

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the independence of judges and lawyers

Ref.: AL THA 4/2026

(Please use this reference in your reply)

14 July 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 59/4 and 62/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning judicial proceedings against the Future Forward Party and its dissolution as well as the criminalization of its members in our letters [AL THA 1/2020](#) and [AL THA 5/2024](#). Furthermore, we expressed our apprehension regarding the application of section 112 of the Criminal Code and its incompatibility with international human rights norms in our communications [AL THA 2/2023](#) and [AL THA 13/2012](#). We appreciate your reply to these communications and we look forward to receiving a reply on AL THA 1/2020.

The Move Forward Party (MFP) is a social democratic and progressive political party particularly popular among the youth in Thailand. The party, which was led by Mr. Pita Limjaroenrat at the time, had emerged as the largest party in the 2023 general election. The MFP is the *de facto* successor to the Future Forward Party (FFP), which was previously dissolved by the Constitutional Court in February 2020 and whose executive members were banned from politics for 10 years.

We also wish to recall the communication [AL THA 11/2024](#) concerning the impact that several Thai laws and regulations¹ have on the independence of the judiciary and the separation of powers, and expressing serious concern that the appointment process of the Constitutional Court Justices as stipulated in the 2017 Constitution of the Kingdom of Thailand, may not genuinely and effectively ensure independence from other State powers and external forces. We look forward to receiving a reply on this and other communications.

¹ Section 204 of the 2017 Constitution of the Kingdom of Thailand; Section 10 of the Regulation of the Constitutional Court Governing the Court's Procedures B.E. 2562 (2019); Section 15 of the Act on Establishment of Administrative Courts and Administrative Court Procedure B.E. 2542 (1999); Sections 105 and 109 of the Regulation of the Senate's Meeting B.E. 2562 (2019) Section 11 (1) of the Law for the Organization of the Courts of Justice B.E. 2543 (2000); Regulation on Judicial Service of the Courts of Justice regarding the Reporting of Important Cases in the Courts of the First Instance and the Appeal Courts to the President of the Supreme Court, and the Reporting and Reviewing of Case Files in the Offices of the Chief Justices of the Regions B.E. 2562 (2019).

According to the information received:

Background

The judicial proceedings against the Future Forward Party and its dissolution as well as the criminalization of its members are happening in a context in which Thai laws and regulations have an adverse impact on the independence of the judiciary and the separation of powers; and in which, the appointment procedure for the Constitutional Court may not genuinely and effectively ensure its independence.

The information suggests that the 2017 Constitution contains several provisions of concern which serve to enable coup leaders to extend their stay in power, while granting a significant advantage to political parties aligned with the military's interests in contravention of democratic principles, including the separation of powers. For instance, the 250 senators appointed by the National Council for Peace and Order (NCPO) - (section 269), a process inconsistent with democratic principles, are permitted to participate in the selection of the Prime Minister (section 272)². Furthermore, any proposal for constitutional amendment must be approved by one-third of the senators in the first and third readings (section 256(3)). In addition, the 2017 Constitution allows for intervention by the NCPO appointed Senate in the process of appointing Constitutional Court Justices, which violates the principle of separation of powers and Thailand's international human rights obligations to ensure the right to a competent, independent, and impartial tribunal established by law.

The information further suggests that section 10 of the Regulation of the Constitutional Court Governing the Court's Procedures B.E. 2562 (2019), issued under the Organic Law on the Constitutional Court B.E. 2561 (2018), prohibiting "the distortion of facts or laws in the (Constitutional) Court's orders or judgments, or criticism of the Court's orders or judgments in bad faith, or using rude, sarcastic, provoking, or threatening language", may be open to misuse. This overly broad law effectively criminalizes criticism of the Constitutional Court, rendering it a potentially hazardous activity, and exposing individuals to prosecution, in violation of international human rights law standards related to the right to freedom of expression. Violations of this provision can lead to prosecution, with penalties including imprisonment for up to one month and / or a fine.

