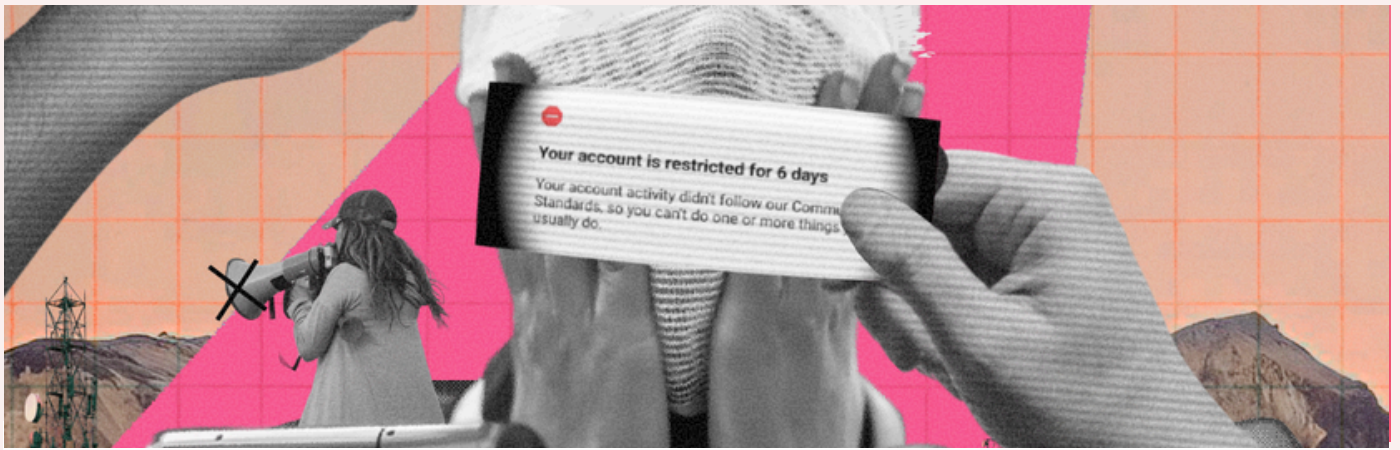


DIGITAL RIGHTS IN THAILAND



Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group



Joint UPR Submission: Digital Rights in Thailand April 2026

Submission by

Manushya Foundation, GIRLxGIRL, Tamtang Foundation, Young Pride Foundation, Buriram Plod-Aek, Mokeluang Rimnam and the Thai CSOs Coalition for the UPR and UN Mechanisms



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CITATION

Manushya Foundation, GIRLxGIRL, Tamtang Foundation, Young Pride Foundation, Buriram Plod-Aek, Mokeluang Rimnam and the Thai CSOs Coalition for the UPR and UN Mechanisms, (April 2026), *Joint UPR Submission: Digital Rights in Thailand*, for the UN Universal Periodic Review of Thailand (4th UPR Cycle), 53th Session of the UPR Working Group



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1. Introduction

- 1.1 In this submission, *Manushya Foundation, GirlXGirl, Tamtang Foundation, Young Pride Foundation, Buriram Plod-Aek, Mokeluang Rimnam* and the *Thai CSOs Coalition for the UPR* examine Thailand's persistent failure to protect freedom of expression, access to information, and digital rights, in light of recommendations accepted during the third UPR cycle (2021), highlighting critical gaps, inaction, and an accelerating regression that has led to the criminalisation of thousands.
- 1.2 During the third UPR cycle, Thailand received at least 44 recommendations related to freedom of expression and freedom of peaceful assembly and association, of which it supported approximately half, including nine recommendations specifically addressing digital rights. These included calls to enact a data protection framework consistent with principles of necessity and proportionality (51.93), prevent the misuse of cyberspace (51.94), and ensure that laws do not unduly restrict freedom of expression and peaceful assembly (52.49). Thailand also supported general recommendations to align its legal framework with international human rights standards (51.87, 51.88, 51.89, 51.91, 52.54, 52.55). However, all accepted recommendations remained broad in nature, while more specific recommendations calling for reform or repeal of the Computer Crimes Act and Section 112 (lèse-majesté) were merely noted.
- 1.3 During the period under review, Thailand has continued to weaponise the Computer Crimes Act, criminal defamation, Section 112, and to a lesser extent Section 116 (sedition) against individuals exercising their right to freedom of expression online. The data protection framework has also fallen short of international standards in both scope and enforcement. This regression is reflected in Thailand's continued classification as "Not Free" for five consecutive years in the *Freedom on the Net* reports by Manushya Foundation and Freedom House, underscoring the sustained deterioration of online civic space.¹
- 1.4 This submission is structured as follows:
 - Section 2 examines the legal and policy framework governing freedom of expression and digital rights;
 - Section 3 addresses online censorship and platform regulation;
 - Section 4 documents the targeting of human rights defenders and the use of surveillance and transnational repression;
 - Section 5 analyses data protection, disinformation, and artificial intelligence; and
 - Section 6 sets out recommendations

2. Right of freedom of expression and of speech online

- 2.1 Despite accepting recommendations during the third UPR cycle to align its legal framework with international standards and ensure that laws do not unduly restrict freedom of expression, Thailand has failed to implement meaningful reforms. Instead, the period under review has seen an intensification of repression, marked by increased prosecutions, expanded content removal mechanisms, and the use of surveillance technologies against civil society.
- 2.2 **Legal Framework:** Whilst Thailand's 2017 Constitution² protects the right to freedom of expression under Sections 34 and 36, guarantees media freedom under Section 35, and recognises access to information as a fundamental right under Sections 41 and 59, these constitutional protections are



rendered largely ineffective in practice by an extensive and mutually reinforcing arsenal of legal instruments deployed to suppress dissent online and offline³. Thailand's restrictive digital rights framework encompasses:

