

Thailand

Status: Partly Free

Legal Environment: 20

Political Environment: 24

Economic Environment: 16

Total Score: 60

Survey Edition	2007	2008	2009	2010	2011
Total Score, Status	59,PF	56,PF	57,PF	58,PF	62, NF

Status change explanation: Thailand improved to Partly Free due to the expansion of media coverage leading up to and following the July 2011 elections. Throughout the year, violence against journalists, censorship, and media restrictions lessened; however, the end of 2011 saw a return to repressive practices through a new online monitoring agency and expanded use of lèse-majesté laws.

The Thai press freedom environment improved in 2011 due to the lapse of the state of emergency at the end of 2010, which allowed for more open coverage in the run-up to the July elections. The elections quelled the ongoing conflict between the red-shirted United Front for Democracy Against Dictatorship (UDD) and the yellow-shirted supporters of the People's Alliance for Democracy (PAD). The eventual victory of the Pheu Thai Party—led by Yingluck Shinawatra and supported by many red shirts—in July was seen as a gain by democracy activists. However, toward the end of the year the government began cracking down on journalists as a result of enhanced monitoring of electronic media, as well as the increased harassment of reporters. The authorities intensified prosecutions under the lèse-majesté laws and, on December 1, opened the new Cyber Security Operations Centre (CSOC), which extends control over online media, particularly blogs and social media, and aids the large-scale shutdowns of websites.

The 2007 constitution restored and extended freedom of expression guarantees, replacing an interim charter imposed by a military government in 2006. The legislature also replaced the 1941 Printing and Publishing Act, though 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. The end of the state of emergency encouraged a more open media environment, with journalists increasingly critical of the government and its policies. While the media environment as a whole has become freer, certain topics, such as the monarchy, remain off limits to Thai society.

The punitive 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 2011, many high profile lèse-majesté cases were tried, resulting in harsh punishments. In October, Ampon Tangnoppakul, a 61-year-old man, was sentenced to 20 years in prison for allegedly sending four text messages that were insulting to the monarchy. Shortly after his trial, another lèse-majesté case made the headlines. Joe Gordon, an American of dual citizenship, was sentenced to two and a half years in prison for posting online translations of a book on that is banned in Thailand, even

though he was in the U.S. at the time. The authorities said that “liking” or promoting a post on Facebook or other social media sites constituted a violation of the lèse-majesté laws. Alongside these two cases, other high profile lèse-majesté trials have prompted a backlash against the laws and their harsh implementation. In October 2011, a government official—in response to United Nations and international criticism—commented that the lèse-majesté laws may have been overused and “inadvertently” limited free speech, prompting an unprecedented debate over their reform.

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 domestic politics. In addition to some state limitations on what can or cannot be published, owners of news outlets have become increasingly polarized in recent years, advocating a hard line on both sides of the political divide. At the same time, foreign and local journalists were able to report more freely in 2011 compared with 2010. While the media environment is still not fully open, journalists were largely safe from mob attacks, physical threats, or legal intimidation. The authorities allowed an official investigation into the death of Hiro Muramoto, a Japanese cameraman, who died during public demonstrations in April 2010. It was widely reported that he was shot by the military. However, there is still a sense of ongoing impunity surrounding acts of violence against journalists, and lingering distrust between the public and journalists.

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. Many radio stations were closed after the 2006 military 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 a company that had been owned by former prime minister Thaksin Shinawatra, 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 the law due to the government’s failure to establish a regulatory and licensing commission. In 2011, 10 local community radio stations were shut down after claims that they had violated the lèse-majesté laws.

The internet is accessed by approximately 26 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 in Pattani. As in past years, Thais took their heated debates to the internet and social-networking sites, where the government and military undertook a much more focused effort to control commentary and information deemed incendiary, divisive, and subversive—leading to some self-censorship.

The Ministry of Information and Communication Technology (MICT) blocked at least 2,200 websites between April and June 2010. In the first half of 2011, Google reported that MICT requested that 225 videos be removed from YouTube for having content that allegedly

violated the lèse-majesté laws, up from 45 in 2010. Most of the sites were seen as insulting to the monarchy, although they included some independent news sites, such as Prachatai.org. In 2010, The Thai Netizen Network cited sources indicating that the number of blocked websites was as high as 10,000.

The opening of the CSOC in 2011 signaled an even greater decline in Thai internet freedom. It has enabled the MICT to shut down and block online content more quickly, without the need for a court order. CSOC is also working with internet service providers and website owners to block content not only in Thailand, but globally. Their efforts are particularly focused on social media sites such as Twitter and Facebook, both of which have gained significant ground in Thailand recently. The CSOC also intends to amend the Computer Crimes Act (CCA) in order to streamline prosecutions of violators. 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,” faces up to 82 years in prison for two separate cases, both based on alleged violations of the CCA and lèse-majesté laws. In September 2011, her trial was postponed until late February 2012. 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.