Currently, out of the eight sitting Justices of the Constitutional Court, five were appointed under the 2017 Constitution with the approval of the Senate, all members of which were appointed by the NCPO in 2020, three were appointed in 2023, 2024, and 2025 respectively.

² The NCPO-appointed Senate operated under the Transitory Provisions of the Constitution (Sections 269–272) for five years from the first sitting of the National Assembly (ending May 11, 2024), and a new 200-member Senate has since been selected under the permanent provisions. Further, the power to participate in the selection of the Prime Minister lapsed in May 2024.

The constitutional court ruling on the unconstitutionality of the Move Forward Party's proposed amendment to Thailand's lèse-majesté law (31 January 2024)

During the election campaign the MFP promised major progressive reforms, including the reform of the royal defamation law and section/article 112 (lèse-majesté) of the Criminal Code. However, the party and its former leader were blocked from forming a government and faced legal actions.

The 'lèse-majesté' law (section/article 112 of Thailand's Criminal Code)

Section/article 112 of Thailand's Criminal Code states that "whoever defames, insults, or threatens the King, the Queen, the Heir-apparent, or the Regent, shall be imprisoned for three to fifteen years per offense." It has been the subject of numerous observations and recommendations by international human rights bodies and mechanisms in recent years.³ These also include the UN Special Procedures ([AL THA 2/2026](#) ; [AL THA 4/2025](#); [AL THA 2/2023](#) and the UN Human Rights Committee ([CCPR/C/THA/CO/2](#), para 38), who recommended Thailand to review section/article 112 of the Criminal Code to bring it into line with the ICCPR. At present, section/article 112 (lèse-majesté) of the Criminal Code is a national security offense with no defenses of "truth" or "good-faith criticisms." Any individual can file a complaint under section/article 112 against others.

Developments before 2023

On 22 May 2014 the Thai military seized power from a democratically elected government by staging a coup d'état. Between 2014 and 2017, the ruling military junta known as the National Council for Peace and Order (NCPO) intensified the use of section/article 112 of the Criminal Code against critics of the government and the monarchy.

Between May 2014 and July 2017 at least 127 people were arrested under section/article 112. Fifty-three of them were sentenced to prison terms of up to 35 years. In addition, lèse-majesté cases that arose between 25 May 2014 and 11 September 2016 were tried by military courts until 9 July 2019, further eroding the defendants' right to a fair trial.

In the second half of 2020 Thailand witnessed nationwide pro-democracy protests triggered by the dissolution of the then opposition Future Forward Party, and the economic hardship caused by the government's mismanagement of the Covid-19 pandemic. The mass pro-democracy movement, which gained momentum in July 2020, has continued to this day. One of the core demands of the protesters has been the reform of the Thai monarchy. In response to the protests, in November 2020, then Prime Minister and former leader of the NCPO indicated that section/article 112 would be among "all laws and articles" to be enforced against pro-democracy protesters.

³ A/HRC/WGAD/2021/64, para. 57; A/HRC/WGAD/2024/28, para 33; CEDAW/C/THA/CO/8, para 34(b).

From July 2020 to March 2024, at least 1,953 people have been prosecuted in 1,285 cases in connection with the exercise of their rights to freedom of expression and freedom of peaceful assembly. Between November 2020 and February 2024, at least 268 people have been charged under section/article 112 of the Criminal Code in 295 cases. By 14 February 2024, there have been judgments in 125 lèse-majesté cases, in 99 of which the defendants were found guilty of violating section/article 112 and sentenced to various prison terms, resulting in a 79% conviction rate. The longest prison sentence imposed during this period was 50 years. From November 2020 to December 2023, at least 41 individuals charged under section/article 112 were detained while awaiting trial or pending appeal.

