

Thailand

In Thailand, Scholars at Risk (SAR) reported state authorities using arrests, prosecutions, and other actions to punish nonviolent student expression critical of the monarchy and demanding democratic reforms. Scholars and intellectuals also experienced legal pressure for their academic work about the monarchy. Thailand's *lèse-majesté* law remains a serious threat to academic freedom and other rights of the higher education community.

Thailand is bound by national and international legal instruments that provide protections for academic freedom. Thailand is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”¹ Thailand's constitution, despite an explicit reference to and protection of academic freedom and freedom of expression, contains significant, concerning limitations.*

Thai authorities continue to punish and apply pressure on scholars, students, and other members

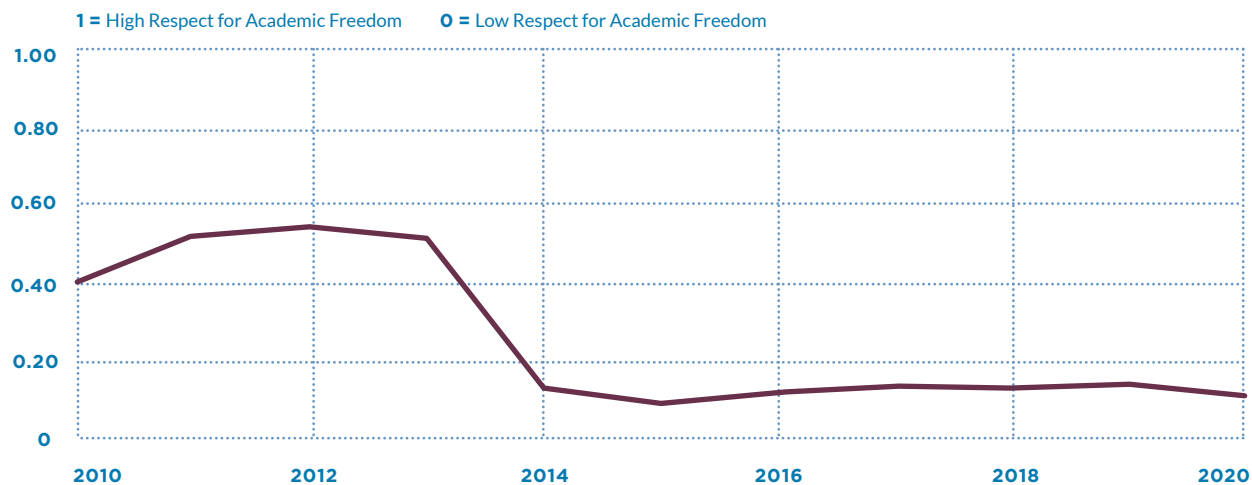
of the higher education community. Such attacks and pressures have frequently stemmed from expression and inquiry considered to be critical of the monarchy and, more recently, student-led protests demanding democratic reforms. In July 2020, Thailand's Free Youth Movement, an organization of anti-government student activists, held a “Free Youth” rally that marked the start of a string of nationwide protests demanding democratic reforms, the resignation of Prime Minister Prayut Chan-o-cha and his cabinet, the drafting of a new constitution based on the will of the people, and an end to the repression of critics of the Thai monarchy. By August 2020, a fourth demand—reform of the monarchy—had been added. The government and supporters of the monarchy have used physical and coercive legal force to oppose the student movement. Thailand's *lèse-majesté* law (Section 112 of the criminal code), which criminalizes insulting and defaming the royal family, has been routinely used against student activists.[†] The law has long been employed to restrict academic inquiry and expression.²

Over the past year, Thai authorities summoned, arrested, and prosecuted students for peaceful protest activities, social media, and artistic expression. These actions often targeted students connected to the

* According to Section 34 of Thailand's constitution, “A person shall enjoy the liberty to express opinions, make speeches, write, print, publicise and express by other means. The restriction of such liberty shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals, or protecting the health of the people...Academic freedom shall be protected. However, the exercise of such freedom shall not be contrary to the duties of the Thai people or good morals, and shall respect and not obstruct the different views of another person.” See Constitution of Thailand (2017), available at https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en.

† “Whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.” See Criminal Code of Thailand, Section 112, available at <https://library.siam-legal.com/thai-law/criminal-code-royal-family-sections-107-112/>.

