance and lacking of appropriate facilities for using in daily life. Disabled prisoners are able to see violence from other natural prisoners and corrective officers, in particular female disabled prisoners. Female disabled prisoner might face rape, domestic violence and sex abuse. (Handbook on Prisoners with Special Needs, 2009)

Regarding to deaf prisoners, they can be stress because of unsuitable environment in correctional institution, overcrowding in prison, lacking of assistance and friendship. This factors lead to serious problems for deaf person such as suicide and injure themselves. Therefore, correctional institution shall establish important measures for disabled prisoners. The measures shall cover others who related to disabled prisoners such family members of disabled prisoner, corrective officers, and other prisoners. The important measure can be improvement of environment in correctional institution, setting up of effective services for prisoners, providing of understanding toward disabled prisoners to corrective officers and other natural prisons. Solitary confinement shall prohibit for disabled prisoners.

2.4.5 Problem of access to criminal justice for disabled person in Thailand

According to constitutional law in Thailand, the rights of access to justice has been found in article 40 which state that person shall have the right to uncomplicated, convenient and speedy thorough access to judicial process. The rights of access to justice for children, women, youth, disabled person are appeared in article 40(1) which focus on proper protection during judicial process and proper treatment in case of sexual violence

Moreover, Article 40(7) said that the rights of offenders of defendant in criminal case shall be accurate, swift and impartial investigation, or trial, sufficient opportunity to present the case, reasonable inspection or access if evidence, and legal assistance given by a lawyer.

Theoretically, disabled person has the rights for access to criminal justice with convenient and speedy; however, it is totally different in reality. Deaf person cannot aces to criminal justice because of the problem of communication. Then, deaf person does not understand the charges or deaf person is not competency for testify in deposition. Moreover, deaf person cannot access to criminal justice because officers do not understand limitation toward ability of deaf person.

Pervious study by Chuthimon Borisuth (2008) found that provision 13 of criminal procedure code in Thailand regulated protection of rights for deaf person in both inquiry and trial. However, there was no legal assistance given by a lawyer for deaf offenders during testify. In contrast, Act 140(4) in criminal procedure law of

Germany state that legal assistance by a lawyer must provide to deaf offenders and deaf offender must have opportunity to present her or him at trial.

In USA, protection of secret translation of testify during legal assistance giving by a lawyer is provided to deaf offenders, even deaf offenders do not have sign language interpreters for assistance. Deaf offenders can be temporarily release during investigation. The researcher also suggested that

1) It must provide protection of secret translation between lawyer and deaf offender including condition of temporary release. Then, protection of rights for deaf offenders was effective.

2) It must regulate qualification of sign language interpreter toward translation of testify in trial. Sign language interpreter must comprehend legal terms and justice procedure. Deaf offender could effectively defend in the court.

3) Although disabilities occurred after access to criminal justice, disabled offender shall be provide protection of secret translation of testify during trial.

Deaf person can be victims of various violence such body, property, sex and deception from intimate person. In addition, deaf person can be a victim to commit a crime because they do not understand the act of crime or act committing a crime. Deaf person also does not know the way of solving problem and protection because of disabilities. Therefore, special measure must provide for deaf person in order to access to justice and protect the rights

Accessibility of justice is important to protect the rights of disabled person in criminal justice process. This principle has reaffirmed in the Convention on the Rights of Person with Disabilities. The international law set up duty for state parties. State parties shall provide the rights of access to justice for disabled people with equality same as the rights of natural person, including law and criminal procedure. Several states parties have applied special measures and mechanism regarding criminal procedure for disabled person in terms of serving equality for disabled person.

Accessibility is fundamental principle to assist disabled person in terms of exercise the rights. The principle control law and government to concern about reduction of obstacle for disabled person. Considering of access to criminal process for deaf person, it is not only equality of access to criminal process. It shall be

effective management of criminal justice process related to the requirement of deaf person.

Legal assistance in criminal procedure shall also provide to deaf person in all stages such inquiry, trial or corrective. Legal assistance in criminal procedure shall not give only deaf offenders; however, deaf people like witnesses, injured person, plaintiffs, and deaf prisoners shall be given legal assistance in criminal procedure.

Thailand is a state party of Convention on the Rights of Person with Disabilities. State parties shall provide the right of equality for disabled person to access to criminal justice. Nonetheless, the rights of deaf person toward accessing of criminal justice process are not much concern by scholars and judicial officers. Although criminal procedure law in Thailand appear legal assistances such providing of sign language interpreter for deaf person, it is not effective in the reality. This is because lacking of knowledge and understanding regarding deaf person results in ineffective improvement of legal assistances. Therefore, technology shall develop to educate judicial officers toward understanding of deaf person and legal effective assistance. Development of technology also aid criminal process to be systematic and standardise. Police officers, public prosecutors and the Court of Justice shall conduct the criminal case to comply with the principle of human rights and the rights of equality related to the constitutional law of Thailand and international regulation.

2.5 Pervious Study

Study by Atchaleeya Chutinan (1993) who examined criminal justice process, in particular deaf offenders and deaf defendants. It found that deaf offenders and deaf defendants were lacking of fundamental rights in criminal procedure compared with deaf offenders in the USA. In the USA, state and federal governments amended the law to assist deaf person effectively in terms of criminal prosecution. The amendment in USA can be as well sample that Thailand possibly enacts the law for assistance of deaf person.

The study of Jamie MacDougall (2000) who had studied the Access to Justice for Deaf Persons in Nunavut: Focus on Signed Languages by presenting the story on incorporating the justice system in the Canadian Charter, focusing on the

rights and liberty of the deaf Inuit, the newly extended boundary of Canada. The research findings suggest 5.7 deaf persons from 1,000 persons and total population of 27,039 as equaled as 155 deaf persons who used other sign languages besides ASL/LSQ, roughly 30 or 47 deaf persons living in Nunavut. From the use of sign language by the deaf person at Nunavut, it is clearly shown that the use of sign language is still present through the observation and video recording in three communities, which indicate the use of many versions of complex sign language and excluded ASL and LSQ. The varieties of the sign languages for the deaf person start from the Manually Coded English (MCE) that arrange alphabet with fingers to match the local sign language. The urgent need is the possibility of developing training program for the interpreter at the Court by adapting the use of sign language of Nunavut, including the sign language training by the specialist from the deaf community and the agency should prepare the dictionary on sign language that emphasis on the legal glossary so that the deaf person could be treated with increasing fairness.

Research by Chuthimon Borisuth (2008) on the thesis entitled “The protection of alleged disabled on criminal procedure” was found that protection of rights for deaf person in Thailand was not effective and insufficient because deaf person did not comprehend charges and complaint. Due to convenient, speedy and justice in criminal procedure related to principle of constitutional law in Thailand, Chuthima Borisut suggested that it shall regulate principle of protection for deaf offender and deaf defendants to understand charges and complaint which related to the principle of presumption of innocence. The presumption of innocence is that person is not an offender unless prove guilty.

Moreover, Chuthimon Borisuth also recommended the condition of temporary release. Temporary release for disabled offenders shall amend same as the principle of temporary release for natural person. Amendments of law and legal process can serve the rights of equality for disabled person in accordance with constitutional law and the international regulation. Legal procedure then can be justice and develop.

The study of Claire Edwards, Gillian Harold, and Shane Kilcommins (2012) agreed with such findings in 3 areas on the victim of criminal justice system,

namely, 1. Crime report 2. Accessing Court Justice and 3. Experiences after testing the evidence / the common findings involved the experiences of the disabled with the barrier wall in 3 steps that may become the problem and structural problems and how the differences in each system correlated with each person, who responsible of helping the disabled victim, problems and setbacks in the steps and operations, quite difficult to manage the legal system that is complex and meet attitude barrier for the key practitioner may develop the negative attitude on the disabled capability. As for the discovery from Irish people, namely, 1. The justice system creates fear among the disabled person 2. The police must be knowledgeable to understand and service the disabled person and caring for them in the friendly way. 3. The police station and the Office of the Court may not reach the disabled person. 4. The attitude of the judge and lawyer is important with the assumption that the disabled person did not have adequate ability, so they may become the unreliable witness. 5. The disabled person may be invisible or overlooked in the justice system because there had not been any systematic data collection in this area.

The study of Jiraporn Ngoygudjik (2014) on the thesis entitled “The Social Welfare Need of Disability People in Nong Sano Subdistrict Administrative Organization, Nangrong District, Buriram Province” by studying the needs in 6 areas, namely, education, and hygiene, work and income, recreation and justice system. The research findings indicate that the deaf person in NongSone Sub-district, Nang Rong District, Bureerum Province, overall at very high level ($X\text{-bar} = 5.39$), with the highest Mean in the Justice System and Social Service ($X\text{-bar} = 5.46$). This is obvious that servicing to the disabled person, whether providing by the public or private sectors should focus on equal treatment for the disabled person in all areas.

According literature review, in theory, deaf person has the rights for accessing of criminal justice with convenient, speedy and expediency relating to the principle of constitutional law in Thailand. Nonetheless, it is totally different in the reality. Deaf person face obstacles and problems for access to criminal justice. The internal factor is problem of understanding and communication. Deaf people then do not comprehend their legal rights and criminal procedure. The external factor is judicial organization and officers. The judicial organizations and officers are lacking knowledge toward deaf person. Then, the officers could not provide understanding of

criminal case to deaf person. Particularly, inquiry is an early stage for access to criminal justice because this level conducts filing a criminal complaint, collecting of evidences or proves by evidence.

Therefore, criminal justice process for deaf person needs effective reforming. According to reforming of criminal justice process for deaf person, it shall be amendment of legal practice and law, development of technology, proving of education toward deaf person for judicial organization and officers.

Reforming of law and legal process can also provide systematic and standard in criminal process. Inquiry officers, public prosecutors and the Court of Justice shall conduct criminal case in accordance with the principle of human rights and equality of constitutional law and the international regulation.

According to literature review and pervious study, the researcher study continually toward access to justice for deaf person in Thailand, particularly filing a criminal case with inquiry officers. The detail will present next chapter.

CHAPTER III

METHODOLOGY

The research focuses on access to criminal justice process for deaf person in Thailand, particularly filing a criminal complaint with inquiry officers. The aims of study were to examine experiences, problems and obstacles of deaf persons for access to criminal justice process in particular filing a criminal complaint with inquiry officers. Likewise, the study finds out opinions and needs of deaf persons, opinion and suggestions from guardians of deaf persons, recommendations from inquiry officers, experts and scholars who had direct experience with deaf person and criminal justice process.

Furthermore, the survey gives recommendations and effective ways to comply with the requirements of deaf persons in Thailand toward criminal justice process. The Methodology used qualitative research and conducted as follow;

3.1 Research Method

1. Documentary Study was examined by books, journals, research and related dissertations in both Thai and universal language.

2. Qualitative Research used in-depth interview for deaf persons, guardians of deaf persons, inquiry officers, experts or scholars who have direct knowledge and experience with deaf persons and criminal justice process. The purposive samples were 20.

3.2 Population and Sample

3.2.1 Population

Twenty samples were divided into four groups and each group contained five persons. The participants consisted of deaf persons, guardians of deaf persons, inquiry officers, expert and scholar who have knowledge and experience related deaf persons and criminal justice process.

3.2.2 Sample

Purposive samples were selected by the researcher. The respondents were expert, and have comprehension and experience with deaf persons and justice process. The samples comprised of four groups.

The first group is deaf persons. The participants in this group were interviewed to examine problems, obstacles, opinions and needs regarding access to criminal justice process, mainly filing a criminal complaint with inquiry officers. Specific qualifications for deaf persons were over 18 years old, holding on identification card of disable person and direct experience toward filing a criminal complaint with inquiry officers.

The following group is guardians of deaf person. The guardians were examined their experiences about deaf person to file a criminal complaint with inquiry officers. Moreover, the guardians discussed with the researcher about problems, obstacles, opinion and needs in access to criminal justice process in particular filing a criminal complaint with inquiry officers.

The next group is inquiry officers. The officers were being question about taking of a criminal complaint from deaf persons and conducting of criminal case for deaf person to justice process. Furthermore, the officers provided recommendations and effective ways regarding to access to criminal justice process which comply with the requirement of deaf persons in Thailand. Specifically, the samples in this group must have experience on conducting criminal case of deaf person.

The final group is experts and scholars. The respondents were investigated on their experience related to deaf person and criminal justice process. The experts and scholar gave suggestions and effective ways of access to criminal justice process

to assist deaf persons in Thailand. Those advices complied with requirement of deaf persons. Particularly, the samples in this category have over 5 years on work experience with deaf persons.

According to all sample group in particular deaf persons, it was essential to interview only relevant participants. The respondents permitted the researcher to disclose their information, therefore, the detail was limited. However, the data by interview was correlated.

3.3 Instrument of Data Collection

Four in-depth interview forms were used for respondents and questions in interview form were developed by literature review, theory, philosophy and pervious research. The interview forms were built to relate academic theory which covered the aims of study and be appropriated for all sample groups. The respondents were deaf person, guardians of deaf person, inquiry officer, experts or scholars who have knowledge and experience about deaf persons and criminal justice process.

Regarding to in-depth interview form for deaf persons, the researcher contributed specific interview form and dissimilar with other group. The interview form came up with a video of sign language interview. The video interview was built by a sign language expert who is Dr. Supin Nayong. She provided suggestions and controlled in producing of video interview to gather data from deaf persons. She also cooperated with sign language interpreters and teachers for interview and communication through sign language to deaf persons.

3.3.1 Process in Building Forms of Sign Language Interview

There were two methods for producing of sign language interview form which were 1) draft of sign language interview form and 2) making a video of sign language interview. Ten experts from Ratchasuda College, Mahidol University aided the researcher toward methods for producing of sign language interview form. The experts consisted of an expert in deaf persons and sign language, 4 sign language teachers (deaf persons), 5 sign language interpreters. Those expert set up meeting to

discuss about making sign language interview form. The process toward building of interview form was follow;

3.3.2 Creating a Draft of Sign Language Interview Form

The meeting for building the draft of sign language interview form spent about three day. Proceeding was follow;

1) The meeting was set up to detail in importance, aims and benefits to sign language interpreter in terms of precise understand. The interpreter then communicated to sign language teachers who were deaf persons for inspect precise understanding and correct manual language for communication.

