

31 January 2024

**Submission on the Call for Inputs:
Preserving the gains and pushing back on emerging restrictions on the rights to freedom of
peaceful assembly and of association and rising authoritarianism**

Submitted by: Asian Forum for Human Rights and Development (FORUM-ASIA)

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 organisations across 23 Asian countries. We focus on the protection of civic space, fundamental freedoms, and human rights defenders. This submission conveys our findings and recommendations to inform the United Nations Special Rapporteur's thematic report on preserving the gains and pushing back on emerging restrictions on the rights to freedom of peaceful assembly and of association and rising authoritarianism, which will be presented at the 56th session of the UN Human Rights Council.

Introduction

In recent years, freedom of peaceful assembly and of association (FoAA) has been in decline in Asia, owing to the rising authoritarianism worsened by the COVID-19 pandemic outbreak in 2020. Since 2021, FORUM-ASIA has documented the pandemic's impacts on civic space in [Southeast](#) and [South Asia](#). We found that the adoption and implementation of restrictive measures—under the guise of protecting the public from COVID-19; safeguarding national security and public order; and combating misinformation to curb dissenters, activists, and civil society critical of governments—were glaringly evident. These regulations share commonalities such as broad and ambiguous definitions of perceived threats related to national security, public interests, and foreign interference. Furthermore, authorities are granted unchecked discretion to interpret and implement these laws, often lacking robust judicial oversight. The implementation of these regulations has contributed to the increase of violence against human rights defenders, protesters, and dissenters in Asia.

Extra-legal tactics such as the use of technologies to attack protest leaders and participants have also been documented. Violence against peaceful protesters and activists is mostly conducted by authorities with impunity and without proper investigation. Such trends of violence against protesters have had a chilling effect on all human rights defenders working to protect civic space and people's fundamental freedoms in Asia and beyond.

The rise of authoritarian, populist, and militaristic governments across Asia has contributed to democratic backsliding in the region.

In FORUM-ASIA's [publication](#) on the situation of human rights defenders in Asia from 2021 to 2022, judicial harassment accounted for the highest number of violations, with most of the cases related to charges of anti-state propaganda, incitement to violence, defamation, and terrorism.

Restrictive laws and their impact on FoAA in Asia

Asia continues to endure challenges in protecting and promoting FoAA, mainly stemming from restrictive laws deviating from international human rights standards and principles. These laws are employed by governments to justify limitations on the rights associated with FoAA, treating them as qualified rights.

The misuse of counterterrorism measures against protesters and civil society organisations (CSOs) has been increasing, particularly in the aftermath of the COVID-19 pandemic. For example, Singapore's Foreign Interference (Countermeasures) Act ([FICA](#)) was adopted in 2021 despite protests from civil society. FICA gives the government unfettered discretion to scrutinise and criminalise any type of expressions, associations, and actions considered to be 'foreign interference and/or foreign political proxies.' Such activities are subjected to restrictions—limiting their access to resources—under the guise of national security.

In Hong Kong, the government adopted the [National Security Law](#), which is being used to disband and crackdown on CSOs as well as to criminalise dissenters under the pretext of national security. Among this law's targets is the now-defunct Hong Kong Alliance in Support of the Patriotic Democratic Movement of China ([HKA](#)), which was the main organiser of the annual Tiananmen vigils commemorating the 1989 Tiananmen Massacre.

Meanwhile, the Philippines' [Anti-Terror Law](#) criminalises memberships related to 'unlawful associations and activities' and gives overbroad power to the governments for its implementation.

In Thailand, since the beginning of the "Free Youth" protest on 18 July 2020, until 31 August 2023, a total of [1,925 activists](#) have faced prosecution in 1,241 instances related to their political involvement and expression. Notably, this figure includes 215 cases concerning 286 individuals who are children and youths under the age of 18. Emblematic cases include that of pro-democracy defender [Arnon Nampa](#), who was sentenced twice to a four-year imprisonment—totalling to an eight-year imprisonment—for his protest speech calling for democratic reforms.

The use of mandatory notification-turned to approval for public assembly and its corresponding hefty criminal sanctions for non-compliance is observed in Indonesia under the [revised Criminal Code](#) as well as in Singapore under the [Public Order Act](#). Such regulations provide limitations relating to spontaneous protests, the size of protests; and the submission of notification to police. The latter has been misinterpreted by the authorities as mandatory approval. All these contradict the international human rights standards on justifiable limitations of fundamental freedoms.

In India, the Indian Unlawful Activities (Prevention) Action (UAPA) of 1967—originally a counter-terror legislation—is being disproportionately applied against activists, minorities, and dissenting voices. Under the UAPA, there have been instances of arrests for [social media posts](#), the mere [possession of pamphlets](#), and one's [participation](#) in demonstrations deemed critical of the government. The UAPA also criminalises memberships related to 'unlawful associations and activities' and gives overbroad power to the government for its implementation.

