

Disability Law and Policy in Thailand: An Ideal and Reality in the Past Decade

Tavee Cheausuwantavee¹, Kajonpun Suwansomrid²

^{1,2}Ratchasuda College, Mahidol University.

Email: ¹tavee126@hotmail.com

Received: *December 19, 2016*

Revised: *July 31, 2017*

Accepted: *September 6, 2017*

Abstract

This documentary research aims to compare the real situations of quality of life (QoL) over the past decade (1999-2010) and the essences of laws and policies passed regarding persons with disabilities (PWDs) in Thailand for addressing how they have been complied with each other. The 435 research projects reflecting the real situations of QoL and 74 laws/policies regarding PWDs met criteria were purposely selected. Content analysis as typology and analytic induction was administered on those data.

The research results reveal that although there are some real positive situations of QoL of PWDs and the majority of legal essences have been harmonious each other, uphold CRPD and promoted human dignity and equal rights of PWDs without discrimination. However, there are many real negative situations of QoL of PWDs especially poor health condition, low education, unemployment and no more social participation due to lack of accessible services, ineffective coordination, inadequate budgets, unskillful service providers as well as negative attitudes of society toward PWDs have been taken place within those law enforcement over the past decade. Furthermore, there are also legal discrepant essences of some laws that may need to be strongly concerned and reformed. These major findings were also shared to public and stakeholders including PWDs, families, services providers, policy makers, community leaders and members in order to encourage their understanding, critiques and consciousness raising and seek for solving these challenges through mutual participation of those stakeholders. In sum, the real situations of QoL of PWDs over the past decade and the essences of the laws/policies passed in Thailand have been not complied with each other or they imply ineffective law enforcement. These findings suggest what and how lawyers, policy makers and other stakeholders should be done in the next steps for effective laws and their enforcement.

Keywords: Disability, Social Policy, Law, Rights, Thailand, Documentary Research

กฎหมายและนโยบายด้านความพิการในประเทศไทย: อุดมคติกับความเป็นจริงในทศวรรษที่ผ่านมา

ทวี เชื้อสุวรรณทวี¹, ขจรพรรณ สุวรรณสำริด²

^{1,2}วิทยาลัยราชสุดา มหาวิทยาลัยมหิดล

Email: ¹tavee126@hotmail.com

Received: December 19, 2016

Revised: July 31, 2017

Accepted: September 6, 2017

บทคัดย่อ

การวิจัยเอกสารนี้ มีจุดประสงค์เพื่อเปรียบเทียบระหว่างสถานการณ์จริงเกี่ยวกับคุณภาพชีวิตคนพิการ กับสาระสำคัญของกฎหมายและนโยบายเกี่ยวกับสิทธิของคนพิการของไทย ในทศวรรษที่ผ่านมา (พ.ศ. 2542-2553) ว่ามีความสอดคล้องกันมากน้อยเพียงใด หน่วยการวิเคราะห์คือ งานวิจัยในช่วงทศวรรษดังกล่าวที่เกี่ยวข้องกับคุณภาพชีวิตคนพิการจำนวน 435 เรื่อง และกฎหมาย นโยบายที่เกี่ยวข้องคนพิการจำนวน 74 ฉบับ เลือกแบบเฉพาะเจาะจงตามเกณฑ์ที่กำหนด ข้อมูลจากงานวิจัยและสาระสำคัญทางกฎหมาย วิเคราะห์เชิงเนื้อหา ด้วยวิธีเปรียบเทียบและหาข้อสรุปเชิงอุปนัย

ผลการวิจัยพบว่า มีสถานการณ์ทางบวกเกี่ยวกับคุณภาพชีวิตคนพิการและสาระสำคัญของกฎหมายส่วนใหญ่ สอดคล้องกัน มีทิศทางเดียวกับอนุสัญญาว่าด้วยสิทธิคนพิการ ที่ส่งเสริมศักดิ์ศรี ความเท่าเทียมด้านสิทธิของคนพิการ ปราศจากการเลือกปฏิบัติในช่วงทศวรรษดังกล่าว อย่างไรก็ตามมีสถานการณ์ทางลบเกี่ยวกับคุณภาพชีวิตคนพิการ โดยเฉพาะปัญหาด้านสุขภาพ การศึกษาต่ำ การไม่มีอาชีพ การมีส่วนร่วมในสังคมน้อย การเข้าไม่ถึงบริการ ขาดการประสานงานและงบประมาณ ผู้ให้บริการขาดความรู้ความเข้าใจรวมทั้งการมีเจตคติทางลบต่อคนพิการ ในระหว่างการบังคับใช้กฎหมายเหล่านั้น ตลอดทศวรรษดังกล่าวเช่นกัน นอกจากนี้ มีสาระสำคัญของกฎหมายบางฉบับไม่สอดคล้องกัน สมควรได้รับการพิจารณาและแก้ไข ข้อค้นพบเหล่านี้ เห็นควรให้มีการเผยแพร่ให้สาธารณะ ผู้มีส่วนได้ส่วนเสีย ทั้งคนพิการ ครอบครัวคนพิการ ผู้ให้บริการ ผู้กำหนดนโยบาย ผู้นำและสมาชิกในชุมชนได้ทราบ เพื่อกระตุ้นให้เกิดความเข้าใจ วิพากษ์ ปลูกจิตสำนึก และหาทางแก้ไขปัญหา ข้อท้าทายต่างๆ เหล่านี้ ผ่านการมีส่วนร่วมอย่างเท่าเทียมของผู้มีส่วนได้ส่วนเสียดังกล่าว กล่าวโดยสรุปแล้วสถานการณ์คุณภาพชีวิตของคนพิการในทศวรรษที่ผ่านมา มิได้สอดคล้องหรือเป็นไปตามสาระ สิทธิตามที่กฎหมายกำหนด และสะท้อนถึงการบังคับใช้กฎหมายที่ยังไม่มีประสิทธิภาพ ข้อค้นพบนี้น่าจะเป็นประเด็นที่จะทำให้นักกฎหมาย ผู้กำหนดนโยบาย และผู้มีส่วนได้ส่วนเสีย ได้พิจารณาหาวิธีการที่จะช่วยให้การบังคับใช้กฎหมายให้มีประสิทธิภาพยิ่งขึ้น

