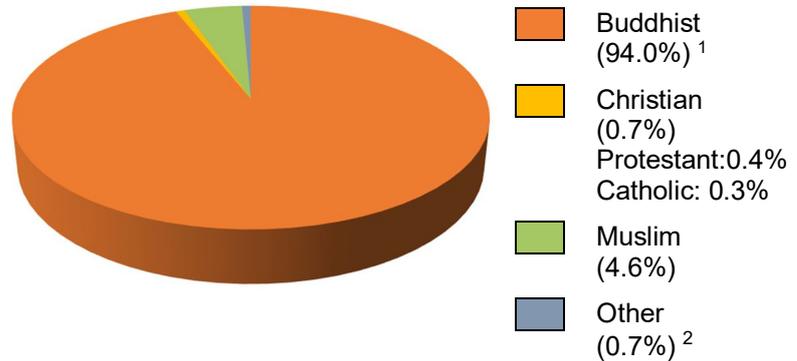
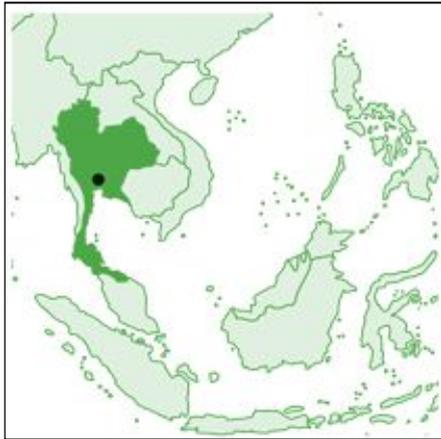


THAILAND



Area: 514,000 km ²	Population: 67.2 million	Political system: Monarchy	Major Language(s): Thai
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Legal framework on Freedom of Religion and actual application

In the wake of the coup d'état of 22nd May 2014, during which the army seized power, the situation for religious freedom in Thailand remains somewhat paradoxical. The pre-existing constitution was suspended by the junta, who promulgated an interim alternative. Religious freedom was fully enshrined in the original constitution but the new one is seen as failing to provide adequate protection of civil liberties.³ In this profoundly Buddhist country, the religion's place in society has been the subject of much debate, and pressure has been growing for the committee charged with promulgating the new constitution to enshrine Buddhism as "the national religion of the country". Pressure for Buddhism to be recognised as the state religion began well before the junta came to power. Moves in this direction date back to earlier re-drafting of the constitution in 1997 and 2007.

In 2007 the pressure was particularly strong.⁴ Groups of Buddhist lay people and monks – organised into associations, such as the National Centre for the Protection of Thai Buddhism and the Council of Buddhist Volunteers of Civil Society –demonstrated in front of Parliament after the authors of the constitution refused to insert a clause giving Buddhism the recognition they felt it deserved.

Nearly a decade later, on 10th January 2016, a demand to enshrine Buddhism in national life was rejected by the editorial committee charged with drafting the constitution. Leading the committee is Meechai Ruchupan, a specialist in civil law and a habitué of constitutions drafted under military regimes. He said that for the country such a clause would be "dangerous in the long term". He added however, that specific wording would be inserted "to protect and support Buddhism".

This recurring debate attests to the strongly nationalistic character of Thai Buddhism.⁵

Indeed, the vast majority of Buddhist monks and a significant proportion of the populous want to see Buddhism recognised as the national religion. Each time such a campaign is launched, the nationalist preaching is proclaimed loudly in temples around the country and supportive petitions begin to circulate.

The principal argument put forward for inserting such a clause is, first of all, that more than 90 percent of the country's 67 million people are Buddhists. The examples of Myanmar (Burma) - in relation to Buddhism - and Malaysia - in relation to Islam - are cited in support of this. Such

comparisons are not without irony given the nature of Burma's 'nationalist Buddhism' and, to a lesser extent, the nationalism of Malaysian Islam. A second supporting argument is that Buddhism is threatened from within as a result of the bad conduct of a growing number of monks. A further factor frequently cited is the conflict between the rebels and the security forces in the south of Thailand, where the population is 80 percent Malay in culture and Islamic in religion.⁶ Sometimes, proponents of state Buddhism in Thailand argue that the move would help stop the alleged influence of Christianity, a surprising claim given the faithful number less than one percent of the population.

