



COVID-19 and Democracy in Southeast Asia

Building Resilience, Fighting Authoritarianism

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2020

Asia Centre

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Asia Centre

128/183 Phayathai Plaza Building (17th Floor),
Phayathai Road, Thung-Phayathai,
Ratchathewi, Bangkok 10400 Thailand
contact@asiacentre.org

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List of Abbreviations

COVID-19	Coronavirus Disease 2019
CMCO	Conditional Movement Control Order
CNRP	Cambodia National Rescue Party
ICS	Civil Society
CSO	Civil Society Organisation
EIT	Indonesian Electronic Information and Transactions Law
EU	European Union
GPS	Global Positioning System
IGO	Inter-Governmental Organisation
INGO	International Non-Governmental Organisation
IIO	International Organisation
NGO	Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSF	Open Society Foundations
POFMA	Protection from Online Falsehoods and Manipulation Act
SARS	Severe Acute Respiratory Syndrome
SOE	State Of Emergency
T&Cs	Term and Conditions
UN	United Nations
WHO	World Health Organisation

Executive Summary

This report examines the state of democracy and human rights in Southeast Asia following the COVID-19 pandemic. In a pattern consistent with global trends, Southeast Asian governments have taken the pandemic as an opportunity to tighten their grip over their citizens and individuals within their borders. This is not something new, however, the impact of COVID-19 and its subsequent government response has had disproportionate effects on women and youth in the region who have become the new faces of resistance to authoritarianism.

Crises in Southeast Asia have routinely been responded to with emergency decrees and temporary laws, the suspension of democratic activities, increased surveillance, and the framing of human rights activists as national security threats. Post-crises, governments expand crisis restrictions and practices into long-term laws and policies that effectively shrink civic space and further erode democratic institutions. The impact of crises in part explains why the Southeast Asian countries have been in democratic regression in the last few decades.

In 2020, in response to COVID-19, states in Southeast Asia once again enacted and extended temporary laws and policies, and established multiple national task forces and committees. To limit the spread of the virus, travel and movement restrictions, the closure of non-essential businesses and national lockdowns were promptly announced. Civic space shrunk as freedoms of association and assembly were revoked, forcing activities to move online. Elections were held during the pandemic, as sitting regimes hoped to secure advantages at the expense of their opponents as social distancing measures increased the difficulty of campaigning. Critics who pointed out their governments' mishandling of the pandemic were met with public vilification, detainment, arrest or political pressure that has led to self-censorship. The pandemic saw an increase in attacks on journalists and media companies as the industry struggled to stay financially afloat. Digital surveillance through contact and movement tracing applications were increased throughout the region with further erosion of privacy. Donors were not agile and flexible and took some time to settle down before they began supporting a new normal of a digitalised civil society.

To ensure that this crisis and its impact on democracy and human rights is noted and used as a lesson for future crises, this report prescribes recommendations for the United Nations, Governments, Donors and Civil Society Organisations (CSOs). The United Nations, with its strong moral appeal and reach, is called upon to shore-up regionally based CSOs to enable them to act as watchdogs by ensuring their voices are heard during multilateral discussions. Governments are urged to disassemble the laws and policies which hinder civil society operations, increase collaboration and investment in civil society organisations that promote democracy and human rights. Donors are encouraged to review the rigidity of their funding mechanisms, while regional donors and philanthropists are called on to increase their financing of local CSOs. CSOs are advised to strengthen their financial sustainability by diversifying their income sources, increase their collaboration with other CSOs and expand on their digital advocacy.

The report expands on the areas mentioned with evidence based research.

1. Introduction

Across the globe, governments have amassed additional powers to combat COVID-19's economic and health impacts. Some autocratic governments, under the guise of protective measures to benefit their populations, have implemented laws and policies that are self-serving. Acquiring additional power is not new, however it has become a recurring behaviour during crises. States are acquiring powers that effectively shrink civic space and impact democracy during crises. The COVID-19 pandemic is no different, in fact, it has shown how crises accentuate the cracks in human rights and democracy, and government responses to spackle these spaces to consolidate their power.

On 30 January 2020, the World Health Organization declared the coronavirus outbreak, first identified in December 2019 in Wuhan, China as a Public Health Emergency of International Concern and a pandemic on 11 March 2020. In Southeast Asia, Thailand became the first country, outside of China, to report a case on 13 January 2020, when a woman from Wuhan tested positive, and the first death, outside China, was recorded in the Philippines on 2 February 2020 involving a Chinese man. By 30 November 2020, Southeast Asia has recorded 10,738,733 infections and 163,454 deaths. It was clear, as the end of 2020 approached, COVID-19 had regressed democracy and suppressed human rights in Southeast Asia. Governments in the region had used the health pandemic to rationalise their autocratic actions, extended their political grasp and placed citizens and residents under increased surveillance. Unless effective measures are taken, these authoritarian obtrusions hold the risk of becoming undisputed and permanent post-COVID-19. They even risk becoming the preferred and effective way to organize society as a precaution to future health crises.

The Office of the United Nations High Commissioner for Human Rights (OHCHR), concerned about this type of behaviour during the start of 2020, warned that emergency declarations and the powers that come with them should not “be used as a basis to target particular groups, minorities, or individuals” and further elaborated that it should not be used under as a “guise of protecting health nor should it be used to silence the work of human rights defenders” (OHCHR, 2020b). In addition, the United Nations (UN) in “The Impact of COVID-19 on South-East Asia”, stressed the importance of “return[ing] to ordinary laws as soon as the emergency situation is over” (United Nations, 2020). Or else, as has been recurrently stated, these temporary controlling measures may become permanent.

Various organisations have been conducting research on COVID-19 in order to assess its impact on democracy and human rights. Globally, the research has been compiled by a variety of organisations and individuals, the most prominent being the UN, its agencies and organs such as the General Assembly, OHCHR, UNWOMEN, United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and World Health Organisation (WHO) followed by publications from journalists, Inter-Governmental Organisations (IGO) International Non-Governmental Organisations (INGOs) and Non-Governmental Organisations (NGOs). Consider the work done by the International Institute for Democracy and Electoral Assistance on democracy and COVID-19 (Youngs, Panchulidze, 2020) and the Community of Democracies (Community of Democracies, 2020). Publications such as these focus on specific countries, regions and comparisons of the trends around COVID-19's

relationship with democracy and human rights, elections, emergency decrees and laws, fake news and various subcategories such as discrimination and socio-economic inequality.

While the above mentioned research is important, when it comes to Southeast Asia, the analyses tend to cover only selected countries and issues in any single report. Furthermore, some of these reports were completed relatively shortly following the COVID-19 outbreak before established patterns or trends emerged. Asia Centre's report builds on these earlier works by undertaking a comprehensive review of the major issues, covering 11 countries in Southeast Asia over the timespan of nearly one year. The governments' prosecution attempts of women and youth during the COVID-19 pandemic have been equally addressed throughout the report as governments have expanded their efforts to silence these new voices of pro-democracy movements.

In the lead up to the report, the draft findings were presented and discussed at a range of webinars with civil society representatives both regionally and globally. Moving forward, the findings of this report is expected to inform Asia Centre's programme of work and partnerships in 2021 and beyond on democracy and human rights in Asia, key of which is the Centre's 6th International Conference "**COVID-19 in Asia: Communication, Nationalism and Technology**" (6-8 October, 2021) and other planned evidence-based research, capacity building activities and advocacy campaigns.

The research for the report was compiled, and drafted from July to November 2020 and covers the period from 1 January to 30 November 2020. It is based on a review of roughly 200 global research publications including but not limited to, thematic reports, case studies and journal articles on the impact of COVID-19 on democracy and human rights. This also includes an examination of media coverage, news analysis, and commentaries of the situation in the Southeast Asian countries of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Singapore, Thailand, the Philippines, Timor-Leste, and Vietnam. This evidence-based report is built on the content analysis of government documents and other primary sources, examined by the key words, data and themes that are found throughout. In addition, the Centre also consulted with CSOs and other stakeholders during various webinars over the course of this report. Following the compilation of the draft report, a review by several external readers and supplementary discussions aided in the final edit.

