



THAILAND UPR IV
2026

Decriminalization of Sex Workers



Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group



Joint UPR Submission: Decriminalization of Sex Workers **April 2026**

Submission by

EMPOWER Foundation, Sirisak Chaited,
and the Thai CSOs Coalition for the UPR and UN Mechanisms



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FOR MORE INFORMATION ON THIS JOINT UPR SUBMISSION, PLEASE CONTACT:

Email: empowerfoundationthailand@gmail.com

Website: www.facebook.com/empowerfoundation.cm

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Civil Society Report under Universal Periodic Review (UPR)
Round 4 of Thailand
Issue: Sex Worker's Rights
Prepared by Empower Foundation

Information about the organization

For 40 years, the Empower Foundation has functioned as a collective for sex workers operating in various environments, from traditional venues to digital platforms, to advocate for the rights and dignity of sex workers. The organization seeks to eliminate the criminalization of sex work, aiming to secure fair treatment, end social stigma, and ensure that workers are protected by labor laws across locations like Chiang Mai, Bangkok, and Pattaya. By fostering a strong, unified community, Empower works to guarantee that all members can enjoy a safe workplace and a high quality of life free from discrimination. This report was prepared by the Empower Foundation. To present the problems and situations of sex workers in Thailand. Under the framework of the Universal Periodic Review (UPR) mechanism.

Introduction

In October, 2022, there was an enforcement of Act on Imposition of Pinai Regulatory Fines, B.E. 2565 (2022), replacing the section 5 of the penalty for prostitution solicitation. The punishment was reduced from an enforcement to a behavioral fee, meaning no fine, no criminal record, but they have to do community services. The Ministry of Social Development and Human Security is the responsible organization responsible for the program. However, in reality, the government officials still arrest and press charges but they use other punishments/fines: causing public nuisance, selling overpriced lottery. Through entrapment, and money extortion, if sex workers refuse to pay them, they will be pressed charges of conducting a sex work business, very problematic for sex workers.

Meanwhile, Empower has been relentlessly pushing and following up on the draft of Sex Workers' Protection Act from 2022 to 2024. It was organized by the Ministry of Social Development and Human Security. Empower was also part of the drafting committee. This draft was supposed to be considered in the parliament in 2024. Nonetheless, the original timeline was abrupted without providing any reasons. Empower has sent six letters in total, conducted 3 symbolic activities, and requested 3 meetings with the prime minister, but these attempts were futile. Empower then had a meeting with the Director-General of Women and Children's Affairs instead in 2025. There has been no progress, which shows the wavering ambition of the government in solving sex workers' issues. On June 26, 2025, Empower attended a meeting with the Ministry of Social Development and Human Resources and learned that the government, through the Prime Minister's Office and the Ministry of Social Development and Human Resources, had drafted a new law called the "Draft Act on the Regulation of Sexual Service Providers B.E. ...". Empower and sex workers were never informed of or involved in the amendments to this draft. Furthermore, it was claimed that the new draft aimed to protect sex workers and abolish criminal liability. However, a review of the details of the draft reveals that this does not meet the claims and that existing penalties for sex workers remain in place.



Thailand's position is clear from the recommendations of the United Nations Working Group on Discrimination against Women and Girls (WGDAWG)¹ and the CEDAW report, as well as the recommendations from the UPR, which the Thai government must adhere to.

And United Nations Working Group on Discrimination against Women and Girls (WGDAWG) Press conference on the situation on human rights after his first visit to Thailand at the invitation of the government from December 2-13, her said, "I would like to advise the Thai government to stop decriminalizing the sex trade. We want them to have fair access to health services. The government should implement an integrated approach to victim care, but in practice we have found that there are not enough staff in the centres, which should make these basic services more equitable for everyone," said Ivana Christic.²

Thailand received recommendations from Board of Directors United Nations CEDAW (July 2025) To support this demand in a weighty manner at the international level. We would like to refer to the "Official Recommendations" from the Committee. CEDAW, in its CEDAW/C/THA/CO/8 report, Articles 30(a) and (c), says:

The Committee recommends that the State Party (Thailand) Proceed as follows:

(a) Accelerate the process of ending criminal offenses against women engaged in sex work by providing protection. Fully protect human rights from being violated.