Developments in 2023

On 24 March 2023 at the MFP's political rally at Laem Chabang Public Park, pro-democracy activists conducted a poll on the repeal/amendment of section 112 of the Criminal Code. Mr. Pita Limjaroenrat, former leader of the MFP, placed a sticker in the "Repeal 112" column and later said to the crowd, "People suggest the law to repeal section 112 of the Criminal Code. The Move Forward Party will support it. [...] I must apologize [...] that I must amend section 112 in Parliament first. If Parliament does not amend [section 112], the Move Forward Party will fight together with you."

Between 25 March and 13 May 2023, the day before the general election, the MFP campaigned for the amendment of section 112 through online and offline channels. The campaign emphasized the use of section 112 as a political tool to prosecute individuals, including pro-democracy activists, who express dissenting opinions or raise questions regarding monarchy. The party argued that in its current form, section 112 contravenes human rights law and standards. Thus, the proposed amendment aimed to ensure that this section is not used as a political tool against freedom of expression. Furthermore, the party's program included proposals towards reforming the military, ending compulsory military conscription, reforming the bureaucracy, liberalizing local administration, preventing business monopolies and preventing corruption.

On 14 May 2023 general elections were held in Thailand. The Move Forward Party (MFP), which had been part of the opposition for the past four years, received the highest number of votes.

On 30 May 2023 a petition was filed against Mr. Pita Limjaroenrat and the MFP to the Attorney-General, alleging that the party's proposal and campaign to amend section 112 was unconstitutional as it constituted an act to overthrow the democratic form of government with the King as the head of state. The petition averred that Move Forward's proposal and campaign to amend section 112 violated section 49 of the 2017 Constitution, which prevents individuals from exercising their rights or liberties to overthrow the constitutional monarchy.

On 12 July 2023 one day before the voting for Thailand's Prime Minister after the general elections, the Constitutional Court accepted a complaint against the Move Forward Party (MFP), the winner of the elections, and its leader and

candidate to the Prime Minister position, Mr. Pita Limjaroenrat. The complaint alleges that, contrary to section 49 of the 2017 Constitution, the party and Mr. Pita Limjaroenrat were attempting to overthrow Thailand's constitutional monarchy by advocating for the amendment of section 112 (lèse-majesté) of the Criminal Code as a key electoral promise.

Due to the accepted complaint, the Election Commission of Thailand, argued that Mr. Pita Limjaroenrat's status as a Member of Parliament (MP) should be terminated and referred a petition against him to the Constitutional Court. Thus, despite Move Forward's victory in the general election in May 2023, the party was blocked from nominating Mr. Pita Limjaroenrat as its prime minister candidate by the military-appointed Senate.

On 19 July 2023 the Constitutional Court accepted the petition for consideration and suspended Mr. Pita Limjaroenrat from his duties as an MP. Coincidentally, this was also the date scheduled for the parliament to vote for Mr. Pita Limjaroenrat as Prime Minister for the second time, following the lack of sufficient support from the parliamentarians during the meeting between MPs and the military-appointed Senate on 13 July 2023.

On 16 August 2023 the Constitutional Court also unanimously dismissed requests to defend Mr. Pita Limjaroenrat's right to be renominated to parliament for the role of Prime Minister, stating that the petitioners were not the damaged parties.

On 15 September 2023 Mr. Pita Limjaroenrat resigned from his position as the leader of MFP in order for the party to remain the leading party from the opposition.

The Constitutional Court's ruling

On 31 January 2024 in a 9-0 ruling, the Constitutional Court unanimously ruled that the actions of Mr. Pita Limjaroenrat and the Move Forward Party in proposing amendments to section 112, using the proposal as an election policy and continuing to pursue it, constituted an exercise of rights or liberties aimed at undermining the democratic regime with the King as Head of State under section 49 of the Constitution. Pursuant to section 49(2) of the 2017 Constitution and section 74 of the Organic Act on Procedures of the Constitutional Court B.E. 2561 (2018), the Constitutional Court issued an order for the MFP and Mr. Pita Limjaroenrat to cease: (1) expressing, discussing, writing, publishing, advertising, and communicating in any other means in pursuit of to repealing section 112 (lèse-majesté) of the Criminal Code; and (2) not pursuing any attempt to amend section 112 (lèse-majesté) of the Criminal Code through any means except the legitimate legislative process, including potential amendments that may be pursued in the future. The Court noted that an exercise of liberty shall not be contrary to public order or good morals. In particular, the Court stated that an exercise of rights and liberties must not exceed the boundaries under article 19 of the International Covenant on Civil and Political Rights (ICCPR).

