

**Human Rights And The Mass Media  
In The Case Of Thailand**

**By**

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Human Rights  
Thailand

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THE CASE OF THAILAND

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## HUMAN RIGHTS - MASS MEDIA IN THE CASE OF THAILAND

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BACKGROUND - Thailand has been governed under the monarchy system throughout its recorded history. Prior to the change of administration, on the 24th of June, 1932, Thailand was under the absolute monarchy system of administration. Following the change, the country was put under the Constitutional System with the King as the Supreme Ruler. Our King maintains the position through succession.

The monarchy system upholds the following virtues for observance of kings, called the "TEN VIRTUES AND OBLIGATIONS OF A KING TO HIS PEOPLE" which are 10 points of moral goodness the King shall observe in ruling his people. These 10 points of virtue have enabled the Kings of Thailand to subsist for such an extended time because their ruling over the country has been directed towards kindness and togetherness.

Other than the reigning of the Kings with kindness and sacrifice as mentioned, Thailand also upholds the Buddhist Religion as the national religion. 80 per cent of the population are Buddhists. It is the tradition that males of 20 years of age shall become Buddhist Monks while the females may become nuns. With the teachings of the Lord Buddha, Thai people tend to be lovers of peace, do not oppress others and are encouraged against exploitation.

At certain times there might have been incompetent Kings but even they did not oppress the people harshly and excessively. Even after the various changes in administration, we have experienced administrators who were far above the Kings in actual power but they still respected the Kings, despite being of absolute power, to some extent. They have never taken advantage of their power as in many other countries.

Thailand was changed in 1932, from the system of absolute monarchy to the constitutional system, without the loss of blood, and, despite there having been several coup d'etats since, the loss of blood has not occurred as in some countries.

Thailand has been closely associated with numerous countries since World War I. Thailand has sent troops to war with the allies, became a member of the 'League of Nations' a member of the 'International Labour Organization', and a member of the 'International Copy Right Union', as well.

After World War II and the establishment of the United Nations Organization, Thailand also became a member of the United Nations. At the 'Universal Declaration of Human Rights', Thailand gave ratification to this declaration.

Moreover, Thailand is still a member of 'UNESCO', and also of the United Nations Food and Agriculture Organization.

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Therefore Thailand has commitments under the constitution of the said United Nations Organizations, including, the 'Declaration of Human Rights'.

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#### THAI MASS MEDIA :

- Thai Mass Media is classified into 3 main parts;
- Newspapers and printed matters,
- Radio,
- Television.

In addition to the above, there are others, such as movies which are aimed mainly at entertainment. The movies, especially those internationally produced, have an indirect effect on Human Rights awareness.

This is covered further in the English Mass Media section.

All these mass media sources are under the control of the 'Laws of the State'.

NEWSPAPERS AND PRINTED MATTERS : - These are the main branches of Mass Media operated by private party(s) or thru the investment of private party(s). They are allowed to carry out the business independently, although subjected to numerous laws. Despite there being many conditions in the laws which control the reporting of the news or the giving of opinions it is the only branch of Mass Media where freedom does not come under direct enforcement, and, the people can rely upon it the most when the country is encountering problems.

One high level leader in our society said : "In any locality with free newspapers, the oppression of the people will be less."

#### NATIONAL DAILY NEWSPAPERS

Bangkok Metropolis is the media center, with national newspapers published in the Thai language daily, reporting news, politics and economics. The main newspapers are Thai Rath, Daily News, Matichon, Ban Muang, Siam Rath, Naeow Nah, Khao Sod and Dao Siam which are the newspapers with large circulation throughout the country.

There are 2 English daily newspapers, namely 'The Bangkok Post' and "The Nation". I will cover these separately in the English mass media section.

With regard to the Chinese newspapers, there are 7 major newspapers, namely Sin Siang Yit Pow, Chong Hua, Sin Chong Hien, are the most prominent.

There are not many newspapers published in the Bangkok area when compared to the rural area, but the circulation of these newspapers is broad and they are distributed throughout the country.

#### WEEKLY NEWSPAPERS.

There are many weekly newspapers about politics with strong and sharp criticism, namely Matichon Weekly, Siam Rath Weekly, Lak Thai, Khao Pises and Muang Thai Wan Nee, to name the majors.

Also, there are a great number of books of pleasure or entertainment category, on fiction, poetry, features, and the like, published for quite a long time, including the monthly journals.

#### LOCAL NEWSPAPERS AND JOURNALS.

There are, approximately, another 370 newspapers published in the provinces, mostly being fortnightly or on the date of the drawing of the government lotteries. There are some local newspapers published every 5 days. The Circulations of these local newspapers are not great, approximately 2-4,000 copies, thusly their mass influence is not very great with the exception of the newspapers published daily in Chiangmai Province, in the northern part of Thailand, such as Thai News and others. The maximum sale quantity of Thai News is approximately 20,000 copies and it is circulated throughout the Northern 17 Provinces of Thailand.

The newspapers report news in the front page while the rest will be foreign news, local articles, letters from readers, commentary column, editorials, economics reporting, social, complaint column, entertainment and sports, with numerous pictures of the events or news.

#### RADIO AND TELEVISION

The Mass Media of these categories are by law, monopolized by the government, under the 'Radio and Television Act', B.E. 2498 (1955).

Private interests are prohibited, by law, from effecting the broadcasting schedule or content, and, from any governmental directed criticism whatsoever. However in real practice at present, in the Radio means, we are experiencing a tremendous increase in critical reporting and open discussion by individuals outside the government and military.