2) One by one the questions in interview form were translated by sign language interpreters into sign language teachers for comprehend and accuracy on sign manual language. This process was found that the teachers could not understand direct translation; therefore, sign language translation shall carry out to be relevant with culture and perception of deaf persons. Translation related experience of deaf person leads to precise understanding and sign manual language for deaf person.

3) After comprehension in question by sign language teachers, the teachers consulted to set up correct sign manual language corresponding with the right meaning of questions in interview form. The sign language expert and interpreters then inspected for accuracy. In case of accuracy of sing manual language, the teachers were took video record for translation one by one question into sign manual language. The video record was proved validity before actual interview.

3.3.3 Video Recording on Sign Language Interview

After conducting of draft of sign language interview form and proved accuracy of translation, sign language interview form was actual record into video by a sign language interpreter, two sign language teachers and two video producers. Faculty of Engineering in Mahidol University provided a studio room to make video record for a form of sign language interview. The recording was taken about a day. The process about producing of video recording in studio room was follow;

1) Video producer prepared a studio room including tool, lighting, scene, video recorder, monitor and computer.

2) Sign language teachers and interpreters were scripting replication of sign language interview in terms of taking actual video recording.

3) In stage of taking video recording, a sign language teacher presented sign manual language in one by one question. The interpreter and teachers then inspect precise translation for each question. In case of sign manual language was not accurate with the right meaning of the question. Video recording was reproduced for validity.

4) After completing on video recording for sign language interview, the video was edited and added subtitles. The video then was used for actual interview with deaf persons including sign language interpreter.

3.3.4 Inspection Quality of Research Instrument

Examination in validity and reliability of instrument for data collecting was essential in the research because accurate results lead to consistency with the aims of study and the research then is acknowledgement. Therefore, the study did assessment in validity and reliability toward tools and content in interview. Three experts who have experience on deaf persons and criminal justice process aided the researcher to examined accuracy and reliability of instrument, as well as edited content in interview before used in actual interview.

According to in-depth interview for deaf persons, the researcher did inspection validity of equipment. The tool such video record interview was investigated accuracy and reliability by sign expert and deaf persons. The video interview was tested to find out precise understanding and correct answer by deaf persons and sign language expert. In case of fault, the video record interview was amended before used in actual interview.

3.4 Data Collection

The method of this survey used in-depth interview and gathered data by the researcher. The process consisted of five stages as follow;

1) The researcher submitted the request official letter to Dean of Faculty of Social Science and Humanities, Mahidol University in terms of permission for data collection from inquiry officers and sign language expert.

2) According to deaf persons and their guardians, the researcher contacted sign language interpreters who have experience on criminal justice process for suggestion and questioned about information toward deaf persons who have experiences of filing a criminal complaint with inquiry officers. The interpreter also assisted the researcher to contact those deaf persons for interview their experience regarding filing a criminal complaint with inquiry officers.

3) The researcher made appointment to all samples regarding date, time and places for conducting of interview. The participants were deaf persons, guardians of deaf person, inquiry officers, expert and scholar. Sign language interpreter aided the researcher in terms of communication and translation. On day of interview, the researcher interviewed each sample by in-depth interview which was semi-structure.

4) The researcher introduced personal information, and defined the aims and details of the survey to all respondents in terms of certainty and willingness for interview. All participants then signed on letter of consent with the purpose of willing to interview. Next, each sample was interviewed around 30-60 minutes and the interview covered all respondents. Interviewing to all participants would assist to find out data or relevant information toward access to criminal justice process for deaf persons in Thailand, particularly filing a criminal complaint with inquiry officers.

The interview for deaf persons was conducted by sign language video interview and sign language interpreter. Video record during interview of deaf persons was permission by deaf persons because participants in this group were purposive sampling. Video record during interview was carried to inspect accuracy.

Guardians of deaf persons, inquiry officers, experts and scholars were being question by the researcher. Audio record during interview were allowed to collect raw data. Then, the data was analyzed.

5 The researcher gathered all data from respondents and then the data was concluded and analyzed.

3.5 Data Analysis

Assessment and analysis of qualitative data used content analysis in issue of access to criminal justice process for deaf persons in Thailand, in particular filing a criminal complaint with inquiry officers. After analysis, the data was explained and presented into figure, then referred information from interview (closed identity but used assumed name).

The results and findings are relevant to the objective of study and the researcher can be fully completed in answers. The results and findings possibly define in next chapter.

In addition, the research is certified the research of ethic on human by ethic commission in Faculty of Social Science and Humanities, Mahidol University. Certification number is 2016/364/0410.

CHAPTER IV

RESULTS

The study entitled , “Access to justice for deaf persons in Thailand: focus on filing a criminal complaint with inquiry officers” was conducted as the qualitative research to explore the research objectives in experience of deaf person , problems and obstacles in accessing the judicial system, particularly filing a criminal complaint with inquiry officers, including recommending the direction and model of assistance to the deaf person in Thai Judicial Process to coincide with the specific need of the deaf person.

The targeted population comprised of four groups as follows: deaf person, guardian, inquiry officer and expert or scholar in the field of deaf person welfare and judicial process. The study engaged the in-depth interview among four groups for the total of twenty samples. The following results are presented in details:

4.1 Qualitative Analysis Results

4.1.1 Group 1: The deaf person

The researcher engaged in-depth interview to collect the qualitative data to answer the following:

- 1) Knowledge and understanding on the judicial process
- 2) Experience in filing for cases with the inquiry officer
- 3) Problems and obstacles of the deaf person in filing a criminal complaint with inquiry officers
- 4) Treatments that the deaf person need when he went to file the charge for prosecution at the police station
- 5) Formulation of guidelines and model to provide the deaf person assistance to filing a criminal complaint with inquiry officers

1) Knowledge and understanding on the judicial process

The key informants are unanimously agreed that the deaf person had no knowledge and understanding on the criminal justice system and no idea what the system is all about. Some deaf person claimed that if he went to the police station alone without the sign language interpreter, he would not know the process of the criminal justice system and the procedures.

2) Experiences in filing for cases with the inquiry officer

The key informant told about witnessing experiences in prosecution informed the inquiry official level in numerous patterns such as automobile accident, loss of property, fake Facebook, being accused of stealing property. All key informants unanimously agreed that if they went to see the police alone, they would not be able to communicate with the police.

The key informants explained that there are 3 types of communication between the deaf person and the inquiry officers in 3 patterns, that is 1) not accompanied with the sign language interpreter, instead communicate through writing 2) accompanied by sign language interpreter and 3) communicate with the police through TTRS.

“We communicated by writing, all of it, because it is urgent and not enough time to find translator The incident happened roughly 6-7 A.M., early morning, in which we had no time to reserve interpreter”

(Deaf person, October 2016)

“The other party has good hearing, but I am deaf. I wrote to him that what he told the police is not correct. It took a long time for the police to understand me. Finally, the police told me that both sides were at fault, ask the insurance to repair the damage. ”

(Deaf person, October 2016)

“I had no interpreter because it was so urgent and I had no time to reserve one. We communicated through writing and caused the argument, I had learned from such incident that I needed to have the evidence to collect for the damage.”

(Deaf person, October 2016)

“When the police knew that I am deaf, he tried to help and asked if I could hear or talk. He tried to help me as much as possible by using his gesture and pointing making motion with his hands to show who had done wrong. He draw the picture to explain that the can drove in front when a motorcycle followed behind in the wrong lane as his drawing. The officer put the cross mark (X) to show that it was wrong. The police tried to communicate with me in writing using the word “hit rear end of the car “. At first, I have no idea what he meant, what hit the rear end. Until I arrived at the police station, then I understood what the police meant by “ hitting the rear end “ because the police at the station explained through the drawing and told me that when the accident happened the one hit the rear end will always be the one at fault. At that point, I am fully understand from drawing. I realized that I have misunderstood all along. It is good experience to know when the police knew that I am deaf, he tried to help and asked if I could hear or talk. He tried to help me as much as possible by using his gesture and pointing, making motion with his hands to show who had done wrong. He draw the picture to explain that a car drove in front when a motorcycle followed behind in the wrong lane as his drawing. The officer put the cross mark (X) to show that it was wrong. The police tried to communicate with me in writing using the word “hit rear end of the car “. At first, I have no idea what he meant, what hit rear end. Until I arrived at the police station, then I understood what the police meant by “ hitting rear end “ because the police at the station explained thoroughly by drawing and told me that when the accident happened the one hit the rear end will always be the one at fault. At that point, I am fully understood from drawing. I realized that I have misunderstood all along. It is good experience to know”

(Deaf person, October 2016)

Deaf person who had brought an interpreter asked his friend to help communicate in sign language or request one in the workplace to help out with the communication.

“I brought along two translators and a friend to notify the police and show them both real and fake Facebook. Someone tried to defame me by posting the picture and putting my name on it. I was upset and got so angry because it ruined my reputation and the

police had recorded and tried to catch the culprit from ID. At the end, fake Facebook shut down suddenly. The police was unable to catch the perpetrator.”

(Deaf person, October 2016)

“The police asked my name and the place that I lived in in details. He had the notebook on when he interviewed me, so when I told them through the interpreter. The police had key in the details and then he asked me if he keyed in correct information. When the police search for the Facebook, it shut down immediately. Then, the police was unable to catch the perpetrator”

(Deaf person, October 2016)

“I was working until about 10:00 p.m. when the police came to arrest me. I was frighten so I called my friend who stayed in the same room with me to act as the interpreter I was lucky to find my friend in the time of need”

(Deaf person, October 2016)

Some key informants had not brought along the interpreter to help with the communication because the incident happened suddenly, so he used the services of TTRS through mobile phone.

“I had to use TTRS interpreter because I did not bring my own interpreter. It happened so fast, there is no time to request for translator. Then, I used TTRS interpreter since the interpreter was ready and available to service. The problem is on internet speed on mobile phone in which it connected slowly and hiccups sometimes”

(Deaf person, October 2016)

3) Problems and obstacles of the deaf person in filing a criminal complaint with inquiry officers

From interviewing the key informants and all are unanimously agreed the problems and obstacles facing the deaf person in the prosecution informed the inquiry official level involved in the communication problems, whether being the communication, without the sign language interpreter or some deaf person were unable to write Thai language.

“1) No sign language interpreter and 2) The police are unable to communicate with sign language.”

(Deaf person, October 2016)

“I have problem communicating in writing in which sometimes they accepted the statement, but few times they denied. Prior to the present time, there were no interpreter services available. This is new system, not like before that we could communicate through writing. Now, we cannot do that. They force us to communicate through the sign language interpreter.”

(Deaf person, October 2016)

“If I go there alone by myself surely, I will run into communication problem because the police used legal term that I had not known such as the word case. What is the meaning of case? Luckily, I brought two interpreters with me so they act as the interpreters when the police told me about something.”

(Deaf person, October 2016)

“Sometimes, a deaf person would like to notify the police. But he was unable to write and always thought of himself as useless, unable to communicate, so it was better if he chose not to go. For example, a friend of mine lived around Sukhumvit Road when his motorcycle was stolen, he had no idea how to go about and notify the police, so he took the matter in his own hand by tracking down the one who stole his motorcycle, looking around and looking through CCTV”

(Deaf person, October 2016)

“We depend on communication only such as in the case of quarreling between the deaf person and normal person. Who do you think a police would believe between both parties? Certainly, the police would believe the one with a good hearing, one who could explain. The deaf person could not explain the reason to the police and the police only listened to a person with good hearing. This has caused the problem.”

(Deaf person, October 2016)

“1)We ran into communication with the police most of times because it took longer before we could explain and make the police understand. Most of times, we are tired of explaining, becoming dizzy and afraid 2) no interpreter available to assist, so before we are able to make the police understand, we had rough time. Moreover, some interpreter lived far away, not enough time to find the one close by.”

(Deaf person, October 2016)

“One problem is the writing, where other forms of communication may not work at all. We do not know how to explain clearly. It is rather difficult. At that time, I was so lucky that I had TTRS interpreter to help out”

(Deaf person, October 2016)

“I lost my Notebook at the dormitory, but I did not notify the police. Actually, I would like to notify the police, but I was afraid that I would not be able to make the police understand. I decided to wait to consult my parents. My parents told me to pay no attention, so I forget about it”

(Deaf person, October 2016)

“I went to see the police because I needed help. Once the police received my complaint, they should process my case immediately, instead they kept installing as if they had unwilling accepted my complaint. It took such a long time.”

(Deaf person, October 2016)

“When I went to see the police, a police often asked me if I had any evidence, he hardly listened to me, instead, kept insisting that he needed the proof. Just telling him would not mean a thing, for the police, only evidence then he would process the case, otherwise no assistance”

(Deaf person, October 2016)

“The police wrote that he told me to go separate way. I did not understand what he meant by that. To me, to go separate way is to fix own damage. If this is the case, I do not want it. My vehicle is damaged and he told me to go separate way, No, I

told him I can't accept that. Not until I asked my parents what it meant, they told me that the police to us to go separate way and stop pursuing the case."

(Deaf person, October 2016)

A key informant explained that when he went to inform the police alone, the inquiry officials would not accept his filing, but if he accompanied by a sign language interpreter, the inquiry officials would accept his filing.

"If I go by myself without the interpreter, the police would tell me to bring the interpreter. The one who knows the laws well enough is hardly available. I have to find the one who does not know about the laws (I want the interpreter who knows the laws). However, in the old days, even without the interpreter. A deaf person can manage his own affair. He can notify the police require the presence of interpreter to be in line with the requirement in Disabled Persons Promotion and Development Life Quality Act. Every deaf person knows about the interpreter services. Therefore, every time a deaf person came in to notify the police he must bring along the interpreter otherwise the police would not accept the case."

(Deaf person, October 2016)

Majorities of key informants gave similar information that the states failed to provide adequate the sign language interpreter, inadequate to service deaf person

"Only small number of sign language interpreter is available to provide the deaf persons services. I took pity on other deaf persons in Thailand"

(Deaf person, October 2016)

"Besides insufficient numbers of Sign Language Interpreter to provide service, they lived far away. We can use TTRS, but the problem is slow internet or disconnect easily. It is all right, but it is the quick way to communicate"

(Deaf person, October 2016)

In some cases, deaf persons encountered problems when the others misunderstood their language and culture s, leading to inappropriate treatment.