Regulations on defamation and restrictions on digital spaces have also been deployed. In Pakistan, for example, the Prevention of Electronic Crimes Act (PECA) has been used against protesters. One such case is the government's crackdown against the Pashtun Tahaffuz Movement (PTM). [PECA](#) has been widely used to silence journalists, activists, the political opposition, and anyone expressing criticisms against the government.

In Bangladesh, the Digital Security Act (DSA) 2018—now replaced by CyberSecurity Act (CSA) 2023—has arrested hundreds, stifling freedom of expression in the country. Among the cases illustrating the use of DSA against human rights defenders was the judicial harassment endured by

[Odhikar](#) and its leadership. Odhikar is a human rights organisation. Its renewal application was pending with the Bangladesh NGO Affairs Bureau from 2014 until it was deregistered in June 2022 for publishing ‘misleading information’ and for ‘tarnishing the image of Bangladesh to the world.’ In 2023, Adilur Rahman Khan and ASM Nasiruddin Elan–Odhikar’s Secretary and Director– were sentenced to two years in prison. Although later released on bail, the prosecution has sought a stiffer sentence against the duo.

The right to freedom of association inherently includes the ability to actively pursue, obtain, and utilise resources. In [India](#), for example, the Foreign Contribution (Regulation) Act 2010 (FCRA)—which mandates the registration and scrutiny of entities to receive foreign funding—uses vague and overbroad language, thereby leaving it open to arbitrary application. As a result, many non-governmental organisations (NGOs) have been prohibited from accessing foreign funding for activities against ‘public interest’, economic interest, or ‘security’—none of which has a clear definition. Since 2015, the FCRA licence of more than [16,000 NGOs](#) has been cancelled. In 2021, the Ministry of Home Affairs of India did not renew the FCRA registration of around 6,000 CSOs, including Oxfam India, Amnesty International, and the Centre for Policy Research. No explanations were given to affected organisations; however, it is suspected that such cancellations and non-renewals were somehow linked to their activities that are deemed to be misaligned with national interests.

The use of emerging technologies to curb the right to protest

In recent years, FORUM-ASIA has observed increased use of digital technologies to curb people’s right to protest across Asia—ranging from internet shutdowns, the use of face recognition technologies, and the weaponization of government-backed surveillance software.

For instance, governments have throttled or even shut down the internet during protests under the pretext of limiting the proliferation of fake news and misinformation. In Indonesia, the government throttled internet access during the 2019 protests in [Papua](#). Meanwhile, in Myanmar, the military junta imposed an [internet shutdown](#) in 2019 in conflict-affected townships in Chin and Rakhine. In [2021](#), the junta once again implemented an internet shutdown during protests against the attempted coup.

In [Pakistan](#), authorities imposed a nationwide suspension of mobile internet services during an anti-corruption protest in 2023. More recently, Pakistani authorities limited internet access to disrupt virtual rallies organised by the political party of [Imran Khan](#), the former prime minister and a prominent opposition leader. The Indian Government did the same during the 2023 protests in [Manipur](#). In addition, the Indian Government has also been using [facial recognition technology](#) and [drones](#) during protests. Given the insufficient regulation around such technologies, there is little clarity on what happens to recorded data and how such information could be wielded against peaceful protesters, raising concerns regarding mass surveillance and its subsequent impacts on people’s right to peaceful assembly and association.

Meanwhile, in [Hong Kong](#), facial recognition biometric technology was used during the 2019 pro-democratic movement protests. Around 700 protesters were identified and detained for joining the unlawful peaceful assemblies. It is suspected that the incident could have resulted from the government’s move to increase surveillance by installing cameras and sensors.

In Thailand, around 30 civil society actors were [infected](#) by Pegasus—an espionage software run by the government— between 2020 and 2021. Most targets were involved in the pro-democracy protests during that time.

The implementation of laws and regulations that force people to register their phone numbers could also threaten fundamental rights and freedoms. In the Philippines, for example, President Marcos Jr. enacted the SIM Card Registration Act in October 2022, mandating the registration of SIM cards for all mobile phone users and foreign visitors. The law aimed to combat phone-related crimes such as text spamming and phone scams. CSOs—including [FORUM-ASIA](#)—voiced apprehensions on how the law could threaten privacy rights, freedom of expression, right to information, freedom of association, and non-discrimination in the Philippines.

In Myanmar, the Department of Post and Telecommunications—under the Junta Ministry of Transport and Communications—[declared its intention](#) in October 2022 to invalidate all SIM cards not registered with a national ID card. In addition, any remaining balance on those cards would be unusable. In September 2023, the Junta Ministry of Transport and Communications issued a stern warning to both mobile phone service sellers and users, emphasising that failure to register as well as engagement in fraudulent SIM card registration could result in [six-month imprisonment](#). This strategy is widely perceived as a tactic employed by the junta to suppress the assembly efforts of pro-democracy activists and the People's Defense Forces.

