

Defending the Defenders:

Digital Repression and the Protection of Human Rights Defenders in Southeast Asia



Submission to the call for input by the UN High Commissioner for Human Rights, to inform its report '**Protection of Human Rights Defenders in the Digital Age**', pursuant to HRC resolution 58/23.





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Submission by

Manushya Foundation



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This submission is provided to respond to the [call for input](#) by the UN High Commissioner for Human Rights, to inform its report 'Protection of Human Rights Defenders in the Digital Age', pursuant to HRC resolution 58/23. This submission is made by [Manushya Foundation](#), a regional decolonial and intersectional feminist human rights organisation based in Bangkok, Thailand. For further information, please contact us at: WeAreManushyan@manushyafoundation.org

1. INTRODUCTION

This submission approaches the protection of human rights, and by extension human rights defenders in the digital age from a structural analysis of power that recognises the confluence of state power and corporate control over digital spaces. This submission refuses to sit at the fence and does not attempt to present a neutral or two-sided account of digital governance. Our work in the region has always been grounded on a rather *explicit* commitment to human rights. This submission departs from that clear positionality. We believe that protection of human rights cannot be made conditional or negotiable in the face of expanding fascism, whether justified through claims of national security or corporate 'innovation'. Our work has always confronted the political and economic structures that enable repression, and we ask you, the reader, to consider this starting point as you engage with what follows.

The extensive overreach of state power in Southeast Asia has always been a defining feature of governance in the region. Laws are being weaponised broadly to curtail online liberties and freedoms including disinformation laws (i.e., Singapore's POFMA), defamation laws (Indonesia's Electronic Information and Transactions law), cybercrime legislation (i.e., Thailand's Computer Crime Act), counter-terrorism laws (i.e., Philippines' Anti-Terrorism Act) and sweeping surveillance powers (Myanmar's Electronic Transactions Law). In more extreme cases, we have also documented prolonged Internet shutdowns (Myanmar) and transnational digital repression. These legal developments have relied on overlapping criminal offences, which were structured in ambiguous manner by design through rather flexible concepts such as 'fake news', 'public order', 'national security' and 'incitement'. In this context, the ambiguity grants States significant power to suppress dissent with impunity and to criminalise any form of democratic participation that exceeds state-approved public discourse.

2. THAILAND

The Computer Crime Actⁱ (CCA) is the primary mode through which Thailand polices online expression. Through prohibitions on 'false' or 'distorted' information and content, the CCA grants Thai authorities broad discretionary power to criminalise a wide array of online speech. The CCA is often invoked together with Section 112 of the Thai criminal code (lèse-majesté). Human rights defender-politician **Chonthicha Lookkate Jangrew**ⁱⁱ was sentenced to two years and 8 months in prison for a Facebook post urging reforms and calling for justice for victims of enforced disappearance. Gendered dimensions of digital repression in Thailand also reveal how socio-legal forms of control intersect to produce heightened risks for women and LGBTIQ+ human rights defenders. For instance, the case of **Tanruthai 'Pim' Thanrut**ⁱⁱⁱ demonstrates how online spaces are weaponised via targeted harassment, doxing and sexualised abuse to silence dissent. After speaking publicly about sexual violence and gender inequality, Pim was subjected to sustained online attacks that included threats, misogynistic slurs and explicit harassment. At the same time, the case of **Nada Chaiyakit**^{iv} shows how defamation laws can be mobilised against those advocating for accountability, particularly in cases involving gender and workplace abuse. The defamation case against Nada^v originates from several social media posts, where she alleged that Mr. Santsith has sexually harassed a transgender employee working within his company. The defamation case against her fits squarely within the broader pattern of Strategic Lawsuits Against Public Participation (SLAPP) in Thailand. The use of SLAPP lawsuits^{vi} in Thailand is a deliberate strategy by both state and non-state actors to suppress scrutiny and eventually shift the burden of accountability onto those who expose abuse.