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The radio has networks all over the country. Approximately 300 stations belonging to or under the management of the Department of Public Relations, (an Office of the Prime Minister, namely the Radio Broadcasting Station of Thailand), and control of approximately 40 per cent of affiliated networks, of the total number of radio stations throughout the country. The remaining 60 per cent are radio stations under the control and management of the Army, Navy, Air Force and Police.

With regard to Television it is similar to Radio in that it is under the control of the government and the army, with, in the near future an additional station belonging to the Air Force.

The government, under the 'Department of Public Relations' controls Channels 3, 9, and a new Channel, 11. Channel 3 is leased to private parties but as the others, program content screened daily by the governments 'Board of Television and Radio'.

The Television Stations with the most transmission power and extensive nation wide network are the Television Stations of the Army, namely Channel 5 and Channel 7, both leased out to private interests for operation, but content of programming very closely regulated due to country wide reception.

Since the said government controlled radio and television are absolutely monopolized or under the control of the Government, as mentioned before, both the radio and television are therefore obliged to comply accordingly to the policy of the Government as a means for government publicity. Reports of news or criticism of the policy of the Government or the performance of work of the Government cannot be made. Therefore it cannot be expected that the radio or, primarily at present, television, will report the news or criticize the performance of any acts against Human Rights by the personnel in the Government.

Likewise to any news of any thing negative done by the personnel in Ministry's/ Departments of the Government, with any indication that the acts might be against the principles of Human Rights. The radio or television will not be allowed to put it on the air as news or publicity or criticism. Radio/Television programmers must observe diligently the rules and regulations of the Government and must not broadcast any thing contradictory to, or against, the policy of the Government.

Particularly radio and television Channels 3, 9 and 11, under the supervision of the Office of the Prime Minister, will be no means be allowed to report news, pictures or criticism against the Government. Whereas the radio and television Channel 5 and Channel 7 under the control of the Army, some times do give opinions or comment on the policy of the Government or criticism on things which the army feels are not proper such as thru the program "Khun Bork Ma" (You tell us). However, this is the Army talking and not the Thai civilian mass!

Every Television Channel provides far more entertainment programming than the programs on news or educational features. Primarily music, drama and cartoons, sports, criminal/ action movies mainly from the United States of America and Hong Kong, as well as Japanese/ Chinese movies, and, Thai movies. Foreign sports programs, will be football or soccer and boxing, all major events. The live international transmission of soccer matches, American Football or professional boxing is now being introduced along with programs, on wrestling from Japan which are of an undesirable nature, rough and abusive whether male or female, and, which are not appropriate to the culture and the feelings of the Thai people. All commercial, profit oriented, with a destructive effect on the individual viewers outlook towards, not just Human Rights, but Constructive culture growth as a whole.

#### THE ROLE OF MASS MEDIA :

Suggestions for the improved promotion and protection of Human Rights.

#### NEWSPAPERS :

- Increasing the awareness of the principles of Human Rights to the public, by stressing the provisions of the Chapter on the 'Universal Declaration of Human Right'.
- Increasing the public awareness of the principles of freedom and rights in our constitution and other laws that promote Human Rights.

For instance my column 'Thongbai Thongpoo Talks', in 'Bangkok World', every Wednesday, continuously since 1984, and, the column on 'Rights and Voice of the Common People', in Siam Rath Weekly, since 1985, up till now.

There is also an excellent column in the Thai Rath newspaper titled 'Common People Laws'.

The 'Journalism Institute of Thailand' with the cooperation of Thammasat University has opened, since 1983, annual training courses, titled, 'Techniques of Professional Journalism'. These courses are held in the provinces and aimed at future writers/reporters. Subject matter for study includes Human Rights. The newspapers in the provinces have published the articles concerning Human Rights.

#### RADIO AND TELEVISION :

I suggest that there be programs about laws, rights and freedom thru open, unrestricted, talk shows and interviews for national viewing and, the establishment of a special day concerning Human Rights and the administration of Human Rights under the Democratic System'. That also

there be lectures or special symposiums discussing human rights and laws, as a minimum, in every province.

### THE PROTECTION OF HUMAN RIGHTS BY THE MASS MEDIA

The Mass Media, particularly the newspapers, play a great role in protecting human rights in the form of :

#### NEWS REPORTING

This at present, is a very efficient and effective role of many of our newspapers. Such as the reporting of the news of the wrongful arrest of numerous people by the police. The police shooting and burning people alive. The police arresting the accused and torturing them. The police shooting to death suspects in cases of wood poaching. Greedy landlords filing eviction cases against poor dwellers. Burning of slums by land owners to regain possession of the land. The para-military forces shooting to death, citizens, on unproven, general charges, of being communists, in this, the time of serious suppression of communists. On one occasion the arrest of the suspects who were then tortured by throwing them from a hill and burning them in fuel drums. We also recently had the burning of Na Sai Village in the northeast province, by para-military forces.

The reporting of the above incidents included the photos in support, as well as the special photos in the column, 'Indictment by Photos', signifying the viewpoint of the public about the defectiveness of the present administration.

The newspapers are becoming more open and more critical of injustice. The harassment, beating and unexplained deaths, on numerous occasions, in our penal system is also being more openly reported by the newspapers.

Subjects such as those mentioned receive some limited approach by independent announcers on the Radio Stations, but not at all by the Television Stations.

#### COMPLAINT COLUMN

This is one of the columns in the Thai newspapers that takes part in the protesting against, and uncovering of, the infringement of human rights. The major columns are ' PHAI PRAJAM ONE', (Daily Risks), by Chai-aree, in the 'Daily News'. 'VAI TA THIP KRAPRIB THEE NEE' (Swift Magic Eyes Twinkling Here) of Thai Rath, is also well read and received. These columns unveil the wrongful acts of the authorities, particularly the police who are very accustomed to exercising their power, in violation of the laws, or the ignoring of the breaking of the laws by influential people.

