

Commentary

Thailand's New Sexual Harassment Law: Addressing a Long-Standing Call for Reform, or Another Loophole?

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Abstract

In late 2025, Thailand introduced its first criminal provisions specifically addressing sexual harassment through amendments to the Criminal Code, which entered into force on 30 December 2025. Prior to this reform, sexual harassment was addressed only indirectly—through workplace-specific provisions under the Civil Service Act and Labor Protection Act, or through broadly framed offences such as “indecent assault” and Section 397 of the Criminal Code—leaving significant gaps, including for technology-facilitated forms of harassment. The new law defines “sexual harassment,” which explicitly covers conduct carried out through computer systems and electronic devices, and empowers courts to order the removal of sexually harassing “obscene” content online—supported by the Court of Justice's new CIOS online platform, launched in January 2026. While these reforms mark significant progress, this Commentary argues that important challenges remain, including concerns about consistency with international human rights law and standards, the risk of both over- and under-criminalization due to vague language, and practical limitations in enforcement against offshore online platforms and for individuals without digital access. The Commentary concludes that clear, rights-compliant guidelines are urgently needed to ensure consistent interpretation and meaningful access to justice for victims and survivors.

Keywords: Sexual harassment — Gender-based violence — Technology-facilitated gender-based violence — Take-down orders

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I. SEXUAL HARASSMENT LAW BEFORE THE 2025 CRIMINAL CODE AMENDMENT

Until recently, Thailand had no law specifically criminalizing sexual harassment, and this absence constituted a long-standing loophole, leaving victims with no access to justice and remedies.

In the past, Thailand's legal framework addressing sexual harassment primarily focused on workplace settings. Under Section 83(8) of the Civil Service Act B.E. 2551 (2008), civil servants are administratively prohibited from committing acts which amount to sexual violation or harassment, as defined by the respective Civil Service Commission Regulation, and may be subject to disciplinary punishment.¹ This encompasses acts ranging from physical and verbal contact and other behavior of a sexual nature, to displaying or communicating sexually suggestive content, and any other unwanted sexually suggestive behavior towards the victim.²

For persons not employed in the civil service, Section 16 of the Labor Protection Act B.E. 2541 (2008) provides that an employer, superior, supervisor, or labor inspector is prohibited from committing any "sexual abuse, harassment or nuisance against an employee." Violators are liable to a fine under Section 147 of the Act not exceeding 20,000 baht (approximately USD 615). However, the law does not define what constitutes "sexual abuse" or "harassment" under this provision, leaving its scope ambiguous.³

On the criminalization front, in the absence of a specific provision, sexual harassment in theory could be prosecuted as "indecent assault" under Section 278 of the Thai Criminal Code. However, the law does not provide a clear definition of "indecent assault." Based on court jurisprudence, indecent assault is generally understood to involve a narrowly defined range of sexually inappropriate or humiliating acts committed directly on a person's body, such as grabbing, hugging, kissing, rubbing, groping, or touching, as well as acts considered shameful by the harassed victim or intended to cause sexual humiliation.⁴ However, in the absence of a clear definition, law enforcement officers have rarely taken up such cases.

Another widely held view among lawyers supporting survivors of sexual harassment is that such conduct may also fall under Section 397 paragraph 2 of the Criminal Code,⁵ which includes an undefined list of "bullying, intimidating, harassing,

¹ พระราชบัญญัติข้าราชการพลเรือน พ.ศ. 2551 [Civil Service Act B.E. 2551 (2018)] s 88 provides that disciplinary punishment consists of five levels: reprimand, salary reduction, salary deduction, dismissal, and expulsion.

² The Civil Service Commission Regulation can be accessed via <[URL](#)>.

³ International Commission of Jurists, "Baseline Study on Access to Justice for Sexual and Gender-Based Violence (SGBV) in Thailand" (International Commission of Jurists 2025) 14 <[URL](#)>.

⁴ อริยพร โพธิ์ใส "ความผิดเกี่ยวกับการอนาจารเด็ก ตามประมวลกฎหมายอาญา" (2018) จลนิติ [Ariyaporn Phosai, "Indecent Assault Against Children Under the Criminal Code" (2018) Senate Journal] (Thai) 155 <[URL](#)>; see also Supreme Court Judgments 4836/2547 and 12983/2558.

⁵ International Commission of Jurists (n 3) 15.

shaming, troubling, or annoying another person” in a manner consistent with sexual harassment—again, very broad in scope.

Moreover, there are no detailed regulations guiding justice-sector actors on how to address sexual harassment cases, especially in non-physical forms such as online or verbal abuse. As a result, law enforcement officers have, in some cases, refused to register complaints—even in serious instances considering both the nature of the acts and whether they are repeated or compound acts—or have misapplied this provision to more severe cases in order to avoid harsher penalties.⁶

Additionally, since Section 397 is classified as a petty offence under the Criminal Code, perpetrators are typically only subject to a fine. As a consequence, such misconduct has reportedly recurred in many cases.