(c) Ensure that a participatory and meaningful consultation process is held with women in the sex trafficking system in the drafting of a new bill on sex trafficking, and that the enactment of such legislation is expedited without delay." (CEDAW/C/THA/CO/8, Clause 30(a), (c), July 7, 2025)

This recommendation confirms that sex workers must not be criminalized. And we must have the right to co-make laws that directly affect our lives. This is in line with the principles of participation and human rights that Thailand, as a party to the Convention on the Elimination of Discrimination against Women in All Forms (CEDAW), must adhere to.

Results of the Third UPR cycle and the obligations of Thailand: Recommendations concerning sex workers that have been accepted and implemented by the country include:

16. Consider reviewing national legislation in line with the international human rights instruments ratified by Thailand (Egypt);
17. Continue to take measures to improve national legislation in the field of the promotion and protection of human rights (Russian Federation);
79. Guarantee the right to access adequate standard of health services for all, including sex workers (Finland);³

¹ **Report of the Working Group on discrimination against women and girls*, Human Rights Council Fifty-ninth session**

□ 16 June–11 July 2025), available at : <https://docs.un.org/en/A/HRC/59/45/Add.2>

² Matichon, สหประชาชาติ แนะนำรัฐไทยปลดล็อก 'Sex Worker' ต้องเลิกผิดกม. อึ้ง! ผู้ต้องขังหญิงติดที่อป 4 โลก , (13 December 2024), available at : https://www.matichon.co.th/local/quality-life/news_4952777

³ ข้อเสนอแนะที่ประเทศไทยได้รับและคำมั่นโดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) รอบที่ 3, available at <https://humanrights.mfa.go.th/upr-process/the-third-cycle-upr/third-upr-report/recommendations-and-voluntary-pledges/>



The Rights most commonly violated

- Right to Human Dignity and Physical Integrity
- Right to Work in Just and Fair Conditions
- Right to equal treatment and protection under the law

The current situation and problems faced by sex workers.

1. Discrimination due to prostitution laws makes them blocked from accessing various rights and does not respect human dignity.

- Being taken advantage of by working conditions
- No rights as a worker.
- Financial security is not accessible.

Case: Pond's work at a go-go bar dance position. Sometimes Pond go to find customers on Khaosan Road. Working at a go-go bar has exploitative working conditions⁴, such as forced to make a drinking target, deduct money. Pond have never had social security even though her have filled out a job application. clocking in and out of work Remuneration is given on a daily basis. The store has never issued a work certificate because her has never been an employee who has been notified of the employee's social security. When Pond was dismissed, there was no compensation. Unemployment benefits in social security cannot be used because there is no social security, dependent on informal loans, and unemployment. There is no money to pay for the rented room, send it to the house, and the debt outside the system is high-interest.

Challenges : *Sex workers have no access to protection, justice, compensation or labor complaints mechanisms for all or any labor abuses.*

- No labor protection
- No occupational health and safety standards
- No social security net
- No opportunity to organize or form associations
- No access to redress
- No financial security
- No protection of contractual agreements

2. The arrest of sex workers is forcibly convicted of many offenses, and the case is being stuffed to demand high tribute.

Case : Kee stood at the beach in Pattaya. The police arrested him while he was standing at work on the beach. At that time, there was a standing and working together. 3 The police took him to the interrogation room, and the police called him in to take pictures and make a history. The police charged us with the crime of "quarreling and prostitution", and at that time we were shocked why we had to charge us with quarreling because we didn't fight with anyone. But Kiam agreed to pay the fine for fornication. 2,000 Baht and the offense of quarrelling. 2,000 But the police told me that I had to pay. The "media closure fee" is added because the news has been

⁴ Go Go Bar Soi Cowboy There is a daily wage of 700, but I have to find a drink in the restaurant 2 drinks a night. If you can't work any night, you will be deducted 200 baht and you will only get 500 baht for late work. Blood test once every 3 months, if the test result is not submitted, the store will deduct 1,000 baht. Check-up once a month As a result, the store deducted 1,000 baht. I didn't get on stage and couldn't dance in time. If you don't dance beautifully, you will warn and deduct 200 baht, and sleep deduct 400 baht.