In sum, building on the historic crisis response trends in the region, this report examines the impact of the COVID-19 health pandemic by reviewing the laws and policies introduced by the respective governments in Southeast Asia. It continues by addressing the manners in which civic space has shrunk, subsequently the impact thereof on electoral democracy and the actions taken by governments which have further eroded democratic practices. The muting of political criticism by governments, in an effort to stifle dissidents, are also examined. Finally, media's freedom and sustainability, the rise in digital surveillance that has occurred and dwindling support for civil society are also reviewed. These impacts have increasingly expanded to affect civil society and the individuals and organisations that actively operate to effectively occupy and operate in a shrinking civic space. The 2020 COVID-19 crisis has sped up the inevitable culmination of absolute power to these governments with a high risk of wiping out civil society. The report ends by listing a set of recommendations for the United Nations, Southeast Asian governments, donors and civil society organisations which are geared to strengthening civic space.

2. Background

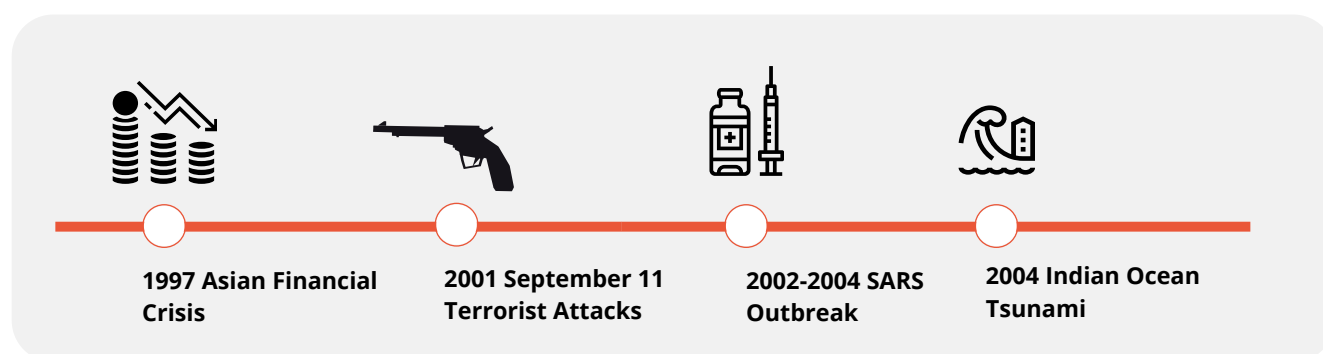
Southeast Asia, inspired by the promises of the 'third wave of democratization' (popularized by Samuel P. Huntington), found itself regressing into authoritarianism from the first of several global crises which collectively affected the region. From the 1997 Asian Financial Crisis to the 2020 COVID-19 pandemic, Southeast Asia has experienced a series of crises that in their wake left a pattern of state behaviour that have had immense impact on the region's democracy and human rights. Crises have afforded states the opportunity to blatantly amass power which have been used to directly disrupt democracy practices and corrode human rights. Short term emergency measures tend to have lasting, long term impacts that effectively strengthen authoritarianism. As a result, successive crises over the last few decades have kept the region sliding into authoritarianism that is in an urgent need of a pushback.

The 1997 Asian Financial Crisis was the first to halt the spread of democratization in the region. It transformed the political future of the region into a debate of "development versus democracy" characterised by "good governance versus populism" (Teehankee, 2007). Due to elite preference placed on managing development, democracy and human rights became a secondary focus for governments in the region. The crisis highlighted the government's inadequacy in the regulation of its finances and from the perspective of their citizens, financial security became more important than social welfare. As the financial crisis contracted the markets, government income dwindled from decreased tax returns and in turn resulted in lower healthcare and education welfare. The minimal welfare available to citizens was unequally dispersed and gravitated towards male, young-adult, contract workers and their families. Further fuelled by globalisation and the migration of people, labour laws and human rights protective measures were slacked to improve the economies of these states.

The 2001 September 11 US terrorist attacks fueled military response to the secession movements in Southeast Asia and solidified authoritarian grabs on power in the name of national security (Gomez, 2003). As religious extremist groups gained traction around the world, such as the Jemaah Islamiyah in Southeast Asia, citizens in the US and globally have found themselves under dramatically increased surveillance measures as noted by the famed whistleblower, Edward Snowden (BBC, 2014). Over the following decade, surveillance has been justified in the fight against terrorism, whilst labeling activists as 'terrorist' has gained traction (Institute For Economics & Peace, 2017). Authoritarian governments took this opportunity to justify their intrusive inspection of financial transactions, revoked their citizens' freedoms of speech, expression and religious affiliation, and in some instances stripped their citizenship for alleged acts of terrorism.

The 2002 - 2004 Acute Respiratory Syndrome (SARS) outbreak granted legitimacy for governments to sweepingly violate their citizens' right to privacy and movement in the name of public health (Mely, 2005). Enforcing large scale state quarantine became an unquestioned tactic from governments, which highlighted the discrepancies in individuals' versus community rights. It showed that, when framed in the correct manner, governments could justify human rights infringements if it was deemed beneficial for the population. By this time, the pattern of rights restriction became clear. Governments took crises as opportunities to roll back democracy and human rights.

The 2004 Indian Ocean tsunami, following a year of martial law imposition on Aceh, swiftly ended the sepratist movement and its conflict in Indonesia which started in the 1970s (The New Humanitarian, 2014). Field surveys which examined the impact of the earthquake and tsunami estimate the death toll to be a devastating 163,650 casualties, which include those reported as killed and missing (Doocya, et al, 2007). Whilst Civil Society (CS) was mending its wounds, the Indonesian government dissolved the conflict and forced reconciliation. In addition to the crisis crippling the progress made by Aceh separatists seeking sovereignty for their homeland, access to Aceh became limited during the period due to government restrictions. Several activists died under these circumstances which only worsened the impact of the tsunami on civil society's networking and thereby its social output



It has become clear that in response to crisis situations, the government's playbook followed a set of guidelines not collectively called out by the public over the past twenty years. (1) Reliance on emergency laws and temporary powers granted to extend the legislation in place. (2) Suspension of democratic activities under the pretense of security measures. (3) Surveillance of citizens with new technologies available to pre-empt and thwart their activities or arbitrarily detain anyone who does not comply. (4) Framing of individuals and organisations who pose a political challenge as a threat to national security or as a terrorist. (5) Post-crisis attempt to extend temporary legislation by enacting new laws. (6) Lastly, learning from past experience, strengthen previous measures at the next crisis.

At the same time when crises occur, donors who support civil society programmes are often more concerned about adhering to existing protocols in place which limits innovative and responsive investment. This rigidity alongside the increase in autocracy in the region, meant these resistance measures were unable to respond effectively at that time of crisis. Post-crisis, civil society finds that donors are increasingly collaborating with governments and are cautious when working directly with civil society (Sidel, Moore, 2020). The net result is that civil society in Southeast Asia has not only dwindled, but rather has become under resourced. In the meantime, autocracy has risen due to the manipulation of these crises. Therefore increasing the urgency to build resilience against authoritarianism

SEA Governments' Crisis Playbook



The 2020 COVID-19 health pandemic, is the latest global crisis that affects the region. It once again affords government in Southeast Asia the opportunity to enact emergency and temporary laws, suspend democratic activities, stifle political criticism, introduce intrusive movement tracking and data gathering applications imposed on individuals. This crisis has also displaced civil society as it moved online, which has created additional difficulties in terms of donor adaptability and agility to respond to the needs of civil society to support their online transitions. It is crucial to understand this crisis and draw from it lessons on how to respond to future crises, and to build resilience against increasing authoritarianism.

3. Laws and Policies

Various laws and policies have been introduced in response to COVID-19, with the purpose of preventing and containing the spread of the virus in and between states worldwide. From February 2020, governments in Asia began enacting emergency laws, introducing policies and setting up task forces to respond to the COVID-19 outbreak in their countries. On the surface, each state has taken a different approach in responding to the health emergency, however similarities in the manipulation of these for political power have come to light.

These laws and policies have also had the net effect of increasing the criminalisation of ordinary people during the pandemic. For disobeying social distancing policies, mandatory fake masks and gloves, curfews, stay at home orders, travel bans and quarantines, the closure of non-essential businesses and places of worship, increased- and sometimes mandatory COVID-19 testing; the general public have been threatened, fined, monitored, tracked and surveilled, arrested, detained, and quarantined. In some instances, foreigners have been deported and/or their permanent residency statuses revoked (Mandhana, Watcharasakwet, 2020).