The Courts judgment detailed among others the following holdings:

Regarding the removal of section 112 from book II, title I (Offenses Relating to the Security of the Kingdom) of the Criminal Code, the Constitutional Court ruled that, by proposing to create a separate title in Book II of the Criminal Code for the crime of lèse-majesté, thereby removing lèse-majesté from book II of the Criminal Code, the MFP and Mr. Pita Limjaroenrat intended to make the crime of lèse-majesté not as important or severe as other national security offenses. The Court also held that the two intended to separate the monarchy and the nation from one another. This, the Court held, constituted a danger to national security in a significant way.

As to the introduction of “good-faith criticisms” exceptions and “truth” defense to the ‘lèse-majesté law’, the Constitutional Court explained that the crime of lèse-majesté contains no exception or defense because it is more severe than criminal defamation, an offense which contains an exception and defense under sections 329 and 330 of the Criminal Code. It further held, that the “good-faith criticism” exception and “truth” defense to lèse-majesté under the MFP’s proposal would allow offenders to invoke this exception or defense and request that they would be allowed to prove the truthfulness of their statements about the monarchy. In doing so, the monarchy would effectively and unavoidably be put on trial and references to or allegations against the monarchy made during the trial might end up being disseminated to the public, thereby tarnishing the King’s honor. According to the Court, this would violate section 6 of the 2017 Constitution, which guarantees the King’s sacredness and inviolability.

Further, the Constitutional Court ruled regarding the MFP’s proposal on limiting the ability to file complaints under the lèse-majesté law to the Bureau of the Royal Household, that section 112 be considered a compoundable offense and that the Bureau of the Royal Household be considered the only injured party with the ability to file criminal complaints in lèse-majesté cases would not only reduce the protection status of the monarchy, but also put the monarchy in conflict with the people, in contravention with section 6 of the 2017 Constitution. The Court posited that this proposal implies that Thailand and its people are not affected by violations of section 112, despite the fact that such an offense hurts the “feelings” of the Thai people who revere the monarchy. Therefore, the State must protect the monarchy and be considered an injured party in lèse-majesté cases.

Although the Constitutional Court acknowledged that the MFPs proposal to amend section 112 may fall under their power as MPs in the legislative branch, it later stated that the MFP and Mr. Pita Limjaroenrat used the legislative process to create an appearance of legitimacy and hide its attempt to undermine the monarchy. Individuals who are not aware of the party’s “true intention,” the Court warned, may be misled or persuaded by its proposal and campaign to amend section.

The Court further noted that, by turning section 112 into a campaign issue before the May 2023 election, the MFP was using the monarchy to secure political and electoral gains, with the intention to put the monarchy in conflict

with the people. The MFP therefore possessed the intent to “erode and destroy” and to “damage, dilapidate, corrupt, and weaken” the monarchy.

Moreover, the Court found that the MFP “provoked” and “incited” people to repeal or amend section 112. To support this proposition, the Court relied on the fact that certain Move Forward MPs participated in peaceful demonstrations that called for the repeal of section 112 before the May 2023 election or published posts in support of this cause on their private Facebook accounts. The Court also pointed to the fact that three Move Forward MPs, none of whom have been convicted by a final judgment, are being prosecuted under section 112.

