

Input for latest UN High Commissioner's report on civil society space**Submitted by: The Asian Forum for Human Rights and Development (FORUM-ASIA)**

Question 1. With a view to regularly assessing civic space trends, both offline and online, please specify what data or information is available from official sources (government administrative records, statistical agencies, judicial records, or other official sources) at the national and sub-national levels? For instance, in relation to assessing who participates in public affairs at different levels, what type of information is made available in which languages and how often, who accesses information and on which media/channels, on how laws relating to expression, association, peaceful assembly, online and online, are implemented. Do you make use of citizen-generated data? Do you use other non-official sources to collect information, including digital tools or online platforms?

Based on our observation, instead of providing reliable information regarding civic space, countries in Asia have deployed more measures to regulate the flow of information, particularly those critical to the government, under the pretext of combating misinformation and disinformation. One example is [Factually](#) in Singapore, used by the government to provide correction and clarification of online information to debunking misinformation and disinformation. Powered by 2019 Protection from Online Falsehoods and Manipulation Act (POFMA), the Singaporean government can issue a "correction directions" against authors/publishers of content suspected to contain false information to include an official government statement, published on Factually, alongside the original article. Non-compliance with correction directions may lead to penalties and access-blocking orders, preventing users in Singapore from accessing the contentious content. Whilst the Singaporean government has promoted the POFMA to safeguard society in an increasingly polluted digital landscape, the law in practice has been used mostly against critics directed to the government and to help them avoid public scrutiny. Another example in Myanmar, the military junta has suppressed the limited independent media outlets and leveraged state-run media channels to promote and normalise their own narrative. The state-run media outlets such as The Global New Light of Myanmar are used to spread disinformation to advance military junta foreign policy while the independent media outlets in the country have seen revoked their licences to publish and broadcast news and independent journalists in Myanmar have been outlawed, hunted, tortured, jailed and killed by the country's military regime.

To regularly assess civic space trends, FORUM-ASIA relies more on citizen-generated data and non-official sources to collect information and triangulate the information with data from our members and partners who are working on the ground. In doing so, FORUM-ASIA's members' and partners' websites and social media accounts, including X and Facebook, were revealed to be very useful. Complementing this, reputable databases/reports from international organisations are also used (e.g., World Press Freedom Index of Reporters Without Border, People Under Attack Report of CIVICUS, etc.).

Question 2. What information or data do your agencies/institutions/organizations collect, record or use on threats and attacks against civil society, including human rights defenders, journalists, trade unionists and from specific population groups (for example: women and girls, children, youth, minorities, indigenous peoples, migrants, older persons, persons with disabilities, LGBTIQ+ etc.)? Do you record threats and attacks against civil society by non-state actors?

FORUM-ASIA collects data on the implementation of restrictive laws and policies on fundamental freedoms (FoAA, FoE), as well as human rights violation cases against human rights defenders (HRDs)

in Asia. In cases related to HRDs, we collect data on types of violence, perpetrators, victims, and types of rights being violated. Data is collected via different means, including media and information from member organisations, and corroborated in a systematic, reliable, and measurable manner. Data on violations related to HRDs are available in the [Asian HRD Portal](#), a platform with the goal of increasing public awareness regarding the challenges encountered by HRDs in Asia. The Portal offers online advocacy tools, maintains a database of cases, and provides resource materials, catering to both the general public and HRDs, to support their cause. Drawing upon the monitoring and documentation of HRD violations documented by FORUM-ASIA in the Asian HRD Portal, the organisation compiles a report known as "[Defending in Numbers](#)". The report is a biennial publication that highlights the primary trends of harassment and obstacles faced by defenders in the region. It includes notable case studies and insights from HRDs that FORUM-ASIA has collaborated with, illustrating the significant role HRDs play in Asia and the substantial dedication and risks involved in their work. On the restrictive laws, FORUM-ASIA captures the trend through our [dedicated website](#). FORUM-ASIA has recorded threats and attacks against civil society by non-state actors. For example, land grabbing is a serious threat in Asia. The Vietnamese and Cambodian governments in the name of national economic development have granted to foreign companies and corporations the exploitation of indigenous people and ethnic minority groups' lands, polluting water systems and destroying their ecosystems in the process. Inhabitants of those areas are continuing to experience an alarming increase in the criminalisation and harassment they face, particularly when they are advocating for and exercising their rights over their lands and natural resources. One of the many cases in Cambodia worth to highlight happened on 15th October 2023, when the Koh Kong Provincial Court [convicted 10 land activists](#) to one year in jail for 'malicious denunciation' and 'incitement to provoke chaos' and ordered them to pay a fine to a businessman, whose company is allegedly involved in the illegal land grabs in Koh Kong province.

Question 3. Would you like to highlight any best practices in assessing offline and online civic space trends in your country or by your institution? What are the main challenges in doing so systematically or on regular basis? Have any measures been taken by relevant agencies, institutions, or organizations to improve data collection at national and sub-national levels, including through investing into data collection capacities and structures, as well as in the context of implementation and measurement of progress under the 2030 Agenda for Sustainable Development?