- **Section 112** of the Criminal Code (lèse-majesté), which criminalises any expression deemed to defame the monarchy and carries mandatory sentences of three to fifteen years per count;
- **Section 116** of the Criminal Code (sedition) criminalises broadly defined acts of political expression carrying a maximum sentence of seven years;
- the **Computer Crimes Act (CCA)**,⁴ which criminalises vaguely defined “false” or security-related online content and is routinely used alongside Sections 112 and 116. It penalises the import, dissemination, or storage of “false” or “distorted” data affecting public safety, national security, or economic stability, with up to five years’ imprisonment and a fine of 100,000 THB. Key provisions include Section 14(1) on liability for false information, Section 14(3) on content deemed to threaten national security, Section 14(5) on the forwarding of prohibited content, and Section 16 on digitally altered images that harm a person’s reputation.
- **criminal defamation** charges under **Articles 326 to 333** of the Criminal Code have also been brought against individuals deemed to express opinions and share information critical of the regime online. Article 328, in particular, prohibits defamation by means of a document, video, drawing, or ‘any other means’ with up to two years’ imprisonment and hefty fines.

- 2.3 Section 112 has long been identified by UN human rights mechanisms, including across successive UPR cycles, UN Special Rapporteurs, and treaty bodies, as incompatible with international standards on freedom of expression.⁵ Despite repeated recommendations, Thailand has failed to reform the provision. Instead, its use has expanded in scope and severity, and is systematically deployed against pro-democracy activists, students, academics and ordinary citizens, often in conjunction with the CCA Act and Section 116 for online expression. The scale of prosecutions during the period under review is alarming.
- 2.4 Recent statistics from TLHR indicate that 1,992 individuals were politically prosecuted across 1,346 cases between 18 July 2020 and 28 February 2026. Of these, 291 individuals were charged under Section 112 across 321 cases, including 169 initiated by private complainants; 157 individuals were charged under Section 116 across 57 cases; and 222 individuals under the CCA across 243 cases, underscoring its role as an integral part of the prosecutorial toolkit used to target online expression.⁶
- 2.5 The reach of Section 112 has extended beyond activists to encompass artists, parliamentarians, academics and foreign nationals.⁷ For instance, on 16 August 2022, **dissident musician Parinya ‘Port’ Cheewinkulpathom** was sentenced to nine years on Section 112 and CCA charges over three Facebook posts.⁸ Pro-democracy member of parliament **Chonthicha ‘Lookkate’ Jangrew** has been prosecuted in approximately 30 criminal cases including Section 112 and 116.⁹ In April 2024, American academic **Paul Chambers** was arrested and charged under Article 112 in connection with a webinar description.¹⁰ Though the charges against Chambers were ultimately dropped in May 2025,¹¹ his visa was immediately revoked and he was dismissed from his university position before being effectively expelled from a country where he had lived and worked for thirty years.



- 2.6 The disproportionate application of Section 112 and the CCA is starkly illustrated by the case of **Mongkhon ‘Bas’ Thirakhot**, a pro-democracy activist from Chiang Rai Province prosecuted for 27 Facebook posts in 2021, including opinions about royal portraits, videos sourced from foreign press, and shared academic commentary.¹² In January 2023, he was sentenced to 28 years’ imprisonment, which the Court of Appeals increased to 50 years in 2024, before the Supreme Court reduced it to 46 years, still exceeding the previous record sentence of 43.6 years imposed on **Anchan Preeelert** in 2021. including opinions about royal portraits, videos sourced from foreign press, and shared academic commentary.¹³ He has been held without bail since January 2024 and continues to face additional charges, including proceedings initiated while in detention.¹⁴
- 2.7 The case of **Arnon Nampa**, a human rights lawyer and pro-democracy activist, illustrates the severity and cumulative nature of Section 112 prosecutions. On 26 September 2023, he was sentenced to four years’ imprisonment and a fine of THB 20,000 for his participation in a pro-democracy protest.¹⁵ This conviction was one of 13 charges against him, each carrying sentences of three to fifteen years, exposing him to a potential cumulative sentence of up to 210 years.¹⁶ By May 2025, he had already been sentenced to more than 24 years’ imprisonment across multiple cases. In August 2024, the UN Working Group on Arbitrary Detention found his detention arbitrary and called for his immediate release and reparations,¹⁷ which Thailand has not implemented.
- 2.8 Section 112 has also been applied in an overbroad manner, targeting ordinary internet users. On 19 October 2022, the Narathiwat Provincial Court convicted **‘Pakpinya’**, a 31-year-old former librarian, under both Section 112 and the CCA.¹⁸ The posts in question included sharing a news update about police use of water cannons with a brief personal comment. Similarly, **‘Nacha’** was charged under both Section 112 and the CCA.¹⁹ She was arrested on 6 June 2022 without prior summons, taken from Ang Thong to the Technology Crime Suppression Division headquarters in Bangkok, had her mobile phone confiscated, and was interrogated without a lawyer present.
- 2.9 **Pipat Wisetchumpol** was formally indicted under Section 112 and the CCA for a Facebook post published on 29 March 2023,²⁰ referencing the death of King Rama VIII, a historically sensitive event that has long been subject to public debate. Although the post addressed a historical event, authorities interpreted it as implicating King Rama IX and, by extension, King Rama X, reflecting the broad and expansive application of Section 112 to indirect or historical commentary. The complaint was filed by Mr. Songchai Niamhom, a leader of the pro-monarchy group *Pracha Phakdi Protect the Institution*, known for initiating Section 112 complaints across multiple provinces. As a result, Pipat was required to travel from Buriram to Phatthalung (approximately 1,300 kilometers) merely to acknowledge the charges, imposing significant financial and logistical burdens, including transportation costs, accommodation, and loss of income. He was granted provisional bail on a security of 100,000 baht and has consistently denied all charges.²¹
- 2.10 The expansion of Section 112 extends beyond individual prosecutions to the suppression of political reform. On 7 August 2024, the Constitutional Court dissolved the **Move Forward Party**, winner of the 2023 general elections with over 14 million votes, on the grounds that its advocacy for Section 112 reform constituted high treason. The Court imposed 10-year political bans on its executive members and held that efforts to amend the law, support civil society, and provide bail to detained activists were “dangerous to the security of the state.”²²