คำสำคัญ: ความพิการ, นโยบายสังคม, กฎหมาย, สิทธิ, ประเทศไทย, การวิจัยเอกสาร

Introduction

Since the past decade period is the turning point of persons with disabilities (PWDs) in Thailand. Concerning welfare and quality of life (QoL) of PWDs has existed in various laws and regulations such as the Constitution of the Kingdom of Thailand 2007, the Development and Promotion of Quality of Life Act for Persons with Disabilities 2007, the Educational Provision Act for Persons with Disabilities 2008, the National Health Insurance Act 2002, the Telecommunication Enterprise Act 2001, Ministry Regulation on Tax Exemption and Reduction 2011, etc. Those recent laws and regulations usually have adopted global value as human rights and dignity focus as Convention on the Rights of Persons with Disabilities (CRPD) and corresponded to the legal essences as the Americans with Disabilities Act (ADA) 1990 and Disability Discrimination Act (DDA) 1995 of the US and UK respectively.

Even though, many countries have smart disability laws, PWDs in those countries both developed and developing countries have still coped with problems, challenges and discrimination in their daily day life including work opportunity, public transportation, housing and buildings. In developed country as United States, there was the study on the impact of the ADA for assessing the progress toward achieving the goals of the ADA, it showed percentage of individuals with disabilities perceiving quality of life improvements in terms of work opportunities, public transportation, quality of life, public attitudes, access to public facilities as 44%, 60%, 63%, 63% and 75% respectively (National Council on Disability, 2007). Whereas

in developing countries, assistive technologies have not been provided sufficiently and not addressed CRPD statements (Borg, Lindstrom & Larsson, 2009). These events have been supported by Weller (Weller, 2009), he stated that the legislative acknowledgment of civil and political rights alone would not adequately address the human rights problems that are experienced in Australia. In UK society (Kaehne & Beyer, 2009) found that transition services for students with ID have been still limited due to collaboration of related agencies, funding and referral restrictions especially in employment.

Focusing on Thailand, some of evidence based situations through research findings reflected that PWDs had faced with various problems including health care, education, employment and income as well as assistive devices and social inclusion (Kriyanon, 2002; Chumnan, 2006; Tipwong, 2008) as well as lack of participation of PWDs and community to established and conducted CBR program, ineffective law enforcement and cooperation among related agencies in educational provisions and ATs for students with disabilities (Cheausuwantavee & Cheausuwantavee, 2012). By the way, there is no study identifying what laws/regulations/policies in Thailand and what kinds of legal essences really concern on PWDs as well as whether they are harmonious each other.

In short, it is likely that those legal essences had not complied with their implementation in the real practices in the past decade that the laws have enforced. However, there is also no study synthesizing

the comprehensive real situations of QoL of PWDs in such period.

Based on preliminary reviews, little is known about the overview of legal essences existing in various laws and their enforcement in the real situation regarding rights and QoL of PWDs in Thailand over the past decade. Thus, this study aims to address this gap through systematic and empirical reviews and comparison both laws/regulations regarding rights of PWDs and research projects reflecting QoL of those PWDs.

Methods

Research design. This documentary research was done by comparison between the legal statements as ideological goals and the real situations as practical enforcement of laws regarding rights and quality of life of persons with disabilities in Thailand including medical care, education, vocation and employment, social inclusion and participation as well as other related issues in the past decade (1999-2010).

Units of analysis. Target documents were 2 parts: 1) 74 current laws, regulations and policies regarding rights and QoL of persons with disabilities including the Constitution of The Kingdom of Thailand 2007 through specific and non-specific laws for PWDs that have retroactively and currently effected over the decade, 2) 435 research projects/theses that were met following criteria including all study areas as health, education, vocation/employment, public service, accessibility, assistive technology and social inclusion of PWDs in Thailand, both published and unpublished research projects, available in libraries or online database in

Thai University database or ThaiLIS (Thailand Library Integrated System) as well as full papers produced or disseminated in 1999-2010.

