

ASIAN MEDIA BAROMETER - THAILAND 2010

# ASIAN MEDIA BAROMETER

A locally based analysis of the  
media landscape in Asia

## THAILAND 2010

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# Introduction to the Asian Media Barometer in Thailand

The *Asian Media Barometer* is a work in progress. Held for the first time in Pakistan and India in September B.E. 2552 (2009) it is designed to be an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike many other press surveys or media indices the AMB is a self-assessment exercise based on criteria from international protocols and declarations. It takes up the idea of a peer review mechanism – often only talked about by politicians – and applies it to the media at national level. At the same time the *Asian Media Barometer* serves as a practical lobbying tool for media organisations. Its results are presented to the public of the respective country to push for an improvement of the media situation using international standards as benchmarks. They are then integrated into the advocacy work by the FES-offices and their local partners.

Design and method of the *Asian Media Barometer* have been based on the *African Media Barometer*, founded in B.E. 2548 (2005) and based on homegrown criteria derived from African Protocols and Declarations like the “Declaration on Principles on Freedom of Expression in Africa” B.E. 2545 (2002). This declaration was largely inspired by the groundbreaking “Windhoek Declaration on Promoting an Independent and Pluralistic African Press” B.E. 2534 (1991) and the “African Charter on Broadcasting” B.E. 2544 (2001).

Yet, in Asia the situation is different. There have been individual attempts in several countries, especially South Asian countries to come up with a charter as well as indicators on freedom of expression and freedom of the media. Unfortunately it has not been successfully implemented within individual countries let alone on a sub-regional, or a more ambitious regional scale. In fact the joint declaration of B.E. 2549 (2006) by UN Special Rapporteur on Freedom of Opinion and Expression notes that Asia-Pacific region lacks such a mechanism.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the *Bangkok Declaration on Information and Broadcasting of B.E. 2546 (2003)*. Here the Ministers of Information and Broadcasting from various countries in the Asia-Pacific region as well as heads of radio and television organizations, policy makers, decision makers, scholars, and representatives of international organizations discussed and signed up to recommendations on Freedom of Information and Broadcasting Legislation.

The conference was organised by the Asia-Pacific Institute for Broadcasting Development (AIBD) and actively supported by the International Telecommunication Union, UNESCO, United Nations and the Friedrich-Ebert-Stiftung (FES).

Its recommendations on freedom of information, freedom of expression and on the transformation of state into public broadcasters concur with the indicators of the *Asian Media Barometer*.

After the three pilot *Asian Media Barometers for India, Pakistan and Thailand held in B.E. 2552/2553 (2009/2010)* the FES-Media Project based in Kuala Lumpur will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries from B.E. 2554 (2011) onwards.

**Methodology:** Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For two days they discuss the national media environment according to 45 predetermined indicators on which they have to score in an anonymous vote on a scale from 1 to 5. The indicators are formulated as goals which are derived from international political protocols and declarations: if the country does not meet the indicator the score would be 1 (one); if the country meets all aspects of the indicator it would be a 5 (five), which is the best score possible. The discussion and scoring is moderated by a FES trained consultant who also edits the country report.

**Scoring system:** After the discussion of each indicator, panel members Score that respective indicator in an anonymous vote. For example, if a panelist would score “3” or “country meets some aspects of indicator”, it would look like this:

- |          |   |                                     |
|----------|---|-------------------------------------|
| <b>1</b> | Country does not meet indicator               | <input type="checkbox"/>            |
| <b>2</b> | Country meets only a few aspects of indicator | <input type="checkbox"/>            |
| <b>3</b> | Country meets some aspects of indicator       | <input checked="" type="checkbox"/> |
| <b>4</b> | Country meets most aspects of indicator       | <input type="checkbox"/>            |
| <b>5</b> | Country meets all aspects of the indicator    | <input type="checkbox"/>            |

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

**Outcome:** The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector Score sheet and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

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# THE ASIAN MEDIA BAROMETER (ANMB) THAILAND 2010

## Executive Summary

The Constitution of the Kingdom of Thailand, B.E. 2550 (2007) guarantees freedom of expression in several articles. In practice, however, freedom of expression is restricted through a number of laws ranging from the Internal Security Act B.E. 2550 (2007) to the *lèse majesté* legislation (Art. 112). In many cases, some of them quoted in the report, these laws are implemented and applied in a way that contravenes letter and spirit of the constitution.

Thai citizens and journalists still assert their right to freedom of expression - but with a certain and palpable degree of fear. Afraid of being arrested and charged with serious offences such as treason or *lèse majesté* both citizens and journalists think twice about criticizing powerful institutions such as the judiciary or the monarchy.

This submission to the powers-that-be includes citizens being afraid of powerful media institutions or local mafias and in the Deep South, of insurgents and the army. It includes civil servants being afraid of politicians and media professionals being afraid of media owners. And it includes a witch hunt in the new social media networks where people expressing their opinion are harassed by the state or those from the opposite political camp.

In such a climate of fear, acerbated by the intense political polarization over the last years, journalists increasingly revert to self-censorship. This growing practice is driven by political pressure, by business competition and by the behavior of media proprietors. In the Deep South, for instance, the close relationship between journalists and officers of the security forces leads to a biased coverage. Here and in other cases journalists lack the confidence and courage to not follow the agenda of the state because they are afraid of being charged with threatening national security or under *lèse majesté*.

The libel and defamation regulation of the Criminal Code, B.E. 2499 (1956) is still being used by politicians to sue journalists and media organisations, a negative practice that has survived the fall of Prime Minister Thaksin Shinawatra in 2006. The attempts of some media organisations to have the Criminal Code amended have so far been unsuccessful.

After the military coup d'état the National Legislative Assembly, B.E. 2549 (2006) had seized the opportunity to expedite the passage of laws that generally advance freedom of expression and a Public Broadcasting Service.

But one of these laws, the Computer Crime Act, B.E. 2550 (2007) was used by State agencies for restricting freedom of expression. Although websites and blogs do not require official registration thousands of websites considered to defame the monarchy were blocked during the crisis of B.E. 2553 (2010).

As a result the legitimacy and the character of these laws is contested between the political parties and within the media sector.

The Official Information Act, B.E. 2540 (1997) guarantees the right of all citizens to have access to public information. But the process of accessing official information according to the Act remains cumbersome and time-consuming.

As news sources are not protected by law, state authorities and the courts often put pressure on the media to reveal their confidential sources of information.

There are very few civil society organisations advocating freedom of expression. And where they exist, they don't work together effectively. In line with the recent political polarisation, some of these groups don't bother about defending media freedom, but rather endorse the government's crackdown on media outlets operated by their political opponents.

The Thai media landscape is characterised by a wide range of sources of information from newspapers, broadcasting stations and the internet.

There are 524 mainstream radio broadcasters, some 8.000 community radio stations, six terrestrial TV stations, 30 satellite TV operators, 800 cable television operations, 80 newspaper titles of which 25 are national titles, two in English, two in Chinese and one Malayu.

There are 28 Internet Service Provider (ISPs) and eight wireless communication service providers. Radio and TV is accessible to 95% of the population.

Yet there remains a wide discrepancy between accessibility and affordability. Thus, only about a 1/3 of the Thai population has access to newspaper and print media, 15 % to cable TV and 40% to community and local radio with an internet penetration rate of 20-22%.

The print media are focusing more on diversifying into the new media such as satellite broadcasting, subscription of news service via mobile phone short-messaging and online newspapers than on the question of media accessibility in rural areas. Their effort, if they see it as a profitable market, would be on entertainment, sports and local news.

Despite the National Broadband Plan by the Ministry of Information and Communication Technology setting the goal that half of the population should have access to broadband service within five years, the government has not succeeded in bridging the digital divide between cities and rural areas.

The government has no policy to promote the diversity of media, particularly private media. And it shows no qualms about shutting down media outlets that express non-mainstream opinions like community radios that support the “United Front for Democracy Against Dictatorship” (UDD).

The Constitution of B.E. 2550 (2007) and the new laws for the regulation of the broadcasting sector profess the intent of preventing the concentration in the media business by reorganising the frequency allocation. But this goes against the reality of an industry dominated by powerful conglomerates seeking more cross-media ownership. At the same time a substantial share of the radio and TV frequencies and licences is still owned by the state and the army, creating a unique system of private, state and public broadcasters. With the Ministry of Defence owning 45% of radio and 33% of free-to-air TV-stations and the big media corporations looking for acquisitions the intended reallocation of frequencies to guard against media concentration will be an uphill struggle.

Media content reinforces gender stereotype, bias and patriarchy rather than gender equality. Nor is the content accurately reflecting the voices of ethnic minorities, migrant workers, of people from different faith and other disenfranchised groups. Thai media organisations have no policy to promote gender sensitivity or equal employment opportunities. There is also little effort to give equal and fair representation to ethnic minorities or people with disability. Discrimination exists in both overt and subtle forms.

The advertisement market in Thailand, where 60% of ad-spend goes to TV, is large enough to sustain a wide variety of media. However, government still interferes with editorial content by using its power over the placement of its advertisements to punish those who don't endorse its actions. This interference is often accomplished through “power relationships” with senior editors by threatening them with the withdrawal of advertorials by government agencies or state owned enterprises.

The three broadcasting laws B.E. 2543/2551/2553 (2000/2008/2010) dealing with the regulatory aspects of the Telecommunications and Broadcasting sector could be a new landmark in prescribing a conducive environment for a three tier classification in private, public and community broadcasting services. It was the citizens' new awareness about the importance of a public space and the almost accidental transformation of the private ITV-Channel, owned by the ousted Prime Minister Thaksin Shinawatra, that had made this set of progressive (public) broadcasting acts possible.

The Thai Public Broadcasting Service Act, B.E. 2551 (2008) has created an adequate framework for a Public Broadcaster that, during the time of crisis, performed better than others. If *TPBS* has a bias, it is its perceived catering for middle class and adult viewers in urban areas at the expense of the rural poor.

All that is missing for the establishment of an internationally exemplary Public Broadcasting Service is the overdue implementation of the legal requirements of these laws, particularly the setting up of the independent regulator. Yet, without the government promoting the spirit of the legislation and pushing for their implementation the reform process seems to have stalled.

With an estimated 8,000 radio stations community broadcasting has become a vibrant sector of the Thai media. Yet, community radio enjoys a freedom by default. The regulatory vacuum leaves community stations open to political and commercial exploitation. The government fails to nurture the independence and viability of community radios and instead contributes to the politicisation of the sector by allowing state agencies to establish their own community stations in the name of national security.

The process of self-regulation in the Thai media is lacking. Professional associations and established media organisations like the *TPBS*, the *Bangkok Post* and the *Nation* have their own codes of ethics. Nonetheless, the practice of self-regulation lacks credibility in the eye of the public, as it seems to be the rule that journalists don't expose their comrades in arms. Without a visible and credible enforcement of professional standards readers or viewers don't bother to bring up their grievances.

The intense commercial competition within the media industry has resulted in partisanship as well as sensationalism. The national media focus their attention on Bangkok as the centre at the expense of the periphery. Investigative reporting is minimal or non-existent.

