

FILM REGULATION IN THAILAND

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Abstract - This article describes the current situation of film regulation in Thailand and explores problems with the regulation system. At present the Thai government uses state control to regulate the content of motion pictures but there are no laws governing film structure regulation. Film regulation in Thailand has shifted from a system of prior censorship that was used for more than 70 years to a new system of film classification, or a rating system, that was instituted in 2009. Content regulation of films in Thailand falls under the legislation of the “Film and Video Act B.E. 2551 (C.E. 2008)” and the rating system is delineated in the attendant Ministerial Regulations on Classification of Films, B.E. 2552 (C.E. 2009). The law calls for a committee under the responsibility of the Ministry of Culture to be in charge of rating films, placing them into one of 7 categories. The problems with the content regulation of films in Thailand that are still under heavy debate by academics, professionals in the film industry, and society at large include unfitting or unfair ratings given to certain films, different interpretations of the law, and the use of discretion by each rating committee, which lacks clear guiding principles and leads to a large variation in rating standards. The recommendations for improving the situation: (1) Clear principles for film rating decisions should be agreed upon by all stakeholders and then written up as guidelines for the film rating committee so the members can adhere to common standards as much as possible. (2) A short explanation should be given as to why each film was given the rating it was. (3) Information about the decisions of the film rating committee should be widely disseminated so that not only will more members of the viewing public be aware of the ratings, but people will be more knowledgeable about the rating system used in Thailand. (4) Lawmakers should consider revising the rating categories for youth viewers., especially the 13+ “appropriate for viewers aged 13 years and over” and 15+ “appropriate for viewers aged 15 years and over” categories, because adolescents in the 13-15 age range are really very similar. (5) Agencies responsible for film regulation must have a system and mechanisms for monitoring, evaluating and gathering information on problems and difficulties that affect film regulation in Thailand so that they can develop the system and methods and make improvements where necessary.

Index Terms - Film regulation, film classification, film legislation, Thailand.

I. INTRODUCTION

Film regulation in Thailand has been around ever since films were first shown in Thailand and foreign film makers started to use Thailand as a location for shooting films, even before a specific law about film regulation was enacted, because government authorities thought cinema was an influential medium that impacted the public. Because some of the content portrayed crime, methods used by criminals and indecent material, it was believed these negative impacts could affect peace and order in society and even national security, so it was necessary to impose regulation on films. Then in 1930 the Film Act B.E. 2473 was enacted, and it was enforced for the next 77 years.

The Film Act B.E. 2473 prohibited the creation, showing, acting or announcing of motion pictures that disrupt social order or transgress good morals. The 4 main types of content that were disallowed were (1) national security; (2) morals (including obscenity); (3) disrespect of religion; and (4) violence. [1] Under the law, the Ministry of the Interior was in charge of inspecting films, and the Police Department issued relevant orders and appointed the committee in charge of film censorship. Thailand’s system of film regulation under the Film Act B.E. 2473 used the method of prior censorship to insure that the content of

films was within the legal framework. The intention was to prevent people from imitating bad things they saw in movies, to prevent people from being influenced by provocative content regarding crime, and to prevent people from admiring bad behavior and taking it as a model to emulate. The government wanted to guard viewers from immoral content that could lead to moral corruption and social disorder. They were also concerned about national security and wanted to avoid content that would lead people to have contempt for the government or government officials or that would incite discord among ethnic groups or nationalities. [2]

The main problem with film regulation in that time period was one of interpretation of the law, compounded by the different standards used by members of the committee responsible for film censorship, which changed from time to time. Film makers then tried to avoid making films that might break the rules. The Film Act and related regulations were like a conceptual cage that the film industry was trapped inside, and film makers could not freely express their creative ideas. Thai films became monotonous, all involving the same content, presentation techniques and storytelling. The quality of Thai films stagnated and did not develop further, so the Thai film industry could not compete with that of other countries. As a result, people involved in the

Thai film industry began to call for repeal or amendment of the law. The first tangible step towards reform was the issuance of a regulation of the Prime Minister's Office on promotion of the film industry in Thailand in 1990. It established a film promotion board to propose policies and plans to the Cabinet and to coordinate between government agencies and the private sector to provide greater assistance and support for the Thai film industry. The film promotion board was also intended to give suggestions and comments to the prime minister about new legislation or changes to the existing legislation regarding the film industry. This was followed by repeated pushes to do away with film censorship and to instead introduce a system of film classification, or ratings, and to let the industry regulate itself as is the model in many other countries. [3]

The Thai cinema world changed with the enactment of the Film and Video Act, B.E. 2551, in 2008. The film regulation system was converted from one of prior censorship to one of film classification. Moreover, there were changes made to the film consideration committee, and the related secretarial and meeting organization duties were handed over from the Police Department to the Ministry of Culture. This major shift in film regulation came about due to pressure from both the film industry and academia, as they wished to see the Thai film industry flourish and develop to international standards so that Thai film makers could compete on a global scale.