The Court also noted the fact that Mr. Pita Limjaroenrat pasted a sticker on the “Repeal 112” column and gave a speech referring to the amendment of section 112 at the MFP campaign rally on 24 March 2023. The Court interpreted Mr. Pita Limjaroenrat’s speech and conduct on March 2023 to mean that he and the MFP supported the repeal of section 112 and were ready to pursue means outside the legislative process in the event that Parliament fails to amend the law.

The information suggests that the most problematic aspect of the ruling is the Court’s reliance on the fact that certain Move Forward MPs served as bail bondsmen for individuals charged or prosecuted under section 112 as evidence of the party’s intention to overthrow the constitutional monarchy. However, bail bondsmen should not be identified with the defendants or the defendants’ political beliefs. By acting as bail bondsmen, individuals help ensure the right to bail of defendants who must be presumed innocent until proven guilty by a final judgment.

For these reasons, the Constitutional Court held that Mr. Pita Limjaroenrat and the MFP possessed the intention to overthrow the democratic form of government with the King as the Head of State.

On 12 March 2024 the Election Commission unanimously decided to ask the Constitutional Court to dissolve the MFP.

On 7 August 2024 the Constitutional Court unanimously ordered the dissolution of the Move Forward Party and banned its ten executive members from politics for ten years, following a petition filed by the Election Commission of Thailand relying on the earlier Constitutional Court ruling. This was not the first time a ruling of the Thailand's Constitutional Court has played a significant role in shaping Thai politics through the dissolution of political parties.

The Constitutional Court’s ruling on 31 January 2024 ruling was followed by several legal and political consequences.

Consequences of the ruling: NACC investigation of 44 Move Forward MPs over section 112 amendment proposal

On 2 February 2024 complaints were submitted by two petitioners to the National Anti-Corruption Commission (NACC), requesting an investigation

into 44 MPs from the now-dissolved Move Forward Party who had jointly proposed amendments to section 112 of the Criminal Code. The 44 former MFP MPs were accused of intentionally violating, or failing to comply with, serious ethical standards under section 219 of the 2017 Constitution, in conjunction with section 28(1) of the Organic Act on Anti-Corruption B.E. 2561 (2018) by jointly proposing amendments section 112 of the Criminal Code (lèse-majesté law) on 10 February 2021. The complaint further alleged breaches of the Ethical Standards for Constitutional Court judges and holders of positions in independent organs (B.E. 2561 (2018)), notably chapter 1, clause 5 (adherence to the democratic regime with the King as Head of State) and clause 6 (protection of the monarchy and national security).

The complaint relied on the Constitutional Court's ruling of 31 January 2024 (ruling No. 3/2567) against the Move Forward Party (MFP) and its then leader, Mr. Pita Limjaroenrat, found that the party's proposal to amend section 112 of the Criminal Code constituted an act aimed at undermining the democratic regime of government with the King as Head of State, thereby violating section 49 of the Constitution. The Court has ordered the party and its former leader Pita Limjaroenrat, to cease all efforts and communication to amend or abolish the lèse-majesté law, deeming it a threat to state security by showing an intention to separate the monarchy from the state.

According to the ethical standards to which MPs are bound, MPs must "adhere to and maintain the democratic form of government with the King as the head of state" and "safeguard and preserve the institution of the monarchy." Further, MPs must also "strictly uphold and observe the Constitution of the Kingdom of Thailand." Violations of these standards are deemed to be of "serious" nature. Pursuant to section 235 of the 2017 Constitution, the NACC has the power to investigate MPs who have been accused of serious contravention of ethical standards.

In August 2024 the NACC Secretary-General announced that the Commission had formally launched an inquiry into the 44 MPs. The investigation lasted more than one year, during which the accused were grouped according to differing conduct before the Commission ultimately issued a collective finding.

Recent developments

On 9 February 2026 one day after the general election on 8 February, the NACC unanimously found that the 44 MPs were guilty of "serious breach" of ethical standards by jointly proposing an amendment to section 112 of the Criminal Code. It concluded that the proposal was intended to reduce protections afforded to the monarchy through the legislative process, and that such conduct failed to uphold the democratic regime with the King as Head of State as required by the Constitution, failed to safeguard the institution of the monarchy, and caused damage to the dignity of public office. The NACC further stated that the conduct in question undermined the monarchy institution and caused serious and widespread damage to the country.

