



The role of public benefit organization and the use of evidence to provide assistance in cases of violence and abuse

Lullalin Piamkla

Forensic Science and Criminal Justice Program Graduate School, Silpakorn University, Nakhon Pathom Province, Thailand

Abstract

This research is to study the role of public benefit organization and the use of evidence to provide assistance that is appropriate for the current situation; beside study the trends, relationships, case information and roles of public benefit organizations on the types of cases; as well as to study the guidelines for the proceeding of public benefit organizations for the proper use of evidence in the future. This research is mixed-methods, with documentary research, historical data for one year, which is 2019. Quantitative research by finding the correlation data, the lawsuit, and the role of public benefit organizations on the types of cases by descriptive analysis and testing the relationship between variables by Chi-square test. Also, qualitative research through in-depth interviews with representatives of public interest organizations in a total of three organizations, including; Pavena Foundation for Children and Women; Friends of Women Foundation; Women and Men Progressive Movement Foundation; and experts, total 12 persons. The results revealed that all three organizations have similar goals in establishing: helping children and women who are abused and brutalities; however, each organization has a different set of specific goals or objectives. For the role of public organizations, the benefit of using evidence in the trial, it was found that the foundation is committed to assisting victims of suffering and grievances, especially complaints about children and women who have been sexually abused or abused in various forms. As for the assistance, it is coordinated with relevant government and private agencies to provide immediate assistance to victims and to carry out physical and mental healing. As for the development guidelines to be suitable in the future, it was found that the human resource development of the public benefit organization must be initiate to have the legal knowledge, such as training for knowledge provision, or sending staff of public benefit organizations to study in forensic science, or having forensic experts to work directly with the organization, to make participation or coordination in the investigation and gathering evidence more effective.

Keywords: public benefit organization, evidence, violence

1. Introduction: Background and Significance of the Research

"Public benefit organization" is a private organization set up to do social work in different forms, have self-management, and are certified to carry out social welfare provision under that Act, also an organization that provides services to the people and society without expecting returns under the supervision of the government^[1]. At present, some organizations assist in alleviating the suffering of victims who have come to complain especially, in which these organizations may be registered or not registered but must be operated on a non-profit basis. If income or profits are brought back to develop and support the mission of the organization only, there must be no dividends^[2]. Another exciting role is that the work of public benefit organizations in Thailand has played a role in assisting people in the area of abuse, physical abuse, and detention, where people will file complaints and request assistance from these organizations. The organization provides initial support and assists government officials in collecting evidence to be used in judicial proceedings. For example, the Pavena Foundation for Children and Women has assisted in the case of assault on an 8-month-old baby by the stepmother, which the Foundation staff will take the parents of the child to report and coordinate the police to bring the assault to prosecute according to the law. As a result, the investigative officers proceeded to collect evidence to report the case to

the stepmother for an attack on others, seriously injured, and to proceed with the proceedings of justice^[3]. The above examples show that public benefit organizations can apply the judicial process to apply their knowledge to law enforcement for the benefit of investigations and legal proceedings. It can be seen that many essential cases are involved; if the offender cannot be punished, they must rely on judicial processes. Besides, public benefit organizations also benefit the public sector, combined with the effective use of forensic principles in conjunction with the legal process as a measure to prevent and suppress organized crimes as well^[4]. From the above, the researcher is interested in studying the role of public benefit organization and the use of evidence to assist in cases of violence and abuse, especially the issue of violence and abuse in children and women, which are vulnerable populations and often receive unfairness in society, resulting in public benefit organizations to play a role in helping to lead to the judicial process. This study will be able to understand the nature of the assistance and coordination of public benefit organizations with government agencies and the private sector involved in helping the victims instantly, and proceeding to heal both body and mind so that they can return to normal life in the society, or sent directly to the responsible department if wanting to be temporarily under official supervision. There is also a study of trends, relationships, lawsuit information, and the role of public

benefit organizations in the types of cases to use the information to find ways to proceed with public benefit organizations using appropriate evidence in the future. It also creates confidence and credibility for public benefit organizations in using evidence.

2. Research Objectives

2.1 To study the role of public benefit organization and the use of evidence to assist in cases of violence and abuse that are appropriate for the current situation.

2.2 To study of the trend of the relation of the lawsuit information, and the role of public benefit organizations on the types of cases.

2.3 To review the guidelines for the proceeding of a public benefit organization to use appropriate evidence in the future.

3. Scope of Research

This research has the range to study the role of public benefit organization and the use of evidence to assist in cases of violence and abuse, which are considered in three case studies which are Pavena Foundation for Children and Women; Friends of Women Foundation; and Women and Men Progressive Movement Foundation. Besides, it has focused on three major issues, including the problem of rape/indecency, the question of seduction/prostitution / human trafficking, and the problem of abuse / physical abuse/detention.

