

'RAISING THEIR VOICES:

HUMAN RIGHTS DEFENDERS RESPOND TO THE HUMAN RIGHTS CRISIS'





Manushya's Submission to inform the UN Special Rapporteur on Human Rights Defenders' Report to the 61st session of the Human Rights Council - 'Raising their voices: Human Rights Defenders respond to the human rights crisis', September 2025

Submission by

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Table of Contents





Submission to the UN Special Rapporteur on Human Rights Defenders

'Raising their voices: Human Rights Defenders respond to the human rights crisis'
September 2025

This submission is provided to inform the Special Rapporteur's final report to the 61st session of the Human Rights Council. This submission is made by <u>Manushya Foundation</u>, a feminist human rights organisation based in Bangkok, Thailand. For further information, please contact us at: WeAreManushyan@manushyafoundation.org

1. INTRODUCTION

In Southeast Asia, recent years have witnessed a worrying 'backsliding' of human rights and shrinking of civic space. In this context, human rights defenders (HRDs) play a crucial role in documenting and exposing both corporate and state abuses—from rising authoritarianism to digital repression, from corruption to land grabbing to environmental pollution and lack of fair compensation. Yet, speaking out often comes at the cost of serious retaliation and harsh reprisals.

Thailand and Laos are emblematic of this trend. On paper, fundamental freedoms in both countries are protected by constitutional guarantees: Section 34 of the Thai Constitutionⁱ enshrines freedom of expression and speech, while Article 44 of the Lao Constitutionⁱⁱ guarantees citizens the right to freedom of speech, press, and assembly. In reality, however, these rights are severely restricted in both law and practice, as a range of repressive legal provisions continue to be used to suppress free expression and silence dissent and HRDs.

In this context, and in response to the call launched by the UN Special Rapporteur on human rights defenders, this submission by Manushya Foundation shares the harsh realities and experiences faced by HRDs, communities and partners that Manushya works with and supports in both countries, as well as Manushya's own experiences regarding questions 5, 7, and 12.

2. LACK OF LEGAL RECOGNITION AND PROTECTION OF HUMAN RIGHTS DEFENDERS

2.1 Thailand

In Thailand, HRDs are not legally recognised. Worryingly, the critical work that they do and the risks they face are not even well known and acknowledged, even among state-based non-judicial mechanisms. This highly contributes to HRDs' vulnerability, as the lack of adequate legal protection and the weaponisation



of existing laws, by both private entities and state officials, subjects HRDs to intimidation and criminalisation.

In violation of international human rights law, defamation is both a civil and a criminal offence and is routinely misused by companies and state officials as a tool to file Strategic Lawsuits Against Public Participation (SLAPPs) against HRDs. Sections 326 and 328 of the Criminal Code include penalties of imprisonment of up to two years and a fine of up to 200,000 THB (US\$6,100), while Section 423 of the Civil and Commercial Code includes compensation. Although the Criminal Procedure Code was amended in 2019 to include provisions to limit the use of SLAPP lawsuits against individuals, they remain ineffective. When Sections 161/1 and 165/2 are invoked, courts fail to respond to petitions.

This means that, while Thailand is frequently portrayed as a regional leader in Business and Human Rights (BHR) matters—having been the first country in Asia to adopt a National Action Plan on BHR in 2019—evidence on the ground tells a different story. In fact, between 1997 and June 2022, at least 109 SLAPP cases were filed in Thailand by businesses and state-owned enterprises, targeting more than 400 individuals. Strikingly, the same UNDP that frames Thailand as a BHR regional leader, has documented a worrisome rise in the number of SLAPPs in the country since 2013.