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Moreover, these columnists give special scope to news made in particular cases, for instance, Thai Rath and Siam Rath give special reports in the sections for women and children about the preservation of the rights of women and children.

#### ARTICLES

The writing of articles or comments on illegal acts are the subject matters which Thai newspapers give special attention to, despite the media control laws. Regardless of the news suppression laws, Thai newspapers can find ways to go around them. Newspapers of the opposition party are more popular than the pro-government newspapers in Thailand. And that is why most of the Thai newspapers today are in opposition to the government.

Therefore Thai Mass Media could be perceived on 2 sides. The major newspapers usually are critical of the government while the radios and television are for the government because they are under the absolute control of the government, under the laws mentioned previously.

It should be noted, however, that well known radio announcers are increasingly reading out the critical news in the newspapers, and, give comments of the news or the circumstances surrounding, which are of interest to the people. We have private radio announcers who independantly rent the time of the stations, (they are not spokesman of the station) who usually read out the news as it appeared in the newspapers, namely :

Dui Na Vangnoi  
Preecha Sabospha  
Somying Yingyos  
Hon Huay  
Thospol Sahumporn  
Ying Thai Khaikhao

Some weekly newspapers and magazines frequently report the background of the news or have features, mostly for the projection of the benefits of Human Rights. Most weekly newspapers, magazines, or monthly magazines publish novels, short stories, latest fashions, and, along with strictly movie and television magazines, are aiming, primarily at entertainment, rather than the features of Nation building and Human Rights.

#### TELEVISION

Every television station whether it be under the control of the government, such as Channels 3, 9 and 11, or under the supervision of the Army, such as Channel 5 and Channel 7. will give the time and emphasis of the station to advertisement and entertainment, comedy/cartoon shows and drama, rather than the news, current affairs features or education. There is no intentional direct promotion of Human Rights, almost without exception.

The news reported will be the result of careful subject compilation by the government, News of the Royal Households, news of the daily work and activities of the Prime Minister, or ministers, more than the news of the people or their adversities.

Any criticism on the policy(s) or administration of the government is definitely against existing Laws and Regulations. There are few news producers, writers or announcers who have really true spirit or freedom of expression in content or presentation. Few can be compared even closely with Dr. Somkiel Onvimol who is known as the 'Television Revolutionary'. He is the recent news reporter who was reprimanded, many times, for overzealousness in fashion and content until his recently being prohibited by authorities to read the news at all.

### RADIO

In increasing instances, the 'Radio Broadcasting Station' of the 'Department of Public Relations' is arranging for the debate on various topics which are of interest to the public and with some subjects dealing directly towards the promotion of Human Rights. For instance, on Sundays, between 14.00 - 16.00 hours there is a discussion program, subject matter of recent being :

1. Pros & Cons of the presently debated 'Social Security' legislation.
2. Accident and 3rd party Insurance.
3. The prostitute problem.
4. Child labor and other comparable subjects.

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### ENGLISH MASS MEDIA

A separate section is required for the vast subject matter contained in, and, the structurally different in scope, emphasis and intentions, the English media.

The depth of its role in Thailand's recent past, but even more in the present cannot be under emphasized in the countries seemingly frantic pace to develop. This development based on goals of attainment which can not be easily described or even visualized by other than generalized terms such as the English Media as an intended aid towards advancement, development, modernization., etc.

Thailand has opened its doors Internationally as a free-enterprise nation in most aspects. With our reliance on foreign interests, technology guidance and semi-partnership the English media if for no other reason than the fast pace required for participation and competitiveness is presently a domestic and foreign involvement requirement and necessity, both economically and developmentally.

Of course fast economic development and Human Rights development have not always traveled as component partners, especially in free or relatively free enterprise influenced 3rd world countries with their broad gaps of living standards and educational levels.

Thailand is no exception to the broad gap of have/have nots but has several Key points of solidity: common Language, main religion and relative mass internal tranquility making the country an increasingly sought after working partner for many industrially advanced countries,

It must be asked, what is the English media in Thailand, who does it serve and what part does it play internally and between the Nation and foreign interests? Is Human Rights emphasis included?

- A. Country wide, mass access - Television, Radio and Movies
- B. Relative broad access, Limited usage - Newspapers (Local)
- C. Limited access, Limited usage - Magazines, foreign Newspapers, Technical publications, books.

#### A. COUNTRY WIDE, MASS ACCESS

##### 1. Televisions

The English programing on the five Channels of television are composed at present, of about 10 Percent daily, dubbed in Thai, primarily sporting events, action movie/programs and situation comedy/cartoons. English sound track available on Fm radio if within 30 Km of major cities. Few Thais use the Fm/English.

Program emphasis placed on the action content, not directed at Human Rights natured educational/documentary, subjects/plots. Due to the small number of programs its mass effect minimal at present.

##### 2. Radio

The commercial radio stations that broadcast in English are centered in Bangkok or the tourist enclaves, are Fm of short range, primarily Western music, tourist information aimed at the foreign tourist. News on these stations is controlled, produced and presented by Radio Thailand.

The Voice of America programs, broadcast from Bangkok are Limited in number of rural listeners due to few having radios with the frequencies and even more so by the lack of rural English ability, although there is an hour a day in Thai.

BBC is comparable in time, Limited Listeners, and Thai content but not stationed in Thailand and irregular in reception.