ACADEMIC FREEDOM INDEX: THAILAND



When the NCPO, the military junta that ruled Thailand from 2014 to 2019, took power, respect for academic freedom in Thailand dropped from 0.52 in 2013 to 0.15, in the lowest tier of countries. Despite the March 2019 election and a transition away from military rule, experts have not reported an improvement in respect for academic freedom. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

Free Youth and related groups, such as the United Front of Thammasat and Demonstration and the Ratsadorn group. Some of the activists targeted by authorities included Thammasat University students **Jutatip Sirikhan**, **Panusaya “Rung” Sithijirawattanakul**, **Parit “Penguin” Chiwarak**, **Sirichai Nathuang**, and **Nathchanon Pairoj**; Ramkhamhaeng University student **Panupong Jadnok**; and Chiang Mai University students, **Yotsunthon Ruttapradit** and **Withaya Khlangnin**. Police arrested Sirikhan, a leader in the Free Youth Movement and a former president of the Student Union of Thailand, for her participation in and organization of a rally on July 18 that kicked off the movement, charging her with “breaching internal security and COVID-19 regulations” and sedition.³ Likewise, Nathchanon was charged with violating an Emergency Decree that limited public gatherings for his role in the protests.⁴ On May 5, Thai police summoned Yotsunthon and Withaya on charges of violating lèse-majesté and the 1979 Flag Act, which criminalizes using any means to disrespect the flag, for exhibiting an art installation during an on-campus protest deemed to be critical of the monarchy.⁵ The artwork featured a mannequin draped in plastic wrap, with white and red stripes on both sides, to resemble the Thai flag, but with the mannequin situated where a blue stripe, which represents the monarchy, would have normally been marked. Students were invited to write messages on the red and white stripes of the art piece. Panusaya, the spokesperson for the Student

Union of Thailand, was initially charged with sedition in connection with reading a declaration and a list of demands for democratic reform at a rally. She was later indicted on charges of lèse-majesté for speeches, protests, and postings on Facebook, including a letter addressed to King Vachiralongkorn and a post criticizing the government’s use of water cannons against protesters.⁶ Parit, leader of the United Front of Thammasat and Demonstration Group, and Panupong were arrested on charges of sedition, assembly with intention to cause violence, violating a ban on public gatherings, and other offenses after giving a series of anti-government speeches at student-led protests. They were later indicted on multiple counts of lèse-majesté, some of which were related to anti-government social media posts.⁷ As of August 2021, Parit, Panusaya, and Panupong were each charged with lèse-majesté in 20, 9, and 8 cases, respectively.

In and outside Thailand, human rights groups raised concerns over students and other activists being denied bail and detained amid the COVID-19 pandemic. These include Panupong, Panusaya, and Parit, who were repeatedly denied bail and began hunger strikes in protest of their indefinite detentions.⁸ Following protests over the bail denial and the students’ worsening health, Panusaya and Parit were granted bail on May 6 and May 11, respectively.⁹ Panupong also remained detained despite testing positive and being hospitalized for COVID-19.

He was released on bail on June 1.¹⁰

SAR reported on two violent incidents occurring during pro-democracy student protests. On October 21, 2020, clashes broke out on the **Ramkhamhaeng University** campus when student members of the Ramkhamhaeng Network for Democracy (RND) were confronted by a group of royalists who came to counter-protest in support of the monarchy.¹¹ According to witnesses, members of both groups began throwing water bottles and other objects at each other. An alleged royalist reportedly threw a large speaker at Thitima Butdee, a student leader for RND, injuring her. The clash came several days after an October 16 protest held in Bangkok, where police deployed water cannons against roughly 2,000 students and civilians who gathered to protest the government.¹² Police forces used water containing blue dye to identify and arrest protesters more easily. Three protesters and five police officers were injured in the protest.

Academic work regarding the monarchy was also the subject of a civil suit and university investigation during this reporting period. On March 5, 2021, a civil defamation suit seeking more than USD \$1.5 million in damages was filed against Suan Sunandha Rajabhat University professor **Nattapoll Chaiching** and four others over his writings on relations between US and Thai security forces and the state of the royal family following the end of Thailand's absolute monarchy in 1932.¹³ The plaintiff, M.R. Priyanandana Rangsit, complained that a mistake found in Nattapoll's PhD thesis defamed her father, Prince Rangsit, a member of the royal family. The mistake—noting that Prince Rangsit interfered in the government by attending a cabinet meeting while serving as Regent—was first investigated by Chulalongkorn University (CU) officials in 2018. CU officials found that the mistake was not intentional, but nevertheless froze public access to Nattapoll's thesis. (Access to the thesis remains restricted to this day.) In 2020, Nattapoll published a revised version of his thesis in book form, striking misread evidence that was the cause of the mistake. The book sold widely, apparently owing to the ongoing pro-democracy protests, and, despite the corrections made to it, prompted renewed criticism and calls by royalist academics for CU to investigate Nattapoll as well as the above-mentioned lawsuit filed by M.R. Priyanandana Rangsit. The university commenced a new investigation in February 2021; the results could lead to the revocation of Nattapoll's degree.¹⁴ Nattapoll's thesis advisor, **Kullada Kesboonchu-Mead**, and three current and former staff from the publishing house that released the book, are listed as codefendants in the lawsuit.

