

THAILAND

1. GENERAL INFORMATION ON MEDIA AND MEDIA USE

Literacy and education Based on the census 2002–04 the overall adult literacy rate in Thailand is 93 per cent: 95 per cent for males and 91 per cent for females. The educational system offers 12 years of free basic education nationwide. Education is compulsory from seven to 16 years of age. In 2006 only an estimated 6 per cent of students completed sixth grade. Across the whole country there are 20 state universities, 26 private universities and colleges and 120 other institutions of higher learning.

Media landscape The 'conventional' media in Thailand consist of newspapers, TV stations and radio. In the newspaper sector there are 21 Thai language and two English newspapers nationwide. The TV sector is structured into six terrestrial television stations, among them a new public broadcasting channel, the Thai Public Broadcasting Service (TPBS, formerly iTV then TITV), and one cable channel (UBC). Across the country there are about 300 radio stations, despite numerous closures in recent years.

Party media Although political parties do not own media on the national level, individual politicians are heavily involved in media. For example, the former prime minister Shinawatra Thaksin owned iTV, formerly an independent station. It was purchased just before the 2001 elections by Thaksin's Shin Corporation (McCargo and Pathmanand 2005). In 2007 the military government turned it into the Thai Public Broadcasting Service, South East Asia's first public broadcasting channel. The military controls virtually all radio stations. The state owns all terrestrial television stations.

Internet media There are independent internet newspapers. The best example is Pantip.com, a popular Thai language website. It is one of the few, if only websites, requiring a Thai ID card to subscribe. Another is Sanook.com.

General media access The coverage of radio and television across the population in Thailand is almost universal. In 2007 13 per cent or 8.4 million out of a total population of 67.2 million had access to the internet (Internet World Statistics 2008) This is slightly above to the mean of 12.4 per cent penetration in Asia but is well below the world's total penetration of 19.1 per cent.

The Thai media focus on sensationalism, soap operas and other entertainment. Since the military and the state own virtually all radio and television stations, hard news is neutralised through a diet of 'light' information and entertainment rather than serious political discourse. In recent years, however, the Thaksin government has tried to somewhat reverse this development. However, to quote Ubonrat Siriyuvasak, a noted social commentator, on observing the complete dominance of radio and television by the Thaksin government: 'Saturating the air waves with one way communication is turning the state controlled media into propaganda machines, enabling the government to sell its populist policies to the masses in an effective manner, as well as creating a good public image for the government' (Siriyuvasak 2007).

Media consumption Television remains the main source of information by far, followed by radio, the internet, and the press. With the growth of community radio in recent years, radio has become a major source of entertainment and general information rather than focusing on politics. However, this changes during election time when the party or parties in power use the state's monopoly of radio and television to woo voters with promises.

The media are not as influential as in other countries in forming political opinions. The majority of Thailand's 67 million inhabitants are rural poor. They are easily influenced by television, by far their main source of entertainment and information. The urban middle class of Bangkok tend to be more discerning readers of the mainstream and business media. With the state owning all radio and terrestrial television stations the ability to influence Thais through these media is immense.

*Media influence
on political opinion*

Radio is controlled by the military and run through a state organisation called MCOT. All six terrestrial television channels are owned by the state. A seventh – new – channel, the Thai Public Broadcasting Service will become South East Asia's first public broadcasting channel.

*State-owned
media*

Given the reliance by most Thais on television for their informational needs, the state ownership of television and radio means public opinion is moulded to meet the political, social and economic objectives of the government and, to a lesser degree, the military. All of these broadcasting outlets are beholden to either the military or the state through licensing agreements. With over 80 per cent of Thais relying on television as their primary source of news, it gives the state-run media an overwhelming advantage in moulding public opinion. However, it should be noted that Thai governments are particularly sensitive about the English language media's ability to attract international attention.

*State-owned
media and
published opinion*

A regular post-cabinet press conference is conducted by the prime minister and ministers, who hold additionally numerous conferences of their own. The prime minister's press conferences are broadcast. Journalists have equal access to these press conferences. The barring of journalists because of the editorial stance of their newspaper is rare. Surprisingly to many outsiders, the military government of 2006 was more open to media participation in such events than the Thaksin government. Even newspaper reporters, who are more critical, have equal access.