### 3. Movies - Theatre

At theatres in the rural areas, approximately 10% of the movies Viewed are of foreign, English, (United States primarily, and Britain and Australia) origion, dubbed in Thai. 20% in the major towns outside of Bangkok, dubbed in Thai and approximately 35% in Bangkoks major theatres.

Eight theatres in Bangkok show only English movies on the original sound track. Attendance fallen off for this category of viewer due to Cassette Home Video. In and outside of Bangkok, action movies, comedy, Science Fiction and police/crime stories. Better quality in Bangkok due to a better educated, more abreast viewer, but, can not be qualified as sub-jectively aimed at Human Rights awareness.

### 4. Video Cassette Movies

Foreign movies (United States mainly, Britain and Australia) on video cassettes, in English or dubbed in thai, are an important port of the large video rental business in Bangkok. The renters of English movies, sound track in English, for home viewing are primarily of middle class or above stature, extensive education and are involved usually in businesses, or directly related frelds that use extensive English in their every day dealings. A vast minority as the majority rented are dubbed in Thai.

A large, basically unrestricted on subject content, profit oriented, supply of movies exists at present, primarily in Bangkok but other major cities also, with expense on viewing equipment and rental costs the Limiting factors. English sound track usually unavailable outside of Bangkok other than major tourist areas.

These movies have a tremendous westernizing effect on the limited viewers that can afford, especially those with advanced English. Along with theater movies, the main available models for immitation.

The only change to the market debated at this time is an attempt by the United States interests, to enforce Copyright protection for market control and financial benefit as most of the movies are black market obtained.

Tighter regulation on subject content by the government is not mentioned other than against excessively ob̄scene, sexually explicit movies which are minimal on the open market.

As in theatres, action movies, comedy, Science fiction and police/crime stories, with occasional, at the higher class stores, some documentaries. But a much higher rental fee/ membership fee, thusly limited viewers.

A very powerful but select market. Effects on Human Rights awareness few and far between. Westernizing effect immense.

B. LIMITED ACCESS

Limited usage, but immense effect on readers - 1. Local Newspapers, 'Bangkok Post' and 'The Nation'.

These 2 newspapers, both locally owned, have an immense effect on key individuals in Thailand's present scheme of advancement. Each with a daily circulation of 35 - 40,000, with an estimated 50% of the readers being Thai and 85% of the readers being, Primarily, Key individuals in the major business interests or directly related fields, the majority located in entirety or headquartered in or near Bangkok.

Around 80% of the working capital for both comes from advertising. Mainly expensive entertainment, real estate/property, job placement for the highly qualified, the only shipping schedules available, major international oriented businesses and financial concerns (Oil companies, automobile, Banks, Airlines), advanced office/production equipment. All directed at a very select closely intertwined, distanced at present from the mass, consumer/user group.

The priority of content for both newspapers is International news and business, both unequaled by a tremendous margin, by any Thai daily. Local news other than editorial page is comparable to the Thai dailies with a noted careful approach to internal problems, especially as initiator of the stories. Most stories of Labor/rural problems are subdued and usually follow the same stories appearance in the local Thai press.

I must note here again that I have free access to my views and articles being published, in their entirety, dealing with Human Rights Issues, with no cuts being made in content by either news paper. These appear an average of weekly.

I also had free flow of content in a weekly article in the, now closed, afternoon Bangkok Post edition. 'The World', but the theme and content of my article is seldom duplicated in intensity and Human Rights direction in articles written by the newspapers staff.

Editorials and feature articles on National affairs are relatively frequent, informative but not of an excessively demanding mass inclusion nature and seldom deal with any critical assessment of the gaps in living standards or any suggestion of direct remedial mass changes in the Human Rights field.

The vast Business and International news sections, (these 2 sections are bigger than the total pages of any Thai daily) suggests the main part the two newspapers wish to play in the advancement of Thailand's mass. To be effective indirectly by their ability to bring to the few, capable readers, the chance to understand and be abreast of world affairs and the Local and International market place.

Then, these few readers, as capable, knowledgeable and constructive players and initiators in the business, economic and directly related fields, can apply this knowledge gained to enable Thailand, hopefully as the nation whole, to be market competitive.

With of course an intended goal of direct or indirectly affected, broad national development, standard of living growth, beneficial to all, at least materially, These two newspapers are attempting the role of economic developmental middle men. Working between the major, locally headquartered and major externally headquartered, economic developmental forces.

Being careful not to violate, turn a blind eye to, or encourage violation of Human Rights but not running too deeply into the field of initiator of Human Rights Reform.

C. LIMITED ACCESS AND VERY LIMITED USAGE BUT, as the local English newspapers, an immense effect on users.

International newspapers, magazines, Technical Publications, assorted books

Vast English reading material primarily foreign published with a very limited (but key) Thai readership due to English complexity. Found only in Bangkok at the numerous major book stores, and (minus Technical/Scientific publications) with a much smaller degree in scope and numerical, at major hotels & newspaper racks/book stalls.

A readership divided evenly between Thai and foreigners with the exception of technical/job training (computers to secretarial) which are mainly Thai. Broad un-restricted content and subject matter with the absence of pornography, the latter being the only objects of reported police/governmental control.

#### 1. International newspapers

- International Herald Tribune
- The Wall Street Journal
- The Asian Wall Street Journal
- Europe Financial Times

#### 2. Magazines

- World Executive Digest - Hong Kong

- International Business Week - New York
- Asia Business - Hong Kong
- Business Tokyo
- The Economist -- Hong Kong
- Fortune 500
- Fortune 500 International
- US News and World Report
- Asia Week
- South
- Time/Newsweek
- Far Eastern Economic Review

Various others including subjects of business, science, leisure, sports, entertainment, hobbies, puzzles to comic books.