“The police do not understand the disabled or the deaf. Sometimes, they claim that I was crazy, thinking that I don’t understand, chase me away used to be chased away). As a matter of fact, the Ministry of Justice should put in the laws; force the police to treat the disabled as the normal people because he receives salary form the people’s pay taxes. Everyone should be treated equality.”

(Deaf person, October 2016)

“I was looked at as a clown and laugh at. Do they thing I am stupid?”

(Deaf person, October 2016)

“If would be nice if they could provide special lane to service the deaf persons as well as arrange for specific queue card for the deaf”

(Deaf person, October 2016)

“I used to go to the court, but I had encountered problems the very first time I went with one interpreter. Next time they gave me another who had no idea of the incident. In fact, the interpreter should be the same one, fixed the only one. When the interpreter had been changed, it affected the case. The case that should have won may be the last case. Another thing is that the interpreter had not familiar with the justice system and the one knowing is hardly available”

(Deaf person, October 2016)

Besides the aforementioned problems, some key informants gave the statement that few policemen lack of public mind or offer full assistance and sometimes refused to accept the filing case from the deaf person. The key informant mentioned that the female police paid more interest and offer better assistance than male police.

“Yes, that is correct. At Surat Thani, the service is very poor, whereas the service at Phuttamonthon is slightly better, but Sam Pran has the best service. At Sam Pran, the female police asked me in details. She took interest in my affair, but the male police, it’s depended on his mood.”

(Deaf person, October 2016)

“I lost my property at the dormitory quite often. One time I lost 3,000 baht, I went to file the report with the police. He told me that it’s small potatoes, only small amount missing not a big issue. I went to the police station to file the report, the police won’t accept my filing, he told me to go home, if the less is big, I should come to file the complaint not this small amount. So I left the station.”

(Deaf person, October 2016)

4) Treatment that the deaf person need when he went to file the charge for prosecution at the police station

The findings from interviewing a group of informants suggest that they were unanimously agreed that what they needed when they went to inform the officer at the police station was the sign language interpreter and also the police who was able to communicate with them in sign language, including TTRS Kiosk to communicate at the police station.

“1) What I need help first of all is the sign language interpreter 2) we would the police to learn how to communicate in sign language, perhaps 1-2 police that could help in this area.”

(Deaf person, October 2016)

“1) at the police station, I would like to have a TTRS Kiosk as the medium for the deaf to communicate in urgent case. 2) I would like to see the police learn sign language and it helps to have the database for list of interpreter lived nearby, so they could come out and help us right away. Perhaps the police should ask the Ministry of Social Development and Human Security to share database which should not be difficult because the interpreter are registered all over the country. In this case we can

use the interpreter nearby instead of getting one from Bangkok or other provinces. This is the quick solution.”

(Deaf person, October 2016)

“I would like the police to learn sign language. It is important so they could communicate with the deaf persons and understand each other”

(Deaf person, October 2016)

“I would like to have an interpreter present because he can help me communicate I would like him to stay available at all times just like the one in the developed country. I found once at Singapore, I was amazed that Singapore has fulltime interpreter at the police station. I would like Thailand to do the same thing. Besides, Singaporeans also learned cultures of the deaf. Then, the people surrounding the deaf, including the social members would understand the deaf cultures.”

(Deaf person, October 2016)

“1) It is very important because the deaf has communication’s problems. You must understand first, for the deaf, it is time-consuming to explain in details. 2) At the police station, I would like to have a TTRS Kiosk as the medium for the deaf to communicate.”

(Deaf person, October 2016)

5) Formulation of guidelines and model to provide the deaf person assistance to filing a criminal complaint with inquiry officers

The recommendations from interviewing a group of key informant involved training the police on basic sign language, opening the special lane for the deaf person, incorporating the service on sign language for the deaf person in the law as well as making suggestion for the concerned agencies to collaborate on improving life quality for the deaf person, starting from the early childhood such as incorporating the law in the course for hearing impaired children, including the propose for having the sign language interpreter on duty at the police station or the TTRS Kiosk also at the station.

“1) The police should be trained on the sign Language first and for all interpreter in Thailand 2) a special lane reserved for the deaf should be arranged. When the deaf went for service, just like me, I can use this special lane 3) Budget.”

(Deaf person, October 2016)

“1) I would like the Ministry of Justice adding more Acts, whether bring the law of Royal Thai Police that include the interpreter service, make it the rule or better to have it incorporated in the law because that way, everyone must obey and follow. Without the law, no one pays attention or accepts it. 2) I would like the Ministry of Justice or the Royal Thai Police, Ministry of Education, and schools collaborated in teaching the deaf children on basic laws of Thailand. It is quite important and required cooperation from all agencies to form the curriculum and approve by the Ministry of Education. This requires the teacher throughout the country to teach students from birth to grow up so they could remember the law from childhood. It is easy to teach young child, because he is a fast learner 3) Each organization such as Ministry of Interior, The Ministry of Social and Human Security, Ministry of Information Communication and Technology and Ministry of Education, all Ministries, not each on their own, but all the laws should be taken into account. Importantly, a deaf person is hardly known the laws. 4) I would like a deaf person has equal chance to whether being the political, social, legal and educational matter. I have more experiences than the other deaf person because I have encountered this problem constantly. 5) There should be the sign language interpreter at the police station, but if he stand by at the police station all day, there may be no need for that. Instead, we can use the interpreter in the nearby community when we ran into problem. Apart from using the sign language interpreter, we can have TTRS kiosk so the deaf person could take advantage of that. TTRS kiosk should be installed in every police station. The Ministry of Interior should collaborate with the Ministry of Information Communication and Technology and empower the police station throughout the country (before I used the wrong hand so I must change from the Ministry of Justice to Ministry of Interior the agency in charge of Royal Thai Police”

(Deaf person, October 2016)

“The requirement for having the interpreter at the police station should be considered. If you don’t want the interpreter to be presented permanently at the police station, the police should learn sign language. Many times the police chase me away. The U.S. police could use hand sign language. They learned the sign longer. In Thailand, there is no requirement so we have to improvise. But if it is identified by law it should benefit the deaf person. No matter what, this matter should be made into the policy and should be assigned to the President of Deaf Association. “

(Deaf person, October 2016)

“The most important item of the country is the constitution of Kingdom of Thailand, the laws, regulations, and requirements in which all of these items had not been known to the deaf person. They have no idea about the law, but when he was caught all he could say is I do not know. So when they had no idea, they could not do anything. This knowledge must start from school by the teacher teaching what she had learned. Teacher should learn sign language to teach the children about the law. It is coincided with your research. I would like it to come out excellent.”

(Deaf person, October 2016)

“1) I would like the government to support TTRS Kiosk by setting up at each location where the deaf persons required most service. The state should provide for TTRS Kiosk and act up one at the police station 2) I would like to see the government arrange the training course on sign language for the police such as new recruits. The teaching should be part of the curriculum and for all classes of police so that policemen can learn well.”

(Deaf person, October 2016)

“1) First of all, I see it as crucial because when a deaf person went to the police station to file the complaint, he could not find any interpreter on a short notice, but with the KIOSK, he would be able to communicate right away, quick and easy for the deaf to communicate right away, quick and easy for the deaf to communicate. For example, when a deaf person expresses his feeling, the interpreter in TTRS KIOSK would understand right away. 2) When the deaf ran into the traffic problems or the

police stop his vehicle to search, he told the police that he is a deaf person, they did not believe him. Thinking that he is a normal person, the police confiscated the car key and Driver License. This happened to my friend, so he had to go to the police station, pay fine and retrieve his key. At that time, he had no idea what he did wrong, the police found wrongdoings, instead of communicate and explain to him, the police seized his belongings and the only way to get them back is paying fine. Afterwards, he looked at the traffic citation and knew that the police cited him for turning in the forbidden zone. He was certain that he did not turn; only to stop at the traffic signal 3) sign language is very important.”

(Deaf person, October 2016)

“1) I would like the government to offer financial support for the police officer to take the course. It is much better if the government could incorporate into a course and offer a certificate because this course will not teach only the sign language, but also allow the learner to explore social life and cultures of the deaf. One should make it similar to sign language course. I would like to see it happens, but at this point, no one takes it seriously. At schools, I would like to see them teaching the deaf children about laws, making them understand about the legal side. 2) About training, I would like the police to learn about how the deaf living their lives, their routines and how they communicate with others, so we will not be judged as the crazy. Perhaps, they will start to treat us with respect, not seeing us as a clown and laugh at us. Sign language is another form of communication, not pointing nonsense. 3) With sign language interpreter at the police station, it should help smooth the situation. It would be nice if we can have two interpreters at the police station.”

(Deaf person, October 2016)

Furthermore, another key informant recommended that if any police station has large number of the deaf person filing for prosecution, the special police station for the deaf person should be established to ease the operation.

“1)Furthermore, I would like the states to send the representatives from each police station throughout the nation to train on sign language. When the training

completed, the trained policemen should be assigned to each area to help the police communicate with the deaf better. For example, when a deaf was arrested while driving a car, at least he could communicate.2) I would like to see all police follow strict laws when performing the duty 3) I would like the police offer the service with public mind at 24 hours and quick service 4) I would like the police to arrange the new system that separated between normal and deaf. For example, the deaf has special lane, especially the police station where many deaf used the service to avoid confusion when the police prosecuted the case.”

(Deaf person, October 2016)

“1)I would like to be informed when I went to notify the police. He should be able to tell me when I am going to know about this case and make appointment for me to come in, not keep on postponing. The police should Work faster. 2) In the case of the police changing shift, the one who accept our statement did not tell the next police when he is off duty. A story became so confused and often turned out to be different story. 3) Sometimes, the police paid no attention to the deaf, we would like to see equal treatment Do not think that the deaf do not know what is going on. We knew very well”

(Deaf person, October 2016)

From the study of the deaf person, conclusions are being made as follows:

Experiences in filing for cases with the inquiry officer

- 1) The deaf person is unable to communicate directly with the police.
- 2) The deaf person communicates 3 ways, namely written, sign language and TTRS.
- 3) The deaf person do not have knowledge and understanding on the criminal justice system
- 4) The deaf person has no right by laws
- 5) The sign language interpreter do not have legal knowledge

Problems and obstacles of the deaf person in filing a criminal complaint with inquiry officers

- 1) Communication problems due to the deaf person inability to speak or write
- 2) Lack of the sign language interpreter to help with communication
- 3) Sign language interpreter is inadequate for service
- 4) The police are unable to use sign language and some cases the police refuse to accept the case.
- 5) The police misunderstanding on the language and culture of the deaf person made them treating the deaf person inappropriately.

Recommendations, guidelines and model of assistance for the deaf person in filing a criminal complaint with inquiry officers

- 1) The police should arrange for the sign language interpreter on duty at the station.
- 2) The database on sign language interpreter should be available for the list of interpreter lived nearby
- 3) There should be a TTRS Kiosk of sign language interpreter at the police station
- 4) Arrange the basic sign language training for the police
- 5) Set up the specific lane to service the deaf person
- 6) There should be the legal course to teach the hearing impaired children

4.1.2 Group 2: Inquiry Officer

The in depth interview was conducted to collect qualitative data among the inquiry officials who had experienced the prosecution informed by the deaf person, having incorporated the following issues in the questions.

- 1) Experience in filing criminal complaints by the deaf person
- 2) Practical procedures when the deaf person filing criminal complaints
- 3) Problems found when the deaf person filing criminal complaints
- 4) The capability of communication with the deaf person as the truth and complete

5) Problems and obstacles of the deaf person in communication, access and understanding each step and procedure in the Criminal Justice System, especially in filing criminal complaints with inquiry officers

6) Required items to assist the deaf person in filing criminal complaints with inquiry officers so he could understand and communicate correctly as the truth and completion.

7) The states agencies should have the direction and model to assist the deaf person to access and better understand each step and process in the criminal justice system, especially, in filing criminal complaints with inquiry officers.

1) Experience in filing criminal complaints by the deaf person

The key informant stated that he had experienced in the deaf person prosecution informed in many approaches, but all agreed that mostly were the victims of sexual assault or property related (inquiry official, November, 2016).

2) Procedures when the deaf person filing criminal complaints

The key informant mentioned about the practice on the deaf person when he came to inform on prosecution. The inquiry officer as soon as he found out that the victim is the deaf person, he must find the way to face the situation himself by contacting the interpreter nearby because he could not communicate with the deaf person himself without the sign language interpreter

In certain case, even if the deaf person brought along a friend or family member, the inquiry officer must find an interpreter from outside for accurate communication and non-bias. In some cases, the deaf person had not learned the sign language based on the correct principles, the sign language interpreter could not translate them all.

“As for the Royal Thai Police, there are no direct rules. It is the duty of the inquiry officer to solve problem. When the incident happened, the inquiry officer was on duty at different province. Therefore, when we notify the police, we needed sign Language interpreter. There is the school for special need close by we contacted the teacher and in some case the deaf children brought in by the teacher, but if they had not learn the sign language, they would not understand. The relatives are only guess as they saw. We had no way to know if that is correct. We wasted time bring in

the sign language interpreter to translate and sign guarantee on the deposition as the evidence that we had been interviewed by the specialist in sign Language. We must do anything by ourselves, kind of work around instantly; we do not have enough manpower to take care of the problem. I used the mediator approach, but it is a lengthy process and takes time to wait for the interpreter to arrive”

(Inquiry Officer, November 2016)

More statements from another key informant:

“When the deaf came to see us and we are unable to communicate or know why he came. First time, we had no skill on sign language especially the deaf that had not learned the sign language because he could not tell us. He used profanity, raising his voice, sometimes standing up and sometimes sitting down. We knew that he must be in some kind of trouble, but we had no idea. He is a middle-age man who came to see us alone and he signalled us to look inside his bag, opening and closing and pointing inside, so we just guessed that he must have lost his valuable, but we do not know what it was, rather difficult to guess.”

(Inquiry Officer, November 2016)

“As soon as we saw it, we tried to call the interpreter and also called the school for the special need and reported the case. When the school listened to us, the school officers would send someone, but we have to wait.”

(Inquiry Officer, November 2016)

A key informant stated that if the case related to sexual assault, the interview by the male inquiry frequently done without cooperation from the victim. Most of times they use the female inquiry official because she could gain trust from the [deaf victim until the victim opened up to her.