3. INDONESIA

In Indonesia, regulatory trends are outlined around fake news and criminal defamation through laws such as the amended Electronic Information and Transactions (ITE) law^{vii} and Criminal Code (KUHP). These laws have been used extensively to attack human rights defenders in the country, with one of the strongest examples being the case of **Fatia Maulidiyanti** and **Haris Azhar**^{viii}, who were prosecuted after appearing in a 2021 YouTube video discussing findings from a multi-stakeholder report that implicated senior officials including a sitting minister. Fatia and Haris were charged under Articles 27(3) and 45(3) of the ITE Law^{ix}, together with additional Criminal Code provisions. This case represents the situation of digital dictatorship in Indonesia; wherein legal tools are being systemically deployed to protect government elite forces from public scrutiny. The situation was further aggravated by serious judicial harassment that imposed significant personal and professional costs on the defenders. Consequently, it reinforces a broader pattern where human rights defenders face legal intimidation for exposing corruption and abuse of power. What this case reveals are how the blend of vague cyber laws and politicised enforcement mechanisms challenges freedom of expression and creates a chilling effect. This pattern has intensified in recent developments as seen in the 2025 crackdown following the national Youth-led protests^x in which civilians were killed and charged under the ITE Law and Penal Code for online speech including memes and calls for mobilisation. Likewise, environmental activist **Daniel Frits Maurits Tangkilisan**^{xi} was prosecuted under Article 28(2) in conjunction with Article 45a(2) of the Electronic and Information Transaction Law (ITE Law) for a Facebook post exposing environmental damage caused by illegal shrimp farms in Karimunjawa National Park. His case not only illustrates how defamation and hate speech provisions are weaponised by the state, but also how business interests through SLAPP tactics criminalise environmental advocacy and suppress public participation.

4. THE PHILIPPINES

The case of the Philippines follows a similar trajectory. Following the passage of the Anti-Terrorism Act of 2020^{xii} and the Cybercrime Prevention Act,^{xiii} the legal landscape has shifted towards expansive state authority that police both offline and online activities. Red-tagging (sometimes also referred as red-baiting) has been used widely by state and non-state actors, leading to harassment and extrajudicial killings. Red-tagging has surged during the presidency of dictator Rodrigo Duterte, who waged a so-called ‘war’ on drugs from 2016 to 2022. The current administration of the son of another dictator Marcos Sr has failed to address the relentless harassment and killings, allowing the practice to remain embedded within the Philippine’s security framework through the National Task Force to End Local Communist Armed Conflict (NTC – ELCAC).^{xiv} NTF-ELCAC orchestrates red-tagging campaigns through BigTech platforms such as Facebook to disseminate harmful narratives targeting activists.^{xv} The conjuncture of state-led repression and the infrastructure of major technology companies is a central dynamic shaping the human rights landscape in the Philippines. Environmental human rights defenders have faced tremendous harassment and abuse to the point that the Philippines was ranked as the most dangerous country^{xvi} for climate activism in 2023. This was epitomised through the case of **Jazmin Aguisanda-Jerusalem**,^{xvii} who was charged with terrorism financing^{xviii} for her work as the executive director of a humanitarian organisation in Eastern Visayas. **Sibat**, another non-profit working to bring technology to far-flung areas in the country, was also red-tagged for their ties with the Community Empowerment Resources Network (Cernet). The situation of environmental activism in the Philippines shows how the state functions through a carceral logic that seeks only to secure the interest of corporations and political elites. This order is shaped by a long history of corruption and the padrino system that have been deeply embedded into the very DNA of the country. Further, the case of **Zara Alvarez**^{xix} epitomises how red-tagging can lead to death, as she was repeatedly labelled as a terrorist and a communist sympathiser in official and online narratives before being assassinated in 2020. Beyond high profile killings, the Philippines also demonstrates how laws related to morality and religion are weaponised to suppress expression. **Pura Luka Vega**, a nonbinary drag artist, was arrested^{xx} in 2023 after posting drag performances on social media and charged under provisions of the Revised Penal Code for ‘offending religious feelings’. Vega’s case demonstrates that restrictions on online expression in the Philippines are not limited to national security frameworks but extend to culturally and religiously grounded laws, which are often invoked against the LGBTIQ+ communities. The use of cyber libel laws to target journalists and independent media is also common. **Kimberlie Ngabit-Quitasol**,^{xxi} editor-in-chief of Northern Dispatch, faced repeated legal harassment after publishing an article on police directives during the COVID-19 lockdown. More recently, activist **Walden Bello**^{xxii} was arrested in 2022 on cyber libel charges following a Facebook post alleging misconduct by a government linked individual.

5. THE UN FLAG AS A COVER FOR DIGITAL SURVEILLANCE IN SOUTHEAST ASIA

The passage of the United Nations Convention against Cybercrime^{xxiii} has given governments of all sorts a stamp of approval that allows them to hide under the UN flag for laws and policies that expand surveillance and consolidate control over digital spaces. Primary of which is recent plans of the ASEAN countries such as Indonesia,^{xxiv} Malaysia,^{xxv} Thailand^{xxvi} and the Philippines^{xxvii} to verify identities on social media under the guise of combating fraud and cybercrime. ASEAN countries are institutionalising a region-wide erosion of anonymity by requiring users to link accounts to state-recognised identification systems. This will enable authorities to trace and sanction online expression with far greater ease. Laws that rely on identity verification compounds the effects of laws on defamation, cybercrime and national security (as seen in case studies we mentioned above) by removing the limited protections anonymity provides to journalists and human rights defenders. What we are seeing in the ASEAN region is a signal of a broader regional trend in which cybercrime governance is leveraged to normalise intrusive forms of digital control. The UN Convention is devoid of any material analysis of how power operates under global capitalism and is increasingly being operationalised as a legitimising instrument for the expansion of state surveillance powers. The UN Cybercrime Treaty opens a gateway for states to legitimise their long-standing campaign to break encryption through 'backdoors' and 'lawful interception', which they have been trying to impose for years