Since 1997 the constitutions of the country have always contained provisions aimed at promoting Buddhism. Foremost among them is that the king, the head of state, must be a Buddhist. Buddhism is taught in all state schools, and laws governing the consumption of alcohol and banning abortion have been passed under pressure from Buddhist groups. Khemthong Tonsakulrungruan, an expert in constitutional law, points out that during the debate on the constitution of 2007 a decision was made to use the term *nititharm* (*tharm* relating to *dhamma*, the teaching of the Buddha) – which has religious connotations – instead of the normal term *nitirat* to indicate the 'rule of law'.⁷

The idea that the country should be led by "virtuous men" – virtuous because they have accumulated merits in their present life and in their former existences – is deeply rooted in Buddhism. This idea has been reinforced in recent years since a section of the population has denounced what is regarded as the "corruption" of elected politicians. Certain terms with a specifically Buddhist connotation, such as *silatharm* (moral sense) and *jariyatharm* (ethical), were used repeatedly during demonstrations held by the Popular Democratic Reform Committee (PDRC) – representing the Yellow Shirts of the royalist camp in 2013 and 2014. The protestors called for the sacking of the Prime Minister, Yingluck Shinawatra, who held power from 2011 to 2014.

Incidents

In an October 2015 interview with the Bangkok Post, Korn Meedee, secretary of the committee campaigning to have Buddhism enshrined in the constitution, claimed that Buddhism was in decline.⁸ Mr Meedee said that if Buddhism became the national religion, it would strengthen the faith. He gave examples including imposing heavy fines and prison sentences for monks who dishonour Buddhism and passing legal statutes making it possible to destroy "images that represent Buddhism in an inappropriate manner".⁹

He said: "We want to eradicate the impure forms of Buddhism, such as the use of religion for commercial ends and likewise the use of Brahmanic statues in the interior of Buddhist temples."¹⁰ Hence, what is envisaged is the state's capacity to monopolise the Buddhist outlook – an elitist purging of the religion which has little in common with the faith in the way it is practised by the majority of the faithful.

In reaction, Vichak Panich, an expert on Buddhism, has explained at length in his Facebook page what in his eyes are the dangers of enshrining Buddhism in the constitution.¹¹ He wrote: "Buddhism as [the] state religion would be a purely state-imposed version of Buddhism, tied to the ideology of 'Nation, Religion, Monarchy', and one that would not open the door to other interpretations of Buddhism...What is more, the Buddhism that touches people's hearts is a diversified, imaginative Buddhism that has little to do with the National Buddhism envisaged by these groups."¹² His remark echoes the explanations of some historians for the decline of Buddhism in India after the eighth century, when the religion was abandoned by the ordinary people and practised only by a narrow elite.

Other commentators, such as the journalist Prasit Preuksajansiri, writing in the weekly newspaper *Matichon*, think that such a 'nationalisation' of Buddhism would inevitably result in a further increase in tensions in the South by giving the Malay Muslims the sense of being rejected from the

national community. A proposal for a Buddhist park, covering an area of 16 hectares in the southern province of Pattani, close to the Malaysian frontier, prompted a wave of opposition on the part of local Muslims in January 2016, an illustration of the sensitivity of the subject.

Duncan McCargo, an expert on Thailand, notes two Buddhist groups who have united in the campaign for Buddhism to be recognised in the constitution as the state religion but who are otherwise on opposite extremes of the political spectrum. These are the Buddhist monks linked to the Red Shirts (the supporters of the Shinawatra political clan) and the ultra-royalist monks allied to the opposite camp, that of the Yellow Shirts. "They were defeated in 2007 by an alliance between civil society and the liberal royalists (though they too were aligned with the movement of the Yellow Shirts), for whom proclaiming Buddhism as the national religion was going too far," he wrote in the *Critical Asia Studies* review in 2012. He added: "In other words, over this issue, many royalists are progressives and the majority of the red shirts are reactionaries."¹³

Despite the fact that this religious clause has again been rejected in the constitution, it is nonetheless clear that on each occasion the campaign for a "national Buddhism" is gaining ground. Tens of millions of ordinary citizens are signing petitions, galvanised by the preaching of the monks who are sounding the alarm about a "future eradication" of Buddhism in the south of the country.

Such concerns come at a time of apparent Government failure to resolve conflict in the south of Thailand. In the three war-torn southern provinces on the frontier with Malaysia (Pattani, Narathiwat and Yala), the seizure of power by the Army in Bangkok has not translated into progress in the field of peace negotiations to bring an end to this particularly bloody conflict. With an average of three serious incidents each day, nearly 6,000 people have now died there since 2004.