- 2.11 Section 116 (sedition) of the Criminal Code has been applied to prosecute activists for participation in online discussions and running legitimate electoral campaigns. In October 2022, activist **Tiwagorn Withiton** received a three-year suspended sentence for operating a Change.org campaign.²³ In March 2022, two citizen journalists, **Worawet**, who runs the Facebook page *Free Our Friends*, and **Nui**, who runs the YouTube channel *Sakdina Sua Daeng*, were charged under Sections 112 and 116 for live-streaming an event, despite not participating in it, illustrating how even broadcasting is criminalised.²⁴ The cumulative use of Sections 112 and 116 multiplies potential sentences for a single act and creates a strong chilling effect on public expression. Similarly, activist **Panusaya ‘Rung’ Sithijirawattanakul** was charged under Section 116 and the CCA for administering a pro-democracy Facebook page. She faces 24 charges, including 10 under Section 112, and a potential cumulative sentence of up to 135 years’ imprisonment.²⁵
- 2.12 The CCA remains a primary tool for criminalising online expression, with vague provisions on “false” information and threats to “public order or good morals” routinely used against critics, often alongside Sections 112, 116, and criminal defamation provisions. The case of Anchana Heemmina, a woman human rights defender and founder of the Duay Jai Group, illustrates its use as a tool of judicial harassment. In May 2024, she posted concerns on Facebook about a military camp’s alleged failure to pay a water bill to a local mosque. Despite correcting a minor error and acknowledging official clarification, she faced a defamation complaint by the Thai Navy and additional charges under the CCA.²⁶ Although the case was ultimately dismissed, the proceedings imposed significant legal burdens and contributed to a chilling effect on scrutiny of state actors.²⁷
- 2.13 Criminal defamation continues to be weaponised against human rights defenders and journalists for their online expression. The case of **Nada Chaiajit**, a feminist human rights defender and academic, illustrates the use of defamation laws as a SLAPP to silence advocacy on gender equality and LGBTIQ+ rights. She was sued following her public advocacy exposing the sexual harassment of a transgender woman by a politician and business owner, carried out through text messages after the survivor had applied for a job at his company.²⁸ While the Court ultimately dismissed the case, it explicitly recognised Nada’s role as a human rights defender and affirmed the legitimacy of her advocacy, marking an important legal precedent.²⁹ Nevertheless, the proceedings imposed significant legal and psychological burdens, contributing to a chilling effect on feminist and human rights discourse. Similarly, in April 2026, journalist **Hathairat Phaholtap**, editor of *The Isaan Record*, was sued for defamation following investigative reporting on alleged bribery involving the Minister of Natural Resources and the Environment.³⁰ The lawsuit, filed in response to reporting on matters of public interest, reflects the use of defamation laws to intimidate journalists and deter scrutiny of those in power.

3. Censorship, age-gating, access to information, and technology-facilitated gender-based violence (TFGBV)

- 3.1 During the third UPR cycle, Thailand accepted recommendations to address the misuse of cyberspace while ensuring that cybersecurity laws do not unduly restrict freedom of expression and peaceful assembly (51.94, 52.49), as well as general recommendations to align its legal framework with international human rights standards (51.87, 51.88, 51.89). Instead of reform, Thailand has expanded the legal and administrative control of cyberspace, introducing extrajudicial content removal mechanisms that bypass judicial oversight and drive near-total platform compliance, resulting in record levels of online content restriction.
- 3.2 Thailand has, over the period under review, constructed an overlapping regime of platform liability and mandatory content removal that operates through two distinct but mutually reinforcing legal



instruments. **The Notification of the Electronic Transactions Commission on Measures to Prevent Technological Crimes for Social Media Service Providers** of 5 July 2025 was issued under the amended Emergency Decree on Technological Crimes and establishes a separate safe harbor from joint liability for technology crime damages conditioned on compliance with a mandatory 24-hour removal deadline triggered by MDES notification, with no right of appeal that suspends the underlying obligation, no requirement to notify affected content owners, and no independent review mechanism.^{31,32} The human rights implications of this framework are significant. Platform operators, facing potential joint liability for damages if they fail to comply, are incentivised to remove content upon notification without assessing whether the flagged material constitutes genuinely unlawful expression or lawfully protected speech; the predictable result is the systematic suppression of content that would survive independent legal scrutiny.

3.4 Thailand actively pressures international technology platforms to comply with removal requests, using both judicial orders and informal mechanisms. Documented compliance rates during the period under review are near-total. The 2023 Freedom of the Net report revealed that YouTube and TikTok each complied with 100 percent of the government's content removal orders.³³ The **2022 Takedown Notification's threat of criminal co-liability for non-compliant platforms**, under which failure to comply within the mandated timeframe can be treated as evidence that the platform is 'cooperating, consenting or acquiescing' to a criminal offence under Section 14 of the CCA, creates a severe structural incentive for pre-emptive over-removal.

3.5 **Platform Compliance and Government-Directed Content Restrictions:** Meta's transparency data for 2025 reveals an escalating pattern of government-directed content restrictions in Thailand. In the first half of the year, Meta restricted at least 1,400 items following requests linked to Section 112; in the second half, over 10,000 additional items were restricted, including 1,600 related to Section 112. Across 2025, Section 112 remained a central basis for removal requests, with total restrictions reaching record levels.³⁴ Google reported 118 removal requests between January and June 2025, following 266 in 2024 and 255 in 2023, with criticism of the government as the primary target.³⁵ Platforms are effectively enforcing state censorship.