State of Emergency (SOE) decrees have been announced or threatened to be enacted in Indonesia - 28 February (Silaen, 2020), the Philippines - 9 March (Office of the Presidential Spokesperson – Republic of the Philippines , 2020), Thailand - 26 March (Chan-o-cha, 2020c), Timor-Leste - 28 March (Magalhães, 2020) and Cambodia - 30 April (Touch, 2020).

Emergency Declaration

	Type of Measure	First Declaration	Initial Timespan of Decree	Revoked/ Ended On/ Renewed Until
Cambodia	State of Emergency	Not Declared	Three months	N/A
Indonesia	State of Emergency	28 February	Two weeks	Renewed and Ended on 29 May
Philippines	State of Public Health Emergency	9 March	Three months	Ended on 8 June
	State of Calamity	16 March	Six months	Renewed Until 13 September 2021
	Bayanihan to Heal as One Act	23 March	Three months	Ended on 24 June
Thailand	State of Emergency	26 March	One month	Renewed Until 15 January 2021
	Serious Emergency situation	15 October	One week	Revoked on 22 October
Timor-Leste	State of Emergency	27 March	Two months	Renewed Until 3 November

On 30 January, Vietnam created and empowered a committee to manage the COVID-19 issue and announced a National Epidemic on February 1st (Dreisbach, 2020). Indonesia implemented a task force on 24 March (Buchanan, 2020), Thailand announced a task force to start on 12 March (Chan-o-cha, 2020a), Laos announced and created a task force on 29 March and extended the lockdown measures to May 3rd (Santaniello, 2020), whilst Myanmar established a committee on 31 March (Gan, 2020).

Committees

Country	Measures announced	Date created
Vietnam	National Steering Committee for Coronavirus Prevention	30 January
Laos	National Task Force Committee for COVID-19 Prevention and Control	29 March
Myanmar	Committee for Control and Emergency Response to Coronavirus Disease 2019	31 March
Thailand	Centre for COVID-19 Situation	12 March
Indonesia	National COVID-19 Task force	24 March

Singapore relied on pre-established legislation to aid in their response. On 3 April, the COVID-19 (Temporary Measures) Act 2020 was announced, and was passed on 7 April (Ministry of Health Singapore, 2020b). Under this act the 2020 Singapore circuit breaker measures (SB) were implemented on April 7th (Ministry of Health Singapore, 2020a).

The Indonesian police force, on 8 April, announced a series of internal directives to maintain order during the pandemic (Briantika, 2020). These directives serve as guidelines for the police force to, among others, prevent the spread of COVID-19.

Malaysia implemented the "Conditional Movement Control Order (CMCO)" on 4 May (Nambiar, 2020) and later, on 7 June, was replaced with the "Recovery Movement Control Order (RMCO)" (Povera, Chan, 2020). Brunei, being the only country to neither declare an emergency nor implement additional laws and policies, has relied on the institutions that are already in place such as its Health, Education, Travel, Home Affairs, and Religious Affairs Ministries to respond to COVID-19 within their sectors (Bodetti, 2020).

Temporary Legislation

Country	Measures announced	Date implemented	Date ended
Indonesia	Internal Directives	4 April	Still underway, no definitive end
Malaysia	Conditional Movement Control Tracking Order	4 May	9 June
	Recovery Movement Control Order	7 June	31 December
Singapore	COVID-19 (Temporary Measures) (Control order)	7 April	1 June

Over the course of 2020, trends in the timespan of these decrees and laws became apparent. States routinely renewed or extended the emergency decrees alongside policies that increase government's power. Even when the spread of the virus has been contained and official infection rates lay stagnant or have been decreasing, governments in some Southeast Asia countries renewed their decrees, not for the purpose of protecting their citizens, but rather their own political interests (VOA News, 2020a). If the situation prolongs into 2021 and beyond and a vaccine solution is not conclusive, it is reasonable to expect these provisions to be renewed in one form or another moving forward.

As these laws and policies grant these governments renewed or additional powers, authoritarian governments have seized this opportunity to clamp down on these benefits. They can now with ease maintain control over the movement of people and goods, Cambodia, Malaysia and Thailand can criminalise rights such as peaceful protest and assembly, Cambodia may limit the spread of information by censoring the media, and Cambodia, Laos, Myanmar and the Philippines have the ability to censor the public's voices under subjective and vague policies that outlaw the spread of dis- and misinformation.

In addition to these intrusions, governments can also monitor the movement of people through mandatory Global Positioning System (GPS) and Bluetooth tracking applications such as those found in Brunei, Thailand and Vietnam. Invasions of privacy through telecommunication surveillance have also been noted in Cambodia. Measures such as closing schools, reducing congregations, suspending international and domestic travel, closing businesses that are not deemed essential, and cancellation of public holidays have been met with criticism in all countries. Some of these measures, however, have been advised by the WHO. Notable criticism nonetheless has been towards the impact on human rights and democracy that these laws and policies have.

On the opposite side of the spectrum, the governments of Timor-Leste (O'Connor, 2020) and Indonesia (Al Jazeera, 2020a) have been met with condemnation, as they are unresponsive in emergency situations which further endanger the society.

Brunei, Lao and Singapore's lackluster responses relying on the pre-established frameworks have also led to widespread uncertainty in the outcome of the virus. Citizens, from all walks of life, have increasingly taken their opportunities to criticize these governments on social media channels.

Civil society's and, increasingly, the general populations' response these measures have come in the form of public outcry directed at Cambodia for its extensive emergency decree powers (Reuters, 2020a), denouncement of the repressive legislation which enforce community quarantines in the Philippines (GardaWorld, 2020) and public pro-democracy protests which have continuously been barred under Thailand's State of Emergency, currently in its eighth extension (Bloomberg News, 2020). The UN's OHCHR, through a joint statement of upwards of 20 Special Rapporteurs, Chairs and Experts, in March 2020 released a joint statement condemning the manipulation of emergency laws and policies that impact human rights (OHCHR, 2020b). Their concerns have been noted as in accordance with what this report finds, in some instances, the power that is given to governments and authorities is not regulated, nor does it have a definitive end. Activists and CSOs have also, unfazed by the criminal repercussions that result from interfering in government processes, publicly and through digital spaces continued to discuss and criticise them. Webinars and livestreamed meetings have also shifted to incorporate resistance deliberations.

Authoritarian governments and alike, when given temporary emergency powers with immense consequences, have often attempted to prolong them. Under the circumstances of COVID-19, these powers have been granted and extended by the branches of governments who oversee them. Nevertheless, there has been resistance to some of these laws, especially when they have been unduly prolonged or are intrusive by nature. The general populations of these countries have also been increasingly criminalised for defying their governments' movement orders, social distancing restrictions, celebrations of religious and other holidays and curfews. However, while such laws are in place, it allows governments the authority to curb protests, stifle criticism, manipulate electoral democracy and increase surveillance over their citizens.

4. Curbing Protests

Movement restrictions and social distancing measures emerging from COVID-19's laws and policies effectively stalled assemblies and protests in Southeast Asia. The restrictions on freedoms of association and assembly have been rationalised on the basis of controlling and limiting the COVID-19 virus' spread. However, the political agenda behind thwarting the mobilisation of people was to keep challengers at bay - regardless of the COVID-19 public health rationale. Before the virus swept through Southeast Asia, discontent against those in power had been brewing with ongoing protests in several countries. Hence, the distinction must be made between steps taken to limit freedom of assembly and association for the purposes of public health versus the opportunity taken for political suppression.

In Cambodia, Malaysia, Myanmar, the Philippines, Singapore, Timor-Leste and Vietnam, governments have curbed protests with an array of movement restrictions and social distancing regulations.

In June 2020, traders, for protesting the closure of the border (Ketngam, 2020), environmental activists for attempting to submit a petition (Vantha, 2020) and community leaders for attempting to deliver a letter of COVID-19 response recommendations (Vantha, Flynn, 2020), were fined, harassed and arbitrarily detained under the social restrictions that Cambodia's COVID-19 laws place. Large protests in response to the arrest of the Cambodia National Rescue Party's (CNRP) Pen Mom, resulted in the arrest of youth and environmental activists (MimicNews, 2020). To justify, authorities stated that albeit the protest took place in the designated "Freedom Park" area, permission was not granted due to the size of the protest and lack of clarity in who would attend (Narim, 2020a).