Proprietors of major newspapers of the Thai and the English language press have of late been more inclined to interfere in editorial independence. Media owners interfere both discretely and openly when the gathering of news or political commentary results in exposing business affiliates or may threaten the generation of advertising revenue from the state or private companies.

Most journalists and media houses have integrity and are not seen as being corrupt. However, in some cases the practice of offering bribes to journalists has taken a much more sophisticated form, rather than the straightforward offer of cash or gifts. Approaches include offering special privileges, invitations to trips abroad or the sponsorship of activities by professional associations.

Although the starting salary of media practitioners corresponds with academic qualifications, the main problem is that the pay rise during the first 10-20 years is lower as than in comparable professions. Many media organisations offer rather low basic salary yet compensate this with other benefits.

Public and private universities offer over thirty journalism and broadcasting degree programmes. But the media houses complain that these undergraduates hardly meet the professional requirements in the job market. At the same time capacity-

building and skills development for editorial staff is sporadic and unsystematic with senior editors being reluctant to cooperate in this matter.

Unionisation is prohibited in most media establishments, be they private print or state-owned media. The employees of *TPBS* are even legally forbidden to form a trade union. Where unions exist, they tend to focus more on salaries and benefits rather than on wider working conditions or issues of transparency.

All in all, the Thai media landscape is characterised by a wide variety of news sources, a surprisingly independent public broadcaster, a vibrant community radio sector and an increasing appetite for independent information among the general public. But the growing political polarisation before and in the wake of the violent clashes between “yellow shirts” and “red shirts” in B.E. 2553 (2010) has brought impending media reforms to a halt, replaces freedom of expression with (self)-censorship and threatens the independence of the media from both sides of the political divide.



# SECTOR 1:

**Freedom of expression, including freedom of the media, is effectively protected and promoted.**

# Sector 1: Freedom of expression, including freedom of the media, is effectively protected and promoted.

## 1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

### Analysis:

The constitution of the Kingdom of Thailand, B.E. 2550 (2007)<sup>1</sup> inscribes in Part 7 Liberties in Expression of Persons and Mass Media, Section 45 guaranteeing the right and freedom of expression that “A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicize, and make expression by other means.”

Although freedom of expression and of the media is basically guaranteed there are restrictions on privacy, on safeguarding national security, and censorship is permitted in times of war. As stated in paragraph two, three and four, “the restriction on the liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of other persons, maintaining public order or good morals or preventing the deterioration of the mind or health of the public.

*Constitution Section 45 guarantees the right and freedom of expressions that “A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicize, and make expression by other means.... The closure of a newspaper or other mass-media business in deprivation of the liberty under this section shall not be made.”*

The closure of a newspaper or other mass-media business in deprivation of the liberty under this section shall not be made. The prohibition of a newspaper or other mass-media business from publishing information or expressing opinions in whole or in part or imposition of interference by any means in deprivation of the liberty under this section shall not be made except by virtue of the law enacted under paragraph two.

<sup>1</sup> Official translation by Assistant Professor Dr. Pinai Nanakorn, Constitution Drafting Commission, Constituent Assembly, Bangkok: The Secretariat of the House of Representatives B.E. 2550 (2007). In this translated text “liberties in expression” is used instead of freedom of expression.

The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under paragraph two.”

Section 46 provides guarantees for professional freedom that “officials or employees of privately-owned newspaper, radio or television broadcasting or other mass-media businesses shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without any mandate of any Government agency, State agency, State enterprise or the owner of such businesses provided that it is not contrary to their professional ethics, and have the right to establish organizations protecting rights, liberties and fairness and establish self-regulatory mechanisms within professional agencies. Government officials, officials or employees of a Government agency, a State agency or a State enterprise engaging in a radio or television broadcasting business or any other mass media business shall enjoy the same liberties as those enjoyed by officials or employees of privately-owned businesses under paragraph one.”

Although there are legal provisions for the right and freedom of expression for citizens and the media in the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) there is also some legislation that hinders the full implementation and promotion of such freedom i.e. the Internal Security Act, B.E. 2550 (2007), the Emergency Decree, B.E. 2548 (2005) and Martial Law, B.E. 2457 (1914). In addition, Section 112 of the Criminal Act, B.E. 2451 (1906) and B.E. 2499 (1956), regarding defamation of the King or *lèse majesté*, inscribes a maximum sentence of fifteen-year imprisonment. This kind of legal restriction hinders the free expression of opinions on the monarchy. One panelist pointed out that it seemed there would be more prosecution regarding *lèse majesté* in the future and it would be appropriate to review this law or repeal it all together.

*Constitution Section 112: “whoever defames, insults or threatens the King, Queen or the Heir-apparent or the Regent shall be punished with imprisonment for a minimum of three and a maximum of fifteen years”.*

A panelist cited a recent example on how the state, via the Center for the Resolution of Emergency Situation (CRES), closed down a dissident magazine *Red Power* by using the Emergency Decree despite the guarantee in Section 45 of the Constitution on freedom of expression. Officers from CRES threatened, searched and closed the printing house and charged the owner with tax evasion. The editor of *Red Power* had to cross the border to Cambodia in order to print the magazines because no other printing house dared to print it. The distribution and sale of *Red Power* back home also encountered serious problems. Another example was the blocking of large numbers of websites by the Ministry of Information and Communication Technology (ICT) based on the restrictions inscribed in the Emergency Decree, and the arrest of web users and moderators based on the

stipulations in the Computer Crime Act, B.E. 2550 (2007) or Section 112 of the Criminal Law.

Some panelists were of the opinion that the suppression of freedom stems from the implementation of the law rather than from the law itself, pointing to a question of power and culture in Thai society. Another panelist said that the frequent annulment of the constitution has ultimately robbed the constitution of its sanctity. When all is taken into consideration, the constitution could hardly be the genuine foundation for the defense of freedom of expression.

Seen from a different perspective, one panelist argued that since the Constitution is the highest law it could be used, directly, as a reference to defend freedom of expression without having to enact any other organic law. This line of legal defense should be promoted over and above the existing practice in order to materialize the right to freedom of expression. In addition, if media practitioners carry out their duties without bias no law can hinder their professional performance. Neither Section 112 of the Criminal Code nor any other law should be used as an excuse to restrict freedom of expression.

Regarding Article 46 of the Constitution, several panelists commented that although it is meant to guarantee freedom for media professionals, government policy, media organization policy and economic conditions are the key obstacles which reduce the scope of freedom of expression in reality. For these reasons it is difficult for journalists to investigate the abuse of power by a politician, or to report opposing views in any critical manner, and to report adversely to the interests of media owners or major advertisers. Journalists are told to tone down, or the report is being censored. Furthermore, journalists are not free to organize in unions.

## Score sheet: 1.1

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.3

## 1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

### Analysis:

Although freedom of expression, guaranteed by the Constitution, is practised by citizens and journalists, they assert this right with a certain level of fear. Citizens and journalists dare not criticize powerful institutions such as the judiciary or the monarchy openly and truthfully. Citizens are also fearful of media institutions, since those are very powerful and could pose a threat to ordinary citizens.

The panelists said fear could be defined as a state of fright or terror. In concrete terms, citizens are afraid of state authorities and local mafia. They are afraid of intimidation, violent attack, victimization, arrest and imprisonment without trial, torture and murder. People in the Deep South are afraid of the local mafia and the insurgents. On the other hand, civil servants are afraid of politicians. Media professionals and journalists are afraid of media owners. The media could lose considerable income from powerful corporations if they criticized their major advertisers.

Some panelists argued that the deep-running fear was rooted in Thai culture. The structure of Thai culture is characterized by top-down relationships. The less powerful are afraid of the more powerful. Accordingly, some people do not want to express their contradictory views openly. During the current political crisis local media had a hard time trying to report on the confrontation between the Yellow and Red Shirts in the community. They were fearful that they might be attacked by either side. At this juncture, ordinary citizens are afraid of one another. Citizens shy away from wearing colour t-shirts, which is a means to express their political stance, fearful of any physical or verbal repercussions in public. Self-censorship on political expression, more often than not, has been practised due to this deep fear embedded in the culture. Neither the media nor citizens want to be labelled or victimized as Yellow or Red, unpatriotic or disloyal during this particular moment when political radicalization and polarization has become the name of the game.

Another panelist said that during the recent political crisis the media and citizens were concerned about how to express their political opinion honestly and independently in public. This was due to the fact that the mainstream media often report/write about the monarchy without critical thinking. There has been no real demarcation on the kind of content that is deemed to be proper criticism and what is considered to be defamation. Journalists, therefore, chose to avoid the subject or practise self-censorship rather than write about it.

On the internet, some members use social media such as Facebook to set up their political platform to impose social sanctions against those who express different political opinions. This witch hunt created a climate of fear in the new social media networks. Friends distrusted one another. Citizens who expressed their opinion in social networks, web boards, or blogs, were harassed or arrested. But there were two sides to this kind of political campaign. On the one hand, it reiterated the culture of fear. On the other hand, it encouraged more resistance against state authorities. These fearless citizens searched for a new public space to express their political views and create the symbolic language that could express their political thinking. In a sense, ordinary citizens began to challenge the prevailing political oppression by the state and powerful institutions. They dared to cross the borderline to defend their right to freedom of expression.

*“The witch hunt has created a climate of fear in the new social media networks. Citizens who express their opinion on the social network, web board, or blog, for example, are harassed or arrested.”*

## Score sheet: 1.2

<b>1</b> Country does not meet indicator	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
<b>2</b> Country meets only a few aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>3</b> Country meets some aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
<b>4</b> Country meets most aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>5</b> Country meets all aspects of the indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Average score: **1.8**

### 1.3 There are no laws restricting freedom of expression such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

#### Analysis:

Laws restricting freedom of expression can be classified into 3 groups;

1. Internal security laws such as the Internal Security Act, B.E. 2550 (2007), the Emergency Decree, B.E. 2548 (2005).
2. Defamation laws such as Section 112, 326 and 328 in the Criminal Code, B.E. 2499 (1956) and the revised version B.E. 2535 (1992).
3. Information laws such as the Official Information Act, B.E. 2540 (1997).

The internal security laws and criminal defamation laws stipulates that information which might have a negative impact on national security or on the reputation and dignity of an individual or of the royal institution must be censored. The Emergency Decree, for instance, stipulates that “in the event that an emergency must be resolved instantly or to prevent further damage, the Prime Minister has the power to ... (3) Ban the publicity and distribution of any information, print media or any other media that might frighten the public. Ban the media that distort information and cause misunderstanding. Ban the publicity and distribution of information that might have an adverse impact on internal security, social harmony and good moral of the people in the specified emergency area or in the whole country.”

The Official Information Act, B.E. 2540 (1997) protects official information concerning the monarchy, national security, foreign relations and financial security from being disclosed. The media are not permitted to disclose classified information.

