

Exploring Asia: Human Rights

Join us for an exploration of contemporary human-rights issues in Asia. This five-part series runs Thursdays through June 2.

King Bhumibol Adulyadej with feet superimposed on his head, a gesture that is considered highly offensive in Thai culture.

Suttichai Pookaiyaoudom, director of the Ministry of ICT at the time, threatened to sue Google if the company refused to remove the video clip from its YouTube website. While negotiations were underway between Google and the ICT, YouTube was blocked in Thailand for four months. The agreement that was reached allowed the Thai government to monitor YouTube postings coming from within Thailand and forced Google to block any videos the ICT deemed illegal or offensive to Thai culture. Internet users outside of Thailand were still allowed to view such videos.

Thailand is home to more than 68 million people, approximately 16 million of whom have access to the Internet. Yet Thailand also has one of the strictest *lèse majesté* laws in the world. Established in Thailand in 1908, *lèse majesté* (which means "injured majesty") prohibits acts considered offensive to the monarchy and is punishable in Thailand by up to 15 years in prison.

The law does not only apply to Thai citizens. In 1995, a French traveler on board a Thai Airways flight made a derogatory remark about a Thai princess. Upon landing, he was charged with *lèse majesté*, jailed for two weeks and then acquitted after writing a letter of apology to the Thai king. In 2007, a Swiss traveler

visiting northern Thailand was convicted of spray-painting graffiti on several portraits of the king while he was drunk. He was sentenced to 10 years in jail, but eventually was pardoned by the king and released.



The King of Thailand's flag.

The 1948 Universal Declaration of Human Rights states in Article 19 that "[e]veryone 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." But Thailand's criminal code allows restrictions to freedom of opinion and expression when issues deemed relevant to national security are at stake — and *lèse majesté* falls into this category. Even though the 2007 YouTube video was

clearly insulting from a Thai cultural point of view, should the Thai government be allowed to shut down YouTube in Thailand in response?

While the 2007 YouTube incident may seem like a minor infringement upon an individual's right to free speech, it helped pave the way for further government restrictions of media and press freedom, as well as Internet access, at a time of political tension in Thailand. In July 2007, the Thai government passed the Computer Crime Act, which included some of the most restrictive and potentially punitive measures governing the Internet anywhere in the world. The ruling party began to ban political chat rooms critical of its policies, shut down television stations deemed

"unfriendly" and deny licenses to radio stations sympathetic to opposition candidates and viewpoints, all the while citing national security as its reason for doing so.

Media censorship is certainly not new in Thailand. Since the end of the absolute monarchy in 1932, each successive government has

tried to control the kind of information that reaches the Thai public. But as the complexity and sophistication of mass media, the Internet and social media such as Facebook and Twitter have grown, the Thai government's efforts to control them have become more visible and problematic. To what degree is a sovereign nation such as Thailand entitled to curtail the rights of its citizens to bring about what it defines as "security"? When do cultural priorities and concerns about national security eclipse an individual's right to free expression?



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chapter 2

Thailand: YouTube, the King and Media Censorship

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Imagine sitting down at your computer one day and going to YouTube to check out the latest popular videos or see something a friend recommended, only to find a large error message spread across your screen reading "Access Denied." That's what happened in Thailand in April 2007, when the Thai Ministry of Information and Communications Technology shut down YouTube in Thailand because it found a 44-second video clip broadcast on YouTube to be offensive to the Thai monarchy. The clip showed an image of