Following the collapse of the Malaysian government in February 2020, disapproval of the 'backdoor' government fueled student led pro-democracy protests (Walden, 2020). At the same time, citizens voiced their opinions on social media which ultimately had no successful response from the government (Free Malaysia Today, 2020). In-person, peaceful protestors were met with harassment and ultimately dispersed (Walden, 2020). Following the implementation of the CMCO, the right to protest has been removed altogether by the government (Nambiar, 2020). Shortly after its implementation, a group of healthcare workers protested the lack of Personal Protective Equipment (PPE) in front of a government hospital. Subsequently the group of predominantly women were arrested for violating the CMCO (Bunyan, 2020).

An unauthorized student led assembly, in February 2020, against the internet being shut down in two states in Myanmar consequently ended with charges being laid against the protestors (Reuters, 2020d). Their plea to reinstate the internet was ultimately not agreed to; and these states are still, since June 2019, waiting for government approval to access the internet (Hlaing, 2020). Further protests have been hindered under the Peaceful Assembly Law and orders imposed under the Committee for Control and Emergency Response to Coronavirus 2019 (Gan, 2020). Aside from these aspects, large gathering bans have led to arrests and detention that further intimidate civic society's activism (Associated Press, 2020b).

In June 2020, demonstrators in an LGBTQ+ anti-terrorism bill protest in the Philippines were arrested and simply told their actions are prohibited by law without due process nor explanation (Rappler, 2020). As the State of National Emergency decree was announced (Congress of the Philippines, 2020), public protests have been limited to groups of 10 with the Department of Justice threatening legal action against violators (Nonato, 2020). President Duterte has also incited violence against individuals who do not comply with COVID-19 laws by stating “shoot them dead” (Billing, 2020).

In March 2020, solitary youth climate change activists, Wong J-min and Nguyen Nhat Minh, peacefully protested in Singapore, although not in the designated protest area nor by seeking permission through the government’s required channels (Han, 2020). Their protest resulted in intimidation from authorities and pressure to cease their protest in person and on social media channels - even to disable their social media platforms. Jolovan Wham, days after Nguyen Nhat Minh’s protest, staged a similar “single-person protest” at the same area. Jolovan, however, was not intimidated by authorities but rather charged, in November 2020, with violating the Public Order Act - which requires a permit from the police to protest (Bengali, 2020).

Albeit, the COVID-19 (Temporary Measures) (Control Order) has restricted social gatherings of all sizes to deter the spread of COVID-19, the government of Singapore has not relied on this to deter protests. It is necessary to understand that protests in Singapore are allowed, yet confined to an outlined square in a public park, called the ‘Speaker’s Corner’. This is the only area a dissident may protest, however it also requires registration (Sim, 2014). The combination of the Public Order Act and confinement of protest to the Speaker’s Corner, have not enticed the government to take any additional measures as these are already abundant in reach.

Whilst protesting the construction of a COVID-19 quarantine zone in a residential area, in March 2020, villagers in Timor-Leste were met with police force and teargas (Baird, Freitas, 2020). Protesting against the exploitation of their area has been halted - and further discouraged under the State of Emergency decree which bans social gatherings of more than five people.

Land disputes in Vietnam, in January 2020, turned violent and led to four deaths (Reuters, 2020e). These protests resulted from government land grabs for the purpose of constructing additional barriers for an airport. Any future protests have been discouraged by the implementation of the National Steering Committee and movement restrictions that limit all social gatherings (Vietnam Plus, 2020).

In Indonesia and Thailand, despite government attempts to curb protest, civil society and increasingly the general public, have endured in their attempts to stand up against their repressive governments.

Indonesians have protested a controversial OMNIBUS labour bill since February 2020 (Wijaya, 2020). This law would remove various labour and foreign direct investment laws to create a single, overreaching national law. Labour unions who have led the protest did so in response to the relaxed labour laws that may impact the livelihood of their workers.

Ultimately, these protests were ended by the ‘Large Scale Social Restrictions of PSBB’ (EKONID, 2020), that limit the size of public gatherings. In response to these restrictions, the protests were moved online (Fafifa, 2020). By utilising a variety of social media platforms such as Instagram, Facebook, Twitter and Whatsapp - the virtual protest was able to continue spreading awareness and ultimately address their concerns to the government. Yet, to the dismay of the public, the bill was ultimately passed on 5 October 2020 (Ghaliya, Gorbiano (2020).

In January 2020, anti-dictatorship runs (BBC, 2020) organised by civic society and student led pro-democracy protests took place in Thailand after the Future Forward political party was dissolved under a constitutional court order (Bangkok Post, 2020). As COVID-19 entered Thailand, the Thai government announced the State of Emergency which effectively halted all prospective protests. Discontent with the routine extension of the SOE, has subsequently increased civil disobedience and protest which have gained international reporting. As of 20 November, 175 protestors have been arrested, and charged with public assembly offenses or sedition. Increasingly, the arrest of youth have come under scrutiny as four of the arrested are younger than 18 (AFP, 2020). Multiple pro-democracy protests have, despite these restrictions, occurred in provinces throughout the country. Themes of legal action, self-censorship and restrictions under the Lèse-majesté law have been announced by authorities (Khaosod English, 2020) although have yet to intimidate and, in fact, only increase discontent that fuels protest (Wilson, Satrusayang, 2020).

Curbing Protests

Country	Reason for Protest	Government Response	Protestor's Response
Cambodia	Border Closure, Arrest of Political Party Members	Harassment by Authorities, Arbitrary Detention, Blocking Access to Designated Protest Area	Still underway, no definitive end
Indonesia	OMNIBUS Labour Law	Large Scale Social Restrictions of PSBB	Continued to Spread Awareness Online
Malaysia	Backdoor Government Imposition of Power	Police Harassment, CMCO Social Distancing Regulations, Arrest	Protests Halted and Lost Traction
Myanmar	Internet Shutdown in Two States	Arrest and Prosecution, Introduction of Peaceful Assembly Law from the Newly Established Committee of Control and Emergency Response to Coronavirus 2019	Protests Halted and Lost Traction
Philippines	Anti-Terrorism Bill	Arbitrary Arrest, State of Emergency - Social Distancing Policies, Intimidation from Department of Justice and President Duterte	Protests Halted and Lost Traction
Timor-Leste	Anti-Terrorism Bill	Mobilise Police Force, Police Brutality and Use of Teargas, State of Emergency Decree and Social Distancing Regulations	Protests Halted and Lost Traction
Singapore	Climate Change	Intimidation from Authorities, Pressure Dissidents to Cease Protest and Disable Social Media Channels, Arrest, Prosecution	Protests Halted and Lost Traction
Thailand	Pro-Democracy	Disbanding Rival Political Parties, State of Emergency decree, Serious Emergency Situation decree	Increased Frequency of Protest and Size
Vietnam	Government Land Grabs	Mobilise Police	Violent Clash Between Groups, Protests Halted and Lost Traction

As protests increased in size, the Thai government introduced a second 'Serious Emergency Situation' decree on 15 October confined to Bangkok (Chan-o-cha, 2020b). The concurrent emergency decree, amongst others, prohibited the "assembl[ly] or gather[ing of] five or more persons at any place or to commit any act which instigates unrest", prohibited the "present[ing of] news, distribut[ion] or disseminat[ion of] letters, publications or any other means of communication, including all electronic data, containing text which may instigate fear amongst the people" and announced that authorities may prohibit "the use of transportation routes or vehicles...[and]...the use of, the entry into or the staying in any buildings or places" . One week after, following increasing public outcry from protestors and the general public alike, and government narrative that the laws have done what they were intended for, the second emergency declaration was revoked (Online Reporters, 2020b).

Despite the social distancing policies which limit meetings in person, civil society and outspoken citizens, displaying the resilience and responsiveness to dilemmas that are needed, have continued their operations and meetings through teleconferencing and social media platforms. Webinars, brainstorming sessions and the flow of information facilitated in these have been a key factor in what has fueled activism. Nonetheless, Myanmar shutting down internet access in the Rakhine and Chin states, since June 2019, may very well be an ominous sign of an upcoming trend to face Southeast Asia during crises (Hlaing, 2020).

Government discontent had been brewing in Southeast Asia, before 2020. With the spread of the COVID-19 pandemic and the introduction of restrictive laws and policies discontent with governments have increased. Through various manners of intimidation and restriction, governments in Southeast Asia share responsibility for shrinking civic space. In the majority of countries, due to fear of prosecution protests have halted and ceased. In Indonesia and Thailand, despite the governments' best autocratic measures to halt protests, criticism displayed by mobilizing citizens have significantly persisted.