How Authoritarian Governments Threaten FoAA

Authoritarian governments in Asia are predominantly responsible for posing significant threats to the fundamental rights of freedom of assembly and association (FoAA). Based on FORUM-ASIA's monitoring, these governments often exhibit a similar pattern of restricting and suppressing FoAA, thereby limiting the ability of citizens to gather peacefully and form associations that advocate for their interests.

In addition, the rise of right-wing populism in the region presents a significant threat to the pluralistic foundations of diverse countries. Right-wing populist movements tend to propagate nationalist ideologies that prioritise the interests and identity of the majority ethnic group often at the expense of minority rights. This can result in policies that foster discrimination, marginalisation, and exclusion of minority populations. For example, Malaysia, which traditionally has been a Muslim-majority country, has now witnessed the rise of Islamic populism. Similar events are happening in Indonesia, where vulnerable communities have had difficulties accessing their fundamental rights and freedoms. Anti-LGBTQIA+ (lesbian, gay, bisexual, transgender, queer, intersex, asexual, and gender-diverse persons) sentiment continues to grow in Indonesia, with religious conservatives fanning the flames. In July 2023, human rights organisations were forced to cancel a training, which aimed to discuss the challenges faced by the LGBTQIA+ community in Southeast Asia, due to security threats.

Harnessing the power of social media to promote FoAA in Asia

Social media could be viewed as a double-edged sword. [FORUM-ASIA](#) has raised concerns about Asian governments' inadequacy in protecting fundamental freedoms, noting that it is sometimes employed to restrict online freedom of association and assembly (FoAA). As a positive tool, it can serve as a potent instrument for advocating and enhancing FoAA. It enables rapid communication and coordination, allowing human rights defenders and organisations to reach a broader audience despite

geographical barriers. Social media makes it easier for people to come together—whether online or offline—in support of shared goals and advocacies.

For instance, the annual Aurat March for women’s rights in Pakistan extensively uses social media to mobilise participants, raise awareness, and share live updates. In 2022 and 2023, when physical gatherings were banned in various provinces of Pakistan, social media played a crucial role in amplifying the conversation about women’s rights through online marches.

Meanwhile, in India, historic protests against the Citizenship Amendment Act (CAA) from 2019 to 2020 were amplified through social media. The hashtag #ShaheenBagh—representing a protest that started in a Muslim working-class neighbourhood [Shaheen Bagh](#) in India’s capital New Delhi—became a symbol of resistance and solidarity. Social media played a crucial role in disseminating information about protests, detailing incidents of arbitrary arrests and police violence, as well as fostering a sense of solidarity. Additionally, protesters and human rights defenders have also used the ‘live’ feature of Instagram and Facebook to document instances of police brutality and to mobilise support for demonstrations.

In [Bangladesh](#), social media was used for online protests and activism demanding justice. Likewise, social media was utilised to raise awareness of gender-based violence. The hashtags #JusticeforNusrat and #NirbhoyoBangladesh—linked to an incident of a school student being set on fire for refusing to retract her sexual harassment complaint against a teacher—were used to exert pressure on the government for decisive action.

Another example is Sri Lanka’s anti-government protests from 2022 to 2023, wherein social media platforms were extensively used to organise and mobilise the citizenry. The hashtags [#GotaGoHome](#) and [#GoHomeGota](#) were used to ask the then President Gotabaya Rajapaksha to resign.

At the same time, governments in South Asia have been keen on censoring online content and regulating social media. For example, during the farmers’ protests of 2020-2021 in India, former [Twitter CEO Jack Dorsey](#) alleged that the Indian government made multiple requests to take down accounts and posts opposing the new agricultural laws, which were later repealed.

Specific measures can be taken at the national, regional, and global levels to push back against restrictions on FoAA

Synergised efforts must be conducted at the national, regional, and international level.

On advocacy, ensure the active role of all regional mechanisms—including national human rights institutions, the United Nations, and regional human rights mechanisms (such as the Association of Southeast Asian Nations)—is imperative to align efforts on mainstreaming the implementation of universal standards on freedom of association and assembly (FoAA) as well as to secure the compliance of States with international human rights law and principles.

Furthermore, public education and capacity-building with various communities should be used as relevant tools for pushing back against restrictions on FoAA. Grassroots initiatives that raise awareness and empower local communities to defend their rights remain crucial. Building strong local networks and fostering a sense of community can enhance resilience against attacks. Collaborative efforts can include educational programs and training sessions on human rights, democracy, and the importance of FoAA. All these can empower individuals to strongly assert their rights.

Both international and regional solidarity can help draw attention to attacks on FoAA, leading to increased diplomatic pressure on governments that infringe on these rights. Last but not the least, there is a need for collaborative networks to provide legal support for individuals and groups facing legal challenges, fostering a sense of solidarity and protection for all.