made and it is too popular. We had to go to the police station 3 time but the police did not come to do the matter. We continued to postpone until that day, the police said that we had to pay a fine for closing the media. 10,000 Baht per person If we refuse to pay, the police will prosecute and arrest us. Waiting to be sent to the court, but if we pay, the case is over. The police handed us a brown envelope to put money in and turned off the light. We will be confiscated on our mobile phones before every conversation. Kee and his friends again. 2 People are willing to pay 10,000 baht each because they are arrested and sent to court, the fine may be less, but it is stuck as an important criminal record, they will waste time and not work without knowing how long it will last. Lack of income

Challenge : The discrimination faced by sex workers, which overlaps with LGBTIQ gender identities, leading to discrimination, violence, abuse, unresolved issues, attacks, stereotypes, and the creation of hatred.

3. Luring people to buy sex workers using online platforms. Forcible conviction for many offenses, stuffing cases to demand higher tribute.

Case: Kwan works online Application X .She was arrested twice. The first time was lured to buy from someone claiming to be a policeman. Kwan's phone was confiscated and the police claimed that this was evidence of prostitution. Kwan told the police that it was a personal matter to only send photos to customers. Never posed pornographically or naked online. The police said that just posting pictures on the Internet for prostitution is an offense. Computer Act. Police demanded 40,000 baht in tribute. He said that if he goes to court for an offense under the Computer Act, the fine is as high as 150,000 baht. She was entrapment and arrest a second time⁵ in the process of arrest, there was a violation to wear a towel. In the case of migrant workers who work in the wrong category or do not have a work permit, they are also fined and sent back to their country of origin, but they are not blacklisted like prostitution. If you do other occupations, do the wrong type of work, not the employer, sometimes just fine and warn. which are practiced differently. Sex workers should not be punished as severely as criminals, drug traffickers or terrorists.

Challenges : The Prostitution Act is a tool for corrupt authorities

State laws and neglect expose sex workers to extortion by corrupt authorities. There is a failure to protect sex workers from such abuses. Whereas some people pay bribes to gain special treatment or benefits. Sex workers in Thailand are forced to pay regular bribes to simply to access protection of their basic rights e.g. Right to Protection under the law, Right to Privacy, Right to Work, Right to Freedom of Movement, Right to Sexual Autonomy.

⁵ Dailynews online, สื่อสาวประสาขายกามผ่านทวิตเตอร์ คนสนใจเพียบ! ไม่รอดตร.ล่อซื้อคาโรงแรม, 27 December 2022 available at:

https://www.dailynews.co.th/news/1833452/?fbclid=IwY2xjawKPHGdleHRuA2FibQlxMQABHpBnVQgEfA60XLAUIrgNX59Etg01ElqOeY3Q4Pq_BUCsodNJ6q1Oqj84DXOw_aem_4BBfa2Hg7cHJ2ViOoiqKzw



Main Concerns:

- The government claims to have implemented the recommendations, but this is merely a pretense. In reality, this claim is unsubstantiated because the amendments were made without stakeholder participation and do not align with the proposed protections. The government's actions pose a significant risk of creating new problematic laws rather than resolving the issues.
- The new bill was developed without participation from sex workers or Empower. It was created solely by the state, without consultation, violating basic human rights principles.
- Government delays have led to the continued and exacerbation of abuse, violence, and corruption. The government has been unable to address these problems promptly, and access to rights for service workers remains discriminatory.
- It falsely claims to decriminalize sex work, but still defines it as a criminal act and increases penalties. The law remains focused on control and punishment rather than protection and rights.

Recommendations for action

1. *Repeal the Prevention and Suppression of Prostitution Act B.E. 2539 (1996).*
2. *Promote legislation to protect sex workers, particularly regarding their protection as workers.*
3. *Call for investigations into the conduct of law enforcement officers who violate the rights of sex workers or who act improperly.*
4. *The government is expediting the enactment of legislation to protect sex workers, with the participation of the sex workers themselves.*
5. *Lift the blacklist of migrant workers who engage in prostitution*
6. *Erase criminal record for prostitution offenses.*

Annex

Annex I: Open Letter to the Prime Minister and the Ministry of Social Development and Human Security

Open Letter to the Prime Minister and the Ministry of Social Development and Human Security
Empower Foundation – an organization of sex workers, led by sex workers – has been advocating for justice and the human dignity of sex workers in Thailand for over 40 years.