5. Eroding Electoral Democracy

In terms of electoral democracy, Southeast Asian governments have used COVID-19 to rationalise the rescheduling of elections and election management in their countries, temper with the timing of parliament sittings and its agenda, and use the health pandemic to attack and disassemble rival political parties and their leadership. Additionally, countries that have no electoral democracy have seen an increase in justification of their authoritarian governance.

Snap general elections in Singapore (Sim, 2020b) and general elections in Myanmar (Strangio, 2020) garnered disdain for the governments' decision to press on despite health concerns. Indonesia, to the contrary, postponed its regional elections (Ghaliya, 2020), whilst political developments in Malaysia have created uncertainty of its general election (News Agencies, 2020).

In Singapore, the People's Action Party government's tenure was supposed to end in April 2021 - but following the government's advice given to the President, parliament was dissolved and snap elections announced for 10 July 2020 (Sim, 2020a). During the televised national address, Lee Hsien Loong justified the decision as it would clear the path for the next government to have a fresh mandate. As speculated, this counted in the People's Action Party's (PAP) favour as it was re-elected in July 2020, albeit with reduced seats and fewer constituents due to public anger of its COVID-19 response mismanagement (The Straits Times, 2020). Voters and opposition parties have pointed out the poor management by the Elections Department, whose authority falls under the Prime Minister's Office. The poorly managed COVID-19 measures in place resulted in extended voting queues and ultimately further extending the voting day by two hours (Channel News Asia, 2020).

Myanmar has seen similar discontent aimed at its government for pressing on with elections despite COVID-19 infections gradually increasing in August and September 2020 during election campaigning. Its second democratic election, which took place on 8 November 2020, drew in an additional variety of concerns. Starting from scepticism around the role of the military in the electoral process (Seinn, 2020) to the Union Election Commission's announcement of COVID-19 campaigning protocols a day prior to the start of campaigning (Strangio, 2020). The compilation of which led to members of opposition parties calling for postponement of the elections to ensure adequate preparation time and secure health precautions to protect citizens (Mon, 2020). Analysts noted the protocols communicated benefited larger political parties such as the National League for Democracy, who ultimately "obliterated" the competition and won the election (Mahtani, Diamond, 2020). Door-to-door campaigning was only possible for parties with plentiful campaign volunteers, and the parties with the largest social media spaces (again, the National League for Democracy) who reached the largest audience (Mon, 2020). The limitations set on international election observers to monitor the legitimacy of the election were also cast.

The Indonesian government, in contrast, took the opportunity to delay elections by citing health concerns. Criticism directed towards the government have built on their mismanagement of the virus, to include scepticism of the decision to postpone the election

President Jokowi signed into order a Regulation in Lieu of Law No. 2/2020 on 4 May 2020 (Adyatama, 2020), which stipulates that under natural and non-natural disasters, elections and their preparation can be postponed until further notice (Adjie, 2020). The decision is perhaps a strategic move that would keep in place the current administration who, in addition to postponing regional elections from 23 September 2020 to December 2020, has threatened to reshuffle the cabinet due to ministers who have been half-hearted in their COVID-19 response (News Desk, 2020).

Malaysia's electoral democracy has been further taken aback over the course of the past year starting with the dissolution of the reformist, multi-ethnic, Pakatan Harapan coalition government in February 2020 and the reinstatement of the United Malays National Organization (UMNO) which held power on the back of deepening ethnic divide in the country, for over six decades. Building on the uncertainty of introducing a backdoor government, Malaysian citizens have faced speculations of a snap election through the pandemic in 2020. An estimated election budget, from the Prime Ministers' Department (Kanyakumari, 2020), provisions for quarantined voters (Chin, 2020), and statements from the Prime Minister Muhyiddin Yassin, hinting towards a snap general election if Gabungan Rakyat Sabah (GRS) wins the Sabah polls (Bernama/ic, 2020) have been the core motivators. The snap results of the Sabah State Legislative Assembly election, with a majority victory by GRS (News Agencies, 2020), have further increased speculations. Ultimately, these have led up to the PM Muhyiddin Yassin on 28 November, announcing the general elections will be held following the end of the pandemic (Reuters, 2020b).

Parliament sittings and elections in Malaysia, the Philippines and Thailand have also been increasingly questioned for their degradation of democracy and gravitation towards autocracy.

Malaysian PM Muhyiddin Yassin's reluctance to call parliamentary meetings, for fear of his no-confidence vote being held, reduced confidence in his administration throughout much of 2020. The no-confidence vote, previously presented and approved, has been delayed indefinitely since May, on the grounds that COVID-19 response was argued as requiring an unhindered administration (Reuters, 2020c). During 2020, Yassin's multiple proposals to declare a State of Emergency were rejected by King Abdullah Sultan Ahmad Shah. These proposals included attempts to pass decisions without the consultation of parliament and the suspension of parliament altogether (Ng, 2020). As a further means to expand his term whilst navigating parliament, the Yassin administration has created its 2021 budget, passed two rounds of vote and is set for the final vote on 15 December (Hutchinson, Zhang, 2020). Attempts to pass this budget, continues to risk a no-confidence vote against his government (Augustin, 2020).

In the Philippines, House of Representatives meetings have been conducted over Zoom (House of Representatives, 2020). The decision to continue this approach is speculated to be on the grounds of lawmakers pushing the contested OMNIBUS community quarantine bill with as little friction as possible (Jong, 2020), which was ultimately signed into effect on 22 May 2020 (Inter-Agency Task Force for the Management of Emerging Infectious Diseases, 2020).

In Thailand, trust in parliament has been further undermined by the hand-picked appointments to the Senate by PM Prayut Chan-o-cha's National Council of Peace for Order (NCPO) Junta. The House of Representatives has routinely convened on scheduled dates and rarely postponed or canceled scheduled sessions. This is mainly due to the fact that the constitution does not allow for House meetings to be deferred (Sattaburuth, 2020). On the sessions' first day, May 22nd, however it was communicated that the Speaker of the House now had the authority to cancel future meetings (Sattaburuth, 2020). Considering the political landscape in the country, authority granted to the Speaker of the House, may be abused in the future.

Government's obstructing their political opponents and political parties is another trend within the region that has come to light in Cambodia, the Philippines and Thailand.

In Cambodia, members from the disbanded CNRP have been arbitrarily arrested for sharing information about COVID-19 (Thul, 2020b). Alongside the disassembly of the CNRP its leader Kem Sokha has, after two years, faced his treason allegations in court (Associated Press, 2020a). It should be noted that the basis of his supposed treason is consulting with US pro-democracy groups. Consulting with or following an approach deemed different from those in charge has also caused friction elsewhere.

Conflict within Duterte's cabinet in the Philippines has led to investigation into Vice-President (VP) Leni Robrero over her contrarian efforts on COVID-19 and statements about Duterte's failed war on drugs. She has sought for transparency and commented that the United Nations should investigate allegations of systematic capital punishment and police cover-ups (Petty, 2020). Not surprisingly, this has led to discontent from Duterte and his cronies who still harass the VP. Increasingly concerning has been Duterte's failed yet persistent efforts to remove term limits and extend his administration (Castaneda, 2020).

The Future Forward pro-democracy party of Thailand, advocating for progressive civilian-military reform, gained immense support in 2019 (Regan, Olarn, 2020). Fearing its rising appeal, multiple lawsuits were filed amounting to judicial harassment by the authorities and the government's eminent grise - the army. Such harassment led to the party's disbandment by the pro-government Constitutional Court in 2020, for accepting financial loans from its founder. This has been convenient for the authoritarian government of Thailand since its biggest political threat had been removed and used as an example for prospective political parties. At the same time, information operations have been conducted by the Thai Army - aiming to counteract criticism directed towards the government, by spreading disinformation, spreading pro-government content and attacking political opponents (Online Reporters, 2020a).