“When both normal and deaf person came to see us, the inquiry gave them both attentions because they were victims of a crime, particularly the case on sexual violation. We pay extra care for the disabled because sometimes they could not tell us

the story verbally. Even the normal person, we had difficulty understanding him sometimes because we are not expert in this area, we had no skill. We relied on our experiences in the past, but we had helped from the interpreter.”

(Inquiry Officer, November 2016)

“At first, a deaf person came to file a complaint with the parents, which is all right because we understand what happened. But if the case was about sexual assault, we must send the victim to see the doctor for physical examination first at the police Hospital. Meantime, we contact Setsathien School to find out how to interview the disabled victim after the exam. The father knows how to communicate in Sign language, but it may be bias, so we decided to use the teacher from Setsathien School instead. It did not cost anything because we took the victim to school ourselves.”

(Inquiry Officer, November 2016)

3) Problems found when the deaf person filing criminal complaints

The key informant mentioned the problems and obstacles on communication because of lacking the sign language specialist and the sign language interpreter available had no knowledge on the law and judicial process so he could not assist the deaf person as needed, so the inquiry officer must solve problems by himself.

“1) Communication is the big problem 2) we could provide assistance, but it may not be immediately. We had no help from others because at the police station, if we could not communicate with the victim, the burden would fall on the Inquiry officer. He is the fall guy, everything throwing this way as if the inquiry officers are magicians, but among the police they are the spittoon because things are being dump their ways, especially if they could not communicate, give it to the inquiry officer to solve. It is very heavy situation because we do not know that is going on. If we don't understand, we could not continue with the case. We don't know what to do, how to proceed with the case. Only initial assistance we are baffled. Then it is temporary halt and even the police pushing us to handle the entire case. It is already difficult to find the interpreter in every languages whether being English, German, Japanese, the

Royal Thai Police arranged for us. Once they arrived, we had to prepare everything ourselves. The police station is the one arranged for interpretation booklet, Interpreter lists. In certain area, the local has no knowledge of such Language, even if they knew we had no way to know they communicate correctly. The locals had no knowledge of the law and the legal language and communication language is entirely different. The Royal Thai Police had never arranged the system. As a matter of fact, the inquiry officer proposed to the administration to gather the list of interpreters by seeking assistance from large Universities in the province, including all agencies capable of arranging such information so that we have the list of interpreter available on-hand. If we could do this, at least we could treat the victim and the accused person fairly. No one wanted to handle such case, so the police end up responsible for the whole thing. The inquiry officer himself knew very well that it is impossible for the police station to find the interpreter at that level. It is rather out of reach, beyond our capability in the police station level. 3) We had not received assistance from higher units they have never instructed us what to do and we are unprepared. This is the problem that we presented to the superior for many times, but we have never received the response. We asked why not set up the system in the police station because every Bureau has the inquiry division. Nothing has been done, instead giving us extra responsibilities. Besides not having skill personnel, we have never received any cooperation, and apart from that the equipment is out of date. For example, the tape recorder, we should have at least one for use during the interview about the conversation. We would like to record in VCD because it can be used to confirm the conversation. Can you rely on everything the interpreter told you? When the interpreter told us, we have to write down what he said. Meantime, we observed the victim's gestures, to see how he reacted when the interpreter said something. If he nodded that meant the complaint person understood and confirmed. We made assumption based on the logic, judging from the interpreter reaction and also the complaint person if it looked all right to him. Both parties communicated well. Do they understand each other? Are both actions confirming the acceptance? We only know and judge by the gestures.”

(Inquiry Officer, November 2016)

“Problems are all the same in every police station because we don’t have the sign language specialist. Even normal people are having difficulty in communication once in a while. Some feel embarrassing and afraid to reveal the incident. It is the problem when we have tried to make them comfortable and safe when filing the complaint we took them to Setathien School because the school is specialized in handling the deaf. At first they feel uneasiness, but as soon as they went to see it for themselves, they felt more at ease. In the beginning, his father told him about the school because he trusted his father, but the father did not tell us about it really, so reluctant to say it out. His father told us, but we were afraid someone would think that were bias. So, we decided to contact the teacher to act as the interpreter. Before conducting the interview, we took him to see his friends, he felt more relax and gave good interview, At first he filed the complaint with male inquiry officer whom he said he didn’t receive much help because the male inquirer had bigger cases to handle. He had no interest in this petty case.”

(Inquiry Officer, November 2016)

4) How can the inquiry official communicate with the deaf person as close as the truth and complete?

The inquiry officer gave similar statement that he would not be able to communicate with the deaf person because he had no knowledge on the sign language in which it is quite important due to the legality that must be careful not to have communication error.

“Not at all, this is the legal case, we must be careful not to make error in the communication. This is important because it is not ordinary conversation. This is something that we cannot guess and we don’t want to. We also don’t want any junior to guess because we have no idea that what happened to them is more serious than we thought.”

(Inquiry Officer, November 2016)

“If we are talking about the skill we have no skill here, we are working with our heart so we must find the helper to make the result most perfect because this

is the important part of his life, and we have tried to find the support and sign language.”

(Inquiry Officer, November 2016)

“We are unable to communicate well because we do not know sign language, we must correspond in writing, but we have tried to contact the sign language interpreter that took quite a while for him to get here. It was not the interpreter could come immediately when we called. So, we tried to communicate ourselves, sometimes right, sometimes wrong, we would not know for sure”

(Inquiry Officer, November 2016)

“If we communicate verbally or sign language, we won’t understand the deaf in which we had no idea if we understood him correctly or not or if we used the interpreter, we could communicate well, quicker and easier”

(Inquiry Officer, November 2016)

5) Problems and obstacles of the deaf person in communication, access and understanding each step and procedure in the Criminal Justice System, especially in filing criminal complaints with inquiry officers

The key informant stated that communication is the main and foremost problem, including the lack of sign language interpreter and waiting period while contacting the sign language interpreter to come in and help. Besides, the deaf person may face the hardship from traveling to the police station because she could not communicate with normal people. Some disabled person is unable to write, so often the deaf person faced the problem from misunderstanding and did not receive proper assistance as he should get.

“1) Problem is on language. 2) When it comes to the deaf, if they wanted to contact different departments as needed and they have no idea where to go, who to contact. When the deaf came to the police station, the officers in charge do not know how to direct them to the department that can help him because at the police station there are many departments. The officer has no idea because the duty intertwined with

each other. Then asking for help, the deaf himself has no idea where to ask sometimes, he could not find the police station himself, Some interpreter mentioned that this person used the feeling to communicate with sign language, but that interpreter did not learn sign language. Even the interpreter was unable to interpret. I have to ask repeatedly so many times, inspected again and again. The interpreter told me himself that she was not so sure that she had translated correctly because she did not learn the sign language directly from special school or learn international sign language 3) The deaf were hardly coming to see the police asking for assistance because he knew that he hardly receive any assistance from the police, and traveling to see the police is such a big hassle to him. Besides language barrier, the deaf have problem traveling to meet the police. For normal person, they could reach emergency services through 191, we can go in and inspect the site for them, but those who cannot defense for themselves. Even good Samaritans, quite often, we had difficulties talking to them, or getting bored and refused to call 191. ”

(Inquiry Officer, November 2016)

“Most people who came to inform the police are not the victim because the deaf victim had no idea how to go about doing it. Someone brought him in, but the problem is that the police have no interpreter available. Further from that, the interpreter should have knowledge on laws so that the inquiry officer could explain the legal aspect to the sign language interpreter and tell him what the victim should do, passing correct information.”

(Inquiry Officer, November 2016)

“The problem is the difficulty in communication because there has not been any sign language interpreter; we must contact the interpreter first before we proceed. Some could not write while few could write but would not be able to understand or the writing is unclear, they still need to consult the interpreter.”

(Inquiry Officer, November 2016)

“With regards to the communication, the deaf person would not under what we were trying to communicate. Sometimes, he did not give us the correct

answer. We do not have the sign language interpreter on duty at the station. We must find the interpreter and wait. It usually takes quite a while to understand each other, both the police and victims.”

(Inquiry Officer, November 2016)

6) Required items to assist the deaf person in filing criminal complaints with inquiry officers so he could understand and communicate correctly as the truth and completion

The key informant recommended finding and appointing the specific interpreter to handle the deaf person case as well as prepare the data base for sign language for valid data ready for use so that the inquiry officer could contact the interpreter quickly when he needed.

“The police should arrange for specific interpreter at the police station, with the complete list of names kept at the main station so that the inquiry officer could make the immediate contact. To my surprise, no one think of doing it seriously, but the social worker, who must participate in the inquiry of the minor, based on the legal mandatory them immediately as well as having requirement brought along the list for us to inspect. We could see where this person works, at which hospital, whether being appointed by the court, working here, on duty today, and the contact, If it gets done on monthly basis we could see the schedule and keep the record who on duty this month and we could make the contact right away.”

(Inquiry Officer, November 2016)

Another key informant suggests that the agencies involved in the deaf person welfare should educate the deaf person on legal matters, steps and legal procedures so they could learn and understand the relevant legal issues as well as arrange the program or challenge to provide legal knowledge on television program with the sign language interpreter to teach basic knowledge.

“As a matter of fact, before the problem has been assigned to the police station, there should be the responsibility of the agency for the deaf that incorporated

legal data, steps, and legal operation for the deaf to know. There is also the TV program teaching laws, but the station should arrange the sign language interpreter for the deaf to know the basic information. ”

(Inquiry Officer, November 2016)

Furthermore, the key informants gave additional suggestions that the Royal Thai Police should coordinate with the other agencies quite familiar with the deaf person welfare to arranging basic training on sign language for the police able to communicate with the deaf person, as well as identified the standard rules and regulations to follow when the deaf person filing on the prosecution. This way, the inquiry officer would be relieved from solving the communication problems himself.

“The Royal Thai Police has focused on the Human right , The agency is always told us not to be discriminated and treated everyone equally, including the disabled. Therefore, the Royal Thai Police should coordinate with different agencies such as Setsathien School for the police to learn the basic sign language in order to communicate with the deaf person and he would realize that we are on their side. I understood how they felt because if he informed that police and no one pay attention to him. This is the same as a foreigner came to the station and the police on duty could not communicate in English. “

(Inquiry Officer, November 2016)

“There are no rules how to act when the foreigner came to the station, Now we are learning by practicing. If we could communicate in their languages, we would be able to form good relationship. I used to tell the deaf to find own interpreter, but it is nice if we received training in sign language. I think most inquiry officers would like to be trained if the states are will to fund for the program.”

(Inquiry Officer, November 2016)

7) How can the states agencies establish the direction and model to assist the deaf in better access and more understanding of the steps and processes of the Criminal Justice System , especially in filing criminal complaints with inquiry officers.

The key informants proposed that the Royal Thai Police should brainstorm from all sectors to find the direction in assisting the deaf person, especially on the prevention and suppression where they have to access the area and getting real close to the people. At present, the police are still lacking the skill in communication with the deaf person so they could not communicate or providing full assistance. Therefore, there should be the practice manual to guide the police when the deaf person came in the station to file on the prosecution. This way the police could provide proper care and the deaf person would receive fair treatment as the normal person. Many deaf persons have fallen into victims of crimes because the criminal looked at them as the potential target from the inability to talk, such as sexual assault, injuries to the body, damages to the property, theft and snatching, lottery. Because the deaf person is unable to speak with anyone, he has not received proper care as he should get. Sometimes, the incident has not been up for prosecution case because the victim did not file the complaint or intended to file the complaint, but the police refused to accept the case, so the statistic failed to represent the fact.

“I would like this issue to be present to the Royal Thai Police in the meeting so they could help us. I would like all agencies to reach the deaf at the site. Most of times, the officers contacting the locals are the prevention and suppression officers. Majorities are those who survey the area, but the deaf may need help in so many areas regardless of legality, perhaps only petty matters. The police whether being the tourist police, highway or area patrol officers failed to understand the issue. They came around and asked here and there, no particular interest. The states itself is hardly arrange meeting with the deaf, never provide training, seminar or discussion. Even English language and other languages, the agency published the booklet for beginner which helped a little bit. Because the police had no previous skill on this matter, but the manual is available for the Inquiry Officer to read and understand. However, on the sign language, none of agencies communicate with each other to lay

down the rule and procedures on how to treat the deaf or contact the sign language interpreter at this number. The police should have the manual available to keep in the patrol vehicle so they could have it handy for use. At this time, no one took the time to do it or even start doing it. Many deaf persons fell into victims of crimes because the perpetrator seized the opportunity of them being weak. Many crimes against the deaf involved sexual assault, injury to life and damage to property, theft, robbery, snatching lottery, but they are hardly complaint because of limited conversation, and no report on the cases so there are no statistics available.”

(Inquiry Officer, November 2016)

“I have a friend working as an inquiry officer who once handling the deaf case. We are in the same situation, but he paid very little attention and hardly said anything. We do not know what to say. At the end, the deaf person were neglected and the case fell through the crack. Only few cases that the inquiry officer would pay attention”

(Inquiry Officer, November 2016)

Furthermore, the key informant proposed the publicity through TV and different Social Media because the deaf person could watch TV and every program that has the sign language interpreter and the running caption at the bottom of the screen.

“It must be publicized through TV only because the deaf person only watches TV with sign language interpreter and the running alphabet at the bottom of the screen and most programs do not have the interpreter, only the news. Therefore, the legal program should have the sign language interpreter as well , at least on the basic knowledge so that the deaf person could know what to do if the incident happened, especially on the sexual assault because the sexual violation. For example, a case that happened to my neighbour where a girl lived across the street, the perpetrator displayed the gesture telling the court that the girl was consented to the assault. Then, the judge asked how he knew that she agreed to it. The perpetrator told the judge that he motioned to the girl that he understood she agreed.”

(Inquiry Officer, November 2016)

“The Metropolitan Police Bureau should set priority on the deaf person prosecution cases or cases of any disabled person because they felt that they are partial citizen, we should protect them better than this.”

(Inquiry Officer, November 2016)

Conclusions are made from the study of a group of inquiry officer:

Experience in filing criminal complaints by the deaf person

- 1) The deaf person is likely becoming the victim or crime victim on the theft and sex cases.
- 2) When the deaf person came to inform the inquiry officer would find the sign language interpreter in the nearby area by himself.
- 3) The sensitive case such as sexual assault, the interview by the male inquiry officer failed to gain cooperation from the deaf person.