The challenges have been even greater for technology-facilitated or online forms of harassment. These provisions also lack the specificity needed to make clear that they cover various forms of abuse committed online, such as doxxing (the non-consensual publication of private information, including contact details, with malicious intent to expose victims and survivors to harassment); sextortion (threats to release intimate images to extort further intimate content or sexual acts); online stalking; and threats to share intimate content.⁷

II. CRIMINALIZATION OF THE NEW OFFENCE

This was no longer the case following the entry into force on 30 December 2025 of the amendment to Thailand's Criminal Code (No. 30) B.E. 2568 (2025), which criminalizes sexual harassment.⁸ The Act amends Thailand's Criminal Code by defining “sexual harassment” in Section 1(18) as “any act committed by physical means, words, sounds, gestures, communication, watching, stalking, or by any other means—including acts carried out through computer systems, telecommunications devices, or other electronic devices—capable of conveying meaning to another person, that has a sexual connotation and is likely to cause that person distress, annoyance, embarrassment, humiliation, fear, or a sense of sexual insecurity.”

Upon conviction under the newly added Section 284/1 of the Criminal Code, an offender may be liable to imprisonment of up to one year, a fine not exceeding 20,000 THB (approximately USD 615), or both, unless aggravating circumstances are present. The Act also makes clear that it covers acts facilitated online; indeed, online facilitation is also included as an aggravating circumstance under which penalties may be increased.

Under the newly enacted Section 284/2 of the Criminal Code, aggravating circumstances leading to increased penalties include: continuous or repeated acts; acts

⁶ *ibid.*

⁷ International Commission of Jurists, “Online Gender-based Violence Law Checklist” (International Commission of Jurists 2023) <[URL](#)>.

⁸ The text of the amendment (in Thai) is available via the Government Gazette website <[URL](#)>.

committed in public, before the public, or through computer systems accessible to the public; acts committed against children under 15 years of age regardless of consent; and acts involving abuse of power or authority, such as those committed by commanders, employers, or other persons exercising power over survivors.

While the amendment marks important progress, some challenges remain. First, the application of these provisions may not be fully consistent with international human rights law and standards. While certain forms of sexual harassment may warrant criminal sanctions, not all conduct necessarily justifies penalties such as imprisonment—particularly where the conduct is isolated or does not amount to a violation of a survivor’s “physical, sexual or psychological integrity,” as framed by the UN Committee on the Elimination of Discrimination against Women in its General Recommendation No. 35, such that it may be criminalized.⁹

As currently framed, the provision may be overly broad and vague, as, for example, not all conduct likely to cause “sexual insecurity,” “embarrassment,” or “annoyance” meets this threshold (i.e., a violation of a survivor’s physical, sexual, or psychological integrity). Justice-sector actors should therefore be fully aware of this threshold and take it into account in enforcing the criminalization of sexual harassment.¹⁰

At the same time, in the absence of adequate tools or guidelines to support its implementation, these broad and vague terms may result in victims and survivors facing challenges in accessing justice, as justice sector actors may interpret the conduct as not amounting to sexual harassment even when it does amount to a violation of a survivor’s physical, sexual, or psychological integrity.¹¹

III. SEXUAL HARASSMENT COMMITTED ONLINE AND TAKE-DOWN ORDERS

The amendment also marks progress in that it specifically includes sexual harassment “carried out through computer systems, telecommunications devices, or other electronic devices,” closing a gap of ambiguity.

Furthermore, the Act introduces a newly enacted Section 284/4 of the Criminal Code that empowers the Court to order the removal of sexually harassing content that results in “obscene” data being placed on computer systems accessible to the general public, upon a motion filed by the injured person or a competent official. This includes

⁹ Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, UN Doc CEDAW/C/GC/35, 26 July 2017, para 29(a); see also International Commission of Jurists, “Thailand: New Sexual Harassment Law a Step in the Right Direction, Albeit Concerns Remain” *International Commission of Jurists* (7 January 2026) <[URL](#)>.

¹⁰ International Commission of Jurists, SHero, and Feminist Legal Support, “Joint Submission of the International Commission of Jurists, SHero Thailand and Feminist Legal Support to the Universal Periodic Review of Thailand” (10 April 2026) para 23 <[URL](#)>.

¹¹ *ibid.*, para 24.

orders requiring the person who imported such data to suspend its dissemination and remove it from the computer system or requiring service providers or platforms to suspend dissemination and remove the data. Failure to comply within a period specified by the Court may result in imprisonment for a term not exceeding six months, a fine not exceeding 10,000 baht (approximately USD 307), or both.