Eroding Electoral Democracy



Leveraging off
Election Schedules

- Singapore
- Myanmar
- Malaysia
- Indonesia



Shifting Parliament
Sittings

- Malaysia
- Philippines
- Thailand



Engaging in Political
Attacks

- Cambodia
- Philippines
- Thailand

Governments in Vietnam, Laos in Brunei have not seen their power diminish, and have in fact seized the opportunity to increase their position on their single party socialist (Laos and Vietnam) and absolute monarchy (Brunei) political systems. Given that these three states have had fairly low reported COVID-19 infections, a strong possibility persists that these 'successes' would shape the future political landscapes. Should history repeat itself, propaganda will increase with the narrative that democracy is an ineffective form of government. In this event, the role of China should be carefully monitored as it may well further promote anti-democratic tendencies in Southeast Asian states.

As seen above COVID-19 has led to disruptions to planned elections and to parliamentary sittings. Political opponents and parties are also harassed into submission. In non-democratic regimes with no elections, COVID-19 laws and responses have provided one more tool with which to stifle criticism.

6. Stifling Political Criticism

Criticism directed towards government and governmental leaders for their mismanagement of COVID-19 was stifled throughout 2020. 'Fake News' laws were used to dismiss criticism as misinformation; vague dis- and mis- information laws led to arbitrary arrest of individuals for exercising their freedoms of expression; laws and policies set up to address COVID-19 were used to sensor and limit the media's reporting of governments' inaction; all while intrusive powers grant authorities the ability to block websites and intimidation tactics struck fear into dissidents leading to self censorship.

Imposing fake news laws as a means to discredit criticism from civil society has been a common approach in Southeast Asian states.

Consider Brunei, where the circulation of 'fake news' is punishable by a three year prison term or fine to the value of US\$2,100. The baseline to compare information and ensure it is not 'fake news' is by the Minister of Health's social media platforms. Section 34, Chapter 148 of the Public Order Act grants the Royal Brunei Police Force the power to enforce levels of self censorship upon people in their borders (Mahmud, 2020). It is common, as seen in Brunei, that the public is urged to contact the agencies in charge and report any misinformation to ensure the appropriate measures are taken.

Cambodia proposed fake news laws in 2018 with legislation that stipulates a punishment of up to US\$123,000 and prison term of up to six years (Lamb, 2020). This legislation has been used, substantively, to pre-emptively stifle government critics and activists who oppose its autocratic leadership in 2020 (Sochua, 2020).

Under the 2008 Electronic Information and Transactions Law (EIT) established in Indonesia (Yudhoyono, H. Susilo Bambang, 2008), the spread of defamatory, frightening or false information can be met with six (defamation) to twelve (frightening information) years in prison and/or a maximum fine of US\$70,000 (defamation) to US\$130,000 (frightening information). The 2016 amendment of the law saw the spread of both defamation and frightening information potentially result in a maximum four year prison sentence and or a fine of up to US\$52,000 (Molina, 2016). The majority of criticism directed towards the government has been on the basis of its poor response to COVID-19, which has led to Indonesia having the highest infections and deaths in the region (Laosana, 2020). This criticism has not been met by much censorship from authorities, however one must consider the impact of these excessive financial consequences which have forced critics to limit their opinion and self-censor.

In Laos, individuals who spread 'fake news' through social media have been threatened with "stringent measures" when they cause misunderstandings and social disturbances (Kang, 2020). The subjectivity in these terms is in itself concerning as it can be applied to nearly any social interaction. The combination of 'Article 59 of the Criminal Code' (International Commission of Jurists, 2001) and Decree 327 (Lao People's Democratic Republic, 2014) impose a maximum sentence of five years and or fine or up to US\$1,100.

Laws surrounding fake news have been used in Myanmar as a means to contain the spread of misinformation by threatening arrest (Lintner, 2020).

In addition to this, the government of Myanmar has restricted the free flow of information by limiting internet access in the Rakhine and Chin states to further limit COVID-19 health information's spread (OHCHR, 2020c).

Following a similar approach, the Philippines' authorities have arrested dissidents for calling out insufficient government action as 'fake news' (Aspinwall, 2020b). On top of the arbitrary arrest, what is considered to be 'fake news' is entirely in the hands of the government and it would seem - changes on a case by case basis (Aspinwall, 2020b). Government has also proposed the creation of the "Anti-False Content Act". The creation and/or dissemination of false or misleading information that creates disturbance, if enacted, will be met with a fine of up to US\$6,1000 or imprisonment of up to six years (Babele, 2020).

In Singapore, the Protection from Online Falsehoods and Manipulation Act (POFMA) has created a similar conundrum that stifles freedom of expression and speech (Singapore Legal Advice, 2020). Should an individual share or promote information considered to be a falsehood, they may be subject to a fine of US\$14,000 and/or a year imprisonment. For a Facebook post in which he shared false information about the operating hours of convenience stores, a Singaporean taxi driver was charged in April, and jailed for four months since May (Reuters, 2020f). As written, for 'non-individuals' a fine of up to US\$540,000 is applicable. In both events, claiming that sharing the misinformation was done unknowingly may void these penalties, although the Part 3 Directions can still be used to impose these penalties if it is in the public's interest.

'Fake news' fines have also been introduced in Vietnam following an influx in discontent amongst residents and citizens alike. Not only does the legislation cover fake news, but also slander. Spread of fake news and slanderous information can lead to a fine of US\$900 (Nguyen, Pearson, 2020), as seen by the fines given to two social media users in August who shared, unbeknownst to them, false information about a COVID-19 infection (Tuoi Tre News, 2020). The government may also impose penalties on sharing banned publications. The Vietnamese government has also expanded its censorship tactics to include social media companies. Since April 2020, the government has pressured Facebook to sensor anti-establishment social media posts, with which the company complied (Pearson, 2020). The government in November once again increased its demands from Facebook to increase its censorship, thereafter threatening to shut down its operations entirely, for not submitting.

Legislation established pre-COVID-19 has also become the government's censorship crutch.

With regards to Malaysia, section 223 of the Communications and Multimedia Act of 1998 has a similar concept (The Commissioner of Law Revision, Malaysia, 2016). Spreading information online that is "offensive" or "annoy[ing]" to anyone can lead to conviction and fines of up to US\$11,100 or a prison term of one year. A Malaysian taxi service businessman, for his Facebook comments criticising the government's prosecution of movement restriction violators, was charged in May and had bail set at US\$3,300 or ten months imprisonment (Khairulrijal, 2020). This defamation law grants the government freedom from reprimand whilst censoring any- and virtually all those who criticise their actions.

In Myanmar, the 'Telecommunication Law - Article 66(d)' outlines three years imprisonment (Burma Campaign UK, 2013) and 'Penal Code Article 506(b)' two years imprisonment for defamatory actions (Union Attorney General's Office, 2016).

Whereas in Thailand, the government has relied on its legal frameworks that have pre-COVID-19 restricted criticism. Under the Computer Crime Act of 2007² dissemination of false information will be fined up to US\$3,300 and or imprisonment of up to five years (Chulanont, 2007).

In June 2020, Timor-Leste's Minister of Justice announced his intention to reintroduce defamation laws (International Federation of Journalists, 2020) similar to the country's infamous 2014 Criminal Defamation Law (International Federation of Journalists, 2016). Article 187-A of the proposed law outlines that defamation of public officials and political parties will result in an unspecified fine amount and up to one year imprisonment (Nolan, 2020).

The consequences of stating facts or opinions alike through social media which offend a current/previous government member, or any public official can lead to three years in prison. Various countries have criminal defamation laws. These overreaching laws, as seen in Malaysia as well, should not have severe consequences for simply offending someone with a factual statement, especially as these have been used to censor government's critics.

With regards to the financial and detainment ramifications resulting on outspoken and otherwise unknowing citizens; a trend has become apparent. In states with economic prosperity, financial fines tend to be higher in relation to the incarceration time (Singapore, Malaysia) whilst jail time in less economically prosperous states is more extended (Indonesia).

Sedition laws have also been referenced from the governments of the Philippines, Thailand and Brunei whilst censoring their dissidents; whilst Malaysia, Myanmar and Singapore also have the legislation in place to protect itself should the need arise. In April, a group of activists unsatisfied with the COVID-19 relief provided by the government, travelled to the Bulacan province in Manila to distribute food packages to those in need. Upon their arrival at the province's checkpoint, followed by the inspection from police officers, resulted in a variety of charges. These individuals now stand accused of violating the COVID-19 emergency laws, and incitement to commit sedition (ABS-CBN News, 2020). Thailand's sedition charge further deters any forms of public dismay which may "raise unrest and disaffection" (Siam Legal, 1956), as used to prosecute Thai-youth pro democracy protesters since August (Ratcliffe, 2020b). In Brunei, sedition legislation also deters "An Act to revise and unify the law relating to sedition" (Laws of Brunei, 1948). These effectively stall the possibility of future liberty in autocratic states.