Instrument. The guidelines for data collection and classification established by researchers were done. First, the guidelines for legal essences were consisted of 7 items such as name of law/regulation/policy, date of promulgation, article relating to PWDs and crucial essences, good aspects of law, negative aspects of law, etc. Second, the guidelines for research projects were consisted of 15 items such as name of research project, year of production, research design, area of studies, research results, etc.

Data Analysis. Typology/comparison analysis and interpretation were administered through those data with three steps. The first step called an analysis of the ideal aspects or legal essences, was to identify themes contained within the legal documents concerning disability with regard to international standards. The second one, so called an analysis of the practical aspects or real situations, was to summarize evidences concerning rights and QoL of PWDs from target researches between 1999-2010. And the third one was to compare and interpret between those legal essences and real situations.

Results

Characteristics of documents. In terms of totaling 74 laws (100%), they are regulations/codes of practices/plans (62%), Act (37%) and Constitution (1%). They also cover and concern on 7 rights of PWDs including education (26%), social welfare (24%), health (22%), vocation and employment (19%), public services, assistive

technologies and social inclusion (18%), justice access (8%) and anti-discrimination (7%), and are enacted by various ministries especially Ministry of Social Development and Human Security (37%) and Ministry of Education (18%) in the year 2009 after the Development and Promotion of Quality of Life Act for Persons with Disabilities 2007 passed. (Table 1). In terms of the 435 research projects, the majority of research projects has been produced/ completed during 2003-2005 (50%), unpublished thesis of master degree student (92%), quantitative studies especially survey and quasi studies (65%). The areas of study are education (49%), social inclusion/participation (22%),

mixed areas (14%), health (12%) and vocation/ employment (7%). The majority of research participants is intellectual and learning disability (27%), hearing impairment (18%) and physical disability (13%). (Table 2).

Comparison between the legal essences and the real situations. Focusing on comparison between the legal essences and the real situations, it is shown in Table 3. In terms of legal essences, the majority of them on the rights and QoL of persons with disabilities have been harmonious each other, uphold CRPD and promote human dignity and equal rights of PWDs without discrimination.

Table 1. Characteristics of laws (n=74)

Characteristics	N	%
Types of laws		
Regulations/codes of practices/plans	46	62
Act	27	37
Constitution	1	1
Rights and QoLof PWDs concerned in laws (may be more than one in each law)		
Education	19	26
Social welfare	18	24
Health	16	22
Vocation and employment	14	19
Public services, ATs and social inclusion	13	18
Justice access	6	8
Anti-discrimination	5	7

Table 2. Characteristics of research projects (n=435)

Majority of documents	N	%
Year of production: 2003-2005	218	50
Unpublished thesis of master degree student	400	92
Quantitative studies especially survey and quasi studies	283	65
Areas of study: education	213	49
Research participants: intellectual and learning disability	118	27

As health care, The legal essences have included coverage and several services, free of charge, promoting role of local government. These essences conform to CRPD 2006, article 25 and 26 in which state in related laws in Thailand as follows. (Constitution of Kingdom of Thailand 2007; Ministry of Public Health, 2002; Ministry of Public Health, 2009; Ministry of Social Development and Human Security, 2007 a; United Nations, 2006).

Constitution of Kingdom of Thailand 2007:

“Section 51. A person shall enjoy an equal right to receive standard public health service, and the indigent shall have the right to receive free medical treatment from State’s infirmary...”

“Section 54. The disabled or handicapped shall have the right to get access to, and to utilise of, welfare, public facilities and appropriate aids from State...”

National Health Security Act 2002:

“Section 3....Health service expenses mean any expense born by.....

a health service provided by a health care unit as follows: ..(10) transportation for disabled person, (11) physical and mental rehabilitation ...”

Persons with Disabilities Empowerment Act 2007:

“Section 20. Persons with disabilities have the rights to access and utilize public facilities including welfare services and other supports from the government as follows:...(1) Medical rehabilitation and expenses incurred

from treatments, equipment, assistive devices and materials to facilitate all aspects of child development i.e. physical, mental, emotional, social, behavioral, intellectual and learning development, or to enhance their capacity, as prescribed by the Minister of Public Health... ”

In terms of education, the legal essences emphasis on promoting PWDs to education until higher education without discrimination and free of charge, providing instructional medias and assistive technologies, promoting skills and knowledge of teachers and educators, IEP(Individual education plan) for PWDs. These essences conform to CRPD 2006, article 24 in which state in related laws in Thailand as follows. (Ministry of Social Development and Human Security, 2007; Ministry of Education, 2008; United Nations, 2006)

Persons with Disabilities Empowerment Act 2007:

“Section 20. Persons with disabilities have the rights to access ...(2) Education in accordance with the National Act on Education or National Plan on Education, which is provided appropriately in specific educational institutes ...”

Persons with Disabilities Education Act 2008:

“Section 5. Section 20. Persons with disabilities have the rights on education as follows: (1) to receive educational provisions with free of charge since new born or disability... (2) to choose educational services, institutes, systems and types with concerning on their capability...(3) to receive any educational

provisions with quality assurance including curriculum, learning process...(4) to promote skills and knowledge of teachers and educators... (5) to receive Individual education plan...”