The purpose of this article is to discuss ideas about film regulation under the Film and Video Act, B.E. 2551, and the Ministerial Regulation on the Classification of Films issued in 2009, covering issues relevant to film regulation in Thailand; and to form recommendations about how to improve the state of film regulation in Thailand.

II. MEDIA REGULATION

Media content regulation is a tool used by a controlling authority, which could be independent or under government control, to monitor and regulate media businesses. This regulation could take the form of structure regulation or content regulation. This article is concerned only with content regulation because the content of media, and films in particular, can have a strong, direct effect on viewers and society at large in several aspects.

Media content regulation may cover both restricting content that is deemed inappropriate and promoting beneficial content that should be encouraged. There are 3 basic types of regulation: (1) state regulation; (2) co-regulation; and (3) self-regulation. [4]

Content regulation of films normally takes one of 3 forms: prior censorship, film classification or zoning.

A. Prior censorship

Prior censorship is usually state regulation. An agency

is set up to inspect every film that the cinemas or film makers have asked permission to release and then consider granting permission based on the guidelines. Prior censorship could also be done jointly by all the enterprises in the film industry getting together to set rules and principles regarding what content they will allow to be disseminated and in what form. Prior censorship may be done by a committee, or the rules could be set in a manual for film makers.

B. Classification

Classification is a system for warning or informing people about what type of content is included in a given film so that viewers or parents/guardians can take that into account in their decision to watch a film or allow their children to watch a film. The classification system that is most widely used now is one that suggests what age groups the film is appropriate for. This screens the audience for each film but leaves film makers with the freedom to express their visions, while viewers also have the freedom of choice to view or not view any film based on the rating. The organization responsible for film classification might be a government agency, a committee, a professional association, the media or the public.

C. Zoning

Zoning is a system for allowing certain kinds of films to only be shown in certain places rather than in any cinema at all. This method of film regulation is used in some European countries. It is used in combination with other forms of film regulation.

III. FILM REGULATION IN THAILAND

At present, film regulation in Thailand mainly focuses on content regulation in the form of state regulation. There is a film board that was formed under the auspices of the Film and Video Act, B.E. 2551, and classification follows the rules set in the Ministerial Regulation on the Classification of Films issued in 2009. A film rating committee is to be appointed by the National Film and Video Board.

The law states that the National Film and Video Board consists of the prime minister as chairman, the minister of culture as the first vice chairman, the minister of tourism and sport as the second vice chairman, the permanent secretaries of the Prime Minister's Office, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Tourism and Sport, the Ministry of Social Development and Human Security, the Ministry of Commerce, and the Ministry of Education; the commander of the Police Department, the secretary-generals of the Consumer Protection Board and the Board of Industry, a representative from the Ministry of Defense, a representative from the Ministry of Digital Economy and Society, and no more than 11 appointed qualified experts as members; with the permanent secretary of

the Ministry of Culture acting as member and secretary. [5]

The Film and Video Act, B.E. 2551, also calls for two adjunct committees:

1) The Film and Video Consideration Committee is concerned with granting permission for films to be filmed in Thailand. This committee is to have no more than 9 members, appointed from among qualified experts in the fields of foreign affairs, cinema, arts and culture, mass communications or environmental science who do not have ties with any business enterprise in the film industry. The Office of the National Culture Commission performs the secretarial functions for this committee. The committee has the authority to grant permission for the making of movies in Thailand.

2) The Film and Video Classification Committee is to have no more than 7 members, appointed from among qualified experts in the fields of film, video, television, arts and culture, or consumer protection, comprising no more than 4 government officials and no more than 3 representatives of the private sector. The Bureau of Tourism Service Development performs the secretarial functions for this committee. The committee has the power to (1) inspect, consider and rate films; (2) authorize the showing, rental, exchange or sale of videos in Thailand; (3) authorize advertisements and public relations media in Thailand; and (4) authorize the export of films or videos.