² Updated in 2017 to clarify actions that would fall under this offense
<https://www.lawplusltd.com/2017/02/amendments-computer-crimes-act-thailand-finally-published/>

Fines and Prison Terms

Country	Law	Fine Amount (US\$)	Prison Term (months)
Brunei	Section 34, Chapter 148 of the Public Order Act	US\$2,100 (Fake news)	36 months
Cambodia	Fake News Law (proposed)	US\$123,000 (Fake news)	72 months
Indonesia	2008 Electronic Information and Transactions Law	US\$52,000 (Defamation, frightening information, Fake news)	48 months
Laos	I. Article 59 of the Criminal Code II. Decree 327	I. US\$1,100 (Government criticism) II. Unspecified	60 months
Malaysia	Section 223 of the Communications and Multimedia Act of 1998	US\$11,100 (Offensive/annoying information)	12 months
Myanmar	I. Article 66(d) of the Telecommunication Law II. Article 506 (b) of the Penal Code	I. Unspecified II. Unspecified	I. 36 months II 24 months
Philippines	Anti-False Content Act (Proposed)	US\$6,100 (Fake news)	72 months
Timor-Leste	Criminal Defamation Law (Proposed)	Unspecified	12 months
Singapore	Protection from Online Falsehoods and Manipulation Act	US\$14,000 (Fake news)	12 months
Thailand	Computer Crime Act of 2007	US\$3,100 (Fake news)	60 months
Vietnam	Fake News Decree	US\$900 (Fake news, defamation)	Unspecified

Under the COVID-19 pandemic, countries such as Cambodia have taken advantage of the health crisis to extend their power and create self-serving legislation. Although those in power have yet to declare a state of emergency in Cambodia, the revised law (Thul, 2020a), passed by the country's national assembly and approved by acting head of state Say Chhum (Sochua, 2020), has been widely denounced for the sweeping infringements it places on not only democracy but human rights. In the event that a state of emergency would be announced, it would embolden the government with powers to monitor communication channels, take control of all media including social media, and restrict and limit the free flow of information that may be deemed harmful to public peace or national security (OHCHR, 2020a). Concerns noted about laws such as this, tend to have the same response from governments- we do it for your safety and interest. It comes as no surprise that a state of emergency has not been announced given the measures already implemented that crack down on freedom of expression. "I will consider those ill-intentioned individuals who spread fake news as terrorists" - says Hun Sen, Cambodian PM (Narim, 2020b). His regard towards this echoes the government facilitation of 'fake news' policies that lead to arbitrary arrest and censorship. Criticising the government's inaction with regards to efficient widespread testing (Sochua, 2020) or directly quoting the prime minister will have you arrested.

The legislation created before and during COVID-19, has not only led to the incarceration, detainment, harassment and imposition of fines on outspoken citizens. It has caused increased self-censorship trends in the region. The vague threats by the overreaching government alongside the lack of transparency and imposition of blatant privacy violations has resulted in a region where self-censorship is the only expression. Laos, leading by example, has shown Southeast Asian governments how to strike down any criticism before it can be articulated. In Laos, lack of clarity has led to a plethora of arbitrary arrests for simply streaming on social media, criticising the government for forcefully taking over land, and requesting aid for flood victims (CIVICUS, 2020).

Fake news laws, legislations that limit defamatory and disruptive statements and information, sedition acts and COVID-19 laws and policies have under this health pandemic been used by Southeast Asian governments to censor criticism directed towards their (mis)management of COVID-19. Threats of fines and incarceration have increased, leading to self-censorship from civil society's outspoken individuals and organisations. It is imperative that these laws and policies, utilised under the pretence of preventing panic and chaos, not be arbitrarily enacted to further stifle statements directed towards governments as COVID-19 subsides.

7. Attacking the Media

COVID-19 has impacted the media sector in terms of journalistic freedom as well as financial and equitable reporting alongside the decreasing sustainability of the industry. The impact falls on both the business and human resources aspects of the sector. In addition to the financial burdens that have increased, daily media operations have had to adapt to meet the limitations imposed by their respective governments. The media's role as a neutral respondent in both the business and political spheres risk being revoked entirely. Independent journalism has been crippled, and the act of speaking truth to those in power has diminished.

Journalistic integrity and freedom have weakened as the media has been equally battered by "fake news" and defamation laws addressed in section six. Reporters Without Borders' 2020 Press Freedom index (Reporters Without Borders, 2020a) showcased a decline in media freedom throughout the majority of Southeast Asian countries, when compared to their 2019 index (Reporters Without Borders, 2020b). According to their analyses these scores have dropped in the Philippines, particularly, due to the prosecution of journalists, and regionally due to fear of repercussion, detainment and arrest from the unbiased reporting of COVID-19.

Journalists have been the subject of government attack for their political criticism.

In Cambodia, TVFB founder and journalist Sovann Rithy, posted on his personal Facebook account a direct and factual quote from the Cambodian PM. "If the 'moto' taxi driver is bankrupt, they can sell their 'moto' because the government is unable to help." The quote received a large number of likes and was shared widely. In response to this, the Phnom Penh Municipal Court charged the journalist for "incitement to commit a felony" and the Ministry of Information revoked the outlet's media license (Hutt, 2020).

Consider Malaysian Wan Noor Hayati Wan Alias' own social post as an example (Crispin, 2020). For posting a comment on her personal Facebook, questioning the government's decision to allow a Chinese tourist cruise ship to dock in Malaysia, the single mother faced criminal charges and was retrenched. The award winning journalists' post was aimed to critically question if the government was placing the public health of its residents below tourism revenues, which in January 2020, was a widespread concern as Wuhan was identified as the epicenter of the virus in China.

In keeping up with the terrorist label, the newly passed Anti-Terrorism Act grants the Philippines' government the power to arrest individuals without a warrant, and detain individuals without charge (Ratcliffe, 2020a). In addition to this, by subjectively categorising statements as fake news, the government may legally fine or imprison individuals whose comments create public panic (Buan, 2020). The authority to do so comes from an amendment to the emergency powers granted during the COVID-19 pandemic. Previously, to censor the media, the government had to rely mainly on cyber-libel laws as seen by the array of Maria Ressa arrests (BBC, 2019). The most notable of these being her exposé on the ties between a businessman and a former judge. Maria has been found guilty of the "cyberlibel" charges brought towards her and can face six years imprisonment. The implications of her sentence have set precedent for other journalists.

The National Union of Journalists of the Philippines expressed their concerns on this verdict by noting it “basically kills freedom of speech and of the press” (Aspinwall, 2020a).

In addition to this, Malaysia and the Philippines have or have threatened to revoke media and production licenses.

These media attacks have also had larger implications for local and international media organisations. The Malaysian government’s Communications and Multimedia Ministry, during a spat with Al Jazeera, announced that it may conduct an investigation into the broadcaster’s production license (Lim, 2020). This comes as a result of the agency filming a documentary in the country, allegedly, without having applied for licenses. Should the investigation find that no permission was sought after or granted - Al Jazeera’s media accreditation may be cancelled and the filming crew would no longer have autonomy to go where they wish. Shortly after the announcement of the investigation, Malaysian police have further seized two computers (Al Jazeera, 2020b). Al Jazeera awaits charges which may include sedition and defamation offenses (AFP News Agency, 2020).

Locally, government attacks in the Philippines have had much harsher results. Alto Broadcasting System and Chronicle Broadcasting Network (ABS-CBN), the largest TV network in the country in operation for 25 years, has under the authority of the National Telecommunications Commission (an agency under the office of the president) been closed since the 5th of May (Regencia, 2020). The broadcaster’s media license has expired, which given its frequent criticism toward President Duterte alongside his dissatisfaction with the network refusing to air his political advertisements, taking the opportunity to not renew the license is a politically motivated decision. The decision has further caused uproar from educators as the platform hosts educational programmes - citing the similarities between educational breakdown taking place in 2020 and 48 years back under the dictatorship of Ferdinand Marcos Sr (Philstar, 2020).