Arrests and prosecutions intended to restrict and punish peaceful student expression undermine academic freedom and the role universities play in functioning democracies. They chill academic inquiry and expression, depriving society of the benefits of higher education and research. For Thai higher education and society generally to flourish, students and academics must have the freedom to peacefully voice dissent, ask questions, and conduct academic research without fear of coercive legal action.

SAR calls on state authorities in Thailand to release and drop charges against wrongfully imprisoned student activists; repeal the *lèse-majesté* law; amend the sedition law in compliance with international human rights standards; and draft legislation to ensure greater protection of academic freedom, consistent with international human rights and higher education standards and principles. SAR also calls on the international higher education community and government leaders to press Thai authorities to take the above actions and to support at-risk scholars and students in Thailand.

ENDNOTES

1. See UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 17, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.
2. See SAR's Submission to Third Cycle of the Universal Periodic Review of Thailand (March 2021), at <https://www.scholarsatrisk.org/wp-content/uploads/2021/03/Thailand-UPR-Submission-.pdf>.
3. SAR Academic Freedom Monitoring Project (AFMP), September 1, 2020, <https://www.scholarsatrisk.org/report/2020-09-01-thammasat-university/>.
4. SAR AFMP, October 15, 2020, <https://www.scholarsatrisk.org/report/2020-10-15-thammasat-university/>.
5. SAR AFMP, May 5, 2021, <https://www.scholarsatrisk.org/report/2021-05-05-chiang-mai-university/>.
6. *Ibid.*
7. "Three Thai Protest Leaders Re-Arrested, One Carried From Van," *Reuters*, October 30, 2020, <https://www.usnews.com/news/world/articles/2020-10-30/three-thai-protest-leaders-re-arrested-one-carried-from-van>.
8. SAR, "Grant Thai students the right to bail," May 5, 2021, <https://www.scholarsatrisk.org/2021/05/grant-thai-students-the-right-to-bail/>.
9. "Thai student jailed for insulting king gets bail, others denied," *Reuters*, May 6, 2021, <https://www.reuters.com/world/asia-pacific/thai-activist-lawyer-contracts-covid-19-while-jailed-charge-insulting-king-2021-05-06/>; "Thai court grants bail to 2 protest leaders in jail for royal insults," *Reuters*, May 11, 2021, <https://www.reuters.com/world/asia-pacific/thai-court-grants-bail-2-protest-leaders-jail-royal-insults-2021-05-11/>.

FREE TO THINK 2021 | Thailand

10. Panarat Thepgumpanat, "Thailand reports record COVID-19 infections after prison clusters," *Reuters*, May 13, 2021, <https://www.reuters.com/world/asia-pacific/thailand-reports-record-covid-19-infections-after-prison-clusters-2021-05-13/>.
11. SAR AFMP, October 21, 2020, <https://www.scholarsatrisk.org/report/2020-10-21-ramkhamhaeng-university/>.
12. SAR AFMP, October 16, 2020, <https://www.scholarsatrisk.org/report/2020-10-16-various/>.
13. Thongchai Winichakul and Tyrell Haberkorn, "A censored thesis then a defamation lawsuit: academic freedom in Thailand," *New Mandela*, March 19, 2021, <https://www.newmandala.org/a-censored-thesis-then-a-defamation-lawsuit-on-publication-academic-freedom-in-thailand/>; Association of Asian Studies (AAS), "AAS Statement on Academic Freedom in Thailand," April 7, 2021, <https://www.asianstudies.org/aas-statement-on-academic-freedom-in-thailand/>; PEN International, "Thailand: Government expands use of legal system against critics, criminalising peaceful expression," April 20, 2021, <https://pen-international.org/fr/nouvelles/thailand-government-expands-use-of-legal-system-against-critics-criminalising-peaceful-expression>.
14. SAR AFMP, February 1, 2021, <https://www.scholarsatrisk.org/report/2021-02-01-chulalongkorn-university/>.