

Research Title The Research Project for Developing the Human Rights Promotion and Protection Recommendations, in Cases of the Operations with Technology

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Abstract

This research aims to study on international human rights norms and proper practices for promoting and protecting human rights related to information technology and online communication, and make a recommendation for promoting and protecting human rights related to information technology and online communication in Thailand focusing on the issue of the rights to access the internet, freedom of expression and the rights to privacy by using qualitative research methodology consisting of document study, in-dept interview and focus group.

The result showed that the human rights framework that present in the existing human rights instrument, can also be interpreted for adapting in the digital age under the universally accepted principle that the human rights that enforced in the offline platform is also applicable in the online platform. Considering Thailand context, the constitutional framework has already recognized the human rights that are quite consistent with the international human rights instruments which can be applied in the online platform and technology, but there may be some issues that, if they are revised in the future, they will need to be clearer, especially the rights to express the opinions and freedom of expression.

Furthermore, an in-dept study in 3 issues found that 1) Internet rights have not been recognized to be human rights or civil rights in the Constitutional and Thai law, but in practice, Thailand implemented to provide people to access the internet equally through various laws and policies. 2) The issue of freedom of expression found to be a breakthrough in the development of guaranteed process for blocking online contents, but there are still concerns about the prosecution on online content distribution, especially on expressions that criticize the government and political institutions. This is partly due to ambiguous laws including

disproportionate penalties. And 3) Right to privacy focusing on state surveillance issues found that there are gaps in the legal framework about the privacy rights protection in the dimension of surveillance and it also faces the challenge about covert surveillance which is hard to investigate and seek remedy for those who are affected.

This research therefore suggests implementing a certified law on the rights to access the internet and review the law about content restriction and surveillance to be clear, certain, predictable, and consistent with the international human rights obligations as well as having effective monitoring systems and remedy mechanisms.

Keywords Digital rights, Internet rights, Freedom of expression, Right to Privacy, State Surveillance