This new transition period began in 2017, when Thailand initiated a review of the Prevention and Suppression of Prostitution Act B.E. 2539 (1996). There has been a clear and consistent call from many sectors that this law must be amended to reflect current realities, uphold human rights, and respect the dignity of sex workers.

Thanks to strong mobilization by sex worker networks, human rights organizations, academics, and labor rights networks, four draft laws were developed: two by civil society and academics, one by the Ministry of Social Development and Human Security (MSDHS), and one by the



Parliamentary Committee on Women.

However, sex workers were not genuinely included in the drafting process. In 2021, Empower began fully participating in the development of a draft “Sex Workers Protection Act,” in collaboration with the Ministry, relevant state agencies, and experts. Over the course of three years, this bill underwent two rounds of national public consultations on the Office of the Council of State’s website. It was finalized in November 2023 and prepared for submission to the Minister.

Yet, no progress has been made. The Ministry has not shared updates with Empower or the public, causing concern that the process will be reset—disregarding the years of participatory work. Throughout 2024, Empower has persistently followed up, submitting letters and organizing symbolic actions in front of the Ministry and Government House. On 26 June 2025, Empower met with the Ministry and was informed that the government, via the Prime Minister’s Secretariat and the Ministry, had drafted a new bill: “Sex Workers Supervision and Care Act B.E. ...” — without notifying or including Empower or sex workers in the drafting process. This new draft claims to protect sex workers and decriminalize sex work. However, upon review, it does not uphold those promises.

Main Concerns:

- The new bill was developed without participation from sex workers or Empower. It was created solely by the state, without consultation, violating basic human rights principles.
- It falsely claims to decriminalize sex work, but still defines it as a criminal act and increases penalties. The law remains focused on control and punishment rather than protection and rights.
- It removes the chapter on “Sex Business Operators,” despite previous studies clearly showing that legal recognition of sex establishments reduces corruption, helps combat trafficking, and ensures workplace safety.

Our Call:

Empower Foundation and co-signatories of this letter call on the Government, the Ministry of Social Development and Human Security, and the Department of Women’s Affairs and Family Development to urgently resume consideration of the “Sex Workers Protection Act,” developed with the full participation of Empower and sex workers over the past three years. This is to uphold human rights, participation, and justice for all.

CEDAW Committee Recommendations (July 2025):

To reinforce this call with international legitimacy, we cite the “official recommendations” from the CEDAW Committee’s 2025 review (CEDAW/C/THA/CO/8, paras. 30(a) and (c)):

- (a) Expedite the decriminalization of women in prostitution, provide full protection from rights abuses and provide exit strategies to women in prostitution for those who would like to exit prostitution;
- (c) Ensure consultations with women in prostitution in the development of a new draft law on prostitution and adopt such a law without further delays.

These recommendations affirm that sex workers must not be criminalized, and must have the right to shape the laws that directly affect their lives. This aligns with human rights principles and Thailand’s obligations as a party to CEDAW.