As vocation and employment, the legal essences emphasis on promoting PWDs to capitalism both market and self employment without discrimination, quota scheme for PWDs by 1.0% of total employees, providing alternative ways for employers to support PWDs, affirmative actions for employers who employ PWDs, punishment for employers who do not comply with the laws, promoting role of local government. These essences conform to CRPD 2006, article 27 in which state in related laws in Thailand as follows. (Constitution of Kingdom of Thailand 2007; Ministry of Social Development and Human Security, 2007; Ministry of Labour, 1998; Ministry of Labour, 2011; United Nations, 2006)

Persons with Disabilities Empowerment Act 2007 :

“Section 20. Persons with disabilities have the rights to access...(3) Vocational rehabilitation which includes standard services, labor protection, measures for employment promotion and self-employment promotion...”

“Section 33. For the benefits of the empowerment of persons with disabilities, employers, entrepreneurs and government agency...”

“Section 34. Employers or entrepreneurs who do not employ persons with disabilities at the proper proportions...”

“Section 35. In case any government agency does not want....under Section 33 and 34, such government agency, employer...”
Labor Protection Act 1998 :

“Section 14. Employers have to be responsible for employees as the rights and duties as mention in civil and commercial laws...”

Focusing on social welfare, inclusion and participation, the legal essences emphasis on basic welfare, safe and accessible housing, promoting access including public policies and services, transportation, assistive technologies and information, as well as any equipment and services for PWDs’ independent living. The legal essences also focus on justice access including representative as accuser, payment for attorney and any reasonable justice processes. These essences state in related laws in Thailand as follows. (Ministry of Social Development and Human Security, 2007; Ministry of Social Development and Human Security, 2009 a; Ministry of Sciences and Information Technology, 2001 a; Ministry of Sciences and Information Technology, 2001 b).

Persons with Disabilities Empowerment Act 2007:

“Section 20 Persons with disabilities have the rights to access...(5) Support for the access of public policies....(6) Information, communication, telecommunication services,...(7) Access to sign language interpretation...(8) Rights to bring service animals, guiding tools...”

Telecommunications Business Act 2001:

“Section 17. The commission shall have the duty to administer the universal service... (4) service facilitating the use of public telecommunications...”

Empowerment Rule on Justice and Attorney Supports for Persons with Disabilities 2009:

“Section 6. In order to accessibility on justice and attorney supports, persons with disabilities shall be provided as follows...”

The legal essences of Persons with Disabilities Empowerment Act 2007 also focus on others including safety and accessible environment and housing, personal assistant services for persons with severe disabilities, disability allowance, tax exemption and reduction for PWDs and their care givers as well as explicit antidiscrimination. These essences conform to CRPD 2006, article 5, 12, 13 and 18 in which state in related laws in Thailand as follows. (Ministry of Social Development and Human Security, 2007; Ministry of Social Development and Human Security, 2009 c, amendment 2011; Ministry of Social Development and Human Security, 2010 a; Ministry of Interior, 2010; United Nations, 2006).

Persons with Disabilities Empowerment Act 2007:

“Section 16. Persons with disabilities who lose or will lose interests due to discriminatory ...

Section 17. In exercising the right pursuant to Section 16, persons with disabilities or their caregivers may ask...

Section 20. Persons with disabilities have the rights to access...(9) Allowances for persons with disabilities according to the criteria and procedures prescribed in the Regulations of the Committee...(10) Modification of housing environment, provision of personal assistants or any other welfare services according to the criteria...”

Empowerment Rule on Disability Allowance 2009:

“Section 7. Disability allowance will be paid with five hundred baths per month...

Section 8. Local government-Sub-district Administrative Organizations (SAOs) are responsible to give persons with disabilities such allowance by the tenth of each month.”

Empowerment Rule on Discrimination on Disability 2009c, amendment 2011:

“Section 3. Discrimination is issuing policy, laws, regulations, projects or any action guideline of government organizations, non-government organizations or individuals that discriminate against persons with disabilities (PWDs) including any action or non-action that affect directly or indirectly to benefits of PWDs based on their disabilities...

“Section 10. Individuals who request for their rights in this law are : (1) persons with disabilities who have been discriminated as mentioned, (2) care givers in case of PWDs could not request for their own rights, (3) disabled people organizations or individuals who have been permitted or consented by PWDs or care givers”

Unfortunately, as the real situations, they have not met or complied with the actual practices or implementations. There are many negative rather than positive aspects in the real situations. The negative real situations of health include lack of medical services for majority of PWDs due to difficult access and no more availability as well as inadequate knowledge and skills of medical personnel/providers. (Reecheeva, 2010; Polgang, 2009; Yayee, 2005; Rukwong, 2008; Kwanchun, 2003).

The negative real situations of education include discrimination and no more educational access especially in secondary and post-secondary education, lack of effective system/management in IEP, inclusive education, transition services, instructional medias, assistive technologies as well as lack of teachers with appropriate knowledge, skills for teaching and attitudes toward PWDs. (Prehajinda, 2005; Nongthong, 2003; Jarenwatandol, 2007).