4. Conceptual Framework

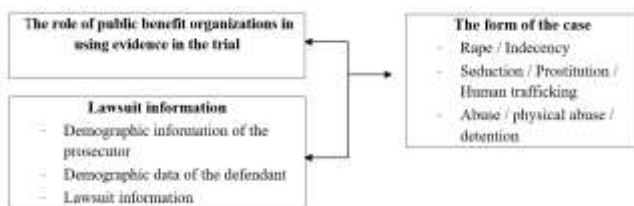


Fig 1: Conceptual framework

5. Research Methods

The researcher used mixed-methods research consisting of qualitative research and quantitative research with the following steps.

Step 1: Documentary research by studying the information and knowledge about concepts of public benefit organizations, the idea of evidence, the idea of the juridical process in Thailand, and the idea of considering violence. In which the researcher conducted a study of historical data for one year, which is the year 2019 [5] A selection of critical issues that should be resolved first, consisting of; Group 1: Rape, indecency, and seduction; Group 2: Prostitution and human trafficking; Group 3: Abuse, physical abuse, and detention.

Step 2: Defining variable data studied from data into two groups; Group 1: Variables regarding litigation data; and group 2: variables, types, the role of public benefit organization, and the use of evidence to assist in cases of violence and abuse against children and women. The objective is to study the trend, the relationship of the data, the lawsuit, and the role of public benefit organizations to the types of the case by descriptive analysis and test the

relationship between variables by Chi-square test.

Step 3: The researcher conducted an in-depth interview by selecting a group of key informants from related work in public benefit organizations and experts involved in the judicial process. There are a total of 12 experts working in various fields, including judges, prosecutors, investigators, president of the Pavena Foundation for Children and Women, staff from the Friends of Women Foundation, and staff from the Women and Men Progressive Movement Foundation. The purpose of the study is to study the role of public benefit organizations that use evidence in the judicial process, including problems, obstacles in using evidence, and solutions to problems.

Step 4: Seminar and brainstorming session with focus groups with the president and actual staff of each public benefit organization to study the guidelines of the public benefit organizations for using appropriate evidence in the future.

6. Research Results and Discussion

Research on "The role of public benefit organizations in the prosecution of abuse, physical abuse, and detention," the researcher can summarize the study results and discuss the research results according to the following objectives.

6.1 A study of the role of public benefit organization and the use of evidence to provide assistance in cases of violence and abuse that is appropriate for the current situation.

The role of public benefit organization and the use of evidence to provide assistance in cases of violence and abuse that is appropriate for the current situation is found that non-governmental organizations have played a role and involved in cases of children and women in the Act of violence and sexual abuse, various forms of abuse, and forced prostitution both at domestic and abroad. Complaints will be received from the victims, with initial investigations being coordinated with the police officers in the area of the incident to carry out further research, including the collection of facts or evidence in each case. To find evidence that requires an investigation, public benefit organizations must then work with the police officer. If the situation involves the use of evidence, it will request the cooperation from the police officer. Therefore, the role of public benefit organizations has been added to help the victims recover physically and mentally, including coordination with police officers during the investigation and gathering evidence, in which the majority of cases require evidence to be used in the investigation. Consistent with the data collected by the researcher from the data of the crime, it was found that the majority of the cases contained evidence in the trial of 1,634 cases. Therefore, most cases take a long time to prosecute, during which public benefit organizations will come to help the victims to proceed further.

It can be concluded that the role of public benefit organizations will play an essential role in two areas which are 1) assisting the healing of victims during the evidence gathering in the trial, and 2) working and cooperating with government agencies participating in the investigation. This, according to the current situation, can be seen that the public benefit organizations still play an essential role as

mentioned above, especially in the present day, with the use of scientific technology to find evidence, causing the duration of each litigation to be longer. Therefore, it is necessary to use public benefit organizations to take care of the minds of the victims so that they can return to normal life as soon as possible, ready to fight the case after the complete collection of evidence, and can convict the offender until the end of the case.

6.2 The result of the study of the trend of the relation of the lawsuit information and the role of public benefit organizations on the types of cases.

From the research, the relationship between the case type and the case information with Chi-square test to show the relationship of the variables, it is found that the three types of cases are; 1) Rape and indecency; 2) Seduction, prostitution, and human trafficking; and 3) Abuse, physical abuse, and detention, which all three types of cases are related to the data of all kinds of situations, namely the relationship of the prosecution and the defendant, the number of plaintiffs, the number of defendants, the location of the incident, the time of the occurrence, the testimony, the circumstantial evidence, the oral evidence, the physical evidence from the scene, the tangible evidence, the forensic evidence, the finding of weapons in the crime, court proceedings, penalties, and incentives for offenses with the statistical significance .05 (Chi-square = .000) which can be discussed in three main areas as follows.