*Section 14 of the Official Information Act: “Any official information that might cause damage to the monarchy must not be disclosed.”*

Some panelists were of the opinion that laws restricting freedom of expression usually claim that they work to safeguard national security or the reputation of an individual. The counter argument would be that although some of these laws might be needed, the criminalization of expressing one’s opinion about a certain individual or any public figure in the media might create an atmosphere of fear and cause harm to freedom of expression. One panelist pointed out that many countries had decriminalized their defamation laws. The obvious benefit was to prevent the government or politician from utilizing defamation laws to threaten or destroy the opposition. Prime Minister Thaksin Shinawatra, for example, used defamation laws to harass and ban the media from exposing the government’s wrongdoing. A large number of journalists and media organizations were sued

by politicians for defamation in criminal court. As for these defamation cases they were sued for very hefty damage charges. Media professional organizations such as the “Reporters and Journalists Association of Thailand” and the “National Press Council of Thailand” have moved in concert with “Article 19” to amend the Criminal Code regarding libel and defamation. The objective is to lift the restrictions on freedom of expression.

Furthermore, most media laws have sections which restrict the publicity of information, programmes and content that could be harmful to national security and the good morale of the public. Section 37 of the Radio and Television Broadcasting Services Act, B.E. 2551 (2008), for example, stipulates that “it is prohibited to broadcast programme that causes the destruction of the Democratic Regime with the King as Head of the State, or has an adverse effect on national security and the good moral of the public, or displays pornographic act, or has an adverse effect on the social psyche or detrimental to the health of the public. The authority or commissioner can ban the programme instantly, or can suspend or revoke the license of the station.”

In Section 26 of the new Film and Video Act, B.E. 2551 (2008) the classification of film ratings have included a ‘ban rate’ on the 7th rating scale. A film which is rated 7 means that the film is banned from being screened and distributed within the kingdom. If the content is deemed to have an adverse effect on the monarchy, or the democratic regime with the King as Head of the State, or contemptuous of a religion, or cause disunity among people in the nation, or harm foreign relations, or has the main theme on sexual relations and shows sexual intercourse explicitly, it must be banned.

*“A film which is rated 7 meant that the film is banned from being screened and distributed within the kingdom.”*

Section 14 of the Computer Crime Act, B.E. 2550 (2007) holds that if any person committed any offence on forged or false computer data that is likely to cause injury to another person, or damage to national security, terrorism or obscene data shall be subject to imprisonment for not more than five years or a fine of not more than one hundred thousand baht or both. Section 15 penalizes any service provider intentionally supporting or consenting to an offence under Section 14 to the same penalty as that imposed upon a person committing an offence under Section 14. Section 16 penalizes any person, who imports to a computer system that is publicly accessible, computer data where a third party’s picture either created, edited, added or altered by electronic means or otherwise in a manner that is likely to impair the reputation, create hatred, contempt or shame shall receive the same punishment as prescribed in Section 14. Section 20 allows the Minister, through a court injunction, to block or ban any

*“Section 20 of the Computer Crime Act allows the Minister, through a court injunction, to block or ban any website or any publication in the computer system that is considered harmful to national security according to the Criminal Code, or in maintaining public order or good moral of the people.”*

website or any publication in the computer system that is considered harmful to national security according to the Criminal Code, or in maintaining public order or good moral of the people.

During B.E. 2552-2553 (2009-2010) thousands of websites considered to defame the monarchy have been blocked. There were several arrests and imprisonment of persons who publicized content, in the computer system, considered to defame the monarchy such as the case of Mr. Suwicha Takaw, who was sentenced to a 10-year imprisonment on two separate accounts in April 2009. He was discharged in June 2010 by a royal pardon after serving 15 months in jail. Another case concerned the online news platform “Prachatai”. The moderator was arrested in 2009 for distributing content that damaged the reputation of and considered harmful to national security according to Section 14 and 15 of Computer Crime Act, B.E. 2550 (2007) and Article 91 of the Criminal Code. She was released on bail and the case will go on trial in early 2011.

### Score sheet: 1.3

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.7

## 1.4 The Government makes every effort to honour regional and international instruments on freedom of expression and the media.

### Analysis:

The Thai government, as a signatory to the United Nations, has ratified the Universal Declaration of Human Rights. Article 19 enshrines that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” In addition, the Thai government is signatory to the International Covenant on Civil and Political Rights and several other UN declarations and covenants.

Although the basic right to freedom of expression, including a whole range of other human rights, are guaranteed by the Constitution the Thai judiciary does not accept that for Thai citizens these international declarations and covenants are legally binding, one panelist argued. In this view media freedom according to the Universal Declaration of Human Rights must be prescribed in the Thai law if it were to be lawful.

In B.E. 2546 (2003), the Thai government adopted the “Bangkok Declaration on Information and Broadcasting” of B.E. 2546 (2003) at the Ministerial conference of the Asia-Pacific Information and Broadcasting Ministers. The “Bangkok Declaration” proposed to member states that they should promote freedom of information, freedom of expression and transform state media into public media. The “Bangkok Declaration”, however, did not have any legal or practical binding. Its implementation solely depends on the political will of each and every member government.

Most panelists suggested that the government should promote the right to freedom of expression earnestly. In addition, the government should widely publicize the international declarations, covenants and agreements that are related to the media and freedom of expression in order to inform and educate the people. Media organizations and journalists, on the other hand, must be more enthusiastic in creating awareness of freedom of expression among Thai citizens.

## Score sheet: 1.4

<b>1</b>	Country does not meet indicator	✓	□	□	✓	✓	✓	✓	✓	✓	✓	✓
<b>2</b>	Country meets only a few aspects of indicator	□	✓	✓	□	□	□	□	□	□	□	□
<b>3</b>	Country meets some aspects of indicator	□	□	□	□	□	□	□	□	□	□	□
<b>4</b>	Country meets most aspects of indicator	□	□	□	□	□	□	□	□	□	□	□
<b>5</b>	Country meets all aspects of the indicator	□	□	□	□	□	□	□	□	□	□	□

Average score: 1.2

## 1.5 Print publications are not required to obtain permission to publish from state authorities

### Analysis:

The Press Registration Act, B.E. 2550 (2007) stipulates in Section 11 that Newspapers “printed in the Kingdom must register according to this law.” The objective of the new Press Registration Act is to liberalize the publication of the print media such as newspapers and magazines. A new system of registration was introduced in place of the previous licensing system. Those who wish to start a print publication can do so by registering with the Ministry of Culture. State authority is no longer vetting the publisher for his/her political inclination before giving permission to publish as it used to be. However, a panelist argued that the journals which evade registration could find themselves in trouble. These were publications that were critical of the government or those deemed harmful to the political stability by the government.

The Press Registration Act, B.E. 2550 (2007) also stipulates in Section 16 that “no less than 70 percent of the ownership of a newspaper company must be owned by individuals who hold Thai nationality, and three fourth of the board members must be individuals who hold Thai nationality.”

One panelist pointed out that another restriction appeared in Section 10 of the Press Registration Act, B.E. 2550 (2007). It prohibited the import of print media which may defame the King, the Queen, the Heir-apparent or the Regent, or content that was detrimental to national security, or public harmony, or the good moral of the people. In B.E. 2553 (2010) the distributor of the Economist suspended the sale of this magazine several times for fear that the reporting in the Economist might be seen by state authorities to defame the monarchy.

### Score sheet: 1.5

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.2

## 1.6 Entry into and practice of the journalistic profession is legally unrestricted

### Analysis:

Entry into and practice of the journalistic profession is legally unrestricted. In general, reporters and journalists hold an identification card from their media organization. In the past radio and television newscasters, announcers, disk jockeys, etc., had to have an announcer's or programmer's license issued by the Public Relations Department. This was lifted after the enactment of the Frequency Allocation Act, B.E. 2543 (2000).

### Score sheet: 1.6

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score: 5.0

## 1.7 Confidential sources of information are protected by law and/or the courts.

### Analysis:

Confidential sources of information are not protected by law and/or the courts. Therefore, news sources are vulnerable when they provide important information that might expose politicians or public figures of corruption or wrongdoing. A panelist suggested that it was the responsibility of the journalist to adhere strictly to his/her professional code of ethics. This was to protect the confidential source from any harm or fear that they might come under threat, harassment or be sued in court.

As news sources are not protected by law, state authorities and the court often put pressure on the media to reveal their confidential sources.

*“As news sources are not protected by law state authorities and the court often put pressure on the media to reveal their confidential sources.”*

One panelist cited an example that when a journalist refused to reveal the name of his source in court he was penalized for contempt of court. Online-papers are now facing the same plight. State authorities have been asking the web moderator to give the name/identification of individuals who posed critical comments on the website.

Another panelist suggested that, on the contrary, where there was no law prescribing that a journalist must disclose their news sources state authorities and the court had no legal authority in this matter. It was the duty of the state authorities and the court to find out the name, if they wish to, by themselves.

## Score sheet: 1.7

<b>1</b>	Country does not meet indicator	✓	□	□	□	✓	✓	✓	✓	□	✓
<b>2</b>	Country meets only a few aspects of indicator	□	✓	□	✓	□	□	□	□	□	□
<b>3</b>	Country meets some aspects of indicator	□	□	✓	□	□	□	□	□	□	□
<b>4</b>	Country meets most aspects of indicator	□	□	□	□	□	□	□	□	✓	□
<b>5</b>	Country meets all aspects of the indicator	□	□	□	□	□	□	□	□	□	□

Average score: 1.7

## 1.8 Public information is easily accessible, guaranteed by law, to all citizens.

### Analysis:

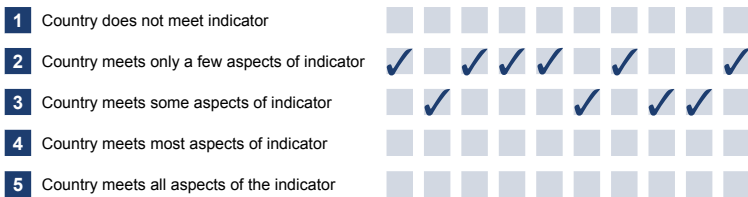
The Official Information Act, B.E. 2540 (1997) guarantees the right of all citizens to have access to public information. The basic rule of the law is to disclose rather than to restrict access. Section 7 on information disclosure specifies that “A State agency shall at least publish the following official information in the Government Gazette: (1) the structure and organization of its operation; (2) the summary of key responsibilities and operational methods; (3) a contacting address in order to request and obtain information or advice; (4) by-laws, resolutions of the Cabinet, regulations, orders, circulars, rules, work pattern, policies or interpretations that are made or issued to have the same force as by-laws and intended to be of general application to private individuals concerned; (5) other information as determined by the Board.”

Most of the panelists were of the opinion that state agencies operate in such a way that hinders accessibility. The reasons might be their negative attitude on openness, their inefficiency in data collection and management. In many cases, state agencies are not compliant with the law. For example, media access to information on large public projects that might have serious environmental impact on the communities would be barred. For individual citizens it is much harder to access this kind of information.

*“State agencies operate in such a way that hinders accessibility. The reasons might be their negative attitude on openness, their inefficiency in data collection and management.”*

Furthermore, sensitive information such as violence in the Deep South, compensation for the families of victims, or the closure of many websites which the government claimed may endanger national security or defame the monarchy or the violent crackdown on Red Shirt demonstrators in April-May B.E. 2553 (2010) in Bangkok were kept away from public scrutiny. The government, in most cases, would not disclose information deemed to have an adverse political impact.

