

A detailed map of East and Southeast Asia, showing countries like China, India, Myanmar, Thailand, Vietnam, Philippines, and Indonesia. Major cities and geographical features are labeled. The map is slightly faded to serve as a background for the title.

# JAN - MAR 2021 REPRESSIVE LAWS SUMMARY



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A photograph showing a protest. In the foreground, two hands are raised in a gesture of solidarity. To the right, a hand holds a pink sign with the text "WE NEED DEMOCRACY" in white capital letters. The background is blurred, showing other people and what appears to be a police helmet.

WE NEED  
DEMOCRACY

# QUARTERLY REVIEW

"In the first quarter of 2021, governments across Asia passed and implemented repressive policies, aimed at weakening civil society and social movements"

In Myanmar, amidst relentless violence, the junta have proposed and passed laws aimed at stifling the Civil Disobedience Movement. Thailand has revived the use of the lese-majeste law and used it against members of the pro-democracy movement. Restrictions on accessing foreign funding remain in place in India, while Thailand and the Philippines are in the process of imposing similar measures.

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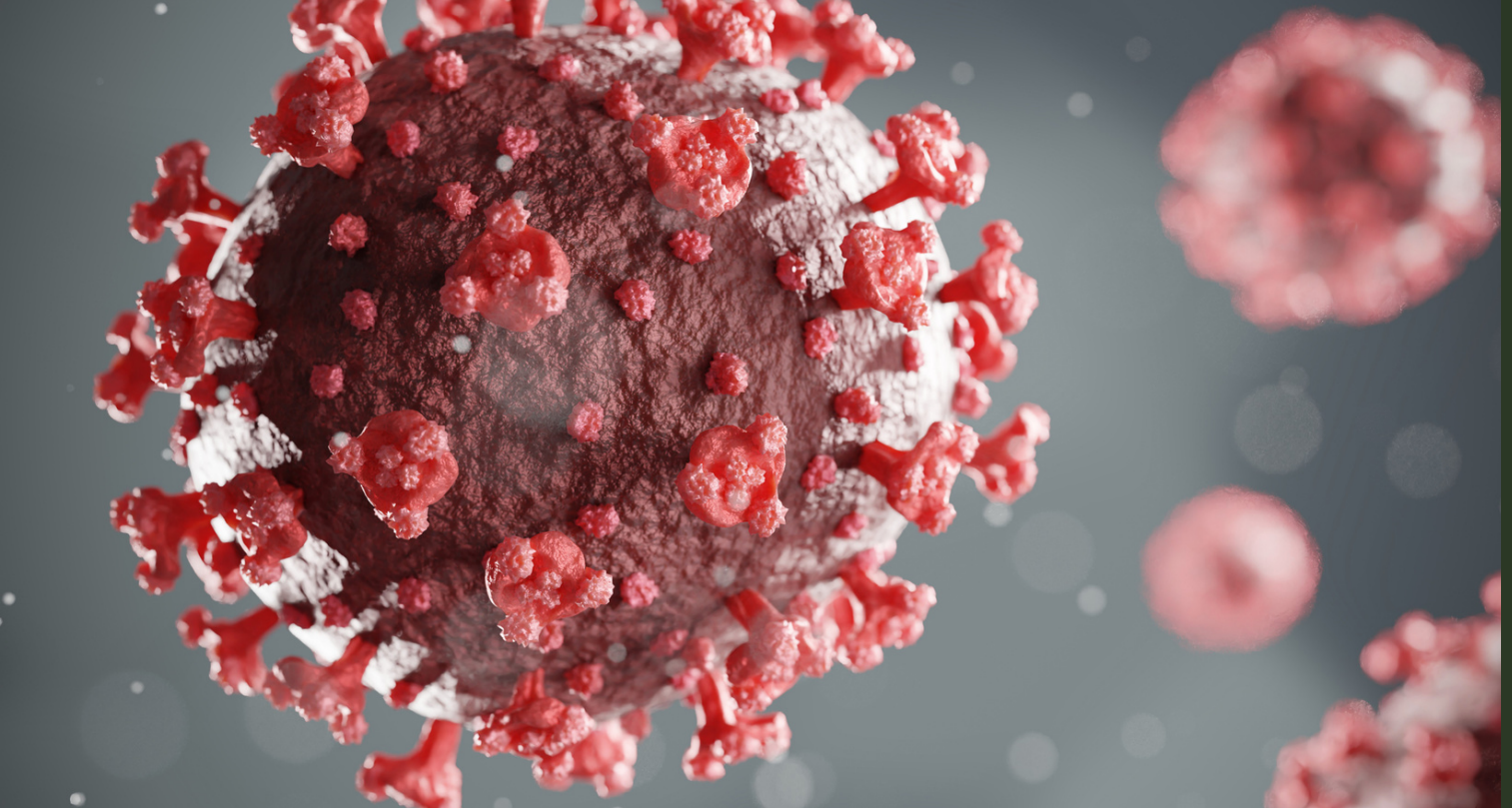
## "Repressive laws are being used to prevent dissent and reinforce State power."