*Government press
conferences*

2. LEGAL ENVIRONMENT

The constitution of 2007 states that '...a person shall enjoy the liberty of communication by lawful means' (section 37). Section 39 also enables freedom of expression, but adds the caveat that censorship can apply in the event of armed conflict. The same section also outlaws closure of a radio and/or television station and publishing companies. The amendments to the original constitution in 2007 are designed to uphold the military's right to impose martial law or any other form of control over the media in the name of national security and to protect the monarchy.

*Freedom
of expression*

Articles 326 to 333 of the Thai penal code establish the defence of criminal defamation, with penalties of up to two years. Under the Printing and Advertisement Act, the Royal Thai Police has the authority to issue warnings to publications for violations such as disturbing the peace, interfering with public safety or offending public morals. The Official Information Act established by the 1997 constitution was passed to enforce transparency in government but it does not always work. Official information requests to authorities like MCIT are refused on the grounds of national security and 'interference with law enforcement'. Thailand has been governed by decree from time to time under martial law, as in the case of the 2006 military coup where radio and television stations were taken over by soldiers and 300 community radio stations subsequently shut down.

The electronic media are more neutral because they are all state owned, while the press enjoys more freedom of coverage – within the constraints of the law and informal pressure (see below). By and large, however, the press tends to be more critical of the bureaucracy and politicians. The new TPBS has a mandate to be independent, but it is still government financed. State control of advertising budgets can, and has, an impact on newspapers which are not government owned. This practice was used by the Thaksin government to bring some newspapers into line who were afraid going out of business. As a result, the subsidised media's coverage is close to the government.

*Free media
coverage*

Regulation of media coverage The government's Public Relations Department effectively runs radio and television, with some parts of the military which own radio stations imposing their own rules. The Ministry of Information and Communication (MCIT) monitors internet sites and regularly closes them down. The Thai Computer Related Offences Act of 2007 focuses on computer crimes. The Cyber Crime Act of 2007 is designed to seal off criticism of the monarchy and the military (Siriyuvasak 2007).

State authorities have tightened their surveillance of internet sites since the coup on grounds of 'national security' or if they are pro-Thaksin. Internet censorship operates through the Royal Thai Police, who have blocked over 32,000 websites and the Communications Authority of Thailand. The total number blocked as of January, 2007 was thought to be around 45,000. The main reasons for blocking websites were: pornography (56 per cent), sale of sex equipment (13 per cent) and threats to national security (11 per cent), which includes criticism of the king, government or military. All websites are blocked in secret and the criterion is not disclosed by the government. On the other hand, after the coup pro-Thaksin websites such as pvtthai.com, shinawatradio.com and hi-Thaksin.org popped up. Websites are blocked by a URL and/or an internet provider address. Most sites covering the violence in Thailand's south are blocked. Google's shared site with YouTube was blocked for several days in April 2007 because of alleged defamation of the monarchy. This and allegations of libel are also used to close websites.

Changes in the past five years There have been changes in the last five years. The 2007 constitution adds important specifications to sections relating to freedom of expression. Under the interim constitution of 2006 the military government closed down over 300 community radio stations. Under the Thaksin government the criminal libel laws were used to intimidate critics. These modifications amount to a slight aggravation of the media situation.

Legal censorship The Thaksin government used libel cases, economic pressure on newspapers, acquisition of the major television station iTV (owned by Thaksin's company, Shin Corporation) or shareholder ownership to intimidate many newspapers into self-censorship. Even after having acquired iTV, Thaksin had 26 journalists laid off. However, they successfully went to court and were subsequently reinstated. Under the military government 300 community radio stations, seen by locals as a source of important information, were closed to avoid criticism of the coup. Radio and television continue to be 'neutral' in their coverage of political events. However, the newspapers, including some that went 'soft' during the Thaksin years, remain critical of the government. Nevertheless, these modifications amount to a strong aggravation of the media situation.