### Score sheet: 1.8



Average score: 2.4

## 1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

### Analysis:

Citizens are not required to register with or obtain permission from state authorities in order to have a website or their own blog.

One panelist, however, argued that despite this openness, many websites that publish political content have been blocked by the Ministry of Information and

Communication Technology (ICT) during the past two years. International websites which discussed or made critical comments on the Thai political situation or on the monarchy were asked by the government to censor their content.

## Score sheet: 1.9

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score: 5.0

## 1.10 The State does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

### Analysis:

During the past two years the Ministry of Information and Communication Technology (ICT) has blocked large numbers of websites that are critical of the government or those of the political opposition. The panelists said that the government did not seem to care too much about privacy, pornographic websites including child pornography on the internet. The main restriction was on blocking and filtering websites that published political and anti-government content.<sup>2</sup>

One panelist suggested that the Thai authority should adhere to the principle of freedom of expression on the internet. And Thai citizens must defend freedom first

<sup>2</sup> Statement by Thai Netizen Network on “Internet Freedom for 2010” said that the government has enforced many laws and decrees curbing freedom of information and press freedom in the past year. These include the Internal Security Act, the Emergency Decree and the Computer Crime Act. It revealed that the government had closed or blocked more than 10,000 websites deemed critical of the government, monarchy or military. Lèse majesté charges have been used as a tool to prosecute those with different political beliefs, with websites belonging to the anti-government red shirts facing the most aggravation. (“Net activists slam govt for silencing its critics”, *Bangkok Post* On-line, 10 Dec, B.E. 2553 (2010). <http://www.bangkokpost.com/news/politics/210576/net-activists-slam-govt-for-silencing-its-critics> Accessed 11 Dec, B.E. 2553 (2010). Research report on Facts and Figures: Netizen Arrests and Internet Censorship stated that there were 185 court cases, 117 court injunctions to block websites and 74,686 URLs were blocked during July 2007-July 2010. (<http://ilaw.or.th/node/631> Accessed 11 Dec, B.E. 2553 (2010).

*“Thai authority should adhere to the principle of freedom of expression on the internet. And Thai citizens must defend freedom first and foremost. Blocking should come later, if at all.”*

and foremost. Blocking should come later, if at all. Citizens should ask whether the government had any basis for blocking certain content. The government should also restrict the filtering or blocking to particular parts of the website and not block the whole website. The ICT Ministry had, so far, blocked more than 200,000 web pages without a court injunction. The government enforced the Emergency Decree through the authority of CRES. It would not come as a surprise if in the future the government should take more stringent measure to filter and block content on the internet similar to what the Chinese government has been doing.

### Score sheet: 1.10

<b>1</b>	Country does not meet indicator	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Average score: 1.8

## 1.11 Civil society in general and media lobby groups in particular actively advance the cause of media freedom.

### Analysis:

The panelists were of the opinion that although civil society organizations in general were advancing the cause of social justice, anti-corruption, environment protection, for example, they did not actively engage themselves for media freedom as such. There are very few media lobby groups and the public in general are not involved closely with these media lobby groups.

Without a serious defender of media freedom political groups, especially opposition voices, find it difficult to fully exercise their right to freedom of expression during the current political conflict. Some panelists were of the opinion that since most political groups were totally polarized they constantly attacked the

*“The public in general and political groups only valued their own freedom. They did not care if their opposition were banned or restricted. They would even welcome state oppression on freedom of expression if it were to shut up the other side.”*

other side verbally and attempted to close down those voices that they saw as their opponents. Obviously, the public in general and political groups in particular only value their own freedom. They do not care if their opposition is banned or restricted. They would even welcome state restrictions of freedom of expression if it was to shut up their opposition.

## Score sheet: 1.11

<b>1</b>	Country does not meet indicator	✓												
<b>2</b>	Country meets only a few aspects of indicator					✓	✓	✓	✓					✓
<b>3</b>	Country meets some aspects of indicator		✓	✓									✓	
<b>4</b>	Country meets most aspects of indicator				✓									
<b>5</b>	Country meets all aspects of the indicator													

Average score: 2.4

## 1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

### Analysis:

Many media laws were enacted during B.E. 2549-2550 (2006-2007) by the National Legislative Assembly (NLA) whose members were appointed by the Council for National Security (CNS) which staged the coup d'état in B.E. 2549 (2006) against the elected government of Prime Minister Thaksin Shinawatra.

*“The legitimacy of these media laws, enacted during 2006-2007 by the National Legislative Assembly (NLA), in protecting and promoting freedom of expression must be questioned.”*

One panelist questioned the legitimacy of these media laws and their objective in protecting and promoting freedom of expression. Some of these laws were immediately legislated in a short span of time. It was found later that some of them were instrumental in restricting and controlling freedom of expression especially against the opposition and critical political views. These media laws are: the Computer Crime Act, B.E. 2550 (2007), the Film and Video Act, B.E. 2551 (2008) and the Radio and Television Broadcasting Services Act, B.E. 2551 (2008). One panelist said that the urgency in the legislation process of the Radio and Television Broadcasting Services Act, for example, left it with loopholes and, hence, it remained unenforceable.

Some panelists argued that several civil society groups and interest groups from the media industry saw this period as the golden opportunity to enact media laws. Based on this view, the media laws which were seen as beneficial to freedom of expression and the public in general were: the Press Registration Act, B.E. 2550 (2007) and the Thai Public Broadcasting Service Act, B.E. 2551 (2008).

Generally, citizens and interest groups have been consulted by the relevant state institutions during the legislation process for media laws, but more as a matter of routine. Yet during the legislature of the National Legislative Assembly (NLA) some civil society groups and some interest groups were not consulted. Some of these groups even boycotted the questionable legislation. However, some panelists argued that civil society groups and interest groups were involved meaningfully in the legislative process of some of the media laws whereas some panelists argued that if a large number or all civil society groups and interest groups were involved in the legislative process it would become a negotiation forum for each group to protect its own interests.

Another panelist added that as for the legislation of the draft bill of the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act which aimed at revising the Frequency Allocation Act, B.E. 2543 (2000) state institutions, citizens and interest groups were involved during the three years of the legislation process. The media industry was also consulted. However, many stakeholders were left out of the process.<sup>3</sup>

## Score sheet: 1.12

<b>1</b> Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b> Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b> Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b> Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b> Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Average score:** 2.2

**Average score for sector 1:** 2.6

<sup>3</sup> The new draft bill of the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act passed the third reading in the House of Parliament on 10 November and in the Senate on 15 November B.E. (2553) 2010. The law was promulgated on 16 December B.E. (2553) 2010.

# SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

## Sector 2: The media landscape, including new media, is characterised by diversity, independence and sustainability.

### 2.1 A wide range of sources of information (print, broadcasting, Internet) is accessible and affordable to citizens.

#### Analysis:

The media landscape is as follows<sup>4</sup>:

-Print media	
Newspapers	80
National papers	25
• Thai	20
• English	2
• Chinese	2
• Malayu	1
-Broadcast media	
• Radio	524
• Television (free-to-air)	6
• Satellite television	30
• Cable television	800
• Community radio	8,000
-Internet	
• ISP (wired)	28
• ISP (wireless)	8

There is a wide range of sources of information from print media, broadcasting, and the Internet in the Thai media landscape. The national mainstream media are mostly concentrated in Bangkok while local media such as cable television and community radio are scattered around the country. Some panelists argued that the question was not on the quantity but on the quality. Other constraints regarding accessibility are price affordability, language and cultural accessibility. Farced with these basic constraints citizens can easily lose their right to have access to information. One panelist cited the UN principles on accessibility which

<sup>4</sup> Compiled from the Public Relations Department, the National Telecommunication Commission (NTC), National Electronics and Computer Technology Center (NECTEC).

include; geographical accessibility, physical accessibility, economic accessibility, and language-cultural accessibility. The following statistics show the discrepancy between media provision and the accessibility of information for Thai citizens.

Media accessibility (percentage of access by population)

- Print media (newspapers) 30%
- Radio and television 95%
- Cable television 15%
- Community radio/local radio 40%
- Internet 20-22%

One panelist wondered if the large number of media available make Thai citizens well informed.

## Score sheet: 2.1

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.4

## 2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

### Analysis:

*"There were sensitive issues or content restricted by law or culture which have been blocked."*

Generally citizens' access to domestic and international media sources is not restricted by state authorities. Some panelists, however, were of the opinion that there were sensitive issues or content which restricted by law or culture which have been blocked. For example, reports on or criticism of the monarchy or comment seen to be anti-government in nature have been blocked. Some recent examples include: the crackdown on Muslim demonstrators in the Takbai district of Narathiwat province in the South in B.E. 2547 (2004) where 78 people died while in transit to the military camp; or the closing down of anti-government community radio that mobilized the United Front for Democracy Against Dictatorship (UDD)

to protest against the government. Reports about these incidents would either be toned down or censored. In addition, the British current affairs magazine, the *Economist*, has been blocked from distribution several times.

## Score sheet: 2.2

1	Country does not meet indicator	✓						✓		✓		
2	Country meets only a few aspects of indicator			✓	✓							
3	Country meets some aspects of indicator		✓				✓		✓			
4	Country meets most aspects of indicator					✓						✓
5	Country meets all aspects of the indicator											

Average score:

2.4

## 2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

### Analysis:

*“The present market expansion seems to focus on popular content such as entertainment and sports.”*

Some panelists said that the print media have tended to expand into the area of new media such as satellite television because people in the rural areas preferred television to other media.

Furthermore, print media expanded into news service on mobile phone such as short news via SMS or on the internet with their online version of the paper or a new multimedia platform. Prior to this, some of the major newspapers made efforts to increase their circulation by seeking new readership in the urban as well as rural areas such as the paper *Kom Chud Luek*, a *Student Weekly* in the *Bangkok Post* group. However, the present market expansion seems to focus on popular content such as entertainment and sports. There were also some new openings in the local media.

In the past, the government had policies to support community libraries and the Informal Education Department also supported reading centers which provided daily newspapers. But due to the lack of resources and poor management these projects failed to materialize.

## Score sheet: 2.3

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.2

## 2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

### Analysis:

The panelists did not score on this indicator. The state or public authority does not publish any newspaper. Print media is a private industry.

Some panelists argued that although state authority did not publicize any paper to compete with private newspapers there was a whole range of state publications in the form of journals, magazines or poster, which were publicly funded and served as public relations material. These kinds of publications are meant to promote politicians, ministers or certain departments. They are distributed without charge, not for sale.

## Score sheet: 2.4

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: n/a

## 2.5 Adequate competition legislation /regulation seeks to prevent media concentration and monopolies.

### Analysis:

Paragraph 1 of Article 47 of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) inscribes that “radio frequency for the transmission of radio, television and telecommunication is a national resource for public interest”. Paragraph 4 inscribes that “the rules in regulating radio, television and telecommunication services must prevent any cross ownership, concentration, and domination among these media operators or by other individuals which may hinder the right to freedom of information or restrict citizens’ access to a diversity of information sources.”