The types of film content to be considered by the Film and Video Classification Committee in their rating considerations are set in the Ministerial Regulation on Film Classification, B.E. 2552 (C.E. 2009). [6] Content consideration covers (1) frightening content, horror, violence, torture, cruelty and other inhuman acts; (2) sexual content or content that hints at obscenity; (3) content that shows how to do crime or use weapons, which could encourage imitation; (4) content that shows how drugs are used; (5) content about doctrines or ideologies that are in opposition to peace, order, good morals and traditions and that viewers might be persuaded to believe; and (6) inappropriate use of language that tends towards vulgarity and obscenity. There are 7 different ratings that can be given to a film, as follows:

1) P for “promoted” (๙ in Thai): educational films that would be beneficial for all viewers. They have one of the following characteristics (1) content that promotes education, morals, arts and culture, customs, traditions and similar content good for national moral edification; (2) content that promotes knowledge and understanding about social development, the family, quality of life, or conservation of natural resources and the natural environment; or (3) content that promotes knowledge and understanding about democracy under a constitutional monarchy, or that promotes civic

responsibility and conscience, or promotes knowledge about Thai history.

2) G for general audiences (๗ in Thai): appropriate for viewers of any age, characterized by (1) content that is educational or beneficial for people’s daily lives or provides general entertainment; and (2) does not contain content that is stipulated under the guidelines for films with a rating of 13+, 15+, or 18+.

3) 13+: films appropriate for people aged 13 years and older, with the following characteristics: (1) frightening content, horror, violence, torture, cruelty and other inhuman acts; (2) sexual content or content that hints at obscenity; (3) content that shows how to do crime or use weapons, which could encourage imitation; (4) content that shows how drugs are used;

(5) content about doctrines or ideologies that are in opposition to peace, order, good morals and traditions and that viewers might be persuaded to believe; or (6) inappropriate use of language that tends towards vulgarity and obscenity.

4) 15+: films appropriate for people aged 15 years and older, with the following characteristics: (1) frightening content, horror, violence, torture, cruelty and other inhuman acts; (2) sexual content or content that hints at obscenity; (3) content that shows how to do crime or use weapons, which could encourage imitation; (4) content that shows how drugs are used; or (5) content about doctrines or ideologies that are in opposition to peace, order, good morals and traditions and that viewers might be persuaded to believe.

5) 18+: films appropriate for people aged 18 years and older, with the following characteristics: (1) sexual content that shows sexual organs; (2) content that shows how to do crime that could have a severe impact on society and might encourage imitation; or (3) content that shows how drugs are used and might encourage imitation.

6) 20- : films prohibited for viewing for people aged under 20 years, with the following characteristics: (1) sexual content that shows sexual organs or depicts orgasm through masturbation or intercourse; (2) content that shows how to do crime that might encourage imitation; (3) content that shows how drugs are used; or (4) content about doctrines or ideologies that are in opposition to peace, order, good morals and traditions and that viewers might be persuaded to believe.

7) Banned (๘ in Thai): films prohibited from viewing in the kingdom, with any one of the following characteristics: (1) content that impacts the monarchy or the system of democracy under a constitutional

monarchy; (2) major content that defiles or dishonors religion or is disrespectful of a cleric, a place of worship or an object of worship; (3) content that causes or incites discord among groups of people in the nation; (4) content that impacts Thailand's relations with other countries; (5) major content about sexual intercourse; or (6) sexual content that shows sexual organs.

The abbreviations and symbols for the ratings are ส น น13+ น15+ น18+ ฉ20- and ท as in Figure 1. [7]



Figure 1 Symbols and explanations of the different movie ratings

Source:

<http://www.siampod.com/2012/07/17/thai-movie-rating-on-itunes-store/>.

IV. PROBLEMS WITH FILM REGULATION IN THAILAND

Ever since the newer form of film regulation was initiated in Thailand with the enactment of the Film and Video Act, B.E. 2551, issues regarding the rating and inspection of films have come up and have been debated by academics, film professionals, and many other related groups. These are the major points of debate:

1. Clear principles are lacking to create uniform standards and common ways of thinking that will guide the use of discretion by the film rating committee members in their decisions to give movies particular ratings or to ban certain movies. The problem is that when the film classification committee decides what category or rating a movie should fall under according to Clause 26 of the law or if a movie should be banned under Clause 29 of the law, the committee members use their discretion to reach the decision with no standard guiding principles. This has caused much argument among people involved. For example, a film maker might think that some of the scenes in the movie depict social reality, but the committee decides that they are inappropriate. This can result in some films being given an undeserved rating considering the overall content of the film or may mislead parents about the nature of a film. For example "The Fourth Kind," was given a rating of "general audiences" even though one of the characters is shown killing his child and wife; and

"October Sonata" was also given a rating of "general audiences" even though it contains a rape scene.