3.6 **State-Led Content Blocking and Expansion of Censorship Powers:** The scale of state-led content blocking has increased significantly.³⁶ In the first nine months of 2022, authorities obtained court orders to block approximately 4,735 URLs.³⁷ Between October 2022 and December 2023, this rose to 45,024 URLs, of which 4,592 belonged to gambling websites,^{38,39} reflecting a sharp acceleration. Targets extend beyond legitimately restricted content to include political advocacy, social media, civic petition platforms, and tools for anonymity and circumvention, including VPNs such as Ultrasurf, Anonymouse, and Hotspot Shield.⁴⁰

3.7 **Age-Gating, Mandatory Identity Verification, and the Disproportionate Impact on Poor Youth:** Thailand's push for mandatory age verification and identity authentication across digital platforms represents a significant and accelerating expansion of state surveillance infrastructure under the guise of online safety. In August 2025, Thailand's National Broadcasting and Telecommunications Commission (NBTC) issued a new directive that requires all mobile operators (i.e. True and AIS) to implement biometric liveness detection for SIM card registration.⁴¹ This means operators are now legally obliged to verify users in real time using photo and video-based authentication. This measure paved the way for the introduction of sweeping verification reforms targeting both telcos and online platforms in November last year.⁴² Tighter SIM registration protocols were also on the table through the 'Survival SIM' policy that



sought to restrict access for accounts identified as mule accounts (accounts often knowingly but sometimes unknowingly used to move or launder illicit finances). In January 2026, Thailand escalated its push for tighter digital controls following the release of the Electronic Transactions Committee's draft notification that would oblige all social media platforms operating in the country to implement mandatory identity verification for both user accounts and advertisers.⁴³ We, the submitting organisations oppose age gating and mandatory identity verification frameworks in all their forms. Once normalised, they expand in only one direction. These policies disproportionately harm those already most marginalised, including working class youth who rely on online spaces for safety and community when their offline environments are hostile, and young people from racialised and migrant backgrounds who are never afforded the same presumption of innocence that age gating policies claim to protect.⁴⁴

3.8 **Technology-facilitated gender-based violence:** The targeting of **Tamtang Foundation** illustrates broader patterns of TFGBV and the imposition of US-centric, anti-feminist content moderation standards on lawful speech in Thailand. On 12 May 2025, Meta suspended Tamtang's primary Facebook page *Safe Abortion Thailand*, which had over 25,000 followers and served as a key platform for providing medically accurate information on access to legal abortion.⁴⁵ The suspension was triggered by a post explaining how to access abortion pills through a private clinic under medical prescription, despite clearly stating that Tamtang does not distribute medication. Meta alleged a violation of its policy on prescription drugs. Although the page was restored on 14 May 2025 following urgent advocacy by Manushya Foundation, and Meta acknowledged the suspension was in error, it was removed again on 19 May 2025, triggering a second cycle of emergency escalation.⁴⁶ Similarly, the Facebook page of **RSA Thailand** (with over 32,600 followers), a key referral network for safe abortion services,⁴⁷ was also removed and later restored. These repeated and inconsistent removals, without transparency or prior notice, demonstrate the harms of US-centric, techno-colonial content moderation frameworks that fail to account for local legal contexts, restricting access to lawful, life-saving information.

3.9 Thailand's restrictive digital environment does not operate uniformly. Women human rights defenders, LGBTIQ+ activists, and Indigenous rights advocates face compounded threats combining state-enabled legal harassment with coordinated online gender-based violence, including doxxing and sexual intimidation. The case of **Tanruthai 'Pim' Thanrut**, a young lesbian human rights defender and activist from Mokuang Rimnam, illustrates this intersectional harm. After sharing her experience of sexual assault in a social media post, Pim was subjected to widespread abuse, including vulgar insults, victim-blaming, and harassment.⁴⁸ By mid-2023, she was further targeted through the circulation of her photographs with sexually explicit threats and the receipt of unsolicited sexual imagery. Her experience reflects how intersecting identities, LGBTIQ+, survivor, youth activist, and Indigenous advocate, compound exposure to online attacks, undermining her rights to freedom of expression, digital security, and a safe online environment.⁴⁹

4. Surveillance and Digital Transnational Repression

4.1 The period under review produced the first forensically confirmed evidence of the use of military-grade commercial spyware against Thai activists and human rights defenders.⁵⁰ A joint civil society investigation, identified at least 30 individuals who were targeted or infected with NSO Group's **Pegasus spyware**. The observed infections took place between October 2020 and November 2021, coinciding with a period of widespread pro-democracy protests, and the investigation was triggered by Apple notifications sent to Thai civil society members in November 2021 alerting them that their devices had been targeted by state-sponsored attacks.⁵¹ The 30 confirmed targets included 24 activists, three civil



society organisation workers, three academics, and five opposition politicians who had participated in pro-democracy protests.⁵² Amongst the documented targets was human rights lawyer Arnon Nampa (initially mentioned in Section 2), who was the subject of multiple Pegasus infections. Arnon Nampa's first detected infection occurred on or around 3 December 2020, just days after he was charged with Section 112.⁵³

4.2 **The digital targeting of civil society by state actors extends beyond commercially procured spyware to include coordinated information operations (IOs).** Amnesty International reported that during a parliamentary no-confidence debate on 25 March 2025, an opposition parliamentarian disclosed leaked internal documents of a Cyber Team operating under a Joint Command Center run by police and military units including the Internal Security Operations Command (ISOC). According to the leaked materials, Amnesty International Thailand was explicitly identified as a 'high-value target.'⁵⁴ In a related pattern, the devices of youth activists **Bie** and **Rung**, members of the United Front of Thammasat and Demonstration, were forensically confirmed to have been infected with spyware on multiple occasions in 2021.⁵⁵ These findings are consistent with the guidance of the Special Rapporteurs on Freedom of Expression, Situation of Human Rights Defenders, Freedom of Peaceful Assembly and Association and UN Working Group on the issue of human rights and transnational corporations and other business enterprises, who have called for an immediate moratorium on the sale and transfer of commercial surveillance tools such as Pegasus until rigorous human rights safeguards are put in place to regulate their use, and has emphasised that the right to privacy includes the right to know who holds information and how that information is used.⁵⁶ The Thai government made commitments ahead of its election to the UN Human Rights Council for the 2025 to 2027 term to develop policies and legislation to promote and protect human rights in the digital space.⁵⁷ The coordinated digital attacks against civil society documented in this submission represent a direct and continuing breach of those commitments.

