



**Joint statement of 6 media professional guilds
On the Emergency Decree’s impact on the freedom of the press and the public**

On July 10, 2021, the Thai government invoked Section 9 of the 2005 Emergency Decree on Public Administration in Emergency Situation, introducing a new set of measures concerning the media. They include Article 11, which outlaws “the distortion of information and news that cause misunderstanding in the emergency situation, the presentation and dissemination of news in books, published material and other media that contain messages that incite fear to the public, or intentionally distort information to create misunderstanding in emergency situation that impacts state security, peace and morality of the public.” Any infraction will be considered a violation of the Emergency Decree.

In the light of the development, 6 media professional guilds, whose names are identified at the end of this statement, met to discuss concerns expressed by media professionals and members of the public. We reached the following conclusions:

1.The new measures issued under the Emergency Decree differ from the previous enactment of the same Decree, which specifically limited its scope to only (1) information related to the COVID-19 pandemic and (2) presentation of false news or information. The previous measures also required law enforcement officials to warn, suspend, or instruct the offenders to amend the information before taking any legal action. The omission of those crucial clauses amounts to empowering state officials to enforce the measures in accordance with their own discretion, which may affect the media’s duty to present news information and the public’s freedom of expression.

2.In practice, there are already many existing laws that allow state officials to suspend or take legal action against news or information that intentionally distorts facts to cause damages and dangers to the public, such as the Computer Crime Act and the Communicable Diseases Act. Therefore, the new measures enacted under the Emergency Decree provokes concerns that the government may intend to wield the power under the Emergency Decree to infringe on the freedom of the press and public’s freedom of expression, potentially abusing the law to silence news and information unrelated to the pandemic situation.

3.Throughout the past year and a half of the pandemic, there are many well documented cases in which state agencies were repeatedly responsible for miscommunication and causing confusion to the public and the media. The government should solve the problems of misleading news or information by turning to the many existing venues of cooperation with the media instead of resorting to legal mechanisms that would negatively impact the media’s work in keeping the public informed.



4. We'd like to encourage news organizations and media professionals to keep reporting on the COVID-19 pandemic while strictly adhering to journalist ethics and codes of conducts, in order to assure the public that news and information presented by the media is accurate and credible.

5. As the pandemic continues under the changing media landscape - which permits any individual to present news and information to an increasingly larger audience - we urge members of the public to be vigilant in exercising their discretion when receiving and sharing news and information. To achieve this end, news consumers can also rely on the efforts by many news agencies and civil society organizations who are working to fact check and verify the deluge of information on social media.

We urge the government to reconsider the new measures mentioned in this statement. The government must also clarify the enforcement of the new measures in a clear manner, to prevent them from being misused as an instrument to crack down on the freedom of the press and the public's freedom of expression. The rights to information and expression cannot be infringed, especially during the ongoing crisis of the pandemic.

July 15, 2021

The National Press Council of Thailand
 The News Broadcasting Council of Thailand
 The Thai Journalists Association
 The Thai Broadcast Journalists Association
 The Society for Online News Providers
 The National Union of Journalists