### 3. Technical/Science/Business

- From Biology, medical to physics
- Corporate Real Estate to Multi - National Corporations
- Computers to advanced Business/Economics
- Integrated Electronics to General Industrial Education....., etc.
- and much more in relatable fields.

### 4. Books on assorted subjects

- International and Local Travel - none critical, all painting a beautiful picture of Thailand.
- English study - from basic beginners to secretarial telecommunications, hotel staff, etc. Aimed at limited English, specialty training.
- Prep books for foreign University Admission Testing.
- Fiction/Non-Fiction books - foreign published - None of the thousands available deal directly with Human Rights in Thailand or any other country comparable to Thailand.

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Its amazing that in all this vast reading material one cannot find a book, pamphlet or article that deals directly with managing a small farm, growing a better harvest of rice (or other crop) or healthier chickens, ducks, cows or goats.

This is still the main bare subsistence, life sustaining norm, of 2/3 rds, or over 30 million, of this countries population.

There is one locally published book, in English, that covers the seminar at Kasetsart University, in Bangkok in 1985, the Seminar subject dealing entirely on the care, use and future of the Thai Water Buffalo.

There are two other translated books, written and published in Thailand, that could be associated with Human Rights.

- 'Political Conflict in Thailand', pub. 1981 - Events leading up to the 1976 coup, the coup itself and the direct aftermath, particularly the strengthening of the CPT., (Communist Party of Thailand)
- 'A child of the North East', pub. 1979 - Dealing with the bare survival lives of residents, during the 1930'S, in the poorest region of Thailand, the North/ East.

However, these 2 books are buried in dozens of local material painting Thailand as the mystical land of solitude, temples, elephants, the rice paddy, bliss and continual smiles.

The three, major magazines for SE Asia, 'Asia Week' 'South' and 'Far Eastern Economic Review' have never printed stories critical of Human Rights in Thailand although they have, to some degree on Malaysia, Singapore, Indonesia and the philippines.

#### SUMMARY, ENGLISH MEANS

##### A. Television, Radio and Motion Pictures

Foreign produced, English content, minimal at present on the TV channels and radio with the amount and message closely regulated by the 'Department of Public Relations' to ensure, primarily, solely entertainment.

Foreign produced English movies, available to the mass, theatre and casset. video, have on unavoidable horizon broadening effect. Some resulting awareness of the International variances in living habits and life styles. Received sub-consciously, if nothing more, and leading, at varying degress, to a comparison of a viewers own surroudings and life style. This could be considered as an initiator or aid to some Human Rights awareness. But, this is in no way the main intention of the commercial, profit oriented, entertainment motives of the films producers and distributors.

B. Newspapers, Magazines

Primarily catering, directly to a very select, numerically minute, but the most powerful force in Thailand's economic future, the key members, key staff and key controllers of the major business interests in Thailand. (Local, National or International.)

A group on the upper scales of a vast divergence that separates them from the mass of Thailand.

The present intent emphasis on mass economic development in Thailand as presented by the English news media places Human Rights issues emphasis, comparatively in the local newspapers, at a seldom mentioned level and in the regional International at a never mentioned level.

A possible message from the 'Bangkok Post' and 'The Nation', might read like this.

"Our present main mission is to assist you, the mass, in obtaining a better standard of living thru economic advancement locally, and, aiding your participation on the relatively free-enterprise world market. The part Human Rights plays during this journey will definitely have us as a diligent observer but not as a prime instigator or a leader in implementation".

"You must remember we are also a free-enterprise, profit oriented, market conscious business with a tremendous responsibility to a very limited in number, but ever so powerful group, readers, and those we can never offend, our advertisers."

CONTROLLING FACTORS, MEDIA IN GENERAL

The major factors that effect the Mass Media in connection with Human Rights are :

1. Laws. Newspapers, Radio and Television are under the control of numerous laws that effect their reporting, pictures, and general view points. Laws both for the security of the State and the protection of the rights, freedom to operate, property and wealth of a small percentage of our mass population.

1. The Press Act B.E. 2484 (1941) empowers the press authorities, to give orders, censoring the news or closure of the newspapers, in cases of violation of the peace, order and morale, of the people. It is prohibited to be critical of national policies, publication of any secrets of the administration prior to obtaining approval, etc.,. (See annex land 2)

2. Order of the Kingdom Reform Committee, No. 42, prescribing 8 points that prohibit the newspapers from reporting news or pictures. The publishers of newspapers shall obtain prior permission. (See annex land 5)

3. Anti-communist Act B.E. 2495 (1952), the amended Act, prohibiting the people to give countenance to communism, the communist party or communist organizations.

4. The Penal Code prevents the offence of lese majeste, Prevents libel against the Head of State or foreign representative, libel against any person for defaming, including the criticism of the State in an un-democratic way, shall be an offence against the security of the State.

5. The Civil Procedures Code provides the provisions concerning contempt of Court.

6. The Martial Act empowers the declaration of martial law which allows the military to have the power to censor news or close newspapers.

7. The Juvenile Court prohibits mentioning the name and the taking of photos of juveniles who have committed criminal offences.