4.3 The deployment of **AI-equipped surveillance infrastructure against ethnic Malay Muslim communities in Thailand's Southern Border Provinces (Patani)** represents one of the most acute intersections of digital rights violations and minority rights concerns documented during the period under review. These include the ISOC's use of AI tools in online information operations targeting civil society, the deployment of over 8,200 AI-equipped surveillance cameras in the Deep South provinces of Yala, Pattani, Narathiwat and districts of Songkhla, where they have been used to monitor ethnic Malay Muslim communities and the collection of biometric data, including from children of suspected insurgents, without adequate legal basis, consent, or independent oversight.⁵⁸ The **collection of biometric data** through this system includes data from children of individuals suspected of insurgency-related activity, raising serious concerns. This situation is directly incompatible with the guidance of the Special Rapporteur on the Right to Privacy, who has identified the absence of adequate oversight mechanisms for government surveillance as one of the most serious obstacles to the protection of the right to privacy globally.⁵⁹

4.3 Meta's government data request statistics for Thailand for January to June 2025 further illustrate the scale of state surveillance of digital communications and the role of platform companies as active participants in that surveillance. During this period, Thai authorities submitted 3,452 total requests to Meta, comprising 3,403 legal process requests and 49 emergency disclosure requests, covering 6,045 users and accounts. Meta produced some data in response to 84.47 percent of these requests.⁶⁰ Meta's own transparency reporting acknowledges that it reviews each request for legal sufficiency and may reject requests that appear overly broad or vague, yet an 84.47 percent compliance rate raises serious questions about the adequacy of that review. By producing user data at this scale and rate, Meta functions not merely as a passive conduit between the Thai state and its targets but as an infrastructure



of surveillance that enables the identification, monitoring, and prosecution of individuals whose only offence is the exercise of their right to freedom of expression online.

- 4.5 **Digital transnational repression** represents one of the most acute and under-addressed threats to human rights in the digital age. Thailand has become a regional hub where transnational repression operates with relative impunity, exposing individuals fleeing persecution to cross-border digital attacks by the governments they have fled. The case of “**Khieo**” illustrates these dynamics. Khieo, a Lao migrant worker legally residing in Thailand since 2019, began publishing content on TikTok, Facebook, and YouTube in December 2025 addressing political issues in Laos, Cambodia, and Thailand.⁶¹ He was subsequently targeted by a coordinated online harassment campaign involving pro-government actors, including individuals aligned with the Lao government and organised cyber groups. The attacks included threats of violence, defamation, and incitement, with users offering USD 8,000 for his killing and USD 2,000 for that of a supporter who defended him.⁶² The use of AI-generated deepfakes and simulated violence further escalates these threats, blurring the line between online harassment and offline harm, and creating a climate in which violence is legitimised.

5. Data Protection, AI and Human Rights

- 5.1 The Third UPR Cycle for Thailand concluded before the public release of ChatGPT in November 2022 and the subsequent global proliferation of generative AI systems. As a result, the human rights implications of artificial intelligence were not addressed in any of the recommendations Thailand received during that cycle, and no state-to-state accountability mechanism exists within the UPR framework for the AI-related violations documented in this submission. This gap is significant, because AI is already being actively deployed by Thai state authorities in contexts with severe and documented human rights consequences, as detailed in Section 4 of this submission, in the complete absence of any binding regulatory framework.
- 5.2 A 2024 report conducted by Manushya Foundation concluded that **Thailand is not ready for rights-respecting artificial intelligence**.⁶³ Of particular concern is Thailand's stated intention to adopt a so-called risk-based approach to AI governance. Framing AI regulation around the concept of risk fundamentally mischaracterises what is at stake. Human rights cannot be weighed against levels of risk as they are inalienable entitlements that must be respected, protected and fulfilled regardless of any assessment of probability or harm severity. A risk-based framework permits the state and corporations to make cost-benefit calculations about when human rights protections apply, which is incompatible with the absolute and non-derogable character of fundamental rights. It also places the burden of proof on those whose rights are violated rather than on those deploying the systems that cause harm.⁶⁴
- 5.3 **The expansion of AI infrastructure in Thailand is generating concrete and documented harms to communities, ecosystems, and natural resources, without meaningful participation by those affected.** As of April 2026, more than 70 data centre-related projects are planned or underway across Thailand, driven by global demand for AI computing capacity and supported by government tax incentives concentrated in the Eastern Economic Corridor.⁶⁵ Data centres require enormous volumes of water for cooling systems: one planned facility alone is projected to require 3.3 million cubic metres of water annually, roughly equivalent to the annual water consumption of nearly 37,000 residents.⁶⁶ This places technology corporations including Google and Microsoft in direct competition with local farmers and fishers for access to water sources that are already under stress. Reservoir levels in Chonburi province are already declining, and residents report fears that continued industrial development will leave



communities without running water. Thailand's electricity grid relies on fossil fuels for approximately 85 percent of its generation capacity, meaning that the increased electricity demand from data centre expansion also risks driving up carbon emissions and air pollution.⁶⁷

- 5.4 The deployment of AI technologies by Thai authorities is not confined to the Southern Border Provinces (Patani) or to covert surveillance operations.⁶⁸ In April 2025, the Royal Thai Police introduced the country's first AI-powered police robot, deployed publicly during the Songkran festival in Nakhon Pathom province. The deployment of this system in a public festival context is particularly alarming. Songkran is one of Thailand's most significant cultural celebrations, attended by millions of people including children, tourists, ethnic minorities, and members of the LGBTIQ+ community. The deployment of facial recognition and behavioural surveillance technology in this context, without any legal basis, without public disclosure of the criteria used to define 'blacklisted' individuals or 'disruptive' behaviour, and without any mechanism for those surveilled to know they have been identified, tracked, or flagged, constitutes a serious and unjustified interference with the right to privacy under Article 17 of the ICCPR.

