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PERMANENT MISSION OF THAILAND
GENEVA

The Permanent Mission of Thailand to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR), and with reference to the High Commissioner's letter dated 3 August 2010 inviting the Government of Thailand to share its experiences with regard to implementing the prohibition of incitement to hatred through national legislation, judicial practices, and different types of policies, has the honour to forward herewith the general information on Thailand's legislation, judicial practices and policies on the prohibition of incitement to national, racial or religious hatred. The Permanent Mission of Thailand hopes that the information contained therein will be reflected in the studies forming the basis for discussions during the workshops mentioned in the High Commissioner's letter.

The Permanent Mission of Thailand to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



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**General Information on Thailand's legislation, judicial practices and policies
on the prohibition of incitement to national, racial or religious hatred**

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination is prohibited by section 30 (3)¹ of the Thai Constitution.

However, Thailand has no law that directly sets punitive measures towards national, racial or religious hatred propaganda. The related laws covering this issue are as follows:

1. The Criminal Code stipulating that making others commit an offence, propagating or announcing to the public to commit an offence, being accomplices toward an offence by supporting or facilitating, are criminal offences to serve the same legal punishment as the offenders themselves (Articles 83-88). Insulting others or announcing propaganda constitute offences to serve a fine or imprisonment, or both (Article 393). Any act of insult to religion towards objects or places, or causing disturbances at religious congregations or ceremonies will serve a fine or imprisonment, or both (Articles 206-207).

2. The Radio and Television Broadcasting Act B.E. 2498 (1995) prohibits transmitting or arranging for radio or television transmission of news and information known to be untrue, which may cause damage to the country or people (Article 10). Offenders will face a fine of not more than 2000 baht or imprisonment of not more than one year, or both (Article 21). This law is supplemented by other regulations and Ministerial Regulations containing supportive measures, such as:

(a) The Ministerial Regulation Edition 14 dated 14 November 1994 sets specifications of broadcasting programmes to be: of intention to service and for true benefit of the public, considering equal rights and accessibility to news and information by the people, as well as promoting education, culture and ethics, which do not contradict good Thai moral values and traditions (No. 14). The Regulation further specifies about broadcasting programmes, including commercials and business management, not to be of the nature that may affect or insult the monarchy or foreign leaders, which can cause insult to the country, the government, any government officers or any group of people, or which cause insult and damage to any religion, or show disrespect for the country's highly-respected persons, places or objects, or which disrupt peace and order of the people causing disunity of the peoples in the nation or damaging Thailand's relations with other friendly nations, or which are insults on other persons. Violations of these regulations can face suspension or revocation of the operator's broadcasting license.

(b) The Consumer Protection Act B.E. 2522 (1979) specifies consumer protection rules regarding commercials or advertisement that their copies must not contain any wordings that are unfair to the consumers/ damaging to the general public or that may cause disunity or division among the people.

¹ Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical/ health condition, personal status, economic or social standing, religious belief, education, or Constitutional political views, shall not be permitted.