Best practices in assessing offline and online civic space trends by FORUM-ASIA:

- FORUM-ASIA works in partnership with CIVICUS: World Alliance for Citizen Participation to monitor six countries: Singapore, Cambodia, Maldives, Malaysia, Laos and Timor-Leste. The [web platform](#) provides up-to-date information and analysis on space for civil society and citizen activists of the countries monitored. The platform aims to provide updates that are as near to real time as possible, so that it accurately conveys a picture of the rapidly changing conditions on the ground, as well as provide a reliable and credible platform for civil society organisations to communicate, understand and campaign on civic space issues. This is to contribute to a fact-based discussion about the global crisis of shrinking civic space.
- FORUM-ASIA also has a [dedicated repressive laws](#) website to monitor and document the use of repressive laws in selected countries in Asia with the aim to provide a resource on the development of these laws, and to document the ways civil society efforts lead to change. It aims to complement existing advocacy efforts of FORUM-ASIA, and its member organisations and partners, on the protection of fundamental freedoms (<https://hrlaw.forum-asia.org/>).
- In 2019, FORUM-ASIA published its first report assessing the civic space in Asia, entitled "[Instruments of Repression: A Regional Report on the Status of Freedoms of Expressions, Peaceful Assembly, and Association in Asia](#)". The report provided information on the repressive laws in the region, documented by our members, covering the period 2016-May

2018. Significant recommendations were made in the report for the enhancement of current policies, allowing for progressive action by all parties involved, including governments, policymakers, duty-bearers, and civil society organisations. FORUM-ASIA is planning to draft the second report in 2024.

- Stakeholder report for Universal Periodic Review: FORUM-ASIA in the past has made several stakeholder reports submissions for UPR. For the latter submission on Cambodia in October 2023, the report was supported by a roundtable discussion aimed to validate information that FORUM-ASIA with its submission's partner gathered on human rights violations in the country and the situation of civic space. The online consultation, which gathered experts from the country and from international organisations, checked the compliance of the country with international human rights obligations to create and maintain a safe and enabling environment for civil society as well as analysed the countries' fulfilment of the rights to the freedoms of association, peaceful assembly and expression since its previous UPR submission.
- Aside from developing a monitoring system in order to collect primary and secondary data to facilitate accurate reporting on human rights situations in specific countries, FORUM-ASIA also believes in a human rights-based approach to data. This approach consisted in including relevant data stakeholders and the creation of communities of practice that enhance the quality, relevance, and use of data and statistics in accordance with international human rights principles. In realising that, FORUM-ASIA recently conducted a workshop during the 10th Asian Human Rights Defender Forum, a platform for human rights defenders (HRDs) from diverse backgrounds to connect, share their experiences, discuss their work and advocacy efforts, and address common issues at the regional level as well as to enhance HRDs' engagement with the United Nations special procedures mandate holders and other regional and sub-regional human rights mechanisms. The objective of the said workshop entitled "Research and Documentation of Civic Space and Repressive Laws in East and Southeast Asia" aimed to build a collective documentation of how restrictive laws are being used across the region to undermine civic and fundamental freedoms. Consequently, it aimed to increase the capacities of FORUM-ASIA members and partners to conduct monitoring and documentation of repressive laws and create a collective group for research and advocacy to monitor the use of restrictive laws in Asia which are undermining the civic space in the region. Additionally, FORUM-ASIA has mainstreamed activities that evidence the shrinking space in the region. For example, during a youth workshop organised in July 2023, aimed to increase the participants' capacity on advocacy with ASEAN and its human rights mechanism, a session was dedicated for participants to compare how civic space has changed pre- and post-COVID-19.

Challenges

- The severe limitations on civic space, particularly in terms of FoE, opinion, and the press, in certain countries pose significant challenges when it comes to gathering data within these countries. For example, in Laos, the Lao People's Revolutionary Party, which is in power, maintains a tight grip on the media, with the majority of mainstream media outlets, including national television and radio networks, being owned by the government. This makes it hard to collect unbiased information. According to the World Press Freedom Index released in May 2023 by RSF, [Laos is ranked](#) 160 out of 180 countries assessed in 2023. Vietnam is another example. According to the World Press Freedom Index, Vietnam's press freedom is considered as being in a highly critical state. The [country's ranking](#) in the World Press Freedom Index has dropped to 178 out of 180 countries assessed, marking a four-place decline from its position at 174 in 2022.
- The scarcity of news or articles available in English for some countries is another significant obstacle, as some of the information is only accessible in the original language. This poses a significant challenge for those tasked with monitoring and gathering trustworthy data. It is

essential to distinguish between sources that are genuinely reporting news and those that are attempting to manipulate or influence mainstream narratives of authoritarian governments. This includes the spread of propaganda and disinformation through social media channels.

- Prior to the COVID-19 pandemic, governments often used various pretexts to impose limitations on FoE and FoAA, which led to the suppression of critical opinions. When the COVID-19 pandemic emerged, it triggered an unparalleled wave of restrictions on fundamental freedoms and civic spaces. These restrictions have persisted, raising ongoing concerns. Notably, Timor-Leste stands out as the sole Southeast Asian country that has resisted the regional trend of shrinking civic space. This unprecedented restriction also challenges FORUM-ASIA's capability to respond swiftly due to both lack of human capacity and resources.