Problems found by inquiry officer when the deaf person filing criminal complaints

1. The police have communication problem and lack of sign language skill
2. Absence of sign language specialist on duty at the police station
3. The sign language interpreter does not possess adequate knowledge on legality and procedures
4. Some deaf person did not learn the sign language and unable to communicate

Recommendation/direction/ model for assisting the deaf person filing criminal complaints with inquiry officers

1. The specific sign language interpreter should be appointed
2. There should be the clear database for contacting the sign language interpreter
3. Arrange the legal program to educate the deaf person on legal matter
4. Arrange the training on sign language for the police

5. There should be the manual for treating the deaf person when coming to inform the police.

6. Various TV and Social Media on legal knowledge and the justice system should be available for the deaf person.

4.1.3 Group 3: Expert or scholar

In depth interview was conducted to collect qualitative data among the specialist, academic, sign language interpreter with the experience relevant to the deaf person, and the criminal justice system by having the questions in the interview to answer the research objectives. Witness the deaf person informing the police officer for prosecution

1) Witness the deaf informing the Police at the Station

2) Knowledge and understanding of the deaf person on the criminal justice system, especially in filing criminal complaints with inquiry officers.

3) Problems and obstacles of the deaf person in the communication, access and understanding each step and process in the criminal justice system, especially in filing criminal complaints with inquiry officers.

4) Things that should be available to assist the deaf person in filing criminal complaints with inquiry officers to understand and communicate correctly as the truth and complete.

5) The direction and model that the states agencies should have in order to assist the deaf person so that he could access, understand more on each steps in the criminal justice system, particularly in filing criminal complaints with inquiry officers

1) Witness the deaf informing the Police at the Station

The key informant mentioned witnessing the incident on the deaf person prosecution informed the inquiry official level that the deaf person wanted to meet the sign language specialist to seek advice before the filing with the sign language interpreter who is knowledgeable in law and the judicial process.

“Most of times, before a deaf decided to file the complaint with the police, he realized that we knew the law, so he came to seek advice from us what to do in the cases of fraud, embezzlement, personnel injury and defamation. Majorities would

consult with us before filing the complaint, what to do and any approaches to the problem. So we gave him advice on what to do and then told him to reserve the interpreter.”

(Expert, October 2016)

2) Knowledge and understanding of the deaf person in relations to the judicial process, especially in filing criminal complaints with inquiry officers

The key informant gave the information that the deaf person is only informed the police but no idea of the steps and procedure. He only knew that he must tell the inquiry about the incident and wait for him to summarize and pass decision.

“On the legal aspect, the deaf are only known to file the complaint with the police, but the steps on filing or recording on the police journal as evidence, the deaf would not know about it. They knew that when this type of offense happen they could notify the police, but the process of inquiry, recording on the police journal or filing the complaint they would not know. They knew they had to inform the police what happened and the police would sum up everything”

(Expert, October 2016)

“It is not so difficult to inform the police of the fact. If the police needed the interpreter to translate the fact for the police, we told the deaf what the police told us about it. If we have to argue with the police as the lawyer who know more about the sign Language and legal matters. Then, it would be to the deaf advantages because the lawyer could communicate in sign language correctly. We work in different roles.”

(Expert, October 2016)

3) Problems and obstacles of the deaf person to access communicate and understand each step and process in the Criminal Justice System, particularly in filing criminal complaints with inquiry officers

The key informant mentioned that the major problem and setback involved the shortages of sign language interpreters who had legal knowledge or known the Criminal Justice System coupled with the deaf person was not always able to reserve

the sign language interpreter with specific qualification because such specialist have had prior engagement. So in the urgent case, the deaf person could choose the sign language service through TTRS.

“Nowadays, the reservation on interpreter is much better than the past. We have the Ministry of Social Development and Human security to look after the deaf welfare. The deaf could reserve the interpreter, but if the deaf would choose the interpreter (he could identify this person) then it would be difficult. The problem is that we hardly have qualified sign language interpreter” If a deaf reserve a qualified interpreter, and that interpreter has prior engagement such as, in the urgent case, if the injured parties wanted to reserve specific interpreter, but the interpreter is not available, the police would make appointment on particular, date, then we must use whoever available. We must coordinate with the original interpreter to find out what to do, how we should translate because if it’s the case to be presented on court or related to the criminal case, the said interpreter would consult other on what to do first.”

(Expert, October 2016)

“Having TTRS helps during the emergency, but you need to reserve in advance. Anyway, in the case of real emergency, they would arrange the interpreter to standby and help”

(Expert, October 2016)

“As for the interpreters who have been registered with the Ministry are available throughout the nation. Any incident happened in which country, one could key in to search from database of the Ministry of Social Development and Human Security if any interpreter available in which province and selected in such province, if not one must choose from the nearby provinces, and quick or slow services depended on the management and each unit arranging interpreter, which unit provides good service (free services for the deaf).”

(Expert, October 2016)

Furthermore, the key informant mentioned that the deaf person had not known his own right and steps and the legal process. Therefore, it is necessary for them to have someone giving advice on what to do. The availability of the sign language interpreter would make the deaf person feel secure and gain more confidence before going to inform the police,

“The deaf person is hardly known his own right, only realized that the way he felt, this is not the fair if the deaf person had not known about his right. We knew that the feeling was not right, but he has no idea that his right is different from us. When someone hurt us we must go and file the charge, but for the deaf person, he has to ask what to do first and need to consult someone. In the case that just happened about posting picture and share, he knew that society blame him for some reason (he posted and other forward the picture with nasty comment, making others hate him and look down. The victim would like to file the complaint, but he had no idea on how to go about doing it. The only thing to do is to see the interpreter instead of the. He said he needed to see the interpreter first to give him a peace of mind. In this circle, the deaf knew inside who is the specialist and only one in this field. The senior interpreter must attend the court training for being the international interpreter. These persons are training for being the court interpreter, but there is only one interpreter who had learned this field directly and work in this field.”

(Expert, October 2016)

4) Things that should be available to assist the deaf person in filing criminal complaints with inquiry officers to understand and communicate correctly as the truth and complete.

The key informant recommended having various interesting social media so the deaf person could learn and easily understand the concrete steps, and clear process.

“This is the social media time that required publicity, but if only 20-30 people in training, it may not worth the effort and the money. Instead, we should focus on much more interesting campaign or helpful social media with clear channel to

communicate as the cartoon or animation or any situation that may happen and what to do to prevent or rectify such event.”

(Expert, October 2016)

Another key informant recommended having various channels, especially for the deaf person to seek advice through video call by providing the legal consultation.

“There should be the diversified channel for the deaf to seek legal advice, if there is any incident, we can be reach through video call, perhaps as the call center ”

(Expert, October 2016)

“To date, when the deaf person has problem, would ask on line first, next video call, it is unclear. If the video call is still not giving clear answer, he would come in with the evidence. Most of them are Bangkok residents. Only few up-country knew the resident know the laws”

(Expert, October 2016)

“Working with the deaf club and caring for the deaf person in own area also, and acting as the advisor, but the deaf living in up-country has not known about own rights. Even we told them that they could file the complaint, they were afraid, opposite from the deaf person in Bangkok, When we gave them advice, they followed right away.”

(Expert, October 2016)

“ The differences between the deaf in Bangkok and up-country are the rearing because the deaf in Bangkok treat each other like one family and most of them are self-depended, finished school, work and learn living themselves. On the contrary, those who lived in the rural areas are home-bounded mostly, with less education and staying with the parents. Only asking them to attend the meeting to learn about the law, the parents would not allow them to come out alone. We have to arrange the transportation to pick him up at home. Most families in the up-country are

poor, and the parents would not let them away from home. Even when he ran into trouble, we asked if he wanted to file the report, he refused because was afraid to be in the process that he knew nothing about. He told me never mind because he was afraid”

(Expert, October 2016)

5) How should the states agencies set up the direction and model for assisting the deaf person for them to access and understand each step and process in the Criminal Justice System even more, especially in filing criminal complaints with inquiry officers

The key informant suggested the states agencies that the police should understand the culture of the deaf person so that once he understood, he would be glad to assist the deaf person. Importantly, the sign language interpreter should be knowledgeable in laws and the judicial process to translate and transmit the message, including provide the legal advice as the lawyer to the deaf person. Therefore, the interpreter must have the basic knowledge, legal knowledge and the interpreter procedures of the Ministry of Justice.

“Before anything, the police must understand that the police in certain area have not fully collaborated with us. Sometimes, we had to make the point for him and if the police was unable to function properly, we must be another back up for them,”

(Expert, October 2016)

“An interpreter is important because some knew laws very well and would be able to argue the point. We need to tell if it is all right (because the interpreter knew the language and steps). The police is ok provided that the prosecutor agreed. This is what should happen and if facing order one must accepted, not refused. This must be arranged on the interrogation and used the discretion. Any conclusion must be sent to the prosecutor, that is we must know the steps, but in some area the police thought that we did not know, whatever they could get out, they would avoid doing it”

(Expert, October 2016)

“Sometimes, a friend of mine who is an interpreter called for advice because in the interpreter cycle, we are all known each other. So, when the case that we had not attended, he would ask us what to do because the interpreter had no idea what is going on, we would offer our help”

(Expert, October 2016)

“The Statistic of crimes against the deaf to find out the number of the deaf victims, we have no idea how many for sure because they never separated the deaf victims from the normal victims. We may find the information from the service unit that has enough manpower to handle the statistical record such as the deaf association of Thailand, Deaf Association of Bangkok, and Universal Foundation for persons with Disabilities, The Mirror Foundation; they would have the information classified into each section displaying the service. In the up-country, the Ministry of Social Development and Human Security should have the information of each year and what type of services, number of total ceases, and cases related to the judicial system. It may not be the complete information because some people failed to report.”

(Expert, October 2016)

Another key informant mentioned that:

“The sign language interpreter should have basic legal knowledge to represent the deaf in the judicial system”

(Expert, October 2016)

“ I worked with the police quite often, sometimes it may not be the case with the disabled person. The police refused to accept the filing. Then we should know beforehand, which type of case so it would be easy in court presentation. The problem is when the police refused to record any statement, only wrote down that testimony in court. The locals who had no knowledge when coming to see the police who paid no attention to the case, they have no chance to win the case. ”

(Expert, October 2016)

“Some cases that he consult us and we said no, it depended on the interpreter ethic because if we gave wrong advice, he is at loss because he trusted us 100% and majorities trusted the deaf much more than the parent Then, a person acting as the sign language interpreter must have the ethic and proper knowledge.”

(Expert, October 2016)

The findings from studying a group of experts or scholars the findings are being concluded as follows:

Witness the deaf person informing the police on the prosecution at the police station

- 1) The deaf person has no knowledge on own legal right
- 2) The deaf person is usually consult the sign language interpreter before informing the police
- 3) The deaf person has not known the procedures when filing for prosecution
- 4) The sign language interpreter has no legal knowledge and procedures in the justice system

Problems and obstacles of the deaf person in the communication, access and understanding each step and process in the criminal justice system, especially in filing criminal complaints with inquiry officers

- 1) Communication
- 2) Only few qualified sign language specialist who had full knowledge on the law or criminal judicial system
- 3) Without knowledge on own right, method and step in the judicial process

Recommendations, guidelines and model for assisting the deaf person in filing criminal complaints with inquiry officers.

- 1) The police should understand the nature and culture of the deaf person

2) There should be the publication on the method and different social media

3) There should be the approach to seek legal advice for the deaf person

4) There should be the sign language specialist available to service the deaf person in the prosecution informed

4.1.4 Group 4: Guardian

In depth interview was used to collect data from the guardian by incorporating the following issues in the study:

1) Experience related to the offspring in filing criminal complaints with inquiry officers

2) Knowledge and understanding on the criminal justice process

3) Problems and obstacles of the guardian and offspring in filing criminal complaints with inquiry officers

4) Problems and obstacles of the deaf person in communication access, and understanding in each step of the judicial process, especially in filing criminal complaints with inquiry officers

5) Things that should be done to assist the deaf person in filing criminal complaints with inquiry officers to understand and communicate correctly as the truth and complete.

6) States agencies direction and model of assisting the deaf person to gain more understanding in each step and process in the Criminal Justice System regarding the prosecution informed the inquiry official level

1) Experience related to the offspring in filing criminal complaints with inquiry officers

The key informant gave the data related the offspring experience in the prosecution informed the inquiry official level that he never had the direct experience because he did not go to inform the officer with the offspring.

“We did not go with him to file the complaint because we lived at different provinces, but he told us what his problems. He went by himself and what happened, so we told him to forget it because it is already in the past”

(Guardian, October 2016)

“Some key informant did not want his offspring to file the prosecution even they are the victims for afraid that the disabled offspring may not receive fair treatment as the normal person.”

(Guardian, October 2016)

“I had never accompanied my child to file the complaint, he came back to tell me what happened. As a matter of fact, I do not want my kid to get in the lawsuit because of his physical limitation. I am afraid someone may retaliate and the police would not believe him because he cannot speak.”

(Guardian, October 2016)

“We stay at different place because he is attending school at other province, At that time, he sent me the line to tell me that his notebook was gone and someone told him to notify the police. He asked me what to do, but I did not want him to get in trouble and I took pity on him. The only thing to say was telling him to forget it and let it passed by.”

(Guardian, October 2016)

2) Knowledge and understanding on the judiciary system

The key informant mentioned that he has known very little about the judicial system.

“ I only knew that he had problems and went to notify the police. I don't know who the wrong party was, let the police handling the case legally, but I do not know the whole procedures. I am fully aware of the lengthy process so I don't want him to get involved in the first place. I am worried about him.”

(Guardian, October 2016)

“ We knew that it the case in the court with lawsuit, which should be all right dealing with legality. The court must handle the case with fairness, but we are worried, we don’t want him to go.”

(Guardian, October 2016)

“ I knew that it involves different procedures based on the laws, but I did not know the in depth details, only aware that it took times before the court could pass the judgment.”

(Guardian, October 2016)

3) Problems and obstacles of the guardian and offspring in filing criminal complaints with inquiry officers

The key informant mentioned that he did not go with his children to inform the police, so he had no idea about the problem. But in his understanding, his children were surely faced the problem from having limitation in communication so they would not receive much attention from the police and another problem is no sign language interpreter to help in communication.