8. Radio and Television Act B.E. 2498 (1955) prohibits the operation of Radio and Television stations without permission. Permission will not be granted to private persons to operate Radio or Television Transmission. The government alone is permitted to do so. (See annex 3)

9. The Motion Pictures Act controls the projection of and the advertisement of movies.

10. Consumers Control Act controls the advertisement of goods not to deceive consumers or give misleading information.

11. The Order of the Kingdom Reform Committee No. 15 and No. 17 prescribes the directives, on reporting news or commentary by the Radio and Television Stations. (See annex 4)

## 2. Profit necessity and advertising

As stated in the previous coverage of the English Media, the Thai press is also a semi-free enterprise, profit oriented business. The advertisers have a vast degree of influence over intensity of coverage on certain subjects and commentary and have the ability to order the reporting, or refraining from, and to effect the editorial or news Coverage of the these subjects.

The Mass Media sometimes agrees to these wishes because of the need of income, also about 80% from advertising, just to survive.

## 3. Readers effect

Today, the readers in Thailand are having an increasing effect on the need for more open and critical news/commentary in the Newspapers (Radio and Television also). The readers (listeners and viewers) and mass in general, are more abreast of Thailand's emergence into the developing world and the chance for many to experience an improvement in life style/standard of living. They are expecting the newspapers (and others) to keep them more openly abreast of all aspects thru open reporting and the newspapers (and others) realize this increasingly.

#### 4. Consciousness of the Operators

Increasingly the operators of Mass Media are sensitive towards unrestricted news and enjoy press freedom and independence. In former times when the Thai journalists were oppressed in the matter of freedom they usually made protest by resigning en bloc, or personally.

The Thai journalists have a personal song : "The life of a journalist is like a small bird in the orange plantation" which means the love of freedom. Today, every journalist has the consciousness of freedom as well.

The morality of Thai journalists confirm the love and devotion to freedom, but it is a freedom with responsibility. The 'Newspaper Professional Institute' is struggling to abrogate all the laws limiting the freedom of newspapers such as the Press Act B.E. 2484 (1941), and the Order of the Kingdom Reform Committee No. 42. Generally speaking, Mass Media professionals today have the spirit and dedication to promote freedom and Human Rights.

Along with the upholding of freedom, the majority of Thai journalists still observe : "We shall perform the duties by taking the public interests as significant, not using the position held, to seek personal benefits or interests for individuals or groups."

However, in the capitalist and social freedom scheme, as in Thailand, sometimes the proprietors or the operators of the media are obliged to bow down or listen to, the voice of the government and the voice of the key capitalists who put in the advertisement, for their survival. This often results in their refraining from giving the news or viewpoints for the advancement or protection of Human Rights and justice, by closing their eyes or failing to release certain news.

Otherwise there could be a risk of being assassinated or as a minimum the advertisement being dropped.

The facts reveal that there were many Thai reporters or journalists in the provinces who were assassinated for carrying out their duties as journalists or because of their reporting of news facts, which the persons in uniform did not wish to be uncovered. The withdrawal of Licenses of editors or publishers due to the reporting of news or giving headlines, in the newspapers, to facts that the authorities deemed might affect National or International relations, Also the reporting of the news of the annual transfer of military personnel which is prohibited.

#### INFRINGEMENT OF HUMAN RIGHTS.

The mass media in Thailand, particularly newspapers, can be said to be one of the most dangerous professions because each year there are a good number of journalists, particularly in the provinces outside Bangkok Metropolis, who are assassinated or seriously injured.

I have compiled the records of the journalists who were assaulted each year since 1976. It appears that such a large number of journalists have been assailed to the extent of there now being the saying that the profession of the journalists is the most risky profession in Thailand. When the 'Provincial Journalists Association' of Thailand had the desire to insure the lives of its members, it appeared that there was a problem because no life Assurance company accepted them as clients. It took a very long time to negotiate the agreement on the conditions before the insurance could finally be made.

The infringement of Human Rights coverage in the mass media was due to personnel in the government and also individuals/groups seeking financial benefits, illegally, such as drug traffickers, smugglers of goods, wood poachers, prostitute operators, and gamblers.

With regard to the infringement by the personnel in the government, usually it is to conceal their wrongful acts that they did not want the newspapers or mass media to reveal. An example is the case of the reporter, of 'Bangkok Post', at Nakhon Si Thammarat Province, who reported the news concerning the militia shooting to death a villager and then blaming the offence on local communists. The militia requested he not make his report but the reporter did not agree and made the report regardless, resulting in the reporter being shot dead. One reporter in Rayong Province and one reporter in Prachin Buri Province were assassinated because of reporting the news uncovering corruption and placing strong criticism on local authorities.

The cases of the withdrawal of the Licenses of editors and publishers, usually is due to the authorities finding that the newspapers made reports in violation of the 'Order of the Kingdom Reform Committee No. 42'. In addition to the closure of the newspapers, on certain occasions, the editors and the publishers were prosecuted on the charge of criminal offense as well.

For instance a newspaper was punished because of its headlining that Ean Chari, Leader of Red Kampuchians, had coffee in a shop in Thailand and the authorities cited that it might affect International political relations.

A weekly newspaper was punished for reporting the news concerning the transfer and appointment of military personnel. On the charge of violation of a warning order given, and, laws that pertain.

The editor of a newspaper in Rayong Province was prosecuted for placing the headline : "Lightning struck Sangad's house (Chief of Kingdom Reform Committee, 6th October 1976), astrologer tells of bad omen". He was prosecuted for reporting the prediction of the astrologer on the fate of the country, which it was felt, might create panic among the people. This was felt to be an offence against the 'Order of the Reform Committee No. 42'.

These being just a few of the cases, the 'Newspaper Institute' therefore presses for the amendment and abrogation of the excessively commanding laws which are the Press Act B.E. 2484 (1941) and the 'Order of the Reform Committee' No. 42.