On 31 March 2026 the NACC approved the draft petition to be submitted to the Supreme Court. This development follows earlier reports, from 30 March 2026, indicating that the NACC was in the process of finalizing the petition and awaiting formal endorsement by the Commission prior to submission.

On 24 April 2026 the Supreme Court's Criminal Division for Holders of Political Positions accepted the petition filed by the NACC against 44 former Move Forward Party MPs. While the Court decided to proceed with the case, it did not order the suspension of the 10 sitting MPs from the People's Party, the successor to the dissolved Move Forward Party, who are among those named in the petition. The Court noted that there was no indication that the 10 sitting MPs of the 44 who were elected to parliament in the February 2026 general election, had repeated or continued the alleged conduct, and that they continue to hold constitutional duties as members of parliament. It therefore considered that suspension at this stage was not warranted. The MPs will continue to perform their parliamentary functions; however, the Court has instructed the 10 sitting MPs not to repeat or engage in conduct or expression similar to that alleged, failing which the Court may reconsider its decision not to order their suspension. The Court has scheduled the first hearing for 30 June 2026 and a hearing for the examination of evidence on 4 August 2026.

The case remains of concern. If found in violation of the applicable ethical standards, the respondents may face serious sanctions, including disqualification from political office and the potential revocation of political rights. This raises concerns regarding the application of ethical standards in relation to the exercise of legislative functions, including the proposal of legal amendments, and may have implications for the exercise of the rights to freedom of expression and association, as well as the right to take part in public affairs.

In recent development the Move Forward Party's successor, the People's Party, is facing renewed legal pressure and risk of dissolution. New complaints have been filed with the Election Commission of Thailand (ECT) seeking the party's dissolution and possible criminal proceedings.

On 4 April 2026 the Secretary-General of the Election Commission of Thailand (ECT), in his capacity as Registrar of Political Parties, reportedly received a complaint requesting that the matter be submitted to the Constitutional Court for a ruling on the dissolution of the People's Party. The complaint alleges potential violations of the Organic Act on Political Parties B.E. 2560 (2017) including claims that party executives and non-party members were involved in activities linked to Spectre C, a media company, in a manner that may have provided benefits or involved profit-sharing. It also alleges that the party's online membership system required applicants to provide Laser ID information from national identification cards, and that Spectre C may have been involved in an alleged information operation that could amount to external control or influence over party activities.

In a related development, on 21 May 2026, a serial petitioner submitted a petition to the ECT seeking the dissolution of the People's Party. The complaint relates to comments made by its leader questioning the participation of Privy

Council members in a meeting on drought management with a state agency. The petitioner argued that the remarks could be interpreted as criticism of the Privy Council and, by extension, the constitutional monarchy, potentially constituting grounds for party dissolution under section 92 of the Constitution.

On 26 May 2026 the ECT confirmed that the petition was undergoing preliminary review and that no determination had yet been made on whether sufficient grounds exist to proceed further. The complaint is notable given the Court had explicitly instructed those MPs not to repeat conduct similar to that alleged in the section 112 amendment case.

The petition adds to broader legal scrutiny facing the People's Party and follows the dissolution of the Future Forward Party in 2020 and the Move Forward Party in 2024. If the ECT finds reasonable grounds for either of the cases, it may petition the Constitutional Court for dissolution under section 92 of the Organic Act on Political Parties. While the merits of these allegations remain to be determined, the complaints raise renewed concerns that the successor to the dissolved Move Forward Party continues to face legal risks that could further constrain opposition politics.