“I had never gone to notify the police with my child , so I don’t know if he had any problems. It should have been the communication that it is rather difficult to understand because we could not tell”

(Guardian, October 2016)

“ We have no problems because we did not go with him, only we are worried because he is deaf and unable to speak, He may not receive fair treatment as a person with good ear.”

(Guardian, October 2016)

4) Problems and obstacles of the deaf person in communication access, and understanding in each step of the judicial process, especially in filing criminal complaints with inquiry officers

The key informant gave similar data regarding the deaf person on communication and the need to use the sign language to help communication.

“Problems on communication when he could not talk, anything he depended on the sign language,”

(Guardian, October 2016)

“Communication is very important; we need to use the sign language, which may not be available in the urgent case. He had to communicate in writing and sometimes it works or not working. So, it is better with the interpreter to help out.”

(Guardian, October 2016)

“My child told me that he has problem communicating with the police. The police had not paid attention to the case. He told me a story about his friend when ran into the problem and the police told him to go away, refuse to do anything until his friend had to accept and came home.”

(Guardian, October 2016)

5) Things that should be done to assist the deaf person in filing criminal complaints with inquiry officers to understand and communicate correctly as the truth and complete.

The key informant gave the unanimous information that they need the sign language interpreter to help the deaf person in communication with the inquiry officer, including the special service to make it accommodate the deaf person to facilitate the case prosecution.

“ I would like to have an interpreter at the police station so that the deaf could have assistance when they came filing the complaint. Because they could not

talk, the police would not understand them, with the interpreter help, communication should be much better,”

(Guardian, October 2016)

“If we have the interpreter to help out, it should be much better for us. When I went to file the complaint, my son accompanied me because it was so sudden and the police showed no interest on the case. They could not communicate with me. So, I would like to request special care for the disabled person that should receive extra treatment.”

(Guardian, October 2016)

“ I would like to have the interpreter accompanied the deaf at the station so they could explain and be reassured. The police themselves could understand and help out. It would be better if the police could use sign language so he could understand the deaf better and willing to help

(Guardian, October 2016)

6) States agencies direction and model of assisting the deaf person to gain more understanding in each step and process in the Criminal Justice System regarding the prosecution informed the inquiry official level

The key informant has recommended the states to assign the sign language interpreter on duty at the station to help communication so that the deaf person could be reassured that there is someone at the police station willing to help him and there should be specific channel to help this group of people.

“The police agencies should help us the deaf more as if they are the normal people. It is better if the police station could arrange an office with the interpreter to service the disabled and if they had learned the sign language, it would even better”

(Guardian, October 2016)

“We would like to start at school where the children should be taught on law from the early age and I would like the police learning sign language so they could help and understand us when the interpreter is not available.”

(Guardian, October 2016)

“I would like to have an interpreter on duty at the police station to help the disabled persons when needed and they should receive fair treatment as the others.”

(Guardian, October 2016)

The findings from the study a group of guardian are summarized as follows:

Experience related to the offspring in filing criminal complaints with inquiry officers

- 1) No indirect experience with the offspring in filing for prosecution
- 2) Guardian has only small knowledge and understanding on the judicial system
- 3) Avoid having problems on the offspring so they told their offspring to let it go and not informing the police

Problems and obstacles of the guardian and offspring in filing criminal complaints with inquiry officers

- 1) Communication problems
- 2) No sign language interpreter to assist in communication

Recommendations/Guidelines/Model for the Deaf Person in filing criminal complaints with inquiry officers

- 1) There should be the sign language interpreter on duty at the Police Station.
- 2) Special lane should be arranged to service and assist the disabled.

To summarize, all four groups of informants, namely deaf persons, inquiry officers, experts or scholars focused on the interviews that reflect the experience of deaf person, including problems and obstacles in filing criminal complaints with inquiry officers, including recommendations, guidelines and model to assist the deaf person in Thai Justice System appropriate and coincided with the specific need of the deaf person , Then, the acquired data could be concluded and discussed and proposed further direction and model for assisting the deaf person in the Criminal Justice System.

CHAPTER V

DISCUSSION

The aim of this qualitative research were to examine experience, obstacle and problems on deaf persons in terms of access to criminal justice process, in particular prosecution informed the inquiry level, survey opinions and needs of deaf persons, opinions and suggestions from guardian, inquiry officer, and expert or scholar who had direct experience and knowledge with deaf persons and criminal justice, and present effective ways and mechanisms to aid deaf persons on access to criminal justice in Thailand in accordance with requirement of deaf persons.

This study was conducted as the Qualitative Research through the In-depth Interview among 20 participants, consisted of the deaf person, guardian, inquiry officer, expert or scholar who have experienced, knowledge related to the deaf welfare and justice system. The details of the discussion are presented as follows:

5.1 Experience accessing the justice for deaf persons in Thailand

The study on accessing to justice for the deaf person in Thailand focus on filing criminal complaints with inquiry officers was the specific study on the filing criminal complaints with inquiry officers. The findings suggest that majorities of the deaf persons have fallen into the victims of crimes as well as having experiences in prosecution informed in diversified cases such as automobile accidents, loss of property, fake Facebook being accused of stealing, fraud, all key informants gave similar data, that is, when making prosecution informed by himself alone, the deaf person was unable to communicate with the police. Beside, it was found that the deaf had no knowledge on criminal Justice System and no idea what the system is all about as well as not knowing about own rights based on the laws. Then, the sign language interpreter who translate from regular conversation to the sign language lacking

knowledge of on specific law in which involved many specific glossary and steps in the criminal Justice System involve so many things in which resulting in the translation for the deaf to understand, is difficult to do. In the prosecution informed the inquiry official, the deaf communicate with the inquiry official in 3 patterns 1) Without the sign language interpreter. 2) Having the sign language interpreter helping in the communication and 3) communication with the police through TTRS interpreter in which all three cases used longer time than none of the sign language interpreter available to use if the incident happened suddenly Therefore, the alternatives for the deaf person is to choose communication by writing and communication Through the TTRS interpreter.

The findings suggest that such data are coincided with the data from the inquiry official that mentioned most of victims are the deaf person. The findings also indicate that the deaf person is trying to work around the problem by trying to contact the interpreter in the nearby area by himself, which takes too much time to wait for the sign language interpreter to arrive. In some cases, even the deaf person brought his friend or a family member who knew the sign language, the inquiry officials must find an interpreter from outside to help communicate with the deaf to ensure accuracy and non-bias, In some cases, the deaf person himself had not learned from accurate principle, so the sign language interpreter is unable to translate accurately. In this case even, the relatives of deaf person must rely on his gut feeling to read the deaf person expression. As for the sensitive case, such as sexual assault, the male inquiry officer is hardly gain cooperation from the female victim. In such case, the interview must be done by the female inquiry official by making acquaintance until the deaf victim warned up to her and finally opened up and told her about the cases. Therefore, the sexual assault case should have both the inquiry official and the female sign language interpreter presence during the interview.

As for the findings from studying a group of specialists a group of academics who had the experiences related to the deaf person and the justice system, the vast majorities of the deaf seek advice from the sign language interpreter before proceeding with the prosecution informed because he has known that the interpreter is

knowledgeable in legal matters and asked what to do in certain situation. As soon as he got the answer he wanted he would reserve the interpreter to accompany him

As for the knowledge and understanding of the deaf person on the justice system, especially in filing criminal complaints with inquiry officers, the findings suggest that the deaf person only know that he must inform the police, but had no idea about the steps to file the complaint or record in the police daily journal as the evidence, or the procedures involved in which the deaf person only knew that this type of wrongdoings could be reported and afterward the police would sum up the case and tell him the final result and he must accept the police decision.

Form the aforementioned data, if the case happened again, the deaf person may have the sign interpreter to help with communication, but that interpreter may not known the language or have the related experiences so that the communication become difficult. As a matter of fact, it is not so difficult to find the sign language interpreter, but if it needs the service of an interpreter with legal knowledge and specific legal language and experiences being the legal sign language interpreter , the regular sign language interpreter would be only the translator or the mediator between the police and the deaf person based on the police data, which may not be too complete and accurate.

With regards to the guardians, they have not encountered direct experience along with the offspring in prosecution informed the official level because they lived apart from the offspring in different province. Moreover, the guardian has very little understanding on the justice process, including the decision to let the case slide by to avoid the problems, and filing the case.

5.2 Problems and obstacles in accessing the justice for deaf persons in Thailand

The first and foremost problem suggests the concurrent data within every group is more inclining towards communication. Whether being the lack of sign language interpreter, some deaf person is unable to write in Thai, so he has difficulty

communicated with the police who could not use the sign language to communicate and some deaf person is afraid to inform the police because of his physical limitation and the police usually listened to the normal person who could talk and explain well and the deaf person has taken too much time to explain. Furthermore, there is the shortages in the number of sign language interpreter, especially those who knew the law and justice system.

Furthermore, sometimes the deaf person has encountered problems when the police misunderstood on the language and culture of the deaf person, often the deaf person is seen as a clown and mistreated. The finding from the study is coincided with the outcomes from the inquiry official that communication is the main problem since none of the sign language specialist assigned on duty at the police station and if any presence. They are not knowledgeable and in the legal procedures and processes, delaying the process for providing assistance to the handicap in a timely fashion as well as being the duty of the inquiry official who had to solve problem by himself.

With regards to communication with the deaf person, the findings from observing a group of the inquiry officer reveal similar data on a group of inquiry official that they lack of sign language skill which is crucial because it is involved the prosecution case that effect life and property, so the inquiry official must be extra careful not to miscommunicate. This finding is coincided with the problems and setbacks of the deaf person that the inquiry officers stated that the problem is on communication as well, including the difficulty in traveling to see the police or seeking assistance from them, creating more hassle in accepting and filing complaint. Since no one understand what exactly the deaf person wants, and even worse if he happened to meet the police who paid no interest in the matter, even made fun of him or chased him away because he could not communicate with the deaf.

From the study of problems and setbacks regarding the access of deaf person to justice system in Thailand , it was found that the study of Claire Edwards, Gillian Harold, and Shane Kilcommins (2012) agreed with such findings in 3 areas on the victim of criminal justice system, namely, 1.Crime report 2.Accessing Court Justice and 3.Experiences after testing the evidence / the common findings involved the experiences of the disabled with the barrier wall in 3 steps that may become the

problem and structural problems and how the differences in each system correlated with each person, who responsible of helping the disabled victim, problems and setbacks in the steps and operations, quite difficult to manage the legal system that is complex and meet attitude barrier for the key practitioner may develop the negative attitude on the disabled capability. As for the discovery from Irish people, namely, 1. The justice system creates fear among the disabled person 2. The police must be knowledgeable to understand and service the disabled person and caring for them in the friendly way. 3. The police station and the Office of the Court may not reach the disabled person. 4. The attitude of the judge and lawyer is important with the assumption that the disabled person did not have adequate ability, so they may become the unreliable witness. 5. The disabled person may be invisible or overlooked in the justice system because there had not been any systematic data collection in this area.

The findings from studying a group of specialists and academics suggest the problems originated from shortages of the sign language interpreter who also knowledgeable in legal matters or justice system. The reservation of sign language specialists is time-consuming and lengthy waiting period due to prior engagement. The deaf person must engage the service of regular sign language interpreter and some has chosen to use TTRS interpreter because it is quicker and they could contact immediately.

The problems of the deaf person started from not knowing about his individual rights, steps and legal process. So there should be someone acting as an advisor to provide guidance and direct the deaf person what he should do next, and even better if such person is a sign language interpreter who also knew about the laws and justice system that could make the deaf person feeling secure, trust and gain more confidence before filing the complaint.

As for the results of the study among the parents, the findings suggest that a group guardian did not go to see the police with the offspring, but he had not gone with his offspring, so he was not encountered any problems. Nonetheless, his offspring surely found the communication problem because of inability to speak. Another problem is the lack of sign language interpreter to assist with communication so the parents are worried that the offspring may not receive fair treatment.

5.3 Recommendations direction/model for accessing to justice for deaf persons in Thailand appropriate and match the specific needs for the deaf persons

The findings from the study recommend and propose the direction/ model to arrange basic sign language training to the police, including the service for the deaf person and the law for mandatory welfare in sign language as well as propose to the agencies involved to coordinate in improving better life quality for the deaf, starting from childhood to incorporate the law within the course teaching the deaf, as well as propose the sign language on duty at the police station or set up TTRS Kiosk at the police station.

The findings from the study among the inquiry officials suggest that The Royal Thai Police should brainstorm all sectors to seek direction to assist the deaf person, especially the prevention and suppression of crimes where the police must put up the area surveillance and develop strong bond with the local. However, the present police had not developed the link with the disabled, making them unable to provide immediate assistance. Therefore, the Royal Thai Police should collaborate with other agencies to publish the work manual for treating the deaf person when he came in for filing or accessing the justice system fairly and equal treatment as the normal person because the vast majorities of deaf persons and unable to communicate as normal person so they became the target of crimes such as sexual violation, physical injuries, theft and robbery and fraud on lottery because the deaf person is unable to speak with anyone and sometimes it has not become the case for prosecution because the police doesn't want to accept the filing. Therefore, the statistical number is much different from the actual.

The findings from the recommendations and direction/model on the assistance for the deaf in the prosecution informed inquiry official level as mentioned earlier. This concept is coincided with the study of Jamie MacDougall (2000) who had studied the Access to Justice for Deaf Persons in Nunavut: Focus on Signed Languages by presenting the story on incorporating the justice system in the Canadian Charter, focusing on the rights and liberty of the deaf Inuit, the newly extended

boundary of Canada. The research findings suggest 5.7 deaf persons from 1,000 persons and total population of 27,039 as equaled as 155 deaf persons who used other sign languages besides ASL/LSQ, roughly 30 or 47 deaf persons living in Nunavut. From the use of sign language by the deaf person at Nunavut, it is clearly shown that the use of sign language is still presence through the observation and video recording in three communities, which indicate the use of many versions of complex sign language and excluded ASL and LSQ. The varieties of the sign languages for the deaf person start from the Manually Coded English (MCE) that arrange alphabet with fingers to match the local sign language. The urgent need is the possibility of developing training program for the interpreter at the Court by adapting the use of sign language of Nunavut, including the sign language training by the specialist from the deaf community and the agency should prepare the dictionary on sign language .that emphasis on the legal glossary so that the deaf person could be treated with increasing fairness.