Despite the repeated concerns raised by civil society, still no progress has been achieved and the draft bill *The Act on the Prevention of Strategic Litigation to Suppress Public Participation* fails to define SLAPP and to decriminalise most forms of defamation. It does not cover the Computer Crimes Act, routinely used to silence HRDs, nor SLAPP tactics such as multiple suits based on the same social media post across multiple platforms. VII

Moreover, Thailand is an unsafe country not only for domestic HRDs, as it is increasingly complicit in transnational repression (TNR), a practice alarmingly common among Southeast Asian countries in recent years. VIII Once considered a sanctuary for those fleeing persecution, exiled dissidents in Thailand now face intimidation, surveillance, and even physical violence—orchestrated by foreign governments with the complicity of Thai authorities. Several are the examples of Thailand's unlawful complicity with authoritarian governments in the region—particulary Cambodia, China, Laos, Myanmar, and Vietnam—in relation to TNR. On 23 May 2025, Cambodia's National Police publicly confirmed in a press statement its collaboration with Thai authorities to arrest and deport Cambodian activist C.C., who had fled to Thailand in December 2024. This occurred in violation of the principle of non-refoulement, enshrined in Section 13 of the Thai Anti-Torture Act. In another case, the Thai immigration police threatened action against Manushya's Founder and Executive Director Emilie Palamy Pradichit, after Manushya provided services to a prominent Vietnamese activist refugee in June 2024.



But Thailand's collusion with foreign governments is not limited to Southeast Asian states. This year, on 27 February 2025, Thai authorities secretly deported 40 Uyghur refugees to China, where they face a high risk of torture and death.^{xiii}

Manushya commits to providing protection and psychological, financial, and legal assistance to HRD migrants and refugees facing TNR and seeking resettlement in a secure third country, though not without facing legal risks and intimidation. Criminalisation for the work we do is justified under Section 64 of the Immigration Act, which imposes prison sentences of up to 5 years on anyone accused of hiding or assisting individuals without legal immigration status, even refugees fleeing persecution or at risk of torture and ill-treatment if deported. As a result of Manushya's successful advocacy before the CEDAW Committee in June 2025 as part of Thailand CEDAW review, the Committee in its Concluding Observations urged Thailand to amend Section 64 to assure that 'women human rights defenders are not penalized for supporting undocumented migrants'.*

2.2 Laos

As in Thailand, Lao HRDs are not recognised and there is no legal framework to support or protect them and their work. HRDs are often framed by the state as enemies and threats. Those who dare to speak out—especially those raising concerns about corruption and the environmental and social impacts of development projects—face retaliation, including intimidation, arbitrary arrest and detention, killings and even enforced disappearances.^{xvi}

Vague provisions under the Penal Code^{xvii} enable the judicial harassment and criminalisation of HRDs, all in the name of 'maintaining social order'. These include provisions criminalising treason to the nation (Article 110), propaganda against the state (Article 117), as well as defamation, libel, and insult (Articles 205 and 206).^{xviii}

Enforced disappearance is a key tactic the Lao government uses to silence those who oppose it. People, especially HRDs and political activists, are taken away and their families and the public are left in the dark about what happened to them. One example of this is the story of C., who disappeared on 2 February 2024, after picking up his new passport in Southern Laos to attend the 11th Asia Pacific Forum on Sustainable Development (APFSD) taking place that month. Another well-known case is the one of S.S., a development worker and activist dedicated to powering rural communities in Laos who has been missing for over a decade. On 15 December 2012, he was abducted at a police checkpoint in Vientiane, a moment even captured by CCTV footage. After being stopped by the police, S. was taken away in a truck, and since that day, no one has seen or heard from him. During its 2025 UPR review, Laos received 15 recommendations on the issue of enforced disappearances, 11 of which urged ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Although the state supported or partially supported the latter, it has yet to take any steps toward treaty accession.



In its attempt to silence dissent, the Lao government does not shy away from extreme violence against activists, including murder attempts. An egregious case is the one of A. 'J.' L., a Lao youth democracy activist who manages a well-known Facebook page exposing the realities of #WhatsHappeninginLaos, advocating for genuine democracy and openly criticising the country's increasing dependence on China. On 29 April 2023, J.L. was shot multiple times in Vientiane. Following Manushya's effort, he received the urgent care he needed. Yet, more than 2 years after the attempted assassination, the government keeps withholding information, and the perpetrators remain unpunished.*

