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Freedom Of The Press - Thailand (2011)

Status: Not Free
Legal Environment: 19
Political Environment: 28
Economic Environment: 15
Total Score: 62

Status change explanation: Thailand declined from Partly Free to Not Free due to the use of restrictive new legislation such as the Computer Crimes Act to punish online expression, a continued increase in investigation and prosecution of lèse-majesté cases, and periodic clashes between political factions that made reporting more difficult as journalists were caught in the cross fire and media outlets were censored.

Thailand's press freedom environment worsened in 2010 as the government and military expanded their efforts to rein in electronic media including satellite television, community radio, and internet-based news platforms. The authorities intensified their high-profile prosecutions of online editors under the country's lèse-majesté laws and the controversial Computer Crimes Act (CCA), use of the Emergency Decree to maintain ad hoc control over mainstream and community media, large-scale shutdowns of websites, and physical and psychological harassment of journalists in an environment that fostered greater intolerance and contempt for the press. Much of the pressure on media stems from the ongoing political contest between the red-shirted United Front for Democracy Against Dictatorship (UDD) and the yellow-shirted supporters of the People's Alliance for Democracy (PAD). In addition, political tensions and succession concerns have mounted as the king's health continues to decline, leading to extreme sensitivity on this topic.

The 2007 constitution restored and extended the 1997 constitution's freedom of expression guarantees, replacing an interim charter imposed by the military government that failed to explicitly protect freedom of expression. The legislature also replaced the 1941 Printing and Publishing Act in 2007, but various pieces of legislation enacted by the military government remain a threat to press freedom. The 2007 Internal Security Act grants the government sweeping powers in the event of vaguely defined security threats, including the detention of suspects for 30 days without charge. Thailand's legal environment in 2010 was also defined by the 2005 Emergency Decree, increasingly abused lèse-majesté laws, and a more determined application of the 2007 Computer Crimes Act (CCA), which resulted in greater restrictions of online expression during the year. Political tension and violence led to the declaration of a broad state of emergency in April that allowed authorities to restrict political meetings, engage in unfettered censorship, and detain suspects without charge in over 24 provinces and cities, including Bangkok. The state of emergency remained in force in many parts of Thailand, including the capital, until late December 2010, when it was lifted in all but the country's four Muslim-majority and conflict-ridden provinces

in the south.

Thailand's lèse-majesté laws assign penalties of up to 15 years in prison for criticism of the king, the royal family, or Buddhism. Complaints can be brought by one citizen against another, and authorities are required to investigate such allegations, which have increased in recent years alongside the government's use of the law to stifle dissent. In 2010, the government created an online crime agency to pursue violators and to investigate complaints. The penal code's punishments for defamation are harsh, and charges continued to be brought against journalists during the year. For example, criminal defamation charges were filed against online journalist Frank G. Anderson for his criticism of lèse-majesté cases against others. However, he mounted a countersuit, arguing that his accusers had made false allegations and exaggerated the seriousness of his supposed offense. Access to information is guaranteed "unless the disclosure of such information shall affect the security of state, public safety, interests of other persons which shall be protected or personal data of other persons as provided by law."

Media coverage has become so sensitive that in July 2010, a well-meaning public service video aimed at encouraging peace, tolerance, and healing between red-shirt and yellow-shirt sympathizers was pulled by television stations after some government officials expressed concern that it could be misinterpreted and used to reopen political wounds. Separately, in a replay of episodes from 2009, editions of the *Economist* were voluntarily kept from shelves by the magazine's local distributor because of its coverage of the Thai crisis, including the role and health of the monarch. The Australian Broadcasting Corporation (ABC) withdrew its entire bureau at the height of the government's crackdown on red-shirt protests just before it broadcast, in Australia, a potentially sensitive and somewhat sensationalist program on the kingdom's crown prince. There is a climate of growing self-censorship in Thailand, especially on the increasingly popular platforms of blogs and social media. Though self-censorship on topics involving the monarchy remains the rule in traditional media, newspapers provide a diversity of news and opinion, and even feisty commentary and analysis of Thailand's political crisis.

Foreign and local journalists with a full spectrum of sympathies and political affiliations came under attack in 2010 as a result of the year's violent political protests. Independent journalists and media groups that were or were perceived to be sympathetic to either side risked mob attacks, physical threats, legal intimidation, and generally being caught in the cross fire of the rival partisan camps. Two journalists were among the dozens of people injured when the prime minister ordered security forces to disperse a three-month red-shirt occupation of a major intersection in downtown Bangkok. Exacerbating these problems, some satellite television outlets and community radio stations aired incendiary rhetoric and dared the government and protesters to silence them. The authorities did shut down some media outlets and thousands of websites. According to the Campaign for Popular Media Reform, the state used the Emergency Decree to suspend at least 47 provincial community radio stations that were deemed threats to national security between April and August. The military also shut down a cable television channel that openly supported

the exiled former prime minister Thaksin Shinawatra.

The mainstream print media remain robust. Large conglomerates and prominent families, some with political ties, own the majority of outlets. While print media are privately owned, radio and television remain under the direct or indirect control of the state, or of formerly state-affiliated private businesses. Many radio stations were closed after the 2006 coup, though hundreds of officially registered stations continue to broadcast throughout the country. Government control of the broadcast media increased in 2007 when the Public Relations Department took over Thailand's only independent television station, iTV. Officials claimed that the station, previously run by one of Thaksin's former companies, had illegally changed its operating concession with the prime minister's office and owed crippling fines. A new public broadcaster, the Thai Public Broadcasting Corporation, was established in January 2008. The 2008 Broadcasting Act governs the licensing of radio and television in three categories—public, private, and community media. Thousands of Thailand's community radio stations continue to operate outside of the law due to the government's failure to establish a regulatory and licensing commission as required by the act.

The internet is accessed by approximately 21 percent of the Thai population. Government censorship of the internet has been in place since 2003, largely to prevent the circulation of pornography and illegal products. However, since the 2006 coup, internet censorship has increasingly been used against potentially disruptive political messages and sites that are considered a threat to national security, including those of Muslim separatist groups. As in past years, Thais in 2010 took their heated debates to the internet and social-networking sites, where the government and military in turn undertook a more focused effort to control commentary and information it deemed incendiary, divisive, and subversive. Many opposition websites were blocked in 2010 under the Emergency Decree. The Ministry of Information and Communication Technology (MICT) blocked at least 2,200 websites between April and June 2010. The sites were generally pornographic or insulting to Thailand's monarchy, though some were independent news sites, such as Prachatai.org. The Thai Netizens' Network cited sources indicating that the number of blocked websites could have been as high as 10,000.

An engineer convicted of lèse-majesté violations in 2009, after the police linked his home computer to insulting posts on the internet, received a royal pardon in 2010. However, other cases aimed at punishing online expression proceeded during the year. The controversial CCA assigns prison terms of up to five years for the online publication of forged or false content that endangers individuals, the public, or national security, as well as for the use of proxy servers to access restricted material. The legislation was first invoked against a blogger in 2007, and has increasingly been used to apply lèse-majesté laws to the internet. The editor of the Prachatai news website, Chiranuch Premchaiporn, was charged under the CCA in March 2010 for refusing to remove critical comments from the site. Premchaiporn, more popularly known as "Jiew," was arrested twice during the year and could face up to 50 years in prison if found guilty on all counts. Prachatai.org has been harassed by the police and burdened by the CCA's requirement that websites

monitor and take responsibility for user comments; as a result, the news site has removed its discussion forums.