6. Recommendations

On Freedom of Expression and the Legal Framework

- 6.1 Repeal Section 112 of the Criminal Code to bring it into full conformity with Article 19 of the ICCPR, including by removing mandatory minimum sentences, eliminating the possibility of third-party complaints, and ensuring that no expression constituting legitimate political commentary, satire, or criticism of public institutions can give rise to criminal liability, in line with recommendations 52.57, 52.60, 52.64 and the UN Human Rights Committee's General Comment 34, which states that lèse-majesté laws 'should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned. States parties should not prohibit criticism of institutions, such as the army or the administration.'⁶⁹
- 6.2 Repeal Section 116 of the Criminal Code to remove vague and overbroad provisions to ensure that the law cannot be used to prosecute individuals for peaceful political expression online or offline, in line with recommendations 52.61 and 52.65.
- 6.3 Repeal the Computer Crimes Act to ensure that its provisions comply with the requirements of legality, necessity, and proportionality under international human rights law, including by removing Section 14-17 and the Emergency Decree, in line with recommendations 52.49, 52.62, and 52.65.
- 6.4 Decriminalise defamation entirely and remove criminal penalties under Sections 326 to 333 of the Criminal Code, replacing them with proportionate civil remedies, in line with recommendation 52.46 and the repeated calls in the form of the report of the United Nations High Commissioner for Human Rights.⁷⁰
- 6.5 Immediately and unconditionally release all individuals detained solely for the peaceful exercise of their right to freedom of expression online or offline, including those held in pretrial detention on Section 112 charges, and drop all pending charges against them, in line with the UN Working Group on Arbitrary Detention's determination that the detention of Arnon Nampa is arbitrary and its call for his immediate release and enforceable reparations.⁷¹



On Censorship and Platform Regulation

- 6.6 Repeal the 2022 Ministerial Decree on content takedown and the Notification of the Electronic Transactions Commission on Measures to Prevent Technological Crimes for Social Media Service Providers to ensure that content removal obligations comply with the three-part test of legality, necessity, and proportionality under Article 19(3) of the ICCPR, require judicial authorisation for removal orders, provide for meaningful appeal mechanisms, and prohibit the imposition of joint liability on platforms for content they have not been formally ordered to remove.
- 6.7 Ensure that the Draft Media Ethics and Professional Standards Promotion Act is not adopted in its current form, given that its mandatory registration requirements, vague ethical standards, and potential for licence revocation on grounds of non-compliance with "public morals" are incompatible with the right to freedom of expression and press freedom under Article 19 of the ICCPR and the standards set out by the Special Rapporteur on Freedom of Expression regarding the regulation of media.

On Surveillance and Transnational Repression

- 6.8 Immediately cease the use of Pegasus spyware and all other commercial surveillance tools against activists, journalists, human rights defenders, political opponents, and civil society organisations, conduct an independent and transparent investigation into all confirmed and alleged uses of such tools, provide effective remedies to those whose devices were infected, and publish the results of any investigation, in line with the Special Rapporteur on Freedom of Expression's 2019 report on surveillance and human rights, which called on states to impose an immediate moratorium on the sale and use of surveillance technology until adequate human rights safeguards are in place.⁷²
- 6.9 Disband the Cyber Team operating under the Joint Command Center and any other state unit engaged in coordinated online harassment, cyberattacks, or information operations targeting civil society organisations, human rights defenders, journalists, or political opponents, and ensure that those responsible are held accountable through independent judicial proceedings.
- 6.10 Cease all acts of transnational repression against Thai dissidents and activists living abroad, including surveillance, and coordination with foreign governments for the purposes of targeting individuals for their online expression, in line with the Special Rapporteur on Human Rights Defenders' 2022 report on transnational repression.⁷³

On Data Protection and Artificial Intelligence

- 6.11 Amend the Personal Data Protection Act to remove the broad exemption for public authorities with national security responsibilities, ensure that state surveillance activities are subject to meaningful data protection obligations, and establish an independent Personal Data Protection Committee with genuine autonomy from government, in line with recommendation 51.93 and the standards of the UN Special Rapporteur on the Right to Privacy.
- 6.12 Develop and adopt a legally binding, rights-respecting tech-agnostic regulatory framework that includes mandatory human rights impact assessments prior to the deployment of all technological systems in public sector contexts, enforceable legal remedies for individuals harmed by algorithmic decision-making, and a prohibition on the deployment of AI-powered surveillance tools against civil



society without independent judicial authorisation, in line with the Special Rapporteur on Freedom of Expression's 2018 report on artificial intelligence and freedom of expression.⁷⁴

- 6.13 Immediately cease the deployment of AI-equipped surveillance cameras in the Deep South provinces for the purpose of monitoring ethnic Malay Muslim communities and suspend the collection of biometric data from children and community members without adequate legal basis, consent, or independent oversight, in line with the Special Rapporteur on Minority Issues' guidance on the rights of ethnic and religious minorities.⁷⁵

On Technology-Facilitated Gender-Based Violence

- 6.14 Adopt comprehensive legislation specifically addressing technology-facilitated gender-based violence, including doxxing, non-consensual sharing of intimate images, and coordinated online harassment campaigns, with enforceable civil and criminal remedies, support services for survivors, and training for law enforcement, in line with the Committee on the Elimination of Discrimination Against Women's General Recommendation 35 on gender-based violence against women.⁷⁶



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Annex: Assessment of implementation of UPR recommendations received during the 3rd UPR cycle of Thailand, particularly in relation to freedom of opinion and expression & access to information in the digital space, and human rights defenders

Theme: Freedom of opinion and expression & access to information			
51.87 Ensure that laws and policies on the rights to freedom of expression, peaceful assembly and association comply with relevant international human rights standards (Republic of Korea); Source of Position: A/HRC/49/17/Add.1 - Para.51	Supported	- Freedom of opinion and expression & access to information - Freedom of association - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
51.88 Enhance its efforts in ensuring that all citizens have the rights to freedom of expression, association and peaceful assembly in compliance with article 19 and 20 of the Universal Declaration of Human Rights (Timor-Leste); Source of Position: A/HRC/49/17/Add.1 - Para.51	Supported	- Freedom of opinion and expression & access to information - Freedom of association - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
51.89 Uphold its international obligations regarding the rights to freedom of expression and peaceful assembly (Australia); Source of Position: A/HRC/49/17/Add.1 - Para.51	Supported	- Freedom of opinion and expression & access to information - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
51.91 Improve the human rights situation, including by ensuring the freedom of expression (Japan); Source of Position: A/HRC/49/17/Add.1 - Para.51	Supported	- Freedom of opinion and expression & access to information SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7