The organic law, the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act, B.E. 2543 (2000) and the National Broadcasting Commission (NBC) and the National Telecommunication Commission (NTC) have been designed as an independent regulator with the authority to re-allocate the usage of radio frequencies for radio and television broadcasting, and telecommunications services.

*“Most of the panelists were of the view that the present group of radio and television operators, such as the Ministry of Defense which owns 45% of radio stations and 33% of free-to-air television stations (two out of six stations) and the big media corporations might resist this re-allocation plan.”*

The aim has been to break up the current concentration and monopoly by state agencies in the radio and television sector. Most of the panelists were of the view that the present group of radio and television operators, such as the Ministry of Defense, which owns 45% of radio stations and 33% of free-to-air television stations (two out of six stations), and the big media corporations might resist this re-allocation plan. In addition the industry is expanding into the direction of multimedia platforms. Any kind of re-arrangement to break up the status quo could simply be rejected.

Some panelists argued that since the Constitution and the Radio and Television Broadcasting Services Act, B.E. 2551 (2008) set out to break up the current concentration and monopoly of ownership it was now up to the new regulations and their future enforcement to achieve this goal. Although resistance by state agencies or the industry might be expected citizens were well aware of the negative impact on the right to information and freedom of expression if the industry was monopolized by a single corporation such as during the government of Prime Minister Thaksin Shinawatra or by the state which thrives on revenue from huge private concessions.

## Score sheet: 2.5

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.2

## 2.6 The Government promotes a diverse media landscape with economically sustainable and independent media outlets.

### Analysis:

All panelists were unanimous that the government and state authorities did not have any policy to promote private media or a diverse media landscape. On the contrary, the government made attempt to restrict and censor openness in information and on different viewpoints in the media especially those critical of the government. The government supports media which are subservient to its authority by providing advertisement or public relations budget.

## Score sheet: 2.6

<b>1</b>	Country does not meet indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.4

## 2.7 All media fairly reflect the voices of both women and men.

### Analysis:

There were two lines of argument on this issue. One group of panelists were of the opinion that women voices were fairly reflected in the media particularly in women, fashion and entertainment magazines. Furthermore, women were given extra space if they are victims of violence such as the unrest in the Deep South. There are also women groups who defend the rights of women if their images or stories are unfairly reflected in the media.

The other line of argument was that the media were biased in reflecting the voices of women and men, and deeply biased in their representation of sexuality. Most media were upholding the patriarchy worldview. One panelist pointed out that the media did not see that women and men are equal. Another panelist said that gender and sexual representation in the media were largely circumscribed by the conservative worldview in Thai society. For example, girl students who become pregnant whilst in school, are not permitted to continue their education after giving birth.<sup>5</sup>

*“The other line of argument was that the media were biased in reflecting the voices of women and men, and deeply biased in their representation of sexuality.”*

The media had little gender awareness and they usually reflected the dominant conservative value that women should take the role of a wife and mother. Another panelist added that the media often use negative language to portray women who challenged the domination of men. In the Thai social and cultural structure men are in control in the public sphere with their political power whilst the space for women is confined within the domestic sphere.

### Score sheet: 2.7

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.4

<sup>5</sup> Legal revision on this issue has been made recently that schools must accept these young mothers back to the education system.

## 2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

### Analysis:

Most of the panelists were of the opinion that the media did not fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

*“The media are biased against the disadvantaged groups in society such as groups with different ethnic, linguistic, religious, political and social characteristics.”*

The media would most often reflect the voices of the powerful and of the state authorities. Some of the panelists were highly critical of the media.

They said that the media were biased against the disadvantaged groups in society such as groups with different ethnic, linguistic, religious, political and social characteristics. They were also deeply biased against migrant labour. One panelist argued that the media did not reflect the real views of these different voices but would often use contemptuous imagery or language against these ethnic groups. On the other hand, the media would accept the official discourse on the disadvantaged ethnic groups such as labelling the Southern Muslims as Thai Muslims instead of Malayu, as they call themselves in the Deep South.

### Score sheet: 2.8

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.9

## 2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

### Analysis:

Although the 2<sup>nd</sup> Master Plan on Information and Communication Technology, B.E. 2552-2556 (2009-2013) drawn up by the Ministry of Information and Communication Technology (ICT) has set its goal on education and social development in line with the direction of the National Development Plan. It is supposed to build an ICT infrastructure that would meet the information needs of all citizens, including marginalised communities, the disadvantaged, the elderly, and the disabled but the planning process seems still rather incoherent. Some of the panelists were of the opinion that even though there were several master plans including the National Broadband Master Plan which aimed at providing broadband access to at least 50% of the population within the next five years, the main problem laid with the implementation of these plans by various state agencies. Much of the effort to construct a solid infrastructure was carried out by the private concessionaires rather than by the state agencies. Hence, there is still a huge digital gap between the urban and rural population.

### Score sheet: 2.9

1	Country does not meet indicator	✓						✓	✓		✓	
2	Country meets only a few aspects of indicator		✓	✓	✓	✓				✓		✓
3	Country meets some aspects of indicator											
4	Country meets most aspects of indicator											
5	Country meets all aspects of the indicator											

Average score: 1.6

## 2.10 The Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

### Analysis:

Most of the panelists were of the opinion that the government interferes with editorial content by using its power over the placement of advertisements.

*“If the journalists or editors continued to criticize the government or senior officials the advertisement or public relations budget from certain state agencies would be withdrawn.”*

Manipulation of media content comes in the form of information distortion, mis-representation or discrete support by the government or state agencies. If the journalists or editors continued to

criticize the government or senior officials the advertisement or public relations budget from certain state agencies would be withdrawn. In addition, state agencies would purchase media space to publicize its ‘advertorial’ on a particular agenda so as to be certain that the government’s viewpoint will be presented.

Some panelists gave examples of how the government and state agencies have been extremely discrete in providing advertisement and public relations budget through large state corporations such as the petroleum company or the electricity generating authority.

The government and state agencies do not meddle with the journalists directly and the journalists can claim that there was no ‘brown or yellow journalism’ as such. Rather the indirect censorship of media content is based on a top-down power relationship as one panelist commented. The minister would call the editor to tone down or censor the column or report that had an adverse effect on the government. In addition, some panelists said that the advertisement and public relations budget could be the reason for a pro-government news spin or for a counter-attack on the political opposition.

## Score sheet: 2.10

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.7

## 2.11 The advertising market is large enough to support a diversity of media outlets.

### Analysis:

Most of the panelists were of the opinion that the advertising market is large enough to support a diversity of media outlets. The largest share of advertising spending, approximately 60%, goes to television. One panelist said that the trend in the advertising market was towards event organization of both private corporations and state agencies. So far, advertising on the internet is very small.

One panelist commented that despite the fact that the advertising market was quite large the government could still influence editorial content effectively through its corporate advertisement and public relations budget. Recently, the government set up a new satellite television station in the Interior Ministry as its own political instrument.

### Score sheet: 2.11

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.8

Average score for sector 2: 2.4

\* See detail on B.E. 2551, 2552 (2008, 2009) advertising spending in the Appendix

# SECTOR 3:

**Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.**

## Sector 3: Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

### 3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

#### Analysis:

Both the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act, B.E. 2543 (2000) promulgated in February B.E. 2543 (2000) and the Radio and Television Services Act, B.E. 2551 (2008), which was promulgated in February B.E. 2551 (2008),<sup>6</sup> have been the new landmark that would provide for a conducive environment for public, commercial and community broadcasting. The panelists observed that these laws brought about new awareness and activism among citizens. There were numerous civic and local movements during the past decade that actively engaged with this novel right. These groups started up community radio, local radio, cable television and satellite television across the nation.

But because the independent regulator, the National Broadcasting and Television Commission (NBTC), was not established the implementation of the law was obstructed argued some panelists.<sup>7</sup> No licence was issued and no real regulation took place. The ad hoc committee on community radio, attached to the National Telecommunication Commission (NTC), registered over 6,000 community radio stations in 2009. These stations were temporarily permitted to broadcast on low-power transmitter. Among these stations 150 low-power community radio operate without advertisement. It was estimated that another 1,000 local radio stations

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<sup>6</sup>The new law revoked the Radio and Television Services Act, B.E. 2498 (1955), and the revised versions of B.E. 2502 (1959), 2521 (1978) and 2530 (1987).

<sup>7</sup>The establishment of the independent regulator, NBC, according to the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act, B.E. 2543 (2000) has been stalled for nearly a decade. Then in 2007 the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) stipulated that there should be a single regulator for both radio/television and telecommunication services. Hence, a new legislation on the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act was drafted to replace the Frequency Allocation Act of 2000. The new Frequency Allocation Act passed the Parliament on 15 November, B.E. 2553 (2010) and officially promulgated on 16 December, B.E. 2553 (2010).

are not registered. These include stations connected to the political group, United Front for Democracy Against Dictatorship (UDD) or the Red Shirt.

The panelists were of the opinion that the conducive environment, in part, was the outcome of citizens' awareness of their basic right according to the Constitution, of their need for relevant information and public space for free expression. The new environment provided for self-learning, competition and the search for a diversity of experiences. But one panelist argued that it was disappointing that the government and state authorities were not supportive of these rights and freedom because they thought it was a political problem. With this kind of negative mentality the three-tier classification of radio and television services, prescribed in the laws, has not been implemented. In fact, the government and society should see the flourishing of radio and television as new seed of freedom, and not as a problem. The panelist commented further that during the recent political conflict many anti-government radio stations or those affiliated with the UDD were closed down. The government and military officers raided the stations, seized the transmitters and arrested the manager of Red Shirt stations claiming their authority from the Emergency Decree (2005) and the Center for the Resolution of Emergency Situation (CRES), and from the Radio Communications Act, B.E. 2498 (1955) and the National Telecommunication Commission (NTC).

*"The government and society should see the flourishing of radio and television as new seed of freedom, and not a problem"*

One panelist argued that if community radio was barred from airing advertisement the shortage of revenue may be detrimental to the survival of this sector. The government and the future NBTC should take it as their primary responsibility to support community radio. And in addition, community radio must seek funding from members and public donations.

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## Score sheet: 3.1

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.6

### 3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way – involving civil society and not dominated by any particular political party.

#### Analysis:

The new Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act, B.E. 2553 (2010) which stipulated for a single regulator, combining the NTC with NBC, has been designed as an independent regulator. The selection process of the eleven commissioners is opened to nominations from state agencies, civil society organizations and professional organizations from the media industries. Forty-four individuals will be short-listed from the selection process. The ultimate decision rests with the Senate who will screen the qualifications of each individual before they vote for the eleven finalists.

The panelist argued that despite the legal blueprint in the selection process in the new Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act, B.E. 2553 (2010) nothing was guaranteed because the process had not yet begun. The independence and transparency of the new regulatory body, though adequately protected by law against political interference, could be easily jeopardized. Previously, state agencies who owned the majority of the airwaves and large media corporations had made attempts to nominate their representatives to this regulatory body, but failed.

#### Score sheet: 3.2

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.3



management, promotion of democracy and local development, education, protection and development of children, young people and family or on the promotion of the rights of the disadvantaged. The selection committee was made up of fifteen individuals representing media professional organizations, civil society and state agencies. They were responsible for the selection of eligible applicants, who did not have a conflict of interest, in a transparent and fair manner. The majority of the panelists agreed that the selection of the Board had been carried out in an open and fair manner.