While 'J.A.' survived the assassination attempt, many other courageous activists have not. As B. was targeted by the regime for her efforts—including her participation in the 11th APFSD Forum in February 2024— she was found dead in what was reported as a motorcycle accident on 23 June 2024, raising serious questions about the circumstances of her death.*

The reach of Lao repression extends beyond its borders, with the government engaging in TNR, including targeted killings of activists abroad. The case of B.K. is extremely telling of this. As part of the 'Free Laos' group, and ADL member, his advocacy in favour of democracy and human rights in Laos made him a prime target for the Lao government. As he feared for his life, he was exiled in Thailand, recognised as an UNHCR refugee. He was days away from fleeing to Australia to ensure his freedom and safety when he was found dead on 17 May 2023 on the side of the road in Ubon Ratchathani, Thailand.*** More recently, on 14 June 2025, democracy activist J.A. survived a brutal knife attack in France while meeting with a fellow Lao woman activist who had recently arrived in the country. Forced to flee Laos in 2018, with the support of Manushya he was able to obtain asylum in France, where he continued his activism through social media.***

The circumstances of the attack make it clear that it is part of a dangerous and escalating pattern of TNR against Lao activists.***

In addition to violent and extraterritorial measures, the Lao government maintains a climate of fear through strict control over civil society organisations. The Decree on Associations No. 536/GOV, which replaces Decree on Associations No. 238/GOV and will be effective from 10 October 2025, still puts high scrutiny over civil society organisations, as associations must for instance serve defined purposes and fit into defined categories. **xviii*

3. DIGITAL REPRESSION

3.1 Thailand

Thailand has seen a clear decline in digital rights over the past years, ranked as 'Not Free'.xxix Thailand's cyber legal arsenal—including civil and criminal defamation provisions, the Computer Crimes Act, the Cybersecurity Act, and Section 112 of the Criminal Code on lèse majesté—is routinely weaponised to criminalise peaceful expression.xxx



But Thailand's digital repression is not solely driven by domestic authoritarianism. On one hand, the state has weaponised surveillance technologies—using for instance Israeli spyware Pegasus to monitor HRDs—and repressive laws to silence dissent. On the other, U.S.-based platform META applies censorship policies rooted in anti-feminist conservative values that clash with Thailand's own legal protections notably regarding abortion and LGBTQIA+ rights. XXXII Since the beginning of 2025, several of Manushya's partners promoting those rights have had their Facebook page suspended. Following Manushya's intervention they were fortunately restored. XXXIII

More recently, Thailand launched the Al-powered Cyborg 1.0 robot to enhance 'security' at public gatherings. These tools, framed as security measures, are weaponised to crush civic resistance. xxxiii

3.2 Laos

In Laos, authorities opt for slander, 'propaganda against the state,' (Article 117 of the Penal Code) and 'national security' provisions to stifle online expression, arresting and charging users who speak up. Moreover, online users face frequent intimidations by authorities warning them to abide by laws and refrain from posting content critical of the government.xxxiv

One notable case is that of H. 'M.' X., a brave woman human rights defender (WHRD) who began her human rights work in support of grassroot communities in 2017. After being targeted by the authorities and losing her job, she turned to Facebook to denounce corruption and business harms to local communities and the environment. Branded an 'enemy of the State', she was arrested on 12 September 2019 under Article 117 after posting a Facebook video criticising the government's lack of response in support of displaced communities following severe flooding in Southern Laos.**

4. THE GENDERED DIMENSION OF REPRESSION

4.1. Thailand

While HRDs in Thailand broadly face harassment through the weaponisation of restrictive laws, WHRDs experience these measures in distinctly gendered ways. Legal actions, particularly SLAPPs, are often strategically deployed to obstruct WHRDs in their advocacy for land rights, housing, environmental protection, and community resources. The numbers are striking: between 2014 and 2022, over 200 WHRDs were SLAPPed.xxxvi

N. C, intersex-trans WHRD and Manushya's advisor, xxxvii as well as rural women fighting against the impacts of mining, xxxviii are two of the many examples of WHRD SLAPPed for defending human rights.