2. There is a lack of explanation as to why each movie was given the rating it was. Each movie is marketed with the rating but no accompanying explanation as to why that rating was warranted. This is different from in the USA, where a short explanation is given. For example, in the USA the movie "Avatar" was rated PG-13 with the explanation "due to violence, language and showing smoking."
3. Viewers and other stakeholders are not always made aware of a movie's rating or the results of the rating committee's decisions. The ratings are only publically available at movie theaters and the cinema websites. Newspapers and other media that advertise the movies are not required to tell the rating as is done in other countries that use a rating system.
4. The age ranges are set too close together for the different ratings. Some detractors say that it is an artificial designation and not necessary in Clause 26 to have one rating "appropriate for viewers aged 13 years and over" and a separate rating "appropriate for viewers aged 15 years and over" because adolescents in the 13-15 age range are very similar developmentally.
5. Some films have been released before being inspected and issued a rating. For example, the committee did not make its final decision on the rating for "Twilight Saga: New Moon" until 14.00 on the first day the film was shown in theaters. Some viewers or their guardians might have bought tickets for an earlier screening that day without knowing what rating the movie was given.
6. Not all theaters give the same information about movies' ratings. There was an case of the Lido Theater publishing that the rating of "The Brothers Bloom" was 15+ while SF World Cinema published that the rating was "general audiences."
7. Some films given a rating of "promoted" might actually contain some images that are inappropriate for viewers of some age groups. The problem is that if the rating committee feels that a film should be promoted it will be given the "promoted" rating, and the "promoted" rating is equivalent to the "general audiences" rating; but in fact some films that are to be promoted for certain reasons, such as historical films, might also contain scenes of violence. If a film depicts violence it should be given a rating of 15+ or 18+. If it instead falls under the category of "promoted," then young people can watch it. For example, "The Legend of King Naresuan the Great," both Part 3 (Naval Battle) and Part 4 (The Battle of Nuntabureng) were given the rating of "promoted," even though they both contained violent battle

scenes. Bodin Theparat pointed out that a film that the committee deems should be promoted because it inspires a love of nation could contain such violence that it inspires insane levels of nationalism (Theparat, 2012: 115).

8. Movie trailers shown in the cinema frequently contain content that is not appropriate for youth and children, even when they are shown before a movie that is rated “general audiences.” Some cinemas will show trailers to advertise films that are rated 18+ even before the screening of a movie that is rated “general audiences.” The children or youth in the theater are exposed to inappropriate content in the trailer.

The above problems might be legal problems involved with shortcomings in the Film and Video Act, B.E. 2551, or differing interpretations of the law. The members of each successive film rating committee also tend to use different standards in their rating decisions. Acceptable solutions should be found to resolve these issues.

CONCLUSION AND RECOMMENDATIONS

This report describes film regulation in Thailand, which was converted from a system of prior censorship to a rating system under government control under the Film and Video Act, B.E. 2551. The Office of the National Culture Commission performs the secretarial functions for the film rating committee, which is comprised of public and private sector experts. Films may be given one of 7 ratings: 1) educational films that should be promoted for everyone; 2) films appropriate for general audiences of any age; 3) films appropriate for viewers aged 13 years and older; 4) films appropriate for viewers aged 15 years and older; 5) films appropriate for viewers aged 18 years and older; 6) films prohibited for anyone under the age of 20; 7) films that are entirely banned in the kingdom. The latter part of this report discussed several problematic issues that have been debated about the rating system, such as the narrow age ranges that are differentiated in the rating system, the lack of common guiding principles for the rating committee members’ consideration, the lack of an explanation for viewers or guardians as to why each movie was given the rating it was, the fact that viewers might not be aware of the rating each movie was given, and the lack of public information about the results of the rating committee’s decisions, etc. The author has the following recommendations for improving the situation:

- 1) Clear principles for film rating decisions should be agreed upon by all stakeholders and then written up as guidelines for the film rating committee so the members can adhere to common standards as much as possible.
- 2) A short explanation should be given as to why each

film was given the rating it was, for greater transparency and to be fair to the people in the film industry and society at large.

- 3) Information about the decisions of the film rating committee should be widely disseminated so that not only will more members of the viewing public be aware of the ratings, but people will be more knowledgeable about the rating system used in Thailand.
- 4) Lawmakers should consider revising the rating categories for youth viewers, especially the 13+ “appropriate for viewers aged 13 years and over” and 15+ “appropriate for viewers aged 15 years and over” categories, because adolescents in the 13-15 age range are really very similar.
- 5) Agencies responsible for film regulation must have a system and mechanisms for monitoring, evaluating and gathering information on problems and difficulties that affect film regulation in Thailand so that they can develop the system and methods and make improvements where necessary. They should continuously strive to make Thailand’s film regulation system more efficient so it can adapt to rapid changes in the economic, social and cultural milieu as well as advancements in telecommunications technology. This would be beneficial for developing the capacity of the Thai film industry so it can be more competitive on an international level, and ultimately the film viewing public would benefit from a greater choice of high quality films to enjoy.

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