Regarding state broadcasters such as Channel 11 of the National Broadcasting of Thailand (NBT) under the Public Relations Department, and Channel 9 under the Mass Communication Organization of Thailand (MCOT)<sup>8</sup> their Board members and Executive Directors are appointed by the Minister Attached to the Office of the Prime Minister.

### Score sheet: 3.4

<b>1</b>	Country does not meet indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Average score: 4.0

### 3.5 Office bearers with the State and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

#### Analysis:

The panelists only scored for the public broadcaster, Thai Public Broadcasting Service (*TPBS*), same as 3.4.

<sup>8</sup> The Mass Communication Organization of Thailand (MCOT) is a public corporation whose major shareholder is the Ministry of Finance.

Section 21 and 22 of the Thai Public Broadcasting Service Act, B.E. 2551 (2008) prescribes that each of the Board member, who is in charge of the highest policy of *TPBS*, must not be a public servant of any state agency, not an employee of any state or public corporation, not holding a political position in the local assembly or local administration, not a committee member or an executive member of a political party or an employee of a political party, not a committee member of any state or public corporation, or any other state agency, not a shareholder, committee member or employee of any broadcasting and telecommunication company or in a company that produces programs for *TPBS*. The Board members must not have a conflict of interest with *TPBS* in any other manner such as with the management of *TPBS* or with other broadcasters who compete with *TPBS* directly or indirectly.

### Score sheet: 3.5

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score: 4.5

### 3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised accordingly.

#### Analysis:

The panelists only scored for the public broadcaster, Thai Public Broadcasting Service (*TPBS*), same as 3.4 and 3.5.<sup>9</sup>

Section 28 (2) of the Thai Public Broadcasting Service Act, B.E. 2551 (2008) stipulate that the Board of *TPBS* has the duty to “protect the independence of the Executive Committee, Executive Director and all employees from any political influence.”

<sup>9</sup> It should be noted that there were 4 panelists from *TPBS*; one Board member, one ex-Board member, one Executive Committee member and the Executive Director of *TPBS*.

The panelists debated on *TPBS*'s editorial independence during the recent political conflicts in B.E. 2552 (2009) and B.E. 2553 (2010). Some panelists were of the opinion that, viewing from the news programmes, current affairs and other type of programmes, *TPBS* was politically biased. It did not open its space for any opposition voices (of the opposition party, UDD and Red Shirts). A panelist suggested that this might not arise from any direct political influence or intention on the practitioners side. But it might be due to the true political belief of the journalists and editors. On the other hand, another panelist argued that because *TPBS* was criticised for being biased (against PAD and pro-government groups), therefore, it responded by publicly showing more loyalty than it should have.

*The Board of TPBS has the duty to "protect the independence of the Executive Committee, Executive Director and all employees from any political influence."*

The panelists continued the discussion on the question of political bias. One panelist argued that *TPBS* was nationalized by the coup d'état in 2006. ITV, formerly a private corporation, was seized from Shin Corporation in the process of ousting Thaksin Shinawatra and his Thai Rak Thai government. It would be difficult to justify that *TPBS* was really a public television because it was clear that the coup makers did not want the opposition party to own nor operate the station. *TPBS* found itself in a quagmire whereby balanced and informed news and current affairs programming has become more than a professional problem. One panelist surmised that the reason for the bias might be the screening of journalists and employees. The screening committee might have selected those who shared similar political inclinations. One panellist added that no media organization was free from political influence. *TPBS* was already an established organization and it did not question or challenge the system. It often went along with the power holder.

Another panelist suggested that *TPBS* was initiated as a response to the outcry of civil society and non-governmental organizations. As a result many news agenda and current affairs programmes were closely related to the campaign of some of these non-governmental organizations. There was an observation from another panelist that among the nine Board members there were four representatives from non-governmental organizations and two media experts. On the other hand, one panelist argued that the news agenda from civil society or non-governmental organizations had been a positive and important trend that put *TPBS* ahead of other television channels. The panelist reiterated that civil society and non-governmental organizations are a significant part and parcel of the society.

Some panelists were of the opinion that the bias or imbalance in the news programming of *TPBS* comes from the incompetency of journalists in the news room. The main reason might have been the lack of experience and professional

practice rather than a conspiracy. During the meeting in the newsroom, for example, there would always be an evaluation of what went wrong. In most cases the mistakes were due to incompetency and not intentional. There could not be any interference or political influence in the newsroom.

*“The bias or imbalance in the news agenda of TPBS comes from the incompetency of journalists in the news room.”*

One panelist suggested that because *TPBS* operated on public funds and must keep up with high public expectations on its ‘impartiality and open forum for all’ it should be sensitive on how to balance its news agenda and news space for all political voices. *TPBS* should try its utmost to keep its independence. It should not be too pro-government without questioning.

## Score sheet: 3.6

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.7

## 3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

### Analysis:

The panelists only scored for the public broadcaster, Thai Public Broadcasting Service (*TPBS*), same as 3.4, 3.5 and 3.6.

*“the revenue of the organization is derived from 1.5% of the excise tax of alcohol and cigarette, and not to exceed the amount of 2,000 million babt annually, and the Ministry of Finance is accountable for an increase in the organization’s revenue every three years in order for the organization to operate with adequate funding to serve its objectives.”*

Section 12 of the Thai Public Broadcasting Service Act, B.E. 2551 (2008) prescribes that “the revenue of the organization is derived from 1.5% of the excise tax of alcohol and cigarette, and

not to exceed the amount of 2,000 million baht annually, and the Ministry of Finance is accountable for an increase in the organization’s revenue every three years in order for the organization to operate with adequate funding to serve its objectives, with consideration on the annual inflation and the changing mandate of the organization...any excess in revenue over and above the maximum amount must be return to the state”

The panelists debated the adequacy of the amount of 2,000 million baht earmarked for TPBS annually whether it was a limitation or a merit. One panelist said that TPBS was funded in a manner that protected it from arbitrary interference through its budget. Last year, TPBS received over 2,000 million baht and so was able to return approximately 200 million baht to the Ministry of Finance. The budget during the first two years of operation was sufficient and TPBS spent some of the budget for the construction of its new offices and studios.

TPBS could not estimate the real costs of its operation so far, said one panelist. But it was on an equal standard with other private channels. The salary of employees and executives were on the same level with others in the industry. Another panelist added that the real guarantee rested with the public. If TPBS were popular among viewers no government could interfere with its budget or change the status of the organization.

*“If TPBS were popular among viewers no government could interfere with its budget or change the status of the organization.”*

### Score sheet: 3.7

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 4.0



(Citizen Journalist). Those in the South also watched *TPBS* because they found it relevant to their daily lives compared with other commercial stations.

Some panelists said that *TPBS* broadcasts many format and is very diverse. *TPBS* produced its own programmes and commissions independent producers to produce programmes for all groups of viewers. It could claim to represent the culture and life of people in all region and those who were disadvantaged, marginalized, the elderly, children in line with its mandate. One panelist commented that *TPBS* could have done more even if it was seen to be performing well. Another panelist added that *TPBS* had achieved its standard compared with other international public broadcaster but the public seemed to expect higher quality from *TPBS*.

## Score sheet: 3.9

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.6

### 3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

#### Analysis:

The panelists only scored for the public broadcaster, Thai Public Broadcasting Service (*TPBS*), same as 3.4, 3.5, 3.6, 3.7, 3.8 and 3.9.

The panelists were of the opinion that *TPBS* made attempts to be fair and balanced in news and current affairs programmes. It had a number of programmes and a section of the evening news programme that was an open forum and all sides of the political spectrum were invited. But another panelist commented that though *TPBS* claimed to have a

*“TPBS claims to have a diversity of programming formats but the views represented in these programmes are limited. They do not reflect the full spectrum of diverse views and opinions especially those on the political left.”*

diversity of programming formats but the views represented in these programmes were limited. They did not reflect the full spectrum of diverse views and opinions especially those on the political left.

### Score sheet: 3.10

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.0

## 3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

### Analysis:

The panelists only scored for the public broadcaster, Thai Public Broadcasting Service (*TPBS*), same as 3.4, 3.5, 3.6, 3.7, 3.8, 3.9 and 3.10.

Some panelists pointed out that it was the policy of the Board of *TPBS* that the imported content of the news and talk programmes and the light entertainment/education programmes could not exceed 25% in each category. In addition, *TPBS* must support independent producers in order to reflect as much diverse and creative local content as economically achievable.

### Score sheet: 3.11

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 4.0

### 3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

#### Analysis:

The panelists debated on whether community broadcasting enjoyed special promotion since there are approximately 8,000 community radio stations at present. The majority of panelists were of the opinion that these radio stations were set up because individual citizens and many local groups were aware of their basic rights. They were conscious that the rights on communication and freedom of expression were the key instruments to achieve other political rights. At present, community media landscape were seemingly open without a real regulator. The state authority has no legal authority to close down these stations due to the legal vacuum. On the contrary, they not only don't promote the independence of these community media; some of the state agencies such as the Center for Internal Security established their own stations in the name of national security.

On hindsight, one panelist commented that the government of Prime Minister Thaksin Shinawatra and his Thai Rak Thai Party might have promoted community broadcasting by offering stations that registered with the Public Relations Department a 6-minute per hour advertisement. But it went against the principle of community broadcasting which does not seek revenue from advertisement. Another panelist said that if society and the government really support and promote community broadcasting its true potential to broaden access by communities to the airwaves might be harnessed. But it seemed that there had been no clear direction as to which way community broadcasting would be heading. In the end it might be dominated by state authorities.

#### Score sheet: 3.12

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.7

Average score for sector 3: 3.6

# SECTOR 4:

The media practise high levels of professional standards.

## The media practise high levels of professional standards.

### 4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

#### Analysis:

Media professional organizations such as the Press Council of Thailand, the Broadcast Journalist Association of Thailand, and media organizations such as Thai Public Broadcasting Service (*TPBS*), the *Bangkok Post* and the *Nation* have their codes of professional standards. They are enforced in a self-regulatory manner.

The panelists debated on the weakness and strength of the media self-regulatory regime. One group of panelists was of the opinion that the codes of professional standards are not seriously enforced. Journalists usually do not criticize each other out of respect. It might also be due to seniority in a culture built on kinship. In addition, media professional organizations were not credible in the eye of the public. Hence, the voluntary enforcement failed to set a high standard for the profession.

Another group of panelists was of the opinion that the codes of professional standards had their merits. Media professional organizations had a complaint sub-committee and by-laws in dealing with public complaints. The sub-committee would send the complaint to the media organization in question to investigate any wrongdoing by its journalist. If the person were found guilty of breach of the codes of professional standards he/she would be penalized. The media organization would, then, report its inquest back to the sub-committee of the media professional organization after taken action on the case.