In terms of vocation and employment, negative aspects include no more responsibility of government sectors on vocation and employment for PWDs, unemployment of the majority of PWDs, low incomes and uncertain jobs of disabled workers, poverty of PWDs and their families, lack of capital and effective management for of self-employment, assistive technologies and accessible environment in workplaces. (Suthi, 2000; Sathupun, 2004).

Furthermore, as social inclusion, the negative aspects include negative attitudes toward PWDs of majority of people in society, limited opportunities in social, politic and

economic participation and no more access to public services, assistive technologies and public information for PWDs. (Jareansil, 2009; Jaruchalermrat, 2010; Poonjarean, 1999). Finally, other negative issues include lack of knowledge of PWDs and society regarding the rights of PWDs, limited independent living (IL) as a cross-disability approach. (Punpuing, 2010; Chuchotroot, 2009), noncooperation among stakeholders/service providers and discrepancies without uniqueness among some laws. (Panthubonworn,2010; Wariyaporn, 2001).

Anyway, there are some positive aspects that legal essences comply with the actual practices, for example, increasing schools and various educational approaches for PWDs, increasing employment rate and positive attitudes of employers toward PWDs, development of job training curriculum for PWDs to meet labour market needs (Pumchoosri, 2002), increasing DPOs, networks and IL (Independent living) centers. (Punpuing, 2010; Ratanasakorn, 2002).

Additionally, there are positive findings in the real situations that have not yet indicated in current laws, for example being unconditional supporters/healers for PWDs of their mothers and families(Jaruchalermrat, 2010) development of useful techniques and skills in medical and educational rehabilitation for PWDs among researchers/master degree students (Kumka, 2005; Watanamatee, 2007), as well as a positive effect of religion basis on dignity and ability of PWDs. (Tedtim, 2006; Singsuriya & Aungsumalin, 2006).

Table 3. Comparison between the essences in law and real situations in terms of rights and QoL of PWDs

Rights and QoL of PWDs	Rights and QoL of PWDs	Implementation in Real situations	
		Negative	Positive
Health care	<ul style="list-style-type: none"> - Upholding CRPD - Free of charge - Coverage and several Services with standard and efficiency - Promote role of local government 	<ul style="list-style-type: none"> - Lack of medical services for majority of PWDs due to difficult access and no more availability - Inadequate knowledge and skills of medical personnel/providers 	<ul style="list-style-type: none"> - Mothers and families as supporters/healers for PWDs - Development of useful techniques and skills in medical and educational rehabilitation for PWDs among researchers/master degree students
Education	<ul style="list-style-type: none"> - Upholding CRPD - Promoting PWDs to education until higher education without discrimination and free of charge - Providing instructional medias and assistive technologies - Promoting skills and knowledge of teachers and educators - IEP (Individual education plan) focus 	<ul style="list-style-type: none"> - Discrimination and no more educational access especially in secondary and post-secondary education - Lack of effective system and management in IEP, inclusive education and transition services - Lack of materials including instructional medias, assistive technologies - Lack of teachers and educators attitudes toward PWDs 	<ul style="list-style-type: none"> - Increasing schools and various educational approaches for PWDs - Development of useful techniques and skills in medical and educational rehabilitation for PWDs among researchers/master degree students
Vocation and employment	<ul style="list-style-type: none"> - Upholding CRPD - Promoting PWDs to capitalism both market and self employment without discrimination - Quota scheme for PWDs by 1.0% of total employees - Alternative ways for employers to support PWDs - Affirmative actions for employers who employ PWDs - Punishment for employers who do not comply with the laws - Promoting role of local government 	<ul style="list-style-type: none"> - No more responsibility of government sectors on vocation and employment for PWDs - Unemployment of the majority of PWDs - Low incomes and uncertain jobs of disabled workers - Poverty of PWDs and their families - Lack of capital and effective management for self-employment - Lack of assistive technologies and accessible environment in workplaces 	<ul style="list-style-type: none"> - Increasing employment rate and positive attitude between employers and PWDs - Using psychology and business management to promote job placement of PWDs - Development of job training curriculum for PWDs to meet labour market needs

Table 3. Comparison between the essences in law and real situations in terms of rights and QoL of PWDs (cont.)

Rights and QoL of PWDs	Rights and QoL of PWDs	Implementation in Real situations	
		Negative	Positive
Social inclusion and participation	<ul style="list-style-type: none"> - Promoting access including public policies and services, transportation, assistive technologies and information, as well as any equipment and services for PWDs' independent living - Anti-discrimination and justice access including representative as accuser, payment for attorney and any reasonable justice processes 	<ul style="list-style-type: none"> - Negative attitudes toward PWDs of majority people of society - Limited opportunity in social, politic and economic - No more access to public services and assistive technologies - No more accessible public data/information for PWDs - limited independent living (IL) as a cross-disability approach 	<ul style="list-style-type: none"> - Positive attitudes and relationship between PWDs and their employers - Increasing DPOs, net work and IL (Independent living) centers - Positive effect of religion basis on dignity and ability of PWDs
Others	<ul style="list-style-type: none"> - Upholding CRPD - Disability allowance - Safety and accessible environment and housing - Personal assistant services for persons with severe disabilities - Tax exemption and reduction for PWDs and their care givers 	<ul style="list-style-type: none"> - Noncooperation among stakeholders/service providers - Lack of knowledge of PWDs and society regarding the rights of PWDs - Discrepancies and without uniqueness among laws - Smart laws but ineffective enforcement and discrimination 	<ul style="list-style-type: none"> - Increasing schools and various educational approaches for PWDs - Development of useful techniques and skills in educational rehabilitation for PWDs among researchers/master degree students