While we do not want to prejudge the accuracy of these allegations or the outcome of the pending judicial proceedings, we are seriously concerned that the case against the 44 former MPs of the dissolved Move Forward Party appears to arise directly from their exercise of parliamentary functions and their right to freedom of expression, including political expression, in connection with the co-sponsorship of a legislative proposal to amend article 112 of the Criminal Code. We are particularly concerned that the severe sanctions that may be imposed, reportedly including removal from office and long-term or lifetime political bans, raise serious questions of necessity and proportionality, given that the conduct at issue concerns the exercise of legislative functions and political expression on a matter of public interest.

We are concerned that, if imposed, such sanctions could unduly restrict the rights to freedom of expression, political participation and representative democracy, and may deter parliamentarians and political parties from proposing or debating legal reforms through democratic and parliamentary channels. Proposing amendments to laws is one of the key tools of legislative work and a fundamental part of the responsibility of Members of Parliament. Performing parliamentary duties, such as submitting draft amendments, should not be subject to legal action on charges of serious ethical violations.

The use of ethics accountability mechanisms to sanction elected representatives for the exercise of core legislative functions, namely, the introduction and co-signing of draft legislation, may constitute an impermissible restriction on the rights to freedom of association and political participation protected under articles 22 and 25 of the International Covenant on Civil and Political Rights (ICCPR). Given the far-reaching consequences of such proceedings for the integrity of parliamentary life and the rights of millions of voters whose representatives stand to be disqualified, Thailand must ensure that all relevant constitutional provisions, organic laws, and institutional practices governing the accountability of elected officials are brought into full

compliance with international human rights law and standards, specifically its obligations under the ICCPR, by which Thailand is bound as a State Party.

We wish to recall, in closing, concerns raised before by mandate holders about the above-mentioned appointment process of Constitutional Court Judges since it does not appear to ensure its independence and impartiality. Given the Constitutional Court's power to dissolve political parties, and since it may grant a significant advantage to some political parties in contravention of human rights related to participation in the conduct of public affairs, democratic principles, and the separation of powers; a reform of the appointment procedure appears urgent.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please clarify what precise legal basis under international human rights law justifies treating the formal legislative co-sponsorship of a bill by elected members of parliament as a violation of ethical standards warranting referral to the Constitutional Court, and how does the Government demonstrate that such a measure satisfies the tests of legality, necessity and proportionality required under article 22(2) of the ICCPR?
3. What evidence does the Government rely upon to establish that the act of co-sponsoring a legislative amendment through constitutionally mandated parliamentary procedures constituted a real and imminent, rather than hypothetical, threat to national security or democratic order, sufficient to justify sanctions of this severity against 44 elected representatives?
4. How does the Government ensure that the collective imputation of intent to 44 co-sponsors of a parliamentary bill, without individualized findings, does not unreasonably restrict the right of elected representatives to participate in the conduct of public affairs under ICCPR article 25, and what safeguards exist to prevent this precedent from chilling legitimate legislative activity by current and future parliamentarians?
5. What measures has the Government taken to ensure that the NACC investigation and referral complied with the principles of institutional independence and procedural fairness, including specifically:
 - (a) whether the commissioner alleged to have a conflict of interest was recused from deliberations;

- (b) what mechanisms exist for respondents to challenge the composition of the investigating body; and
 - (c) how the Government ensures that ethics proceedings against legislators do not serve as instruments to circumvent the constitutional protection afforded to parliamentary activity?
6. Please outline the legal basis explaining how the MFP's pledge to reform the royal defamation law, article 112 (*lèse-majesté*) of the Criminal Code was unlawful, and explain how this is in line with Thailand's obligations under international human rights law.
 7. Please indicate what measures your Excellency's Government has taken in order to bring *lèse-majesté* legislation into compliance with international human rights law standards, including its obligations as signatory of the ICCPR.
 8. In the aftermath of the 2023 general election, when the MFP was blocked from forming a government after emerging as the largest party, please outline how your Excellency's Government will ensure respect for freedom of association and freedom of expression.
 9. Please outline the steps taken by your Excellency's Government to ensure that the fundamental principles of freedom of opinion and expression, freedom of association are guaranteed to all, including opposition politicians and those who are critical of the monarchy and call for democratic reforms.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations. We also reiterate our continued readiness to engage with your Excellency's government in constructive dialogue and to provide technical assistance to resolve this and other cases relating to the rights of freedom of expression and association.