52.46 Guarantee freedom of opinion and expression by amending articles 112 (lèse-majesté), 116 (sedition), 326 (defamation) and 328 (attack on honour) of the criminal code as well as the law on computer crime (Luxembourg); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.47 Decriminalise freedom of expression and peaceful assembly and avoid the detention of minors for exercising these rights (Mexico); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Arbitrary arrest & detention - Right to peaceful assembly - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Status: Not implemented Source: Paragraph 2.1-2.7
52.48 Abolish restrictions on freedom of opinion and expression in the national legislation in line with international standards on human rights (Montenegro); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7



52.49 Ensure that rights of freedom of expression, opinion and peaceful assembly are not unduly restricted by cybersecurity laws and its criminal code (New Zealand); Source of Position: A/HRC/49/17/Add.1 - Para.21	Supported	- Freedom of opinion and expression & access to information - Right to peaceful assembly - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.50 Guarantee the rights to freedom of expression, association and peaceful assembly, and protect individuals, including political opponents, from judicial harassment (Norway); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Freedom of association - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.51 Repeal all provisions that criminalise or unduly restrict the rights to freedom of opinion and expression and of assembly (Portugal); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Right to peaceful assembly - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.52 Guarantee the rights to freedom of expression and assembly and stop targeting civilians engaging in peaceful protests under criminal charges entailing punishment with exorbitant prison terms (Austria); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Arbitrary arrest & detention - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.3-2.7



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52.53 Remove undue restrictions and infringements on the enjoyment of the freedoms of expression, association and peaceful assembly (Botswana); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Freedom of association - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.54 Consider revising its legislation on freedoms of expression and peaceful assembly in alignment with international human rights standards (Brazil); Source of Position: A/HRC/49/17/Add.1 - Para.8	Supported	- Freedom of opinion and expression & access to information - Right to peaceful assembly - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.55 Ensure that the right to freedom of expression and opinion and the freedom of assembly are fully respected and protected, including in the context of a state of emergency (Czechia); Source of Position: A/HRC/49/17/Add.1 - Para.8	Supported	- Freedom of opinion and expression & access to information - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7



52.56 Review the usage of lèse-majesté legislation in its entirety and especially against minors to comply with international human rights standards, including the Convention on the Rights of the Child (Finland); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Legal & institutional reform - Children: definition; general principles; protection - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children	Status: Not implemented Source: Paragraph 2.1-2.7
52.57 Guarantee the protection of the freedoms of opinion and expression, including by amending article 112 of the criminal code (France); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.58 Review the lèse-majesté law, the computer crime law and the criminal defamation law (Germany); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Legal & institutional reform - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7



52.59 Review the lèse-majesté law to bring it into conformity with international standards and to prevent it from being used to silence opponents (Norway); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Legal & institutional reform - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.60 Amend article 112 of the criminal code on royal defamation to bring it into line with Thailand's international human rights obligations under the International Covenant on Civil and Political Rights and, as an intermediate step, remove mandatory minimum prison terms for violations of that provision (Sweden); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Arbitrary arrest & detention - Legal & institutional reform - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.61 Amend articles 112 and 116 of the criminal code to ensure that the application of the crimes of lèse-majesté and sedition complies with human rights (Switzerland); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Legal & institutional reform - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7



52.62 Review and revise laws and regulations that unduly restrict freedom of expression, including online expression, in particular the computer crimes act and the 2005 emergency decree, and eliminate mandatory minimum sentences for lèse-majesté violations (United States of America); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Legal & institutional reform - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.63 End arrests and prosecution of children under article 112 and other articles related to security and public order in the criminal code, and ensure the respect of Thailand's obligations under articles 13, 15 and 37 of the Convention on the Rights of the Child (Austria); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Administration of justice & fair trial - Children: definition; general principles; protection - Constitutional & legislative framework - Scope of international obligations SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Status: Not implemented Source: Paragraph 2.1-2.7
52.64 Amend article 112 of the criminal code and bring it into line with article 19 of the International Covenant on Civil and Political Rights (Belgium); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Constitutional & legislative framework - Scope of international obligations SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7



52.65 Amend, repeal or restrict the use of legislation that curtails the exercise of rights of expression, association and peaceful assembly, including online, with particular reference to sections 112 and 116 of the criminal code and the computer crime act (Canada); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Freedom of association - Right to peaceful assembly - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
52.67 Remove the broad range of restrictions on the rights to peaceful assembly and freedom of expression (Estonia); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Freedom of opinion and expression & access to information - Right to peaceful assembly SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
Theme: Right to peaceful assembly (1)			
52.68 Review existing regulations and practice which restrict freedom of assembly, giving high priority to the freedom of demonstration (Germany); Source of Position: A/HRC/49/17/Add.1 - Para.9	Noted	- Right to peaceful assembly - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 2.1-2.7
Theme: Data Collection & Research (1)			
51.93 Enact the data protection act soon with a view to respecting the principles of purpose limitation, necessity and data economy (Germany); Source of Position: A/HRC/49/17/Add.1 - Para.51	Supported	- Data collection & research - Freedom of opinion and expression & access to information SDGs: - 17 - PARTNERSHIPS FOR THE GOALS	Status: Not implemented Source: Paragraph 5.1-5.2
Theme: Constitutional & legislative framework (1)			



