

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

9 February 2012

AI Index: ASA 39/001/2012

Thailand: Protect academic freedom at university

Thammasat University's decision to ban from its campus an academic group working on reform of the *lèse majesté* law constitutes a violation of the human rights principle of academic freedom and should be revoked, Amnesty International said today.

On 30 January Thammasat rector Somkid Lertpaithoon announced that Nitirat (known in English as Enlightened Jurists), made up of seven Thammasat academics, was no longer permitted to campaign for reform of Article 112 of Thailand's Criminal Code on campus. Known as the *lèse majesté* law, the Article criminalizes defamatory remarks, insults and threats to several members of Thailand's royal family.

Thammasat's Somkid stated that because the university is a "state agency", "people may understand that Thammasat agrees with or disagrees with the campaign", and that Nitirat's actions could affect "the safety of staff and property".

The university's decision, part of an ongoing tightening of restrictions on freedom of expression in Thailand, further violates that right as well as academic freedom.

Academic freedom is a principle based on the rights to free expression and opinion, as well as the right to education. This right is enshrined in Article 26 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Economic, Social, and Cultural Rights, to which Thailand has been a state party since 1999.

Passionate and even contentious debate and disagreement are the pillars of academic freedom. Where academic freedom is threatened by violence, the correct response is to redouble efforts at protecting it—not to suppress it by singling out a party for banning.

The Committee on Economic, Social, and Cultural Rights (CESCR), which interprets the Covenant, has stated that "the right to education can only be enjoyed if accompanied by the academic freedom of staff and students".

In its comment on the right to education, the CESCR wrote:

Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfill their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction.

Background

On 1 and 8 February 2012, state-supported Maharakham University also refused permission for a group of students to hold a public forum on the *lèse majesté* law, citing concerns of possible violence.

Nitirat is part of the Campaign Committee for the Amendment of Article 112, an umbrella organization of nine groups which since 15 January 2012 has been trying to solicit 10,000 signatures in support of a reform bill for Thailand's parliament.

Since the start of 2011, various groups have expressed public support for or against calls for review of the *lèse majesté* law. While the Truth for Reconciliation Commission of Thailand, formed in the wake of deadly political violence in 2010, advocated reform of the law on 30 December 2011, on 18 January the National Human Rights Commission of Thailand issued a public statement supporting the law.

Eight persons of royal lineage and 224 international academics wrote letters in favour of reform on 6 January and 1 February respectively, while the political parties making up Thailand's coalition government and the opposition Democrat Party agreed in January 2012 to oppose any amendments to the law.

ENDS/

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org