1. **Issues relating to plaintiffs and defendants:** In terms of the relationship of the prosecution and the defendant found that cases of rape, indecency, and abuse, as well as physical abuse and detention, most of the plaintiffs and defendants are known, such as neighbors. This is because both types of crimes are likely to have been found by the offender, causing incidents, or quarrels between husband and wife, leading to physical abuse and detention. However, in most cases of seduction, prostitution, and human trafficking, the plaintiffs and defendants do not know each other.
2. **Issues of incidents and evidence:** From the study, when considering the witness and evidence found at the scene, it can be seen that most of the three types of cases have the testimony, the circumstantial evidence, the oral evidence, the physical evidence from the scene, the tangible evidence, the forensic evidence, and the finding of weapons in the crime. This is because these kinds of incidents are committed by the victim's physical abuse, which often leaves physical traces, especially forensic evidence such as abuse traces. Even if there is an incident in a private area, most of the events occurred during the day. Witnesses saw them; when there are witnesses and evidence from multiple parts, the prosecution can bring charges against the offender.
3. **Issues relating to law and offense:** The judicial process found that most of the cases go through legal proceedings and enter the judicial process with penalties for imprisonment, detention, fines, and confiscation of property without the death penalty. Because all three types of cases are not dreadful or violent, and most of them are single offenders, there is no violence in the case of the death penalty. As for the motive of the crime, the research found that most of the motivation is the want, need, poverty, all vices, alcohol,

drugs, and recklessness.

A study of trends, relationships between case types and roles of public benefit organizations, from the research, it is found that there is a relationship between the three types of cases and the functions of public benefit organizations including the healing process and the help process from the beginning to the end. The healing process is to help by paying remedy, shelter, education, and career development. As for the help process from the beginning to the end, it is assisting from advice/consultation, coordinating with government and private agencies for urgent assistance, treatment, physical and mental rehabilitation, payment of treatment and remedies, accommodation, education/training, vocational training, compensation. Both processes, which are the roles of this public benefit organization, are related to the three types of cases. This is because all three types of cases are cases that can be considered as physical and mental harm to victims, the victims need both physical and psychological healing to receive advice, to rehabilitate the body and mind to be able to live in the future.

6.3 Guidelines for the operation of public benefit organizations regarding the use of appropriate evidence in the future.

From the study, it is found that the operations of public organizations have problems with coordination and lack of cooperation between government agencies and the public sector, which occur frequently. This is because the police officers or investigators do not have enough staff to support the number of cases that cause the coordination in each case is not continuous, and the lack of personnel to coordinate. Also, from the above problems, it can be found that the guidelines of the public benefit organizations regarding the appropriate use of forensic evidence in the future, such as providing opportunities for public benefit organizations or private organizations to take care of the victims or to receive notification from the victims of the case to participate in the investigation and participate in coordination with agencies that provide forensic evidence directly. For example, providing public benefit organizations with access to hearings of investigations and information about evidence, providing opportunities for public benefit organizations to participate in litigation. Besides, the guidelines of the public benefit organizations regarding the use of evidence must start from the development of the organization's personnel to have forensic knowledge such as arranging to provide expertise or having forensic experts to work directly with the organization, to make the participation or coordination in the investigation and gathering forensic evidence more effective. Another approach to implementing public benefit organizations should be to proactively work to prevent incidents and educate children and women because they are at risk. According to Friends of Women Foundation, which the foundation emphasizes proactive work as a guideline which the foundation always adheres to and follows, working in fieldwork has been thoughtfully and continuously become the body of knowledge and developed as a prototype in practice. Because proactive work will allow the group to know to be careful not to fall, victim, which will help reduce the number of cases involving children and women more. In the future, the guidelines of the public benefit organizations will focus on educating those in risk groups if there is an accident. Forensic

evidence will be significant when prosecuting offenders such as traces of abuse or trail of semen, and the victims will be able to collect evidence from the scene by themselves.

7. Recommendations

7.1 Policy recommendations

The government or relevant government agencies must specify the scope and guidelines for the testimony of any shreds of evidence of public benefit organizations, including forensic evidence. To achieve the same direction of operation and to prevent the process of the officers of public benefit organizations that may obstruct or direct the work of government officials such as police or investigative officers. It is also necessary to specify the qualifications of officials of public benefit organizations that can collect forensic evidence as well as appropriate development processes.

7.2 Practical recommendations

7.2.1 The network should be developed between public benefit organizations and relevant government agencies to exchange information and collaborate effectively, or the development of a joint operation network of public benefit organizations to ensure efficient operations and can fully assist the victims.

7.2.2 There should be training to educate the personnel of public benefit organizations regarding scientific evidence in the action of the judicial process and should have a foundation on the psychological process because most victims are psychologically affected, the staff of public benefit organizations should be developed in this area as well.

8. References

1. The Social Welfare Promotion Act, B.E. 2546 <http://www.mekongmigration.org>, 2003.
2. Vichit-Vadakan J, Anukansai K. Civil society and the administration of national affairs in Thailand. National Institute of Development Administration, Bangkok, 2007.
3. Pavena Foundation helps an eight-month-old boy after being attacked by an adoptive mother. <https://www.pavenafoundation.or.th>. 1 october, 2019.
4. Forensic Science and enhancement of justice. <http://www.dsdw2016.dsdw.go.th>. 1 october, 2019.
5. Pavena Foundation reveals 21% increase in rape. <https://www.bangkokbiznews.com>. 8 october, 2019.