Discussion

Based on research results, the majority of legal essences on the rights and QoL of persons with disabilities has not complied with the actual practices. It implies that laws regarding PWDs have been ineffective enforcement over the decade. These findings really replicate situations of educational provisions and employment for PWDs in Thailand within enforcement of the former laws-Rehabilitation for PWDs Act 1991 and past related laws (Namsiryongpun, 2003; Cheausuwantavee & Cheausuwantavee, 2012).

Ideally, legal perspective classifies rights and QoL of PWDs into health, education, vocation, social inclusion, etc., but in practice, they have influenced as cause-effect relationship and led to an increase in disabilities. Unhealthy condition can lead individuals to be deprived of access to essential resources, such as opportunities for education and employment, thus causing them to fall into poverty. (Krause & Pickelsimer, 2008; Borg, Lindstrom & Larsson, 2009).

Although, majority of current legal essences concerning PWDs in Thailand is based on social or rights based model, but it can't ensure QoL of PWDs since there are many negative aspects revealed. Lack of assistive technology is also critical barriers for independent living of PWDs. Discrimination against and lack of opportunities for PWDs have been global challenges and still taken place in everyday life and society that are not only in Thailand but also either in developed countries such as the US, UK or other societies. (National Council on Disability, 2007; Borg, Lindstrom & Larsson, 2009;

Transitional Islamic state of Afghanistan and Italian cooperation, 2003; Cheausuwantavee & Cheausuwantavee, 2012).

It implies that disability and mainstream discourse have continually interplayed and counteract each other without an endless solution. Many countries have tried to solve such challenges and negative real situations of QoL of PWDs with many ways. Anyhow such challenges might be really addressed with only any approach or dimension that is possible way and readiness of government and society. Basically, the root of discrimination against disabilities is negative attitudes of society toward PWDs for long findings. (Devlieger, 1995; Nicolaisen, 1995; Cheausuwantavee, 2002; Chumnan, 2006; Jareansil, 2009; Krause & Pickelsimer, 2008; Kalabula, 2014). The term "disability" is understood as a functional limitation of an individual's ability to carry out normal activities of daily living caused by either a permanent physical or mental impairment or a chronic clinical condition. Thus, it reflects that there is a standard of activity which is normal and those who fall below it are regarded as disabled. Additionally, the effective enforcement of those laws probably can be done while the uniqueness of laws, positive attitudes toward PWDs and cooperation among stakeholders are really concerned and established (Lehman, Clark, Bullis, Rinkin & Catellanos, 2002; Cheausuwantavee, 2005).

The challenges of believe, value, culture and social-economic framework of society toward PWDs as "normalization", "stigmatization" and "capitalism" are still mainly influenced

on quality of life development of persons with disabilities and ineffective law enforcement. These challenges may be called “disability discourse” that based on dichotomous inequality and meaning such as “rich-poor”, educated-uneducated, normal-disability, male-female, etc. Meaning of disability depends on this social construction which view disability as a form of social oppression. Thus, discrimination and oppression toward PWDs as political economy model mostly are caused by poor and powerless framework. In other words, as a political economy model, disability and oppression on disability result from poverty and powerlessness and make PWDs to be in dependent living eventually. Thus, solution for this vicious cycle is promoting PWDs to be part of capitalism and labour market. (Barnes, 1995; Gilson and Depoy, 2000; Shakespeare, 2010)

Furthermore, there are some limitations on this study such as unpublished researches and past evidence based documents. As a result, the benefits of this study might be harmed and debated, because Published studies were more likely meaningful than unpublished studies. So that ongoing study with rigorous studies and law enforcement monitoring should be launched.

Conclusion and suggestions

The real situations of QoL of PWDs over the past decade and the essences of the

current laws and policies in Thailand have not complied with each other. In another word, they are ideally smart laws but ineffective practices in a real situations and enforcement. These findings suggest that 1) the disability legal committee consisted of representatives from related ministries should be established in order to cooperative enforcement and reform existing discrepant and discrimination essences in some laws, 2) continuous monitoring and filed research on quality of life of PWDs need to be done for further comprehensive reformation and effective enforcement of laws/policies, 3) Law/policy makers should enact laws/policies on research basis and transfer these existing empirical data to the real codes of practices, and 4) Family and community-based services for PWDs within contextual and religion concern should be legally promoted and supported.