A State of Emergency in Malaysia effectively blocks elections and restricts Parliamentary power up to August 2021. In India, the sedition law and the Unlawful Activities Prevention Act are being used to stifle farmers' protests. In Cambodia, prison sentences of the banned CNRP leaders and supporters aim at reinforcing Hun Sen's one-party State. While the resolution has since been lifted, attacks against Human Rights Defenders (HRDs) continue. In Pakistan, blasphemy laws continue to be used with impunity, where the death penalty is imposed for blasphemous offences.



"Laws and policies institutionalising online surveillance and control by the State are being mainstreamed in the region."

In Indonesia, a new virtual police unit has been set up to monitor and issue warnings to social media users on potential violations of its electronic information and transactions law. Cambodia issued a sub-decree on the establishment of a National Internet Gateway, which will pave the way towards nationwide surveillance, further reinforcing Hun Sen's hold on power. A proposed cyber-security law in Myanmar will provide the military unimpeded powers that will enable them to control information, shut down the internet and amass data of its people. Bangladesh's Digital Security Act, which criminalises anything defined as 'propaganda', has targeted journalists, in particular.



These laws and policies highlight how Asian States are increasingly adopting similar laws and policies that aim at wider State control, and where the continued complicity of their neighbouring States have allowed them to impose these measures with impunity. The shift towards the online sphere, facilitated by COVID-19 restrictions and prolonged restrictions on peaceful assembly has encouraged States to increasingly target these online spaces, with little regard for international standards.

The Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) have failed to meaningfully respond to human rights violations borne out of repressive laws. Despite adding freedom of expression as one of priority themes within the ASEAN Intergovernmental Commission on Human Rights (AICHR) workplan this year, their inaction on violations of fundamental freedoms is concerning.



Within their own countries, civil society continues to advocate against the use of repressive laws to crack down on human rights. In the absence of action from their governments and regional mechanisms, civil society is connecting across borders, utilising social media to form loose social movements and provide solidarity to one another. These efforts have included the Milk Tea Alliance which has spread across countries in Southeast Asia. Emerging social movements driven by the youth have been the face of protests in recent months.

# COUNTRY UPDATE

## BANGLADESH

### CAMBODIA

In February 2021, Hun Sen's one-party government passed a sub-decree establishing a National Internet Gateway (NIG), that will create a single gateway for internet data, regulated by a State body. It would give the State full control of internet data coming in and circulating within the country, enabling surveillance, violations of privacy, and censorship. Prior to this sub-decree, the country's Telecommunications Law has been used to monitor online speech. In March, Sam Rainsy, leader of the banned Cambodia National Rescue Party (CNRP) was sentenced to 25 years in prison 'in absentia' for an 'attempted coup' against the government. His wife and supporters also received long prison-sentences. Civil society and members of the international community condemned the sentences, calling it as further proof of the totalitarian control of Hun Sen's government.

In March 2021 the Bangladesh government ruled out the possibility of rescinding or reviewing the country's Digital Security Act (DSA) 2018, following continuous protests calling for the law's repeal. The protests were sparked by the death of jailed writer Mushtaq Ahmed, imprisoned under this law. He was denied bail six times after being arrested in May 2020 under the DSA. Since the enactment of the law, a reported total of 202 individuals, mainly journalists, writers and bloggers have been arrested for expressing their views on social media platforms against persons affiliated with the government as of 31 January 2021. In February, photojournalist Shafiqul Islam Kajol, cartoonist Ahmed Kabir Kishore, the now deceased writer Mushtaq Ahmed and activist Didarul Islam Bhuiyan faced charges under the DSA. A total of nine international organisations, including FORUM-ASIA, have urged the Bangladesh government to repeal the DSA.

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# PAKISTAN

Four were charged under the country's blasphemy law in January this year, with three sentenced to death. In February, the Court denied an appeal of a couple on death row over a blasphemy conviction. During a January hearing on a petition challenging the legality of the Removal and Blocking of Unlawful Online Content (RBUOC) rules passed in November 2020 under the Prevention of Electronic Crimes Act (PECA) 2016, the Attorney General for Pakistan assured that a proper consultation will be held on the matter with all stakeholders involved. The new rules set new provisions under the PECA to censor online content and require social media companies to comply with the rules. The Pakistan Telecommunication Authority (PTA), which regulates the internet in the country, often uses PECA to censor content arbitrarily - a violation of the right to freedom of speech, opinion and expression.