Some panelists added that the public rarely made complaints to the professional organizations because they did not think that their rights would be protected. The media often violate the rights of the citizen in 3 major areas; in crime news that criminalize the person under arrest, news about public figures or celebrities that violate privacy, and political scandal hyped up to smear the opposition. Some newspapers radicalize their headlines without much substantiation in the news report. One panelist said that the press often mistook its own freedom as something given and evaded the codes of professional standards. Some journalists felt they were more privileged than others. Therefore, the violation of the rights

of citizens became a common practice and media professional organizations were unable to check the performances of these journalists. Another panelist pointed out that the codes were toothless and ineffective because they did not have any real measure to penalize their members.

Coming in from another angle, one panelist suggested that the solution might be in setting up a co-regulation system between media professional organizations and state authority or set up a media ombudsman in the future.

## Score sheet: 4.1

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.2

\* See the Code of Ethics of the Press Council of Thailand, B.E. 2541 (1998) in the Appendix.

## 4.2 The standard of reporting follows the basic principles of accuracy and fairness.

### Analysis:

*“The mainstream media became partisan media during the long drawn political conflict. The media were polarized. And some were more radical than others. Some were affiliated with the PAD or Yellow and some with the UDD or Redshirts.”*

Most of the panelists were critical of the standard of reporting in recent years. They pointed out that a large number of the mainstream media became partisan media during the long drawn political conflict. The media were polarized. And some were more radical than others. Some were affiliated with the PAD or Yellow and some with the UDD or Redshirts. The press did not show their impartiality but practiced vigilante or militant journalism. The panelists were of the opinion that it was an important moment for the media to demonstrate their professionalism by adhering to the basic principles of accuracy and fairness.

Some panelists criticized the media for distorting the definition of news and what is newsworthy. Rumour and gossip became news. The media were irresponsible when they misreported a story. Furthermore, another panelist commented that the media would not publish any opinion or argument contrary to their own. This kind of political prejudice skewed the principle of professional reporting. Fairness disappeared into thin air.

Nevertheless, one panelist argued that among the mainstream media newspapers stuck to the principles of accuracy and fairness far more than radio and television did by comparison. Another panelist said that news talk programmes on radio and television,

*“The media prefer slander and mudslinging to solid reporting based on fact and information. All of this misbehaviour brings its credibility to its rock-bottom.”*

which captured the main news reporting and commentary from the printed press, gave a good balance to the electronic media news programming. Since radio and television were either owned by state agencies or operated on a concession basis they lacked critical viewpoints in their news presentation. The panelist continued to criticize the poor quality of news in the mainstream media and that one of the most serious flaws was the near disappearance of investigative reporting. The media prefer slander and mudslinging to solid reporting based on fact and information. All of this misbehaviour brings its credibility to rock-bottom.

## Score sheet: 4.2

<b>1</b> Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b> Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b> Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b> Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b> Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.2

### 4.3 The media cover the full spectrum of events, issues and cultures, including business / economics, cultural, local and investigative stories.

#### Analysis:

The panelists were of the opinion that the media cover the full spectrum of events, issues and cultures, including business / economics. However, much of the serious local news and investigative stories are missing from the mainstream media. The media tends to sensationalize an issue to great extreme. One panelist commented that if there was an exposé on a corrupt politician, more often than not, there would not be sufficient evidence to bring legal charges against him/her. Another panelist explained that the reason for the limitation of local news reporting in the mainstream press was that the majority of the news media are concentrated in Bangkok and more spaces are devoted to what happened in the capital. As a result much of the news agenda and reporting reflected the perspective of Bangkokians.

#### Score sheet: 4.3

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.4

### 4.4. Equal opportunities regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

#### Analysis:

Some panelists commented that most media organizations do not have an equal opportunity policy in employing their staff. A large number of media houses discriminate against certain groups of people either openly or discretely. Another panelist pointed out that young and good-looking applicants would have a better

opportunity to get themselves employed. Some organization would not hire women, gay or trans-sexual, or Indian or Muslim journalists. Some would not let a Muslim person be newscaster or prohibit the wearing of a veil.

Another panelist said that most media houses were not pro-active in employing the disabled and were not aware of their evasiveness in enforcing and promoting an equal opportunity policy.

## Score sheet: 4.4

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.6

## 4.5 Journalists and editors do not practise self-censorship.

### Analysis:

The panelists were of the same opinion that journalists and editors today practise self-censorship. This stems from the owner of the media organization, political pressure, business competition and advertisement market or social pressure, and last but not least, from the journalists themselves.

The close relationship between journalist and his/her news sources was another key reason for self-censorship, one panelist commented. A good example could be seen from the relationship between journalists in the Deep South and the security forces. The military officer in charge would invite editors from the mainstream television channels to a monthly intelligence brief. The brief helped to build trust and had, significantly, influenced television the news agenda about the unrests from a security perspective. Journalists and editors were obviously the target of information and psychological warfare of

*“The military officer in charge would invite editors from the mainstream television channel to a monthly intelligence brief. The brief helped to build trust and had, significantly, influenced television news agenda about the unrests from a security perspective.”*

the security forces. As a result, news reports on violence in the Deep South are infrequent at times because journalists and editors feel they could be instrumental to the cause of the insurgent and that their reports might fire up the conflict.

*“One panelist concluded that recent events showed that if journalists felt unsafe they would primarily censor the story. If they found that the story was contradicting their political ideology it would easily be censored too.”*

Some panelists argued that journalists might want to protect their news sources from unforeseen danger or threat so they tended to censor themselves. Other reasons might be the obscure nature of the story or fear. Criminalization of reporting or criticizing the monarchy is an example par excellence on self-censorship. Journalists must find new ways of writing in order to avoid any adverse political impact. The panelist added that the strict censorship on certain topic might have a boomerang effect. One panelist concluded that recent events showed that if journalists felt unsafe they would censor the story. If they found that the story was contradicting their political ideology it would easily be censored too. It seems that journalists and editors today practise more self-censorship than they would be willing to admit in public.

Another panelist was of the opinion that censorship also occurred in particular stories and this kind of self-censorship could be said to adhere to the professional code of ethics concerning the reporting on sensitive issues or stories that could lead to copycat behavior. Thus, the news editor might not want to make a big headline about of somebody committing suicide by jumping off the sky train.

## Score sheet: 4.5

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.8

## 4.6 Owners of established mainstream private media do not interfere with editorial independence.

### Analysis:

The panelists were of the opinion that owners of established private mainstream media, both in the Thai and English language, have been increasingly interfering with editorial independence in recent years.. And the trend is towards more interference not less. The meddling comes in many shapes and forms such as in political news reports, op/ed or commentary pieces or on a story that might criticize an advertiser and would result in the loss of advertising revenue. On the other hand, journalists might be writing the public relations story for an activity or event related to the business conglomerate of the media owner.

Another panelist added that media owner would interfere both discretely and openly. Some examples were cited such as cases where journalists were ordered not to report on a certain story or have their view silenced. Another example was the suspension of a columnist from his/her column for upholding and expressing his/her political opinion. Some owners would put pressure on the reporter or sub-editor to resign. And some would negotiate the libel suit out of court although the author/columnist believed that they expressed an honest and fair opinion towards the business that sued the paper. The panelists foresaw that there would certainly be more pressures and interferences from media owners in the future.

*“Journalists were ordered not to report on a certain story or have their view silenced. Another example was the suspension of a columnist from his/her column for upholding and expressing his/her political opinion. Some owners would put pressure on the reporter or sub-editor to resign.”*

### Score sheet: 4.6

<b>1</b>	Country does not meet indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.0

## 4.7 Journalists and media houses have integrity and are not corrupt.

### Analysis:

The panelists were of the opinion that journalists and media houses have integrity and were not corrupt. Many media houses have their professional code of conduct to regulate the day-to-day practice of journalists.

Although there is no 'brown envelope journalism' some businesses have found new and discrete ways of bribing journalists, one panelist argued. To evade the code of conduct, which prescribes that journalists cannot accept a gift worth more than 3,000 baht, some news sources and businesses would provide for free drinks, or special treats such as free trips to an overseas destination, or provide sponsorship for professional training through media professional organization.

### Score sheet: 4.7

#### Individual Score sheet:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.8

## 4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

### Analysis:

The panelists were divided on this particular issue. One group was of the opinion that the salary levels and general working conditions for journalists and other media practitioners were adequate for an honest and respectable livelihood. The initial salary for a university graduate in journalism would be approximately the same

as for comparable professions. The drawback was that the long term professional advancement and salary levels would not be as rewarding by comparison.

The other group of panelists was of the opinion that the salary levels were low but some media houses provided other incentives to compensate for the low salary. A large media corporation, for example, would give a 6-month bonus to their employees or provided housing welfare. The more critical problem is the low wage level for photographers and local reporters/stringers who do not draw a regular salary but are paid by the number of stories written and publicized.

The panelists commented that many journalists must find other jobs to compensate for their low salary and that this has a negative impact on their professional reporting. Some media house went as far as to permit its personnel to take a second or third job as compensation. Furthermore, journalists often lack the opportunity to do investigative reporting because the company does not provide sufficient financial support. In the end, only saleable and routine news items are publicized.

## Score sheet: 4.8

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.5

## 4.9 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

### Analysis:

There are over thirty journalism and broadcasting degree programmes at the undergraduate level in public universities and private universities around the country. Their graduates, however, do not meet professional requirements in the job market. Media houses, on the other hand, wanted the newly graduates to work efficiently and professionally.

Some panelists argued, however, that there was no systematic training for journalists to upgrade their skills and worldview. There might be some short in-house training programmes once in a while. Most media organizations tended to focus on the product rather than the process of developing their staff. Sometimes media professional organizations organize special training programmes such as investigative reporting courses for their members. One panelist commented that there were very few university programmes for working journalists and mid-range journalists. At the post-graduate level what was taught were theory and research method.

Another panelist said that most media houses, especially the head of the section, the editor or the journalist themselves, did not offer their support to the training programmes whether these were in-house training or otherwise.

## Score sheet: 4.9

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.5

## 4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

### Analysis:

The panelists commented that journalists in most private media organizations are not organised in trade unions. State media organizations are not permitted by law to organize a union. The only exception is the Mass Communication Organization of Thailand (MCOT) which is a public company. Thai Public Broadcasting Service (TPBS) employees are also legally forbidden from organizing their trade union. One panelist said that some Board members of TPBS encouraged journalists to organize in some kind of federation or association.

Another panelist argued that media professional organizations such as the Journalists Association of Thailand and the Broadcast Journalists Association of Thailand were organized in the form of an association having journalists, reporters and editors as their member. But since they are not a union they don't negotiate with their employers for better working conditions and other welfare.

One panelist added that journalists from a few media houses are organized into unions. These are the *Bangkok Post* and the *Nation*. They can negotiate for better working conditions whereas journalists in a large number of media houses cannot. But it seemed that these unions focused mostly on the welfare of journalists and other employees, another panelist commented. They don't monitor and investigate the media owner on corruption, for example, nor do they attempt to change the harmful working environment such as health hazards of other employees.