Acknowledgement

The authors are particularly thankful for Mahidol University that fully supported the grant for this research as well as Library of Ratchasuda College that provided several documents and searching gateway of information. The authors declare that they have no competing interests. This study is part of research titled “ Reformation of Social Policy and Law related to Disability through Consciousness Raising and Participation of Society : Phase I”.

References

- Barnes, C., & Liver, M. (1995). Disability Rights: Rhetoric and Reality in the UK. *Disability and Society*, 10(1), 111-116.
- Borg, J., Lindstrom, A. & Larsson, S. (2009). Assistive Technology in Developing Countries: National and International Responsibilities to Implement the Convention on the Rights of Persons with Disabilities. *Lancet*, 374(9704), 1863-1865.
- Cheausuwantavee, T. (2002). Sexual Problems and Attitudes toward Sexuality of Persons with and without Disability. *The Journal of Sexuality and Disability*, 20(2), 125-134.
- Cheausuwantavee, T. (2005). Comparative Study in disability law of Thailand, United Kingdom and United States of America. *Ratchasuda College Journal*, 1(2), 37-58.
- Cheusuwantavee, T., & Cheusuwantavee, C. (2012). Rights, Equality, Educational Provisions and Facilities of Students with Disabilities in Thailand: Legal and Practical Perspectives in the Past Decade. *Disability, CBR& Inclusive Development Journal*, 23(1),70-91.
- Chuchotroot, S. (2009). *Development of Social Services for the Disabilities of Ministry of Social Development and Human Security* [unpublished thesis]. Bangkok Thailand, Thammasat University, 148.
- Chumnan, T. (2006). *Social Behaviors of Students with Visual Impairments in Inclusive Schools* [unpublished thesis]. Chiang Mai Thailand, Chiang Mai University, 98.
- Constitution of Kingdom of Thailand 2007. *Royal Gazette*, 124 (57a), 1-127.
- Devlieger, P. (1995). Why Disabled? The Cultural Understanding of Physical Disability in an African Society. In *Disability and Culture*. Ingstad, B., & Whyte, R. S. (1995). London, University of California Press.
- Fine, M., & Asch, A. (1988). Disability Beyond Stigma: Social Interaction, Discrimination and Activism. *Journal of Social Issues*, 44(1), 3-21.
- Gilson, F.S., & Depoy, E.(2000). Multiculturalism and disability: A critical perspective. *Disability and Society*, 15(2), 207-218.
- Jareansil, D. (2009). *Legal Consciousness and the Role of Law in the Life of Disabled People*. [unpublished thesis]. Chiang Mai,Thailand, Chiang Mai University, 115.
- Jarenwatandol, B. (2007). *Child Rearing Practice in Family of Children with intellectual Disability: A Case Study of Family Receiving Services from the Special Education Center, Region One and Special Education Center* [unpublished thesis]. Bangkok Thailand, Suan Dusit Rajabhat University, 126.
- Jaruchalermrat, T. (2010). *Building Awareness of Rights and Social Opportunities for Persons with Physical Impairment and Physical Disabilities* [unpublished thesis]. Bangkok Thailand, Thammasat University, 165.

- Kaehne, A., & Beyer, S. (2009). Transition Partnerships: The View of Education Professionals and Staff in Support Services for Young People with; Learning Disabilities. *British Journal of Special Education*, 36(2), 112-119.
- Kalabula, D.M. (2014). Perception of Disability in Zambia: Implication for Educational Policies and Other Service Delivery. *A Conference on Achieving Inclusive Development in Africa Policies, Processes and Political Settlements, A Policy Research Seminar*. UN-ECA 13-14 May 2014. Addis Ababa, Ethiopia.
- Krause, S.J., & Pickelsimer, E. (2008). Relationship of Perceived Barriers to Employment and Return to Work Five years Later. *Rehabilitation Counseling Bulletin*, 51(2),118-121.
- Kumka, K. (2005). *Exercise Programs for People with Physical Disability* [unpublished thesis]. Chiang Mai Thailand, Chiang Mai University, 101.
- Lehman, M.C., Clark, B.H., Bullis, M., Rinkin, J., & Catellanos, A.L. (2002). Transition from School to Adult Life: Empowering Youth through Community Ownership and Accountability. *Journal of Child and Family Studies*, (11), 127-141.
- Ministry of Education. (2008). *Persons with Disabilities Education Act*. Bangkok, Thailand.
- Ministry of Health. (2002). *National Health Security Act*. Bangkok, Thailand.
- Ministry of Public Health. (2009). *Announcement of Ministry of Public Health on Rehabilitation Services*. Bangkok, Thailand.
- Ministry of Interior. (2010). *Ministerial Rule on Disability Allowance of Local Government*. Bangkok, Thailand.
- Ministry of Labour. (1990). *Social Security Act*. Bangkok, Thailand.
- Ministry of Labour. (1998). *Labour Protection Act*. Bangkok, Thailand.
- Ministry of Labour. (2011). *Ministerial Regulation on Number of Persons with Disabilities Hired and Money Paid by Employer*. Bangkok, Thailand.
- Ministry of Sciences and Information Technology. (2001 a). *Ministry Regulation on Information and Communication Technology*. Bangkok, Thailand.
- Ministry of Sciences and Information Technology. (2001 b). *Telecommunications Business Operation Act*. Bangkok, Thailand.
- Ministry of Social Development and Human Security. (2007 a). *Persons with Disabilities Empowerment Act*. Bangkok, Thailand.
- Ministry of Social Development and Human Security. (2009 a). *Empowerment Rule on Justice and Attorney Supports for Persons with Disabilities*. Bangkok, Thailand.
- Ministry of Social Development and Human Security. (2009 b). *Empowerment Rule on Sign Language Interpreter*. Bangkok, Thailand.
- Ministry of Social Development and Human Security. (2009 c, amendment 2011). *Empowerment Rule on Discrimination on Disability*. Bangkok, Thailand.