#### INFRINGEMENT BY MASS MEDIA.

There have been infringements by the mass media as well, both on the personal rights of individuals, and, on the broader side which is infringement against the public or against the good moral of the people.

The infringement of personal rights such as articles which are intended to libel other persons on personal matters, and, resulted in the writers being sued by the injured parties and being imprisoned, or, ordered to make payment of indemnities for the damage.

The infringement against the public such as articles in the nature of Pornography, and the stories and pictures inclining towards indecency, immodesty.

The moral infringement against the public that comes from the publication of this type, such as the reporting, primarily in some weekly news papers and magazines, in extensive detail, on the cases of rape with no regard to the resulting shame inflicted on the female victims or their families. The pre-trial reporting concerning the accused to the point of convicting prior to a judgement of the court, that he or she was criminal. To the point of pre-trial labeling as outlaws, traitors, underirables or bitches, etc.

The advertisements that leave no doubt that they are centered around prostitution. This and all the above for profit and working capital for the media.

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#### SUMMARY

It is my opinion that the most productive goals towards the promotion of human rights are :

1. Peace.

Movement must be continued in the struggle for world peace, We must eliminate the danger of war because war and the state of no peace are limiting factors restricting any furtherance of human rights. For instance in Thailand, should the country be in the state of war or unrest, the military will automatically declare the enforcement of martial law causing Human Rights to be totally stopped or vastly restricted and the democratic proceedings to be made in the military courts, with the right of the people to lodge any appeal restricted, or non-existent.

2. Democracy.

This is one of the important conditions in maintaining Human Rights. In a dictatorial society, the people have no freedom nor is there any freedom for the newspapers. Human Rights are totally infringed. Therefore democracy is the favorable condition, and, it is a necessity for the maintenance and growth of Human Rights. This democracy means democracy both in politics, and, economics as well.

3. Unjustifiable laws.

In Thailand there are many laws that meet the description of dictatorship as they restrict rights and freedom of the public and newspapers. In order to develop human rights it is necessary to abrogate or amend the said laws into conformity with the principles of administration under a democratic system, such as the Press Act. B.E. 2484 (1941), the Order of the Kingdom Reform Committee No. 42 and No. 43 which restrict newspapers and printed matters. Authorities are quoted that excessively free media would lead to the promoting and propagating of communism, thusly we have the Anti-communist Act and other laws which do not afford the rights and freedom in an administration under a democratic system.

4. The Consciousness and Responsibility of the People and the Operators of the Profession of Mass Media.

People with education, consciousness, responsibility and good discipline are necessary for the survival and promotion of human rights, as well as furthering the consciousness of the people who love freedom and are ready to fight for the maintenance of individual rights.

Similarly, the mass media will require vast consciousness and responsibility as important conditions for maintaining and developing Human Rights. The mass media that is obsessed with commercial freedom without due responsibility and exercises the commercial freedom excessively will play a major part in encouraging or falling guilty to the charge of oppressing Human Rights, and thusly encouraging further laws restricting the constructive freedom of the Mass Media in general.

5. Education of the Mass.

There is the vast majority of people in Thailand who are inferior in education and do not know Human Rights. Therefore the promotion of education directed at the advancement of Human Rights is necessary. The Mass Media, Newspapers, Radio and Television, will play a leading part in helping advancement because they are the media to bring light of Human Rights to the hearts and consciousness of all our people. This being so, the government with democracy and a broad minded approach will be able to give support and make development in this field. Thailand's Radio and Television are monopolized by the government, therefore the order must be given by the government for a vast increase on coverage of Human Rights issues.

6. Democratic Government.

A Democratic Government with mass oriented consciousness, responsibility and spirit; towards promoting human rights is the most important goal. Should the government render support to this and be sincere it can persuade the enactment of laws supporting Human Rights. It can also abrogate the laws or regulations that infringe or restrict Human Rights and can give guidance to all the Mass Media means to publicize and emphasize Human Rights extensively and throughout this country.

The Press Act B.E. 2484 (1941)

Section 36. When there has been a publication in a newspaper, which, in the opinion of the Press Officer, might be contrary to public order under Section 34, he may carry out the following measures :

(1) To give a written warning to the publisher, editor and/or proprietor of a newspaper, in giving such order, he may also summon the said persons to receive explanation and affix their signatures in acknowledgement.

(2) To issue a written order to the publisher, editor and/or proprietor of a newspaper requiring the submission to Officer Censor for his examination articles or contents to be published in newspaper for a period of time not exceeding fifteen days, provided that such order may be issued only after a warning under (1) has been given out disregarded by the recipient.

(3) In case an emergency arises in the Kingdom, or in time of international crisis or war, a written order may be issued to any person requiring the submission of matters or contents to be further published in a newspaper to the Official Censor for his examination, or to order the immediate suspension or a revocation of licence, or suspension from being a publisher, editor and/or proprietor of newspaper which is under his responsibility, either for or without any period of time; and such other order may afterwards be modified.

(From) The Constitution of the Kingdom of Thailand - 1978.

SECTION 34. Every person enjoys the liberty of speech, writing, printing and publication.

The restriction of such liberty shall not be imposed except by virtue of the law specifically enacted for the purpose of maintaining the security of the State, protecting the rights, liberty, dignity, or reputation of other person, maintaining public order or good morals or preventing or stopping moral degeneration or physical deterioration of the people.

The owner of a newspaper business must, subject to the conditions provided by law, be a person of Thai nationality.

Providing financial subsidy or other assets to private newspapers by the State shall be prohibited.

Radio and Television Act B.E. 2498 (1941).