51.94 Enhance the frameworks to prevent the exploitation of cyberspace to commit criminal activities (Syrian Arab Republic); Source of Position: A/HRC/49/17/Add.1 - Para.51	Supported	- Constitutional & legislative framework - Data collection & research SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Status: Not implemented Source: Paragraph 3.1-3.7
Theme: Human rights defenders (1)			
52.82 Ensure the protection of civic space and human rights defenders, including youth, members of civil society, lawyers, media and academics, so that they can operate freely and fully exercise the rights to freedom of expression, including online, and freedom of peaceful assembly and association (United Kingdom of Great Britain and Northern Ireland); Source of Position: A/HRC/49/17/Add.1 - Para.8	Supported	- Human rights defenders - Freedom of association - Right to peaceful assembly - Freedom of opinion and expression & access to information SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Human rights defenders & activists - Civil society - Youth & juveniles - Media - Judges, lawyers and prosecutors	Status: Not implemented Source: Paragraph 4.1-4.3

Joint UPR Submission: Digital Rights in Thailand April 2026

Submission by



Manushya Foundation is a women-led, decolonial and intersectional feminist organisation building cross-border safety nets of protection, solidarity, and accountability across Asia. We strengthen the political power and decision-making leadership of feminists, youth movements, and frontline communities. Our work shifts power by bridging emergency protection for activists facing repression and transnational repression, movement lawyering to confront corporate abuse and false climate solutions, defense of digital rights and civic space in increasingly surveilled environments, and grassroots-led advocacy engaging international accountability systems to advance structural justice. For more, see <https://www.manushyafoundation.org/>.



GIRLxGIRL is a Thai civil society organization working to advance the rights, visibility, safety, and well-being of women, girls, and lesbian, bisexual, transgender, and intersex (LBTI) persons. The organization works at the intersection of community-building, public education, advocacy, and leadership development to strengthen inclusive spaces, amplify underrepresented voices, and promote gender equality and social justice. For more, please see <https://www.facebook.com/GIRLxGIRLth/>.



The **Thai CSOs Coalition for the UPR and UN Mechanisms (Universal Periodic Review)**, established during Thailand's Second UPR cycle, is a people-led, intersectional feminist movement bringing together local communities and national civil society organisations across all human rights sectors. As one of the largest intersectional grassroots-led movements in Thailand, it engages with the UPR and UN treaty bodies, connecting struggles from Indigenous Peoples' rights, land and environmental justice, and labour rights to digital rights, freedom of expression, transnational repression, and the protection of human rights defenders, migrants, political refugees, youth, LGBTIQ+ individuals, and communities facing systemic marginalization. It fosters solidarity among communities facing shared challenges and strengthens collective action to demand accountability from the state and companies for their international human rights obligations.



Young Pride Foundation, founded in 2018, is a youth- and LGBTQ+-led organisation supporting human rights, gender equality, and democracy through online learning, events, and meetings. We dedicate ourselves to supporting and maintaining relationships among youth leaders through communication support and resource sharing. We also aim to promote understanding of diversity and inclusion at universities and monitor cases of unfair discrimination. For more, please see <https://youngprideclub.com/>.



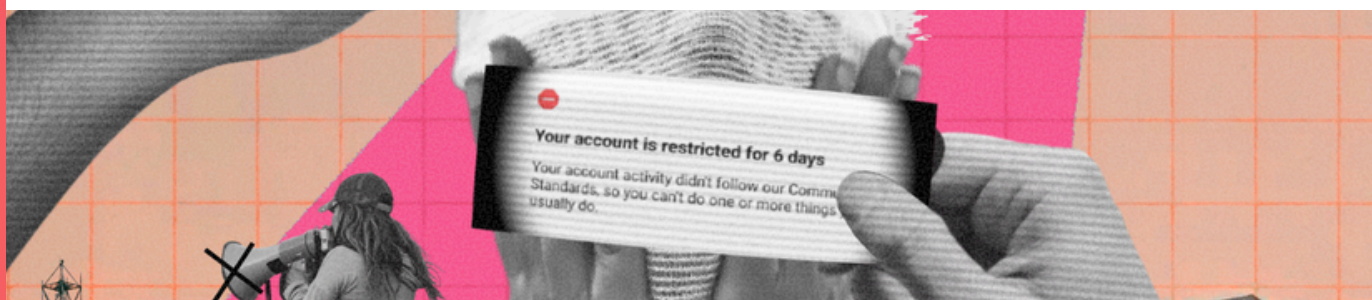
Buriram Plod-Aek 'Freedom for Buriram' is a grassroots youth-led organisation based in Buriram Province, in northeastern Thailand (Isaan), dedicated to promoting civic engagement, advocating for structural social change, and upholding the principles of human rights and fundamental freedoms. For more, please see <https://www.facebook.com/FreeForBuriram>



Tamtang Foundation is a frontline feminist group led by women with abortion experience and LBI, dedicated to advancing access to safe and dignified abortion services in Thailand. Committed to building a society that understands bodily autonomy, Tamtang focuses on their 4 main missions: 1) providing counseling and service referral, 2) empowering women with abortion experiences, 3) mobilising a feminist abortion-friendly movement, and 4) encouraging policy advocacy to challenge and eliminate the stigma surrounding abortion. For more, please see <https://www.facebook.com/SafeAbortionThailand>.



โมกุลวงรีมนำ (Mokeluang Rimnam) was founded in August 2020, during the period in which dictatorship and violence against pro-democracy activists in Thailand became more severe. Its initial intention was to demand justice and respect for basic rights for students at Navamindradhiraj University, such as the right to dress according to one's gender identity and self-expression, gender equality, and compensation for tuition during the COVID-19 pandemic. However, the group's purposes have later expanded to echo and initiate demands of the overall pro-democracy movement, in particular the release of political prisoners, and social welfare. Mokeluang Rimnam has been the co-organizers of many notable pro-democracy demonstrations. It also works extensively to draw attention to the issue of enforced disappearances of activists who spoke up against the military coup, the government's misconduct, or other instances of human rights violations. For more information, please visit: <https://www.facebook.com/profile.php?id=100030783806951>.





THAILAND UPR IV
2026



MANUSHYA
#WeAreManushyan = Equal Human Belongs

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