With respect,

1. มูลนิธิเอ็มพาวเวอร์ และ แคนดอบาร์ Empower Foundation & Can Do Bar
2. มูลนิธิท่าทาง TamTang Foundation
3. มูลนิธิเพื่อสุขภาพและการเรียนรู้ของแรงงานกลุ่มชาติพันธุ์ Map Foundation
4. มูลนิธิยังไพรด์ Young Pride Foundation
5. มูลนิธิศักยภาพชุมชน People's Empowerment Foundation
6. มูลนิธิเอ็มพลัส Mplus Foundation
7. มูลนิธิเพื่อการพัฒนาแรงงานและอาชีพ HomeNet Thailand
8. มูลนิธิอาสาพัฒนาเด็ก The Volunteers for Children Development Foundation
9. มูลนิธิพิทักษ์สตรีและเด็ก Women and Children Protection Foundation
10. มูลนิธิผู้หญิง กฎหมาย และการพัฒนาชนบท (FORWARD)
11. มูลนิธิซิสเตอร์ Sister Foundation
12. มูลนิธิมนุษยะ Manushya Foundation
13. มูลนิธิเดอะลิงค์ The LinQ Foundation
14. มูลนิธิแคร์แมท CAREMAT Foundation
15. สมาคมฟ้าสีรุ้งแห่งประเทศไทย. Rainbow Sky Association Of Thailand
16. เครือข่ายสุขภาพและโอกาส HON-Health and Opportunity Network
17. เครือข่ายแรงงานภาคเหนือ Northern Thai Labor Network
18. เครือข่ายสลัม 4 ภาค Four Regions Slum Network
19. เครือข่ายสตรีชนเผ่าพื้นเมืองแห่งประเทศไทย The Indigenous Women's Network of Thailand (IWNT)
20. เครือข่ายสุขภาพผู้หญิงภาคเหนือ Northern women's health network NWHN
21. เครือข่ายสุขภาพชาติพันธุ์ บนพื้นที่สูง(คชส.) Highland People's Health Network Organizational
22. เครือข่ายรัฐสวัสดิการเพื่อความเท่าเทียมและเป็นธรรม We Fair
23. เครือข่ายผู้พิการ เชียงใหม่ Disability Culture Chiangmai Association
24. เครือข่ายปฏิรูปที่ดินภาคอีสาน Isan Land Reform Network
25. เครือข่ายประชาชนจัดการเลือกปฏิบัติ - มูฟดิ People's Movement to Eliminate Discrimination : MovED
26. กลุ่มคนรักบ้านเกิดด่านขุนทด The Khon Rak Ban Kerd Dan Khun Thot Group.
27. กลุ่มด้วยใจรัก The Duayjai Rak Group.
28. กลุ่มอนุรักษ์น้ำ ชับคำ ปาหลาย จ.มุกดาหาร The Kham Pa Lai Watershed Conservation Group in Mukdahan Province.
29. กลุ่มรักษำ อำเภอนวนนิวาส จ.สกลนคร Wanornniwat District Conservation Group in Sakon Nakhon Province.
30. กลุ่มอนุรักษ์ป่าชุมชนเขาเหล้าใหญ่-ผาจันได The Khao Lao Yai-Pha Chan Dai Community Forest Conservation Group.
31. กลุ่มรุ่งอรุณ Rainbow Dream Group
32. กลุ่มคนงาน Try Arm Group
33. กลุ่มคนงานหญิงเพื่อความยุติธรรม Women Workers for Justice Group
34. สหภาพคนทำงาน Workers' Union
35. สหภาพบาร์ิสต้า Barista Union
36. สหพันธ์คนงานข้ามชาติ Migrant Workers Federation
37. คณะทำงานเชียงใหม่ไพรด์ Chiang Mai Pride
38. สถาบันวิจัยบทบาทหญิงชายและการพัฒนา Gender and Development Research Institute - GDRI
39. ขบวนการเคลื่อนไหวผู้หญิงนักปกป้องสิทธิมนุษยชนในประเทศไทย Women Human Rights