Please accept, Excellency, the assurances of our highest consideration.

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996, which guarantee the rights to freedom of expression and opinion and freedom of association respectively.

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association and of peaceful assembly, as recognised in articles 21 and 22 of the ICCPR. Article 21 of the ICCPR provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." Article 22 of the ICCPR guarantees that 'Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.' It also states that 'No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.' We refer to Human Rights Council resolution 24/5 of 2013 which reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, as well as to ensure that any restrictions on these are in accordance with their obligations under international human rights law.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." Any restriction on such rights must meet the conditions of legality, necessity and proportionality, and legitimacy of objective (See generally Human Rights Committee, general comment 34, paras. 21 – 36). In its general comment 34, paragraph 28, the United Nations Human Rights Committee underscored that restrictions on the right to freedom of expression under paragraph 3 of article 19 must not impede political debate. Furthermore, paragraph 38 highlights the particularly high value placed upon uninhibited expression in circumstances of public debate concerning public figures in the political domain and public institutions.

Furthermore, we also wish to reiterate the principle enunciated in Human Rights Council resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful

demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups. Freedom of expression must be guaranteed online as well as offline. We reiterate our concerns regarding the inconformity of the application of section 112 of the Criminal Code with international human rights norms. It is our view that the legislation is applied in a manner that does not meet the strict tests of necessity and proportionality as required for restrictions to freedom of expression to be lawful under international law. As underscored by the Human Rights Committee, States parties to the ICCPR are required to guarantee the right to freedoms of opinion and expression, including inter alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism,’ subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. The Human Rights Committee expressed concern regarding laws prohibiting criticism of political authority, including lese majesty laws, defamation of the head of state, disrespect for authority and the protection of the honour of public officials. All public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition (CCPR/C/GC/34). “Defamation laws must be crafted with care to ensure that they comply with article 19(3) and that they do not serve, in practice, to stifle freedom of expression” (CCPR/C/GC/34). The Human Rights committee also stated that States parties should consider the decriminalization of defamation 113 and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty (CCPR/C/GC/34).

In its general comment no. 34 (CCPR/C/GC/34), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including inter alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism’, subject only to admissible restrictions referred to above as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. Further, the Human Rights Committee made clear that “It is not compatible with paragraph 3, for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information”. In paragraph 23, the Human Rights Committee has recognized that those “persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights- related reports”, are “frequently subjected to threats, intimidation and attacks because of their activities.” The Committee has urged States parties to protect against attacks aimed at silencing those exercising their right to freedom of expression.

In this context, we reiterate our serious concerns about the lèse-majesté provision of the Criminal Code, as raised in several communications sent to your Excellency’s Government in recent years. These communications include [AL THA 08/2025](#); [AL THA 08/2024](#); [AL THA 5/2024](#); [AL THA 3/2024](#); [AL THA 2/2023](#); [AL THA 1/2023](#); [AL THA 4/2022](#); [AL THA 11/2020](#); [UA THA 7/2017](#); [UA THA 1/2017](#); [UA THA 13/2014](#); [UA THA 10/2014](#); [AL THA 8/2014](#); [AL THA 3/2014](#); [UA THA 1/2014](#); [AL THA 13/2012](#); [UA THA 10/2011](#); [UA THA 9/2011](#) and [UA THA 5/2011](#). We also reiterate the recommendations made by the Human Rights Committee during Thailand’s second periodic review in 2017, in which it called upon your Excellency’s

Government “to review section 112 of the Criminal Code, on publicly offending the royal family, to bring it into line with article 19 of the Covenant”. (CCPR/C/THA/CO/2, para. 18).