# INDIA

In January 2021, the Ministry of Home Affairs tightened oversight in foreign funds received by NGOs and laid out a charter for banks that "donations received in Indian rupees" from "any foreign source even if that source is located in India at the time of such donation" should be treated as "foreign contribution". This follows controversial amendments to the Foreign Contribution (Regulation) Act that prohibits sub-granting and other regressive provisions that target civil society organisations which receive foreign funding. The Unlawful Activities Prevention Act (UAPA) continues to be used against defenders and dissenters. In February, three human rights activists were arrested for raising "anti-government slogans". The police charged seven people in Indian-administered Kashmir for holding a demonstration demanding the return of the body of a youth killed by security forces. The Delhi Police registered a criminal case under UAPA against farmer leaders protesting against farm laws in India.

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# MALAYSIA

In January, the government declared a State of Emergency, arguing for the need to control increasing cases of COVID-19. Critics have raised that beyond controlling the COVID-19 cases, the move was initiated to cement the Prime Minister's hold on power. The State of Emergency bars elections that could challenge the PM's leadership. It also allows the current government to draft and implement laws without Parliamentary scrutiny, eroding the checks and balances necessary in government. In March 2021, the government used its emergency powers to introduce a 'fake news' law which would punish the creation and dissemination of false information by fines and / or up to three years' imprisonment. With Parliament suspended, the law was passed without its approval.

# INDONESIA

The President directed the Coordinating Ministry of Law, Politics, and Security to form an ad-hoc committee to review the Electronic Information and Transactions (ITE) Law's effectiveness. Civil society has expressed concerns about the transparency and impartiality of the process since there are no independent CSOs and national human rights institutions in the review team. In January, the government passed a regulation allowing people to report individuals and 'acts of violent terrorism' in their neighbourhoods -- a move that has created concerns on intimidation and mistrust among communities. In February, the police set up a 'virtual police' unit, tasked with monitoring social media such as Facebook, Instagram and Twitter, and correcting individuals who are seen to be violating the country's ITE Law. Formed to fight misinformation and public disorder, the virtual police will be able to send warnings to users and give them instructions to amend or delete their posts. Human rights groups have described this as intimidation and a violation of users' privacy. Social media platforms have yet to address the role of 'virtual police' to amend or delete social media content. So far, about 76 social media accounts have been warned by the virtual police since its establishment, including one which made a comment directed against the President's son.

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# PHILIPPINES

Oral arguments in the Supreme Court against the Anti-Terrorism Law have started. The government has intensified its harassment and violence against human rights defenders and civil society. Two petitioners against the law have faced harm: one was arrested and accused of child recruitment, and another was stabbed by unknown individuals. In the Cordillera region, a resolution was initially passed instructing the police to target left-leaning personalities through drug-war style operations. While this was later lifted, human rights defenders continue to face threats. Civil society faces increasing intimidation and restrictions; a local memorandum requires civil society to register with the military and the police prior to being accredited by the People's Council. A note verbale was sent to diplomatic missions instructing them to course their foreign funding to the Finance Department, allowing the government unwarranted interference of their activities.

# THAILAND

Thailand saw a return to the use of the country's lese-majeste law (Section 112 of the Criminal Code), one of the strictest monarchy laws in the world, aimed at weakening the pro-democracy movement. Since November 2020, at least 76 individuals have been charged with lese-majeste offences. A former civil servant, 63-year-old Anchan Preeert was sentenced to over 87 years of prison for previously sharing posts critical of the monarchy. The total sentence was reduced to 43 years following her confession and pre-trial detention. Four leaders of the pro-democracy movement were indicted with lese-majeste in February, sparking huge protests. Another pro-democracy activist and singer was charged with royal defamation after he allegedly burnt a royal portrait. In March, the attorney general further indicted 18 protest leaders with lese-majeste sedition, emergency decree, and other charges, following a series of protests. Civil society is also facing increased restrictions; a Cabinet resolution approved in principle the two NGO bills which would limit foreign funding and regulate NGO activities.

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# MYANMAR

The military junta's increasing violence since the coup on 1 February, has been accompanied by the laws meant to crack down on the Civil Disobedience Movement. Amendments to the Ward or Village-Tract Administration law require households to inform ward or village administrators regarding the arrival and departure of guests, requires administrators to keep a register of overnight guests and instructs them to take action against those who do not report overnight guests. These aim to track activists and human rights defenders in hiding. The military amended the Penal Code in February, changing the definition of high treason to ensure impunity for the ruling military, and introducing a 'fake news' clause. A proposed cybersecurity law would give the junta control of the internet and network infrastructure, allowing them to shut down the internet anytime. It would give them access to private data and allow them to target anyone they judge to be violating the law's vague provisions on terms such as misinformation, disinformation, and 'disrupting unity'.



These laws and policies in these countries have paved the way towards institutionalising a system of unquestioned authoritarianism. FORUM-ASIA continues to track these developments, with the help of its members and partners, and to advocate against their use.

For more information, go to: <https://forum-asia.org/hrlaw/>