## Score sheet: 4.10

### Individual Score sheet:

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.2

Average score for sector 4: 2.3

**OVERALL COUNTRY SCORE: 2.7**

# Annex

## Follow-up questions

### 1. What were the positive developments in the media environment in the last two years?

- The number and range of alternative media have increased dramatically. There are more blogs and citizen journalists on the internet. During the recent political conflict the public could have access to a diversity of news and information sources.
- New media and alternative media publicize a lot of political content and the Yellow – Red affiliated media dare to challenge state authority.
- The public in general is aware of its information rights and is active in politics and this has a deep impact on the quality of news.
- Active citizens want to engage in creating media by themselves without having to depend on the mainstream media.
- Community radio is the new local/community media which has a great deal of potential and is competing with state local media.
- Television news is professionally produced and represented the voices of the people.
- Thai Public Broadcasting Service (*TPBS*) which is the first public broadcaster is leading the way on quality programming.
- There are new media laws which are deemed beneficial to the media environment. These are, for example, the Frequency Allocation and Radio and Television Broadcasting and Telecommunications Services Authority Act, B.E. 2553 (2010), a revision of the Frequency Allocation Act of 2000, and the Thai Public Broadcasting Service Act, B.E. 2551 (2008).
- There are new media professional organizations such as the Broadcast Journalists Council of Thailand and its professional Code of Ethics is being enforced. The Code of Ethics of the Thai Public Broadcasting Service (*TPBS*) will set the standard for other media in the future.
- New media technologies are putting pressures on media practitioners. They must work harder in order to cope with the speed and a range of multi-media skills.

- The military and the government did not censor the printed press during the political crisis.

## 2. What were the negative developments in the media environment in the last two years?

- The media take sides politically. They have been deeply politicized and radicalized. The media silence the voices of their opposition verbally and , in some cases, physically. They attack the other side, which is seen as 'fake media'.
- There is more political propaganda. The media smear at each other and incite hatred through 'hate speech'
- State authorities silence the media. Freedom of expression is restricted by the use of special laws. Thousands of websites are being blocked and community radios have been closed down. The state applies high penalties with the criminalization of free speech.
- The media practice self-censorship. Truth is not published. News reports are imbalanced and superficial.
- Social media network such as Facebook is used to create false public opinion.
- Criminal Code and Defamation law are used to silence the media. These include journalist, media organization and news sources. Press freedom ranking has dropped to a new low. More citizens are arrested and imprisoned due to government control on the right to freedom of speech.
- The increasing political awareness of citizens is a great challenge to the state. This may lead to further confrontation and more violence.
- There is a new trend in media reception which is the culture of media polarization and radicalization. It is promoting hatred and the use of violence as a means to solve a political impasse.
- There have been more than 20 journalists killed. This is an unprecedented number and none of these cases are expected to be resolved.
- Journalists must work around the clock. They give more priority to speed and less to content. They also become a celebrity in their own right.

- Printed media may face a serious crisis because of high market competition and economic downturn.

### **3. If positive changes: Who or what have been the main drivers/actors?**

- Non-governmental organizations, media professional organizations and the middle class are the main drivers in getting many good media laws enacted.
- Citizens' participation and knowledge.
- Citizens' awareness of their information and media rights, and new media technologies.
- Social pressures and many unresolved problems induced citizens to rely on themselves by making their own media.
- The political roles of the media have promoted positive changes.
- The political crises capture the interests of the people. In turn, they seek more information and knowledge from all sources. The mainstream media must develop themselves accordingly.
- The media and the people are deeply aware of the current political conflict. Each drives the other for positive changes.
- The failure of the whole system gives the social, political and media structure an opportunity for change.
- The changes in political parties.
- The internet has been the key driver in opening up new horizon for the right to freedom of expression.

### **4. What are the main obstacles for (further) positive change?**

- The climate of fear and the lack of real freedom of speech will become the main obstacles for positive change.

- The promotion of the monarchy as the institution in Thai society is blinding the right to freedom of expression and creative criticism.
- The state has no political will to promote and defend the right to information and freedom of expression for the media and citizens.
- The Emergency Decree and the constant power exercise of the security forces.
- The lack of respect for different political opinions and the attitude of a political dictatorship which views citizens as enemies.
- The military is overwhelmingly powerful. It is an onus to democratic and economic development.
- Political ideology is a major obstacle to creative criticism.
- Media practitioners are subservient and instrumental to political maneuvering.
- The media are not open for systematic monitoring from within and from outside.
- Standards of media professional practice have not improved.
- The basic problem is the economy and a new crisis might be in sight. Media owners only care about making the highest profit.
- Media market is taking a new turn towards the young generation. The content is geared for entertainment.

## **5. What kinds of activities are needed over the next two years?**

- Build an open and creative environment for the right to information and freedom of expression. All sides, including the media, political groups especially the colour-coded masses and citizens, must contribute to this effort.
- An earnest review of laws restricting the right and freedom of expression such as libel and defamation laws, security laws.
- Set up an institution to monitor the National Broadcasting and Telecommunication Commission (NBTC).

- Increase information and media access by extending the telecommunications infrastructure to reach those who do not have access. At the same time, the present infrastructure must be made more efficient and accountable to consumers.
- Promote media literacy among media audiences/consumers.
- Promote the set up of a media consumers' protection institution.
- Develop the capacity and quality of new media practitioners to a high professional standard. Long term and short term professional training courses/programmes should be institutionalized.
- Promote small and independent production houses by the new generation.
- Increase the capacity of new media and civic media such as community radio, the internet, citizens' media and all forms of alternative media.
- Promote investigative journalism.
- Set up a monitoring system, which has a clear mandate and is publicly credible, to check the performances of the media and journalists, and their output.

## **Panelists:**

Mr. Jon Ungphakorn, Chairperson, Thai Volunteer Service Foundation

Ms. Nithinan Yorsangrat, Executive Senior Editor, *The Nation*

Mr. Thepchai Yong, Managing Director, Thai Public Broadcasting Service (*TPBS*)

Ms. Nualnoi Thammasatien, Senior Program Manager, Internews

Mr. Jom Petchpradab, Independent Correspondent, Voice TV and Spring News TV

Mr. Nakhon Chomphuchat, Executive Committee, Thai Public Broadcasting Service (*TPBS*)

Ms. Supinya Klangnarong, Vice-Chair, Campaign for Popular Media Reform (CPMR) and Board Member, Thai Netizen Network

Mr. Pravit Rojanaphruk, Senior Reporter, *The Nation*

Ms. Supara Janchifah, Senior reporter, *Bangkok Post*

Mr. Somchai Suwanban, Member of the Board of Governors, Thai Public Broadcasting Service (*TPBS*)

## **The Rapporteur:**

Dr. Ubonrat Siriyuvasak, Chairperson, Campaign for Popular Media Reform (CPMR)

## **The Facilitator:**

Dr. Uajit Virojtrairatt, Chairperson, Civil Media Development Institute (CMDI)

# APPENDIX

Media	December 09	SOV%	December 08	SOV%	DIFF	% Change
TV	4,787	56.14	4,286	54.90	501	11.69
Radio	547	6.64	586	7.51	-(39)	-(6.66)
Newspapers	1,466	17.81	1,373	17.59	93	6.77
Magazines	355	4.31	509	6.52	-(154)	-(30.26)
Cinema	518	6.29	493	6.31	25	5.07
Outdoor	317	3.85	348	4.46	-(31)	-(8.91)
Transit	150	1.82	125	1.60	25	20.00
In store	61	0.74	73	0.94	-(12)	-(16.44)
Internet	33	0.40	13	0.17	20	153.85
<b>Total</b>	<b>8,233</b>	<b>100.0</b>	<b>7,807</b>	<b>100.0</b>	<b>426</b>	<b>5.46</b>

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## Code of Ethics for members of the Press Council of Thailand

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The Press Council of Thailand, together with publishers, editors, and reporters from the country's independent media, deemed it necessary that the institution remains independent and self-regulated in line with democratic tradition and that a Code of Ethics be established to ensure professionalism, accountability, and responsibility. The Council supports freedom of expression and the idea that the public should be educated about the world in which they live through independent media. The Council holds the Institution of the Monarchy to be the highest social and political organ in the Kingdom.

The following code of conduct was established by the Executive Board of the Press Council Thailand B.E. 2540 (1997).

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### Section I: General

Item 1: The following guidelines will from this point on be referred to as the "Code of Conduct for Journalists, B.E. 2541 (1998)"

Item 2: That this Code of Conduct be put into effect on the day of the announcement.

Item 3: In this Code of Conduct, the word "news" refers to the printed text, headlines, photos and the caption that goes with the photos presented in the newspapers. "Newspaper" is defined by the Press Council of Thailand, B.E. 2540 (1997), Item 3.

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### Section II: Code of Ethics and Guidelines for Newspapers

Item 4: Newspapers must hold the truth to be the highest

Item 5: Newspapers must present news taking into consideration the benefit of the public, not of an individual.

Item 6: Newspapers must be fair to all parties mentioned in the news stories.

Item 7: Newspapers must not make up false stories.

Item 8: Newspaper must be neutral with its presentation with the understanding that bias reporting could result in a legal action taken against the party/parties mentioned in the article.

Item 9: Newspapers must refrain from putting the opinion of the individual reporter in the news article.

Item 10: Newspapers must make references to the source regardless if the information is obtained from a printed text or an individual.

Item 11: When making references that could damage the reputation of an individual, newspapers must give that party the opportunity to state his case.

Item 12: In cases where an error has been committed, newspapers must issue a correction as soon as possible.

Item 13: Newspaper must not present news in such a way that the source of the stories could be revealed.

Item 14: Newspapers must ensure the confidentiality of the source and take into the consideration that the well being of the source could be at stake if the identity of that source is revealed.

Item 15: Newspapers must take into consideration the humanitarian principle and the dignity of an individual person when he or she is being presented in photo or mentioned in news story.

Item 16: Headlines must not be exaggerated to the point that it distorted the truth or the news story.

Item 17: Newspapers must use their judgment when presenting photograph that may be violent or pornographic in nature.

Item 18: Newspapers must be just when making references to any party in its editorial or analysis.

Item 19: Advertisements in the newspaper must present itself as a paid advertisement and not a news story.

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### **Section III: Code of Ethics for Reporters**

Item 20: Journalists must not violate the integrity of the institution of the independent media and the profession in which he or she works.

Item 21: Journalists must not abuses his position or make use of the profession in such a way that would result in obtaining favors.

Item 22: Journalists are prohibited from taking bribe or accepting valuable gifts or favors from sources because it could influence directly or indirectly the content of news reporting.

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## Section IV:

Item 23: Journalists must not accept any privilege or position that will influence their professional performance in disseminating correct and comprehensive information.

Item 24: When presenting news report, newspapers must take into consideration the welfare and the benefit of the general public.

Item 25: Newspapers must obtain information in a dignified manner

Item 26: Newspapers must not have a hidden motive when expressing opinion or news analysis.

Item 27: Newspapers must take into consideration the rights of an individual and balances it with the public's right to know.

Item 28: Newspapers must not allow paid advertisements to violate established code of ethics of their industry and take into consideration the customs and values of the Kingdom.

Item 29: Newspapers must avoid paid advertisements that knowingly distribute false information to the public.

Item 30: Newspapers must not use profanity and avoid obscene gestures in its reporting.

**Announced on 30th March, 1998**

**Manit Suksomchit**  
*President,*  
*The Press Council of Thailand*