Defender

40. สหพันธ์เกษตรกรภาคใต้ (สกต.) Southern Peasants' Federation of Thailand (SPFT)
41. สหประชาคนจน Assembly of the Poor
42. องค์กร v-Power
43. ศูนย์วิจัยพหุวัฒนธรรมและนโยบายการศึกษา ม.เชียงใหม่ A research center under the Multidisciplinary Research Institute of Chiang Mai University, Thailand
44. ศูนย์สตรีศึกษา มหาวิทยาลัยเชียงใหม่ Department of Women's Studies CMU
45. โครงการขับเคลื่อนนโยบายสาธารณะด้านทรัพยากรแร่ THE PROJECT FOR PUBLIC POLICY ON MINERAL RESOURCES (PPM)
46. ขบวนการผู้หญิงปฏิรูปประเทศไทย We Move
47. โพรเทคชั่น อินเตอร์เนชั่นแนล ประเทศไทย Protection International
48. เครือข่ายพนักงานบริการเอเชียแปซิฟิก (APNSW)
49. Global Network of Sex Work Projects (NSWP)
50. ศิริศักดิ์ ไชยเทศ นักสิทธิมนุษยชนอิสระและพนักงานบริการทางเพศ
51. สุรางค์ จันทรแย้ม ผู้ก่อตั้งมูลนิธิเพื่อนพนักงานบริการ
52. มณฑาดี ครุฑมีชัย อาจารย์ ม.ธรรมศาสตร์
53. อำ นวยพร กิจพรมมา อาจารย์ ม.เชียงใหม่
54. วรภัทร วีรพัฒนคุปต์ สมาชิกสภาผู้ชมและผู้ฟังรายการ องค์การกระจายเสียงและแพร่ภาพสาธารณะแห่งประเทศไทย(ไทยพีบีเอส)
55. นพพล ไม้พลวง
56. ดร.ศรีประภา เพชรมีศรี
57. นุชนารถ บุญคง
58. นุชนารถ แทนทอง
59. สุรรัตน์ ตรีมรรคา กลุ่มสิทธิสุขภาพผู้หญิง
60. กฤษณ์เพชร โสมณวัตร คณะนิติศาสตร์ มหาวิทยาลัยเชียงใหม่
61. ศ.ดร. นงเยาว์ เนาวรัตน์
62. น.ส.กาญจนา ดีอุต WESAFE
63. ทรัพย์ทวี ไชยโกษฐ์
64. อัมรินทร์ สายจันทร์ ทนายความสิทธิมนุษยชน
65. สุภาภรณ์ มาลัยลอย ผู้หญิงนักปกป้องสิทธิมนุษยชน
66. โสภิตา สุขเจริญ ทนายความสิทธิมนุษยชน
67. ศศิประภา ไร่สงวน ทนายความสิทธิมนุษยชน
68. รัชลาวัลย์ คำ บุญเรือง ทนายความสิทธิมนุษยชน
69. อัจฉรา สรวารี
70. สุรรัตน์ ตรีมรรคา กลุ่มสิทธิสุขภาพผู้หญิง
71. นิมิตร เทียนอุดม มูลนิธิเข้าถึงเอดส์
72. ชานากานต์ วงศ์วารินทร์ ศูนย์ประสานงานหลักประกันสุขภาพประชาชนจังหวัดพะเยา
73. อาร์ดี แสงสุวรรณ

Joint UPR Submission: Decriminalization of Sex Workers April 2026

Submission by



EMPOWER Foundation is a Thai organisation that has been promoting justice, human rights and opportunities for sex workers in Thailand since 1985. Empower is led by sex workers for sex workers. EMPOWER works towards a vision of the future where all women will be able to work safely and fairly in the work they have chosen to do – be that in the home or not, in sex work or not. Over the last 36 years over 50,000 sex workers have been part of Empower; Thai, Indigenous and Migrants. Empower's key focus includes policy reform and legal advocacy, access to education, art and culture, and development of decent sex work. Empower was recognised by the National Human Rights Commission in 2006 when it was awarded the Best Human Rights Organization. Empower has been a founding member and driving force in many national, regional and international networks. For more information, please visit: <https://www.facebook.com/empowerfoundation.cm>.



Siriton Posh or Sirisak "Ton" Chaited is a queer non-binary, sex worker, and LGBTIQANs+ activist based in Chiang Mai whose passion for human rights advocacy was forged through early experiences of bullying and marginalization while growing up in a Catholic family. Channeling those personal struggles into a lifelong fight for equality, Chaited helped organize Chiang Mai's pioneering first Pride parade in 2009, bringing LGBTIQAN+ visibility into the regional public sphere. Over the years, their fearless activism has pushed traditional Thai boundaries on multiple fronts, from advocating for the decriminalization of sex work and securing transgender rights to wear gender-affirming official uniforms, to sparking a historic nationwide debate on gender-inclusive access to the Buddhist monkhood. They also serve as one of Manushya Foundation's board members.



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.





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Contact us at:

WeAreManushyan@manushyafoundation.org

#WeAreManushyan



@manushyafoundation



@ManushyaFdn



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