- Ministry of Social Development and Human Security. (2010 a). *Empowerment Rule on Disability Allowance*. Bangkok, Thailand.
- Ministry of Social Development and Human Security. (2010 b). *Empowerment Rule on Sign Language Service Payment*. Bangkok, Thailand.
- Namsiryongpun, W. (2003). *Discrimination in Legal Essences and Statements Against Persons with Disabilities in their Vacations and Employments*. Bangkok, Thailand, Deaun Tula Press.
- National Council on Disability. (2014, April 20). The Impact of the American with Disabilities Act: Assessing the Progress toward Achieving the Goals of ADA. Retrieved from <http://www.ncd.gov/newsroom/2007/07262007>.
- Nicolaisen, I. (1995). Person and Nonpersons: Disability and Personhood among the Punan Bah of Central Borneo. In Ingstad, B., & Whyte, R.S. (Eds). *Disability and Culture*. London, University of California Press.
- Nongthong, T. (2003). *A Case Study of Individualized Family Service Plans for Deaf Children Newborn-6 years* [unpublished thesis]. Nakornprathom Thailand, Mahidol University, 202.
- Panthubonworn, N.(2010). The Preparedness and Implementation of Sub-district Administrative Organization (SAO) in Choburi Province for the Quality of Life Development of Persons with Disabilities. *Ratchasuda College Journal*, 6(2), 47-58.
- Poonjarean, S. (1999). *The Political Participation in Democracy: A Case Study of the Blind* [unpublished thesis]. Bangkok Thailand, Kasatsart University, 155.
- Preehajinda, T. (2005). Academic Education for the Blind : A Case of a Burapha University Student. *Burapa University Journal*, 13(17): 124-140.
- Pumchoosri, K. (2002). *Working Status of Disabled Persons after Vocational Training from the Redemptorist Vocational Training from the Redemptorist Vocational School for the Disabled, Pataya* [unpublished thesis]. Nakornprathom Thailand, Mahidol University, 115.
- Punpuing, K.(2010). *Identity, Empowerment and Self- determinant: The Independent Living of People with Disability in Thai Society* [unpublished dissertation]. Bangkok Thailand, Thammasat University, 427.
- Ratanasakorn, S. (2002). *A Study of Independent Living Skills of Visually impaired Persons in Bangkok and Vicinities* [unpublished thesis]. Nakornprathom Thailand, Mahidol University, 196.
- Sathupun, J. (2004). *The Promotion of Self-Employment of People with Disabilities in the Communities: A Study of Nakornpathom Province* [unpublished thesis]. Bangkok Thailand, Thammasat University, 125.
- Shakespeare, T. (2010). The Social Model of Disability. In Davis JL (Eds). *The Disability Studies Reader* (3rd edition). New York and London, Routledge Taloy & Francis Group.
- Singsuriya, P., & Aungsumalin, W. (2006). *Persons with Disabilities: Philosophy Perspective* [unpublished research]. Nakornprathom Thailand: Mahidol University: 138.

- Suthi, K. (2000). *The Implementation of Occupational Promotion for the Disabled under the Rehabilitation of the Disabled Act, B.E. 2534* [unpublished thesis]. Bangkok Thailand, Thammasat University, 96.
- Tedtim, J. (2006). *Research Program of Religion and Disabilities in Thailand* [unpublished research]. Nakornprathom Thailand, Mahidol University, 77.
- Tipwong, D. (2008). *Problems and Needs in Welfare Services by Government of Persons with Disabilities in Mae Sareang District, Mae Hongson Province* [unpublished thesis]. Chiang Mai Thailand, Chiang Mai University, 134.
- Transitional Islamic State of Afghanistan and Italian Cooperation. (2010, September 30). The Comprehensive National Disability Policy in Afghanistan. Retrieved from <http://www.who.int/disabilities/policies/documents/Afghanistan.pdf>.
- United Nations. (2006, May 10). Convention on the Rights of Persons with Disabilities. Retrieved from <http://www.un.org/disabilities/convention/conventionfull.shtml>.
- Watanamatee, P. (2007). *Effect of Problem Solving Skills Training Program on Depression among Disabled Persons* [unpublished thesis]. Chiang Mai Thailand: Chiang Mai University, 212.
- Weller, J.P. (2009). Human Rights and Social Justice: The Convention on the Rights of Persons with Disabilities and the Quiet Revolution in International Law. *The Journal of Law and Social Justice*, 4(0), 74-91.