In addition, the police Bureau or the main police station should arrange for the specific interpreter and database for easy access by making the list of sign language interpreter with contact numbers so that the inquiry official could make immediate contact, including the concerned agencies should focus on educating the deaf person on legal knowledge and legal procedures, perhaps arranging the law program on TV with the sign language interpreter translating the necessary steps and basic data, including the proposal to the Royal Thai Police to coordinate with other concerned agencies with experts in the deaf welfare as well as arrange the basic training for the police to be able to communicate with the deaf person, and setting up clear guideline.

Furthermore, variety of TV program and social media should be available for the deaf with the running captions to narrate the program content and the sign language interpreter, Presently, majorities of TV programs have not arranged for the sign language interpreter and the programs with the interpreter is mostly the news. Therefore, the law program should have the sign language interpreter for the deaf person to understand at least what to do in case of emergency, especially, in the sexual assaults.

Recommendations from the expert or scholar that the police should understand the culture of the deaf because one they are fully aware of the deaf person need, they are willing to help out the best they can. The sign language is extremely crucial to assist the police in this operation. It would be to all concerned benefits if the sign language interpreter has the knowledge in laws and justice system so he could convey the message accurately. Therefore, the sign language interpreter should have basic knowledge of the laws and justice system including the method for being the interpreter in the justice system as well.

Moreover, various social media should be interesting and easy for the deaf person to learn with the steps and visible process or constructing as the concrete evidence, including the access to legal consultant specifically for the deaf person, including the use of video call or the call center.

For a group of guardian, the proposal is made for having the sign language interpreter on duty to communicate with the deaf persons as to reassure them that someone is there to help out. In addition, special assistance should met, especially the concerned agencies should help and offer the service to the deaf person as equal treatment as the normal person. It is better if the police station set up an advice room with a sign language interpreter on duty, including the police should have basic knowledge in sign language to communicate with the deaf person.

The finding from such study is coincided with the study of Jiraporn Ngoygudji (2014) on the thesis entitled “The needs of disabled persons in NongSone Sub-district, Namg Rong District, Bureerum Province” by studying the needs in 6 areas, namely, education, and hygiene, work and income, recreation and justice system. The research findings indicate that the deaf person in NongSone Sub-district, Namg Rong District, Bureerum Province, overall at very high level ($\bar{X} = 5.39$), with the highest Mean in the Justice System and Social Service ($\bar{X} = 5.46$). This is obvious that servicing to the disabled person, whether providing by the public or private sectors should focus on equal treatment for the disabled person in all areas.

To conclude, from the qualitative analysis results, the problems the deaf person encountered when he came to inform the police at the station is the communication problems with the police and the inquiry officer who has been

empowered by laws to conduct the interview based on the Penal Code in which contains many details and legal steps until the procedures for immediate follow-up after the filing.

Problem starting from the deaf person travelling to the police station because the deaf person could not communicate through the phone and no one to assist him, so he came to the police station to seek help, but he has no idea what to do at the police station, where to go, and whom to contact. The difficulty in dealing with such case has created fear and dishearten among the deaf persons until they are no longer wish to pursue the case, making them lost their legal rights and the chance of proper record in the system.

For the deaf person who has overcome his fear and informed the police at the station, he has to face the extreme difficulty in communication with the police. This is very critical and the deaf person must prepare himself to cope with the police, the emotional and stress from failure to communicate, whereas the inquiry official himself lacking the knowledge and understanding on how he should treat the deaf person who has his rights guaranteed by the Constitution of the Kingdom of Thailand to receive the fair trial or legal treatment. In reality, the system is not perfect in assisting the deaf person and judging from the situation that most of them have to endure at the police station is not much different from the vehicle without engine, with the inquiry official as the conductor, but unable to take the passenger anywhere else. This is the same as the inquiry official unable to deliver the deaf person to the destination required by the laws.

Furthermore, in certain case the interview by the inquiry officer is conducted with the difficulty due to communication trouble, making some inquiry officials reluctant to process the interview and he does not know what to do in this case to make the deaf person understanding his message. Most of times the inquiry officials must work around the problems and without the standard procedures or work manual to assist the inquiry officials appropriately.

The faulty justice system cannot be the guarantee fairness to all society members. Certain group such as a group of the deaf people are vulnerable and subjected to crimes frequently, particularly being robbed; snatching valuables from the

unknown perpetrator, but the real number was not reports due the difficulty in the informing process. The deaf victim went to file the complaint, the police took down the statement only, but hardly follow-up which did not follow the true statistical crime number.

The aforementioned problems, even with fair intention turns out to be the cause of delay, and inappropriate with the legal attention which may damage beyond repair in which considered as the disadvantages to the deaf person who is entitled to the fair treatment as setting by the legal path and the problems that originated from the fairness of primary justice process that reflect the true nature quite different from the civilized countries that the states is firmly and truly focus on human rights.

The qualitative results previously mentioned reveal the integrated dimension from the educational system, procedures and law enforcement, policies development and planning as well as developing potential of the deaf person. This is where the model could be set up to assist the deaf person in Thai justice system appropriately and coincide with the specific needs of the deaf, particularly in filing criminal complaints with inquiry officers as shown in Figure 1.

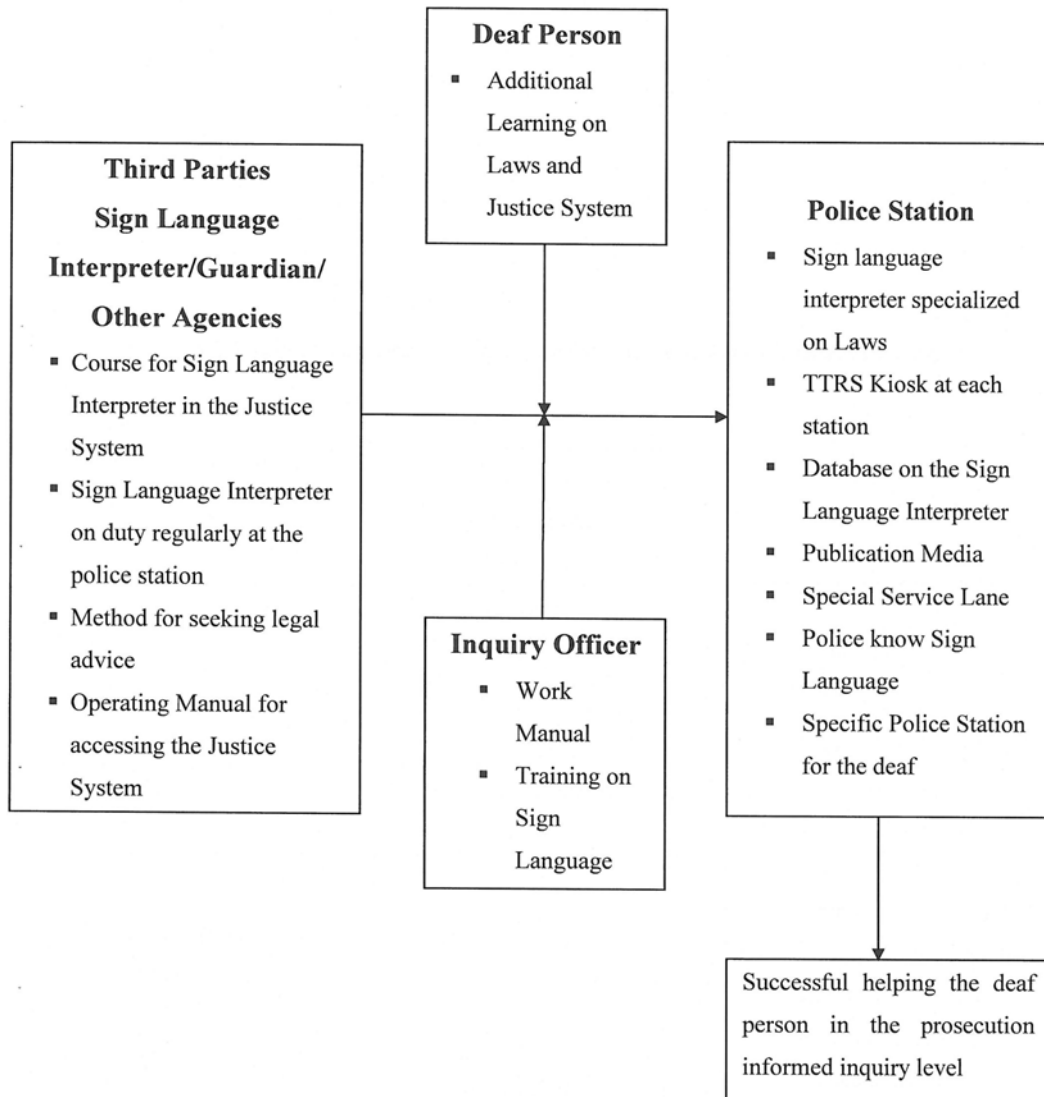


Figure 5.1 Model for accessing to the justice for the deaf person appropriate and coincide with the need of the deaf person, especially in filing criminal complaints with inquiry officers

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

The study entitled, “Access to justice for deaf persons in Thailand: focus on filing a criminal complaint with inquiry officers” aims to examine experience, obstacle and problems on deaf persons in terms of access to criminal justice process, in particular prosecution informed the inquiry level, survey opinions and needs of deaf persons, opinions and suggestions from guardian, inquiry officer, and expert or scholar who had direct experience and knowledge with deaf persons and criminal justice, and present effective ways and mechanisms to aid deaf persons on access to criminal justice in Thailand in accordance with requirement of deaf persons.

This study was conducted as the Qualitative Research through the In-depth Interview among 20 participants divided into 4 groups, consisted of the deaf person, guardian, inquiry officer, expert or scholar who have experienced, knowledge related to the deaf welfare and justice system.

The researcher conducted the Content Analysis based on the constructed questionnaires and presented the research conclusions as follows:

6.1 Research Conclusions

6.1.1 Experience Accessing the Justice for Deaf Persons in Thailand

The findings indicate that the deaf person had encountered different situation in filing criminal complaints with inquiry officers when the deaf person knew nothing about the justice system and had no idea what it is all about. The deaf person must communicate with the police by using normal hand gestures, writing, through sign language interpreter and through the internet with the assistance of TTRS, which certainly more time-consuming to explain than normal person.

The findings from the study suggest that such concept is coincided with the opinion of the inquiry official who mentioned that the inquiry official would be able to communicate with the deaf person without the help of interpreter which has become the workaround problems for the officials to contact the interpreter who lived close by, but the problem is still persisting from some case that the deaf person has not learned the sign language by principles, the interpreter could not translate all messages accurately, leading to more communication problems.

Furthermore, the sign language interpreter does not know about the laws and justice process to make the deaf person understand and the sensitive case such as sexual assault hardly get the deaf victim to cooperate if she had been interviewed by the male inquiry officer. Then, the female inquiry officer is needed to intervene, using the femininity, sincerity and create trust among the deaf person until that person warm up to the female officer and told her about the incident.

The findings from studying the experiences of the concerned specialists, the deaf person wanted to consult with the sign language specialist who is knowledgeable in the laws, steps and processes in the justice system before going to inform the police at the police station, except the urgent case where the sign language interpreter could not be located. As a matter of fact, in Thailand there is only one sign language interpreter who has experienced in the justice system and completed the laws. The rest of the interpreters are those who had been trained for court interpreter only. Therefore, the case that related to filing for prosecution is usually ended up with the interpreter without specific knowledge in the laws which in turn making the interpretation of each interpreter different. In other words, if the sign language interpreter does not know the laws or have the experience in being the legal interpreter, only acting as the sign language interpreter only to convey the message between the police and the deaf person, the communication may not be too accurate as the fact. Therefore, the sign language interpreter with specific knowledge in laws should translate and convey the message much better and more accuracy.

The findings from studying the guardian experiences related to the offspring in filing criminal complaints with inquiry officers suggest that the guardian has no direct experience accompanied the offspring to filing the complaint. The guardian only knew and understand the laws and justice system only a little so they

would not want their offspring to enter the justice system, instead choose not to inform the police.

To sum up, Thai judicial system, especially in filing criminal complaints with inquiry officers. It is necessary to establish the filing complaint system for the deaf person that hassle-free with complete officials' assistance.

The findings from the study indicate that the problems are still persisting for now in numerous areas including heavy impact on the accountability of the justice system. Importantly, the urgent need to create the specialist for the justice system, especially in the prosecution informed the inquiry official level as the major stream of the justice system itself and these specialists should be assigned the duty as the inquiry official such as having definite work schedule and high remuneration in order to attract and retain the qualified specialists who are the driven force to make the system effective.

6.1.2 Problems and Obstacles in Accessing the Justice for Deaf Persons in Thailand

The findings indicate that the first and foremost problem is on the communication. Whether being the shortages of sign language interpreter, the police who could not use the sign language to communicate and some deaf person is unable to write in Thai until he is afraid to inform the police because of his physical limitation and the police usually listened to the normal person who could talk and explain well and the deaf person has taken too much time to explain. The problems in the misunderstanding of language and cultures of the deaf person have led to inappropriate treatment from the officials who often look at the deaf person as a clown or a crazy.

The findings from studying a group of inquiry officials suggest problems coincided with the problems and setbacks of the deaf person, that is, the difficulty in communication is the main problem because the police have not been taught of sign language skill and none of the specialist in sign language is on duty at the police station. And with the interpreters available, almost all have not known about the laws and steps in the justice system so the agency would not be able to assist the deaf person on the timely manner.

Unable to speak or hear, for the deaf person, it is the great obstruction to acknowledge, understand and communicated to file the complaint because no one would understand what the deaf person tried to communicate and perhaps paid no interest to treat the deaf person fairly, perhaps the deaf person may be ridiculed, laughed at or chased away because he cannot talk. They would become dishearten, and afraid to file the complaint and exercise own rights.

Communication problems, fear and not knowing own rights or legal aspects or steps or legal process are the major obstruction to the deaf person unable to access the justice system. Therefore, it is necessary for the deaf person to have the legal advisor including the one who could translate as the fact and ensure that the deaf person receiving fair treatment as the normal person. Having the sign language interpreter with specific legal knowledge would create the sense of securities for the deaf person until he could gain trust and feel confidence in informing prosecution.