This provision was introduced because under Thailand's overly broad takedown framework under the Act on Computer Crime B.E. 2550 (2007), victims and survivors could not directly submit a motion to the court for takedown, but instead had to do so through officials, including those designated by the Minister of Digital Economy and Society (MDES).¹²

Significantly, to facilitate this process in practice, Thailand's Court of Justice enabled victims and survivors to file Section 284/4 removal requests through the Court Integral Online Service (CIOS) platform.¹³ While the platform is compatible with smartphones, tablets, laptops, and desktops, logging in requires the ThaiID app (an electronic identity verification system for Thai citizens). This means it is currently available only to Thai nationals who have the app. Others must still submit their motion to the Court in person.

As for the process, a number of notable developments emerged and should be highlighted. These are drawn from the Court of Justice's Guidelines for Processing Requests for the Suspension of Dissemination and Removal of Information from Computer Systems Pursuant to Section 284/4 of the Criminal Code, dated 10 April 2026,¹⁴ as well as from a clarification briefing by representatives of the Court of Justice at a workshop co-hosted by the International Commission of Jurists and the Netherlands Embassy in Bangkok on 24 March 2026.¹⁵

First, representatives of the Court of Justice clarified that among those who may submit a take-down motion are youth victims, who may file the motion without their custodians, as in practice, from the judges' experiences, many young people do not want their parents to know about or see the materials in question.

Second, the Court has not limited its power to content that is "accessible to the public," but has also allowed take-down motions concerning "obscene" material in closed or private online groups requiring membership.¹⁶ This is, according to the Court of Justice's representative, based on the understanding that the intention of the amendment is to protect victims and survivors of sexual harassment across all

¹² International Commission of Jurists (n 3) 16-17.

¹³ ระบบบริการออนไลน์ศาลยุติธรรม Court Integral Online Service (CIOS) <[URL](#)>.

¹⁴ สำนักกฎหมายและวิชาการศาลยุติธรรม, แนวทางปฏิบัติงานการรับคำร้องขอระงับการทำให้แพร่หลายและนำข้อมูลออกจากระบบคอมพิวเตอร์ตามประมวลกฎหมายอาญา มาตรา ๒๘๔/๔ [Office of Judicial and Legal Affairs, Guidelines for Processing Requests for the Suspension of Dissemination and Removal of Information from Computer Systems Pursuant to Section 284/4 of the Criminal Code] (Thai) <[URL](#)>.

¹⁵ The information was also retrieved from the PowerPoint presentation of Judge Varamon Ramangkura who served as the Court of Justice representative at the workshop. See "Lao PDR and Thailand: Cross-Border Workshop Considers Means to Strengthen Responses to Sexual and Gender-Based Violence" *International Commission of Jurists* (26 March 2026) <[URL](#)>.

¹⁶ Guidelines (n14) s 1.1(3).

platforms, including closed groups. The Court of Justice has interpreted the provision such that, as long as the platform in question is connected to the internet and accessible to its members from anywhere, that is sufficient.

Third, there is no need to attach the obscene image at the time of filing in the CIOS system—this is intended to minimize the number of people who may access the data, including the system administrator. Complainants need only show the material to the judge at the inquiry,¹⁷ which may be held *in camera* (closed proceedings),¹⁸ with a single judge able to hear the case and issue an order on an urgent basis.

The court order may be directed at: the person who uploaded the data (if known or identifiable); system controllers, service providers, and platforms hosting the content; or competent officials under relevant laws responsible for enforcing the order¹⁹—requiring removal immediately or, according to the Court of Justice’s representative, within five days.

However, concerns remain, particularly in cases involving service providers or platforms located outside Thailand, where implementation of Section 284/4 may be difficult—especially against offshore platforms and foreign-based service providers that do not recognize Thai court jurisdiction.

IV. CONCLUSION

To sum up, between the end of 2025 and early 2026, Thailand made significant progress in its efforts to protect victims and survivors of sexual harassment, both offline and online, including the criminalization of sexual harassment with specific reference to online conduct. However, challenges persist, including the risk of over-criminalization of minor or isolated conduct that does not meet international human rights law standards, or conversely, under-criminalization, as some terms lack clarity or appear overly broad.

These concerns could be addressed through clear guidelines which ensure consistent interpretation which are in line with international human rights law and standards—guidelines which are currently missing, and whose absence may otherwise prevent victims and survivors from accessing justice. Without them, Thailand risks falling into the same pattern as before the amendment, where law enforcement officers declined to enforce laws they considered overly broad and lacking in clarity.

Additionally, the amendment introduces a new takedown channel allowing victims and survivors to submit motions directly to remove online content they consider constitutes sexual harassment against them. While this remains limited to Thai citizens, and its effectiveness has yet to be assessed—particularly with respect to offshore digital platforms outside Thai jurisdiction—it nonetheless constitutes a remarkable and commendable step forward.

¹⁷ *ibid*, s 1.1.

¹⁸ *ibid*, s 1.3.

¹⁹ *ibid*, s 3.

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* **Indexing Thai names.** "Although family names are used in Thailand, Thai people are normally known by their given names, which come first, as in English names. The name is often alphabetized under the first name, but practice varies." The Chicago Manual of Style (18th edn, University of Chicago Press 2024) §15.93.