6. WHY BIG TECH'S HUMAN RIGHTS REPORTS ARE CORPORATE PR?

In talking about digital repression, we cannot leave without addressing the elephant in the room--the consolidated power of Big Tech. These corporations are central actors in a global political economy structured around extraction and accumulation. Any form of so-called human rights report coming from these corporations should be dismissed immediately, as they only function chiefly as instruments of PR management.^{xxviii} Meta, for instance, continues to frame its human rights report^{xxix} as evidence of due diligence whilst methodically avoiding scrutiny of the structural harms embedded in its business model. Its documented role in amplifying hate speech against the Rohingya prior to the 2017 atrocities tells us how algorithmic systems designed for engagement can materially contribute to mass violence. Similar patterns have emerged^{xxx} in the context of Palestine, where content moderation practices have resulted in the disproportionate removal and suppression of Palestinian voices. Meta and Google have also been found to have complied with state demands^{xxxi} to systematically restrict online expression. Following the 2021 military coup in Myanmar, Telenor disclosed sensitive user data^{xxxii} to the military authorities despite clear and well-documented risks. This data was subsequently used by the junta to identify and target activists, journalists, and political opponents, leading to arbitrary detention, torture, and in at least one documented case of execution. In the case of Zay Yar Thaw,^{xxxiii} the military accessed his call records, tracked him, and ultimately executed him, making clear the direct and lethal consequences of these disclosures. The deployment of spyware technologies by actors linked to NSO Group^{xxxiv} demonstrates the active participation of private companies in enabling state repression, including targeting activists, journalists, and political opponents. Across all these cases we presented, companies are an embedded active actor in systems of repression. The primary business model of companies that prioritise profit through behavioural prediction are the ones that allow states to map dissent with precision. At the same time, companies sell us AI-enabled wearables that expand everyday surveillance,^{xxxv} creating new risks^{xxxvi} for human rights defenders whose identities, movements and networks can be exposed without their knowledge or consent.

7. ARTIFICIAL INTELLIGENCE « AI »

The boom of AI technology has rapidly strengthened existing patterns of exploitation, implanting human rights harms directly into digital infrastructures through the mass extraction of personal data. At the same time, it relies on precarious labour of working class people in imperialised nations, where content moderator workers in Kenya,^{xxxvii} the Philippines^{xxxviii} and India^{xxxix} are denied basic protections and punished for attempting to unionise.^{xl} AI companies are becoming deeply embedded in state functions.^{xli} Public resources are being redirected to subsidise billion-dollar data centres and compute infrastructure when more and more people cannot afford to put food on their table. We have thrown out climate commitments out of the window to fund a technology that steals water from Indigenous populations. We reject the fiction that climate change can be managed through technical fixes. Instead, we recognise that both ecological collapse and digital expansion are driven by the same extractive logic of profit such as the ongoing exploitation tied to lithium, cobalt and rare earth supply chains.

8. CONCLUSION: BEYOND VOLUNTARY FRAMEWORKS

We reject the framing of global connectivity and inclusion^{xlii} as progress when it conceals the consolidation of ownership over digital infrastructure, where fibre cables, cloud systems and data centres operate as sites of rent extraction controlled by a handful of corporations, whilst billions are pushed into precarious labour. Any serious intervention must therefore move beyond voluntary frameworks such as the toothless Global Network Initiative and the United Nations Guiding Principles on Business and Human Rights. The OHCHR and the United Nations in general stand at a precipice where the global expansion of authoritarianism is materially embedded in digital infrastructures that most people rely on daily. The consolidation of Silicon Valley power and the increasingly authoritarian political trajectory in the United States signal a convergence between corporate dominance and state coercion that is already reshaping global norms. If the United Nations is to retain any relevance in this day and age, it must abandon deference to corporate self-regulation through releasing guiding principles, stop lining the pockets of corporations through permissive governance and most importantly, above all, confront the structural and material foundations of this system directly. Changes in international taxation are a necessary starting point for redistributing power and resources away from corporate monopolies and toward democratic oversight of the infrastructures. The United Nations ought to confront imperial states that defend their tech corporations from redistribution whilst allowing transnational capital to extract surplus from labour, data and resources across the international working class.

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