Media licenses All media have to be licensed or registered. The National Broadcasting Commission is appointed by the government to issue licences for radio and television. The Thai National Police Department has the authority to revoke or suspend the licence of newspapers. The severity of penalties varies, depending on the political climate and the sensitivity of the issue. Usually licenses are revoked or refused because of real or alleged criticism of the government, the military or the monarchy. This more usually affects community radio stations, if they are licensed, and internet providers, especially if they publish or broadcast pornographic and other material contrary to the strict moral tone of the country.

Radio frequencies are apportioned by the Public Relations Department, the Mass Communications Organisation of Thailand (MCOT) and the Posts and Telegraph Department, while the military exercises control over this process. It should be noted, however, that in 2004 UNESCO launched a campaign in Thailand to create an advocacy programme to establish a transparent and accountable licensing system and code of conduct for community radios.

Journalists' legal status Thai Journalists do not need government permission to practise their profession. However, foreigners need to be accredited and can be punished by having this revoked. This usually applies to a foreign journalist who has published an article outside the country perceived to be critical of the government or the monarchy. The most celebrated case was under Thaksin Shinawatra, who

threatened to remove the work permits of two Far East Economic Review journalists for an article implying tension between Thaksin and the palace. The magazine was banned and expulsion threatened but removed after an apology from the editor.

The Competition Act of 1999 and the Price of Goods and Services Act are designed to promote fair and free trade within a competitive environment. The Competition Commission is charged with enforcing the Competition Act, which applies to all types of business operations with some exceptions, such as groups of farmers or cooperatives. However, in TV and radio ownership, there is a de facto state monopoly because of the state's and the military's influence in TV (the state) and radio (the military).

Monopolies and cartels

3. POLITICAL CONDITIONS

The voices of the Islamic militants of the three southern provinces are rarely heard in the media, also the Karen people of Burma, who are deemed stateless and illegal immigrants. The rural poor receive less coverage than the ruling elite and middle classes. As regards the Muslim south, restricted coverage is due to 'national security' since militants call for separation from Thailand and the establishment of an independent Islamic state covering three provinces in the south.

Coverage of marginal groups

There is internal self-censorship among the state radio and television. Among the more independent press some newspapers, given their history and connections to the ruling elite, are less critical of the government than others. This varies according to the tone of the government of the day. For example during the Thaksin era large mass dailies practised self-censorship. In 2003 the Thai Journalists Association severely criticised that trend.

Self-censorship

Journalists – particularly the press, as it is more independent and critical – have to fear state repression, which often comes by indirect means. In 2002, for example, executives from the Nation Multi-Media Group were investigated by the Anti-Money Laundering Agency for perceived tax violations. This was done through a single anonymous tip and was credited to the Thaksin government. It was quickly dropped after a public outcry, including from the print media. Yet, this subtle kind of state repression is no exception.

State repression

The Royal Thai Police has blocked over 32,000 websites. Failures to comply with orders from the Ministry of Information and Communication Technology led to withdrawals of licences. The reasons for blocking the sites – in addition to pornography and the sale of sex equipment, as mentioned above – were alleged threats to national security, and criticism of the king, government or military. Additionally, most sites featuring the situation in the Muslim south are blocked. Several technologies are employed to censor the internet, such as caching, blacklisting a domain name or redirection to a government homepage.

Obstacles to internet access

In the past five years, the actual threat of state repression has increased considerably. The Thaksin government set a new benchmark for sophisticated media intimidation. The military then carried on with it in a more blunt way by simply closing websites and community radio stations and, in the end, introducing the Internal Security Act, which gives it wide powers. The increase in state repression is caused by the lax application of the laws, which leads to a breakdown in political and civil society, which, in turn, sees the military intervening to preserve the status quo of a stable constitutional monarchy.

Changes in the past five years

Thaksin introduced a more sophisticated approach to controlling the independent media through intimidation, the use of libel laws and economic pressure. This encouraged his business associates to try and buy into troublesome newspapers. The general acceptance of the 2002 war on drugs, in which many innocent people were killed by the police, also set the tone for the increasing acceptability of violence in Thai society. This amounts to a strong aggravation of the media situation.