The impacts of such judicial harassment go beyond the individual WHRD. Considering the central caregiving role that many women hold, their entire family and community are impacted. Not only this



form of harassment seeks to suppress critical voices, but it also imposes emotional, social, and economic burdens on WHRDs. Despite acquittals in many cases, the legal process itself significantly disrupts the lives of WHRDs, all at the expense of their continued activism and family responsibilities. Such disruption coupled with ongoing intimidation, like unannounced visits from authorities, can lead to accusations of WHRDs neglecting family duties, a particularly damaging stigma in rural communities. **xxxix**

Inaccessible and ineffective mechanisms fail to address grievances from WHRDs and in many cases WHRDs must rely on CSOs to ensure their safety.^{xl}

4.2 Laos

In Laos, the situation for WHRDs remains deeply concerning. Once again, the case of H. 'M.' X. exemplifies the repressive nature of the Lao state. Indeed, following her arrest in 2019, she endured prolonged pretrial detention, was denied access to independent legal counsel, and subjected to repeated coercive interrogations under pressure to confess to 'spreading propaganda'. She was ultimately sentenced to five years in prison on politically motivated charges of defamation and anti-state propaganda. This particularly impacted her life as a mother as she was separated from her 4-year-old daughter. But their lives were not only impacted by the separation: as the main breadwinner for her daughter, during her detention her family faced several hardships, including economic ones.* Although she was released in 2024, her case is one of many examples of severe reprisals faced by WHRDs.

Women who speak out against abuses of power and misconduct by state officials continue to face deeply gendered discrimination, leading to victim-blaming and ostracisation. This was the case for N.P., a university student who was sexually assaulted by a government employee on 10 April 2024. Met with complete indifference from the authorities after denouncing the fact, she persevered and obtained a confession from her assailant. However, instead of justice, she was met with blame and institutional complicity with the perpetrator.^{xiii}

5. THE IMPACTS OF USAID CUTS

Manushya provides life-saving emergency support to HRDs and activists at risk, including critical feminist safety nets and protection mechanisms. The USAID funding cut represented a 75% loss of the organisation's overall budget, xliii forcing us to drastically scale back operations, including the closure of 9 out of 10 safe houses. xliv Further, as a decolonial organisation committed to dismantle colonial grant-making processes and power grassroot communities and movements, the funding cut also resulted in a significant reduction of Manushya's capacity to provide strategic subgrants (core funding) to local groups working on the ground. xlv

While Manushya was able to survive, the downsizing has resulted in a devastating loss of protection for those whose lives are most at risk and a significant obstacle in Manushya's broader decolonisation efforts.



6. RECOMMENDATIONS / IMPORTANT MESSAGES

- Urge both Thailand and Laos to formally recognise HRDs and adopt gender-sensitive legal frameworks and accountability mechanisms that protect and support them. In particular, Thailand must decriminalise defamation and adopt a stand-alone, gender-sensitive and effective anti-SLAPP law and Laos must amend its laws to prevent politically motivated prosecutions and repeal laws that criminalise peaceful expression and so-called anti-State activities.
- Urge Thailand and Laos to repeal or amend repressive cyber laws used to silence and harass dissent. This includes banning the use of spyware and AI surveillance technologies against HRDs and civil society actors.
- Demand that Thailand and Laos investigate and prosecute acts of harassment, threat, intimidation, physical violence, enforced disappearance, attempted murders, and killings against HRDs and WHRDs.
- End all forms of transnational repression and refrain from collaborating with authoritarian governments to target exiled activists.

7. THE ROLE AND RESPONSIBILITY OF DONORS

International donors share responsibility under the UN Declaration on Human Rights Defenders, the duty of international cooperation, and the principle of do no harm to ensure their funding decisions strengthen, rather than dismantle, protection mechanisms for HRDs.

Call on international donors to:

- Ensure funding cuts do not disproportionately endanger HRDs by dismantling infrastructures such as safe houses.
- Adopt responsible exit strategies that safeguard the continuity of local protection mechanisms.
- Move away from colonial grant-making by providing flexible, long-term core funding to grassroots and feminist organisations protecting HRDs.
- Institutionalise meaningful consultation with civil society before taking funding decisions that affect their safety and survival.



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