Section 4. This Act shall have no effect with regard to

- (1) the Public Relations Department
- (2) the Post and Telegraph Department
- (3) the Ministry of Defence
- (4) any Ministry, Public Body, Department, or juristic person as specified by Ministerial Regulations.

Section 5. It is forbidden to operate a radio or television service except under licence from the licensing officer.

Section 6. It is forbidden to make or trade in radio receivers or any part thereof as specified in Ministerial Regulations unless in possession of a licence to do so issued by the licensing officer or registrar, as the case may be.

Section 7. It is forbidden to make television receivers or any part thereof as specified in Ministerial Regulations unless in possession of a licence to do so issued by the licensing officer or registrar, as the case may be.

Section 8. It is forbidden in trade in television receivers or any part thereof as specified in Ministerial Regulations unless in possession of a licence to do so issued by the licensing officer or registrar, as the case may be.

Order of Administrative Reform Council # 15

3. Information or news apart from stated above shall have to be in accordance with the following criteria :

A. Information which is beneficial to the country as a whole or information giving knowledge or experience to the public, without colouring or referring to person which may be damaging or rude.

B. Shall not promote communism whether directly or indirectly.

C. Shall not cause loss of morale among the public or cause disturbance effecting national security or good relationship with foreign country.

D. Shall not be falsified information whatever.

E. Shall not be information which contradicts the peace and order or moral of the people.

Knowledge

1. It shall be knowledge for the general public or group which is not conflicting with the law, by-law, culture, peace and order, and good moral, and shall not adversely effect international relation.

2. Such knowledge shall not propagate or promote communism, directly or indirectly.

3. Such knowledge shall not cause disunity among the people and national security.

Entertainment

1. The entertainment shall have motto, promoting the people to love their country, religion, the King, and promote cultural unity in the country and not against good moral.

2. Music shall be emphasising promotion of national culture. The song shall not promote or propagate communism or cause disunity among the people, including peace and order and moral of the public.

Advertising and business service

1. The advertisement shall be in Thai. If there is to be foreign language it shall be as necessary, such as the name of the goods, name of the company, manufacture, country of origin. And the wording shall not be bad language.

2. It is prohibited to refer to the name or things of respects to the people in the advertisement.

3. In advertising drug, it shall be in accordance with the law and by-law on drug advertising of the Ministry of Public Health.

4. It is prohibited to advertise rudeness on sex which is against good moral of the Thai people or of the local, or cause rude image to the listeners in general.

5. It is prohibited to advertise weapon of war.

6. The wording in the advertisement shall not promote communism, directly or indirectly.

Order of the Administrative Reform Council # 17

Clause 2. All TV stations shall broadcast the program in general as follows:

- (1) Promote love in the country, religion and the King.
- (2) Being beneficial the the public as a whole.
- (3) The wording or speech shall be polite and not bad language.
- (4) Not promote communism, directly or indirectly.
- (5) Not cause alarm among the public or disunity.
- (6) Not effect the national security or foreign relation.
- (7) Not referring to any person or institute which may cause damage or being rude.
- (8) Not being against the law, regulations, by-law, culture and peace and order of the public
- (9) Not displaying cruelty which may cause alarm among the public.
- (10) Not indicating ot being bad example to the youth or children.
- (11) Not disclosing the secret of the authority.

ORDER OF ADMINISTRATIVE REFORM COUNCIL

No. 42

With reference to Order of the Administrative Reform Council, prescribing the private person or juristic person who wishes to operate the daily newspaper and printed matter, to submit an application to the Administrative Reform Council for consideration and approval as an individual cases; now the general situation has become eased off and the Administrative Reform Council has considered that the criteria in printed matter and newspaper should be publicised, the Head of the Administrative Reform Council, hereby issued an order as follows :

Article 1. Repeal :

- (1) Article 1 and Article 2 of Order of Administrative Reform Council No. 5, dated 6th October B.E. 2519.
- (2) Order of Administrative Reform Council No. 10, dated 7th October B.E. 2519.
- (3) Order of Administrative Reform Council No. 20, dated 11th October B.E. 2519.

Article 2. It is prohibited that anyone shall print, publicise or distribute printed matter un the law on printed matter which is of the following characteristics:

- (1) Article or photograph which is lese majeste or which is a slur on, an insult or look down upon Her Majesty the Queen, Heir to the Throne or Regent.
- (2) Article or photograph which is a slur on or insult the country or the Thai people as a whole, or any article which could cause the foreign nations to lose trust in Thailand, the Thai Government or the Thai people in general.
- (3) Article or photograph which is slur on or insult the Thai Government, or Ministry, Bureau, Department or the Government without stating clearly which is the guilt.
- (4) Article or photograph which shows vaguely that there is corrupted practice or serious offence in the government or Ministry, bureau or department in the Government, without stated what it is.
- (5) Article or photograph showing promotion of preference in

communism or which can be seen to be the tactics of the communists to undermine or destroy the security of the country.

(6) Article or photograph or head-line in the newspaper which is in falsehood or in manner which will cause alarm to the public or which will cause concern or worry, or the article of the nature which will incite to encourage disorder or against the peace and order or moral of the people, or the article predicting that which may cause the people to be concerned over the fate of the country.

(7) Article or photograph which is rude or obscene or deteriorating the moral or culture of the country.

(8) Article of photograph which is of military secret.

Clause 3. Anyone who shall be the publisher, advertiser, editor or owner of the newspaper under the law on printing, shall have to submit an application for permit from the Printing Official under the law on printing according to the form specified; and when permit has been granted by the Printing Official the newspaper may be published.

The provision of paragraph one shall not apply to the newspaper of the authority.