In summary, the inquiry officers in Thailand must receive the training on the concept and treatment towards the deaf person gently and reasonably because of his physical and emotional nature as well as entering the universal standard as the civilized countries worldwide that treat the deaf person as if being the normal people, only required few extra steps for treatments.

6.1.3 Recommendations Direction/Model for Accessing to Justice for Deaf Persons in Thailand Appropriate and Match the Specific Needs for the Deaf Persons

6.1.3.1 Area of assistance for the deaf person in relations to filing a criminal complaint with inquiry officers so they could understand and communicate correctly based on the fact and complete information

The findings suggest the assistance the deaf person needed in relations to the prosecution informed the police at the police station consisted of 1) having the sign language interpreter regularly on duty at the station and 2) the police should learn the sign language, if not the police should have the database that contained the list of the interpreter whom the official could contact immediately and 3) A TTRS kiosk should be available to assist the urgent case.

Considering the findings from the study among the inquiry officers, the key informants agreed that the headquarter or the main police station should arrange and appoint the official interpreter with the list of names and contact numbers for the inquiry officials to use in timely manner. Furthermore, arrange the TV legal program for the deaf person with the sign language interpreter to translate the steps, methods and necessary basic information in which the specialist agreed that the publicity should be done in interesting Social Media by focusing on the basic knowledge, steps and process and perhaps through the cartoon or animation or storytelling, concrete reenact or the Series of the event in which these media may spread quickly and the deaf person can easily understand own rights, having the sign language interpreter with knowledge in laws as the legal advisor for the deaf person to meet the face-to-face or through video call. In the case where the deaf person lived in the remote area, the advice may be through the Call Center.

6.1.3.2 States agencies should set up the direction and model of assisting the deaf person to gain more understanding in each step and process in the justice system toward filing a criminal complaint with inquiry officers.

Recommendation is made for the states to assign the sign language interpreter on duty at the station to help communication so that the deaf person could be reassured that there is someone at the police station willing to help him and there should be specific channel to help this group of people. Moreover, the findings reveal that the deaf persons recommending the states to arrange the training session on the basic sign language to the police throughout the nation for the police to communicate with the deaf person. This finding is coincided with the opinion of the specialist who mentioned that the police should understand the social life, languages and cultures of the deaf. Moreover, there should be the special lane to service the deaf person and the concerned agencies should get together to prepare courses on the laws and justice system for the deaf person to learn about their rights and what to do in the different situation.

The recommendation is made for the police to set up TTRS Kiosk at each police station because in emergency case, it is impossible to find the interpreter on the short notice. Moreover, the focus should be on sign language

interpreter who had completed the laws course and justice system. Sign language interpreter is crucial for protecting life and property of the deaf person, not only translate the documents. Then, the states and the concerned agencies should clearly identify the policy because many deaf persons are very likely becoming the prime target of crime since the perpetrator viewed them as vulnerable, unable to speak or help themselves and subjected to many type of crimes , whether being physical damages and damaging to the property, sexual violation, cheat and fraud. Because they are unable to communicate by speaking, they had not received appropriate treatment from the official,

To sum up, the integration should be done in all dimensions, starting from the educational system, measures and law enforcement, with the policy development and set up the action plan as well as developing the deaf person's potential, including the states agencies to allocate the budget, appropriate and extensive in order to develop complete structural system for assisting the deaf person, whether being the investment in technology, future manpower, including the training of the available inquiry official and the emphasis in the responsibility of the police station all over the country for then to understand the problems because the inquiry official is crucial in the developed system. It is then necessary to arm the inquiry official with knowledge to keep up with changes that coming in the near future, particularly the use of technology and practicing together with the specialist.

6.2 Research Recommendations

6.2.1 Policies

6.2.1.1 The states should arrange the basic sign language training for the police throughout the country for the police to be able to communicate with the deaf person as well as educate the inquiry person on the languages and cultures of the deaf person to create understanding and willingness to provide proper service to the deaf person.

6.2.1.2 The concerned agencies such as the Ministry of Justice , Ministry of Education and other agencies should collaborate on preparation of laws

and justice system course for the deaf person, start teaching from the primary level to higher education so that the deaf person could learn his own right and how to act when the incident occurred and involved the justice system.

6.2.1.3 The Police Cadet Academy should include Thai sign language and cultural courses for the deaf person in the curriculum for the cadet to learn and understand those issues, enabled them to perform the inquiry official's functions effectively.

6.2.1.4 The Royal Thai Police should arrange the specialist in sign language by officially appointing the interpreter and prepare the list of sign language interpreters with clear work schedule and the address for the inquiry officials to contact in a timely manner when the deaf person came in for prosecution informed as well as specify the qualification of the sign language interpreter in the justice system who should be the specialist related to laws and justice system or well experience in being the interpreter of the justice system.

6.2.1.5 Prepare the statistical record of the prosecution cases and the crime statistic on the deaf person which separated in each category, from the normal person as the data in the study and develop life quality of the disabled person, especially educated them on the laws and justice system of all disabled persons.

6.2.1.6 Establish the special police station for the deaf person only at the situation must deaf person came to inform on prosecution.

6.2.2 Academic

6.2.2.1 The educational institutes and agencies involved with teaching the course in sign languages should construct the specific course for the sign language interpreter that focused on the justice system.

6.2.2.2 Assign the sign language interpreter on regular duty at the police station.

6.2.2.3 Set up TTRS Kiosk in every police station

6.2.2.4 Establish sign language database in the area near the police station

6.2.2.5 Construct the publicity channel in the interesting Social Media to provide basic legal knowledge, steps, and processes for the deaf person to

access and understand such as cartoon, info graphic animation or concrete situation so that the deaf person could understand easily.

6.2.2.6 Establish the channel for the deaf person seeking legal advice such as he can seek advice by face-to-face meeting or through the video call in the remote area.

6.2.2.7 Prepare the work manual for the police to treat the deaf person when coming to inform the police

6.2.2.8 Invent the electronic sign language manual for the deaf in various media forms on the steps and procedures when in the justice system

6.2.2.9 Establish special service section for the deaf person such as having special lane with the sign language specialist on duty, arrange checking Thai translation, and prepare facilities for the deaf person.

6.2.2.10 Record Video during the interview as the evidence on the deaf persons statement and validate the translation of sign language interpreter.

6.2.2.11 Arrange for the female inquiry officer and female sign language interpreter presence during the interview on the sexual assault case.

6.3 Recommendations for Further Researches

The study on accessing to justice for deaf person in Thailand should focus in every step of Thai Justice system, namely, inquiry official, court prosecutor and the Department of Correction and Probation by studying the samples involved in order to find the model and direction in assisting the deaf person in every step of Thai justice system appropriate and match the need of the deaf person. In addition, the study should be done on the access of the justice system of other group of people with disabilities to find the direction for developing the disabled life, quality in the laws and justice system for all type of people with disabilities, making the system more complete.

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APPENDIX

Interview Guideline for Deaf Person

Topic: Access to criminal justice process for deaf person in Thailand: focus on filing a criminal complaint with inquiry officers

Part I: General information

- 1. Gender Male Female
- 2. Age.....years old
- 3. Address.....
.....
- 4. Occupation.....
- 5. Education.....
- 6. Cause of deaf
 - deaf since birth
 - deaf after birth at.....years old
- 7. Do you have experience on filing a criminal complaint with police officers?
 - Yes
 - an offender
 - an injured person
 - No

Part II: experience toward filing a criminal complaint with inquiry officers

2.1 Do you understand criminal justice process?

2.2 Do you know about criminal justice process?

2.3 Do you have experience toward criminal justice process?

2.4 Please consider offences below, have you ever been a victim of these crimes?

Type of Crimes	Yes	No
1. gang-robbery		
2. robbery, snatching		
3. pickpocketing		
4. stolen vehicle		
5. stolen valuable items from vehicle		
6. burglary		
7. blackmails (scandal photo)		
8. trespass to house and mischief		
9. trespass to land		
10. assaults		
11. harassment		
12. false imprisonment (kidnap, be captured, force to prostitute) (Interview of this topic is separated by gender.)		
13. sex offences (sexual assault, indecent)		
14. fraud cheating (tricked to buy lottery and products, pyramid scheme)		

Part III: Problems and obstacles for deaf persons toward access to criminal justice process in Thailand.

3.1 In your opinions, what are the problems and obstacles for deaf persons toward filing a criminal complaint with inquiry officers?

3.2 Please consider problems and obstacles below, how do these problems effect to you? Please thick level of agreement related to your opinion. (1 = least agree, 2= slightly agree, 3 = somewhat agree, 4 = mostly agree, 5= completely agree)

Problems and obstacles	Level of agreement				
	5	4	3	2	1
1. Inadequate number of sign language interpreter for services.					
2. Understanding of sign language interpreter toward criminal justice process.					
3. No sign language interpreter to assist at police stations.					
4. Ability of deaf person regarding writing, reading and communication.					
5. Education of deaf person in particular law.					
6. Police officers do not understand deaf person.					
7. Police officers do not understand sign language.					
8. Deaf person is ignored. (laugh, clown, mimic)					
9. Insufficient fund of deaf person toward fling a criminal complaint and prosecution					
10. Lacking of priority service for deaf person (priority lane, expert for consultant, Thai translation, facilities for deaf person)					

Part IV: Recommendations and assistance for deaf person regarding filing a criminal complaint with inquiry officers

4.1 What do you need for assistance during filing a criminal complaint to police stations?

4.2 In your opinion, shall the government provide assistance for deaf person toward filing a criminal complaint with inquiry officer?

4.3 Do you have any suggestions?

4.4 Please consider recommendations below, Please thick level of agreement related to your opinion (1 = least agree, 2= slightly agree, 3 = somewhat agree, 4 = mostly agree, 5= completely agree)

Recommendations	Level of agreement				
	5	4	3	2	1
1. It shall provide sign language interpreter at police station.					
2. It shall provide training course toward sign language to inquiry officers.					
3. It shall provide training course regarding understanding of deaf person to inquiry officer.					
4. It shall specify qualification such as education of law and knowledge of criminal justice process to sing language interpreter.					
5. It shall provide handbook toward access to criminal justice process such flyer and sign to sign language interpreter and deaf person.					
6. It shall provide priority lane regarding process and service of filing a criminal complaint to deaf person.					
7 Other suggestions (please specific)					

Interview Guideline for Inquiry Officers

Topic: Access to criminal justice process for deaf person in Thailand: focus on filing a criminal complaint with inquiry officers

Part I: General information

1. Gender Male Female
2. Age.....years old
3. Current position.....
4. Experience of inquiry career.....years
5. Education.....
6. Experience toward taking a criminal complaint from deaf person
 - Deaf person is an offender.
 - Deaf person is an injured person.
7. What is your performance during filing a criminal complaint by deaf person?
8. What problems do you face during filing a criminal complaint by deaf person?
9. In your opinion, can you communicate correctly to deaf person? How?

Part II: Problems and obstacles for deaf persons toward access to criminal justice process in Thailand.

1. In your opinion, what are problems of obstacles for deaf person regarding access and understanding to criminal justice process, particularly filing a criminal complaint with inquiry officers?

Part III: Recommendations and assistance for deaf person regarding filing a criminal complaint with inquiry officers.

The suggestions can aid to set up the effective way toward process of criminal justice in accordance with the requirement of deaf person.

1. In your opinion, which assistances can you provide for deaf person to understand and communicate correctly during filing a criminal complaint with inquiry officers?
2. In your opinion, shall the government provide any assistance for deaf person to access and understand process of criminal justice toward filing a criminal complaint with inquiry officers?
3. Do you have any suggestions?

Interview Guideline for Expert and Scholar

Topic: Access to criminal justice process for deaf person in Thailand: focus on filing a criminal complaint with inquiry officers

Part I: General information

1. Gender Male Female
2. Age.....years old
3. Current position.....
4. Experience relating to deaf person.....years
5. Education.....
6. Do you have experience on deaf person who files a criminal complaint at police stations? Or have you ever met deaf person who files a criminal complaint at police stations? How?
7. In your opinion, how much does deaf person understand process of criminal justice?
8. In your opinion, what problems does deaf person meet during filing a criminal complaint at police station?

Part II: Problems and obstacles for deaf persons toward access to criminal justice process in Thailand.

1. In your opinion, what are problems of obstacles for deaf person regarding access and understanding to criminal justice process, particularly filing a criminal complaint with inquiry officers?

Part III: Recommendations and assistance for deaf person regarding filing a criminal complaint with inquiry officers.

The suggestions can aid to set up the effective way toward process of criminal justice in accordance with the requirement of deaf person.

1. In your opinion, which assistances can you provide for deaf person to understand and communicate correctly during filing a criminal complaint with inquiry officers?
2. In your opinion, shall the government provide any assistance for deaf person to access and understand process of criminal justice toward filing a criminal complaint with inquiry officers?
3. Do you have any suggestions?

Interview Guideline for Guardian of Deaf Person

Topic: Access to criminal justice process for deaf person in Thailand: focus on filing a criminal complaint with inquiry officers

Part I: General information

1. Gender Male Female
2. Age.....years old
3. Relation with deaf person father mother others.....
4. Address.....
5. Occupation.....
6. Education.....
7. Your experience with deaf person toward filing a criminal complaint with inquiry officers.
 - Deaf person is offender
 - Deaf person is a victim
8. Do you know about process of criminal justice? How?
9. Have you and deaf person found any problem toward filing a criminal with inquiry officers? How?

Part II: Problems and obstacles for deaf persons toward access to criminal justice process in Thailand.

1. In your opinion, what are problems of obstacles for deaf person regarding access and understanding to criminal justice process, particularly filing a criminal complaint with inquiry officers?

Part III: Recommendations and assistance for deaf person regarding filing a criminal complaint with inquiry officers.

The suggestions can aid to set up the effective way toward process of criminal justice in accordance with the requirement of deaf person.

1. In your opinion, which assistances can you provide for deaf person to understand and communicate correctly during filing a criminal complaint with inquiry officers?
2. In your opinion, shall the government provide any assistance for deaf person to access and understand process of criminal justice toward filing a criminal complaint with inquiry officers?
3. Do you have any suggestions?

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