This conflict is a bitter struggle between the central power and the majority Malay Muslim population in these three provinces, who are demanding recognition of their distinctiveness within what until 1939 was known as Siam and what was subsequently renamed Thailand. The background to this conflict is not strictly speaking a religious one. Instead it is about whether Bangkok will recognise the existence of a community resistant to assimilation into the dominant culture which is seen as Thai and Buddhist. This minority is demanding the right to speak a different language, a Malay dialect, to have a different religion, Islam, and to be rooted in a different culture, one of Malay origin.

The security response implemented for years now by Bangkok is revealing its limitations. A force of more than 60,000 soldiers and police is not sufficient to control a population of around two million people, nor to eradicate the violent militants. Retaliating to the murder of Thai teachers and Buddhist monks, government forces have used violence which it claims is legitimised by the use of emergency powers in place in these three troubled powers. The negotiations currently being conducted through Malaysian mediation seem unlikely to bear fruit in the near future.¹⁴

As far as the tiny native Christian minority is concerned, there are no difficulties of particular note. The Christian communities, and in particular the Catholic Church, continue to use the country as an accessible base for organising meetings and conferences for Church personnel working in different Asian countries. Moreover, the legislation for obtaining visas continues to allow a large number of foreign missionaries to exercise their activities freely in the country.

Finally, there are two points worth noting in relation to the contemporary religious situation within Thailand, yet connected to the country's external relations. First, the attack on 17th August 2015 in Bangkok when a bomb explosion in the heart of the capital left 20 people dead and more than 120 injured. It took place very close to the temple of Erawan, visited by thousands of people every day. Of the 20 victims, 14 were foreigners.¹⁵ Six months later, in mid-February 2016, two Chinese of Uighur origin, Bilal Mohammed and Yusufu Mieraili, were brought before a Thai military tribunal. They denied all the charges against them. According to the police, the two men had admitted taking part in the explosion of 17th August – for which no group has yet claimed responsibility. The

lawyer for Bilal Mohammed maintained that his client had denied any involvement, claiming that he had been submitted to interrogations that amounted to “torture”, a charge the police deny. Although the motive for the attack remains unknown, it is significant that it took place after Thailand’s forced repatriation to China of 100 Uighur refugees – Chinese Muslims.¹⁶

The other question concerns up to 250 Pakistani Christians who fled persecution in their country and who are now in prison in Thailand.¹⁷ They are among about 6,500 Pakistani Christians who took refuge in the country. After their tourist visas expired, they were arrested and detained by Thai police. The United Nations High Commission for Refugees (UNHCR) has been criticised for alleged slow processing of their asylum applications. This makes the situation extremely difficult for these refugees.¹⁸ In 2015 two Pakistani Christian women, aged 30 and 40 respectively, died of illness in an immigration detention centre.¹⁹ In another case, the parents of four children aged between eight and 13 were placed in detention while the children were left to fend for themselves outside.

Prospects for Freedom of Religion

Thailand’s military rule, while undoubtedly characterised by severe restrictions on freedom of expression, has not translated into direct assaults on religious freedom. As to the future, the royal succession is very uncertain, a factor of increasing concern given 88-year-old King Bhumibol Adulyadej’s age and illness. It is no secret that within the trilogy of monarchy, religion (Buddhism) and nation – established by the kings of Siam at the beginning of the twentieth century and remaining officially to this day as the foundation of Thai national identity – the first of these two pillars will be considerably weakened by the coming royal succession. From that point onwards, the weight of national identity will tend to rest on Buddhism. Will it be sufficiently strong to compensate for the loss of a sovereign who is considered by the Thai people as “goodness incarnate” and still maintain a strong sense of social cohesion in the country? It is a question that remains to be answered.²⁰

¹ Theravada Buddhism.

² Source : 2010 census: http://web.nso.go.th/en/census/poph/report/adv_e.htm

³ *BBC*, 22 May 2014 : « Thailand military seizes power in coup » (<http://www.bbc.com/news/world-asia-27517591>)

⁴ *Eglises d’Asie*, 16 July 2007 : « L’Assemblée constituante a rejeté une proposition visant à inscrire le bouddhisme comme religion d’Etat dans la future Constitution » (<http://eglisie.mepasie.org/asia-du-sud-est/thailande/2007-07-16-l2019assemblee-constituante-a-rejete-une/>)

⁵ *Eglises d’Asie*, 11 November 2014 : « Bouddhisme et politique en Thaïlande » par Arnaud Dubus (<http://eglisie.mepasie.org/asia-du-sud-est/thailande/2014-11-11-pour-approfondir-bouddhisme-et-politique-en-thailande>)