Government control over print media

4. ECONOMIC PRESSURES

State subsidies The only major media outlet that will not carry advertisements is the Thai Public Broadcasting Service, Southeast Asia's first fully public television channel. All other media are subsidised by the state in the sense that they carry advertising and much of this comes from state agencies.

In 2008 the Thai advertising industry expects to spend around THB100 billion or about €2.08 billion. Compared to previous years this is an increase but is countered by concerns within the industry that the coalition government being formed will be unstable and therefore not spend as much as a stable government.

5. NON-STATE REPRESSION

Repression by non-state groups Generally, journalists or media companies do not have to fear repression by non-state groups, although there have been numerous incidents of supporters of political parties attacking newspaper offices. Thailand has many interest groups and NGOs who all compete for media attention and can be violent in their reactions to negative media coverage. The business elite during the Thaksin years also sought to influence private newspaper coverage through equity stakes.

Public sector vested interest groups are behind these non-state groups. These also include some large companies with close links to politicians who have attempted to take over media companies as 'Trojan horses'. The best example is when Grammy, a large entertainment company, tried to buy a shareholding in Matichon, one of the most outspoken newspapers against the Thaksin government. It failed after a huge public protest.

Public pressure, in response to any perceived criticism of the monarchy, can force the media to apologise or to prior self-censorship. During election time party supporters have attacked reporters. Newspaper offices were attacked during the confrontation in 2005 between Thaksin's supporters and civil society,. State authorities only very rarely prosecute attacks against journalists. There is a natural tension between media and state authorities. Police action tends to be reluctant and successful prosecutions are rare.

6. CONCLUSIONS

Freedom of the media: general situation Thailand was rated 135th out of the 169 countries studied in the 2007 report on media freedom by Reporters Without Borders. In 2004 it ranked 59th and in 2005 it was 107th. The Thaksin administration and the military rulers after the coup set back Thailand's hard won reputation for media freedom.

Changes in the past five years Two administrations over the last five years, the Thaksin and military governments, have reduced newspaper, television, radio and internet freedom through the imposition of martial law, the application of draconian libel suits under the criminal penal code and the introduction of the all encompassing Internal Security Act. There has thus been a deterioration of media freedom in Thailand.

Major obstacles to free media coverage The Internal Security Act, and other acts as outlined above, enables state intervention in the name of 'national security'. Military intervention in civil society, including censorship of the independent media, state ownership of all television, military ownership of the radio network and draconian action against internet sites contributed to this situation.

Another main obstacle is the 2007 constitution, which was written by the military-appointed National Legislative Assembly to protect the interests of the ruling elite. The election of the PPP to power, with Thaksin's financial support and his overwhelming influence on the existing government should also be mentioned as an obstacle to media freedom in Thailand.

REFERENCES

- McCargo, Duncan / Pathamanand, Ukrist (2005): *The Thaksinization of Thailand: Thaksin's Political Discourse*. Copenhagen: NIAS Press.
- *Internet World Statistics (2008): Asia Internet Usage and Population*. www.internetworldstats.com
- Siriyuvasak, Ubonrat (2007): "New Media For Civil Society and Political Censorship In Thailand", in: *Asia Rights Journal, Issue 8 (2007)*, pp. 1–12.

FURTHER READINGS

- Chongkittavorn, Kavi (2002): *Media and Access to Information in Thailand. The Right to Tell: The Role of Mass Media in Economic Development*. Washington D.C.: World Bank Publications.
- McCargo, Duncan (2002): *Politics and the Press in Thailand: Media Machinations*. Bangkok: Garuda Press.
- Pongsawat, Pitch (2002): "Virtual Democracy in Thailand: Information Technology, Internet Political Message Board, and the Politics of Representation in Thailand after 1992", in: *Social Sciences Journal, 33:1 (2002)*, pp.141-166.
- Siriyuvasak, Ubonrat (2006): "Thailand's media: Politics and money versus media", in: *Asia Media Report: A Crisis Within*. Bangkok: Inter Press Service Asia-Pacific.