⁶ *The Diplomat*, 7 May 2014 : « Thailand’s Deep South: Living in Conflict » (<http://thediplomat.com/2014/05/thailands-deep-south-living-in-conflict>)

⁷ *The New Mandala*, 15 January 2016 : « Buddhist politics and Thailand’s dangerous path » (<http://asiapacific.anu.edu.au/newmandala/2016/01/15/buddhist-politics-and-thailands-dangerous-path/>)

⁸ *Bangkok Post*, 25 October 2015 : « Push to make Buddhism state religion » (<http://m.bangkokpost.com/news/741924>)

⁹ Worth citing here is the decision by the Thai culture minister on 12 October 2015 to ban the showing of the film *Abhat* (‘offended’, in Pali, the sacred language of Theravada Buddhism), which describes the sexual errancy of a young Buddhist monk. The decision provoked some very sharp criticisms within Thai society. The film was finally shown in cinemas at the end of October, but only after the filmmaker, Kanitta Kwanyoo, had agreed to cut all the scenes considered “inappropriate” by the ministry’s board of censorship.

Abhat tells the story of a young Thai delinquent who is forced by his mother to become ordained as a bonze in order, she hopes, to bring him back to the straight and narrow. But once clad in the saffron robe, the young man does not change his ways but instead engages in intimate relations with a woman, thereby breaking one of the fundamental rules of the *vinaya pitaka*, the code of monastic discipline. Other scenes show other adult monks likewise engaged in conduct forbidden by their monastic discipline.

See *Eglises d’Asie*, 20 November 2015 : « La censure d’un film sur le bouddhisme est mal ressentie par les Thaïlandais » (<http://eglisie.mepasie.org/asia-du-sud-est/thailande/2015-11-20-la-censure-d2019un-film-sur-le-bouddhisme-est-mal-ressentie-par-les-thailandais/>)

¹⁰ *Bangkok Post*, 25 October 2015 : « Push to make Buddhism state religion » (<http://m.bangkokpost.com/news/741924>)

¹¹ <https://www.facebook.com/pvichak>

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- ¹² *Eglises d'Asie*, 25 May 2015 : « L'institution bouddhique représente un 'Etat dans l'Etat' » (<http://eglasie.mepasie.org/asia-du-sud-est/thailande/2015-05-25-pour-approfondir-ab-l2019institution-bouddhique-represente-un-2018etat-dans-l2019etat2019-bb/>)
- ¹³ *Critical Asia Studies*, December 2012 : The Changing Politics of Thailand's Buddhist Order by Duncan McCargo (<http://criticalasianstudies.org/issues/vol44/no4/the-changing-politics-of-thailands-buddhist-order.html>)
- ¹⁴ *The Nation*, 13 March 2016 : « A peace process that's going nowhere » (<http://www.nationmultimedia.com/opinion/A-peace-process-thats-going-nowhere-30281417.html>)
- ¹⁵ *BBC*, 5 October 2015 : « Bangkok bomb: Has the case been solved? » (<http://www.bbc.com/news/world-asia-34409348>)
- ¹⁶ *The Diplomat*, 5 August 2015 : « Why Thailand Returned the Uyghurs » (<http://thediplomat.com/2015/08/what-thailand-returned-the-uyghurs>)
- ¹⁷ *BBC*, 26 February 2016 : « The Christians held in Thailand after fleeing Pakistan » (<http://www.bbc.com/news/magazine-35654804>)
- ¹⁸ *Eglises d'Asie*, 18 March 2016 : « Après avoir fui leur pays, des centaines de chrétiens pakistanais se retrouvent en prison en Thaïlande » (<http://eglasie.mepasie.org/asia-du-sud-est/thailande/2016-03-18-apres-avoir-fui-les-persecutions-dans-leur-pays-des-centaines-de-chretiens-pakistanais-se-retrouvent-dans-les-prisons-thailandaises>)
- ¹⁹ *Christians in Pakistan*, 2 January 2016 : « Thailand: A Pakistani Christian woman dies in detention center » (<http://www.christiansinpakistan.com/thailand-a-pakistani-christian-woman-dies-in-detention-center/>)
- ²⁰ *The Atlantic*, 31 May 2015 : « Thailand's Royal Conundrum » (<http://www.theatlantic.com/international/archive/2015/05/thailands-royal-conundrum/394529>)