Corrupting trust in media agencies has also become a common approach from governments to secure their allies. In April, the Online Citizen, a Singaporean media platform reported on the salaries of a high profile businessman, and PM Lee Hsien Loong’s wife, and Temasek CEO, Ho Ching (VOA News, 2020b). Under the POFMA fake news legislation, the editors were forced to attach a public correction notice alongside their article on Facebook. The notice “This article contains a false statement of fact”, in reference to the numbers reported, has since then been included in the article. Events such as this further diminish trust in journalistic integrity and in multiple instances, lead to self-censorship from journalists.

Business viability of the media has further taken a step back due to COVID-19 and the hurdles imposed on its finances and operations.

The Nation, in 2019, terminated its print edition after years of financial losses while in 2020 the Bangkok Post sold its office buildings (Chia, 2020). Media operations have further been impacted by government imposed censorship. For reporting on the anti-establishment and pro-democracy youth protests, in October 2020, the police have requested permission from Thailand’s regulator and digital ministry to investigate Voice TV, Prachathai and The Reporters (Al Jazeera, Reuters, 2020).

The police have further requested the authorities to sanction the removal of the articles and suspension of their broadcasting.

As government's investment has also decreased in terms of advertisement, funding from civil society stakeholders has become a source that is relied on too much (The Economist, 2020). Journalism funding has been announced in the form of grants on global, regional and national levels from a variety of public and private sector stakeholders (Peyrègne, 2020). It should be noted that these forms of income have their limitations, given that they are often given for specific types of media topics and are not sustainable in the long-term.

Furthermore, the impact of job security in the sector has been diminishing. Survey results from the International Federation of Journalists and Southeast Asia Journalist Unions's November 2019 Media Freedom Report highlighted that 61% of journalists were uncertain about their job security (International Federation of Journalists, 2019). Their statements stem from their employers not providing adequate measures to protect them.

In addition when considering sustainability, media operations under the pandemic have been forced to adapt. Traditional on-the-scene reporting has shifted to desk-based, online reporting where interviews are conducted through social media platforms and teleconferencing applications such as Zoom. Risk of information leakage from security flaws have also led to self-censorship and fear of communicating online. Alongside this, social distancing measures in addition to limits on large gatherings have prevented journalists from acting as watchdogs to monitor government conduct. What has been speculated due to this is the death of traditional media under COVID-19, as supported by Global Web Index's Digital vs. Traditional Media Consumption report which finds the daily media consumption of residents in Southeast Asian countries have since 2019 exponentially shifted from traditional to digital media (Global Web Index, 2019).

That being said, media freedom in Laos has been stifled in another, perhaps more alarming manner: Media Self-censorship. In 2020, Laos ranked 172/179 in terms of press freedom by reporters without borders (Reporters Without Borders, 2020a). In fact, the concept of independent journalism is virtually non-existent as foreign media have to submit their reports through the government for approval (Souksavanh, 2020). Government in turn changes the dynamic of any work produced to paint itself in a positive light.

The media sector in these countries, due to their dwindling financial resources and limited operations, have been crippled. Governments are an equal factor in this crippling. Concerned by the political reporting and criticism from journalists, governments have resorted to censorship and framing unflattering reporting as 'fake news'. Where not justifiable, governments have revoked the media and reporting licenses of news agencies, making their operations illegal. The operations of journalists have also been fundamentally changed as the ways of working have shifted online, where governments increasingly have monopoly over the flow of information.

Impact on the Media



Dropping Income



Undermining Press Freedom



Decreasing Job Security



Expanding Media Censorship



Increasing Self-Censorship

8. Increasing Surveillance

To prevent and monitor the spread of the disease, countries in the region have taken steps to surveil and track their populations. Digital surveillance has emerged in the form of mobile applications that are downloaded on smartphones and tablets. The effectiveness of these measures in mitigating the spread of the virus are contested and violations to privacy have been voiced from a variety of sources. These intrusive surveillance measures risk being used as a facade to track the movement of people and invade their private conversations. In addition to this, data gathered through these platforms may be used to further stifle individual's rights - which aid governments with information to repress their citizens.

The reliance on these measures have been increasing as successive crisis situations have struck the region. Digital surveillance measures have been justified to monitor suspected terrorist activity and networks, and used in the aid of early tsunami warning systems and the tracking of health hazards such as SARS. Under COVID-19, these measures have become a go-to for governments. Citizens are increasingly feeling distressed when voicing their opinions as the threat of being identified and thereafter prosecuted increases.

Singapore announced the TraceTogether contacting tracing app (TraceTogether Privacy Safeguards, 2020) and device (Kyodo News, 2020), and SafeEntry national check-in system (SafeEntry, 2020). Both of which collect the mobile number and identification information of its user. In contrast to TraceTogether, SafeEntry is mandatory for all individuals in Singapore, and the data collected is stored on and accessible by the government's server. TraceTogether's data is encrypted and only disseminated to the Ministry of Health once the user is tested positive for COVID-19. The enforcement of the SafeEntry application has caused concern as the legal provisions in place to protect personal data do not apply. The Personal Data Protection Act maintains that restrictions are in place in terms of how long personal data may be stored (Yam, 2012). However, these restrictions do not apply to public agencies or organizations that act on a public agency's instructions. Essentially, there are no legal guidelines that limit the amount of time the Singaporean government may store the data (Bird, Cheng, 2020). The SafeEntry team has publicly announced that it would take responsibility for purging the data that it has stored when contact tracing is no longer required. Singapore's digital surveillance methods do not stop there. In August, the Ministry of Manpower and Immigration and Checkpoints Authority announced the issuing of wearable devices which would monitor and track the location of foreign workers who enter Singapore (Zhuo, 2020).

BlueZone (Ngoc, 2020), under the approval of the Vietnamese government and in accordance with the Ministry of Information and Communications is a similar contact tracing app as seen in Singapore (Chau, 2020). As the BlueZone app's information is not stored on a government database and has limited data collection requests, some have applauded its use (Chau, 2020). Dương Ngọc Thái, a Vietnamese security engineer, has cautioned that albeit the information is stored on the users' device, it is still capable of harvesting information, which could be used by authorities to track interaction between people (Kim, 2020).

Brunei's BruHealth (Ministry of Health Brunei Darussalam, 2020), Indonesia's PeduliLindungi (Wira, 2020), and Laos' LaoKYC (Ministry of Post and Telecommunications Lao P.D.R, 2020)

applications are similar to Singapore's and Vietnam's application in terms of the information they collect, communicate and store. Furthermore, aside from Vietnam, all information collected is stored on government databases, where there is no oversight, nor clear explanation of who has access to the information. The storage of this information has no dedicated timespan and may be kept for indefinite periods of time.

Malaysia has a plethora of mobile applications including MySejahtera (MySejahtera, 2020), MyTrace (MOSTI, 2020), Gerak Malaysia (PDRM, MCMC, 2020), SELangkah and PgCare (PGCare, 2020), and SabahTrace (SabahTrace, 2020). Following the Malaysian Communications and Multimedia Commission's announcement, Gerak Malaysia has been terminated, all personal data transferred to the Ministry of Health and movement tracking information destroyed (MCMC, 2020). The termination of this application may show the future trend of what happens with the information collected by these stakeholders. The public's concern has been mainly related to the dissemination of this personal data alongside the intrusive access requirements that other applications have posed.

The Philippines' StaySafe.ph website and mobile platforms have been met with criticism (StaySafe, 2020). These arose on the basis of the permissions that need to be granted in order for the app to function on a user's device (Mendoza, 2020). In addition, lack of accountability in terms of transparency in data use have been noted (Mendoza, 2020). The application is created and controlled by a private company, but a National Task Force acts as the controller of the data it gathers. The problem is that the task force is a compilation of various governmental agencies and if data is disseminated, tracing its end-point is virtually impossible. In these instances, private data is widely shared between government factions without restriction and reprimand.

Even more so in Thailand, application permissions are to the extent that they are criticized as "giving access to your entire phone to the developer," by concerned users (Hicks, 2020). Thailand has two applications: Thai Chana and Mor Chana. The Thai Chana app, developed by Krung Thai Bank and endorsed by the government is used as a check in system to track the movement of people (Karnjanatawe, 2020). Mor Chana, is developed independently with the purpose of providing information to healthcare professionals (BigChilli, 2020). Yet, it requires a variety of dangerous permissions such as access to the user's application history and location with the results being that the developer can access a user's private data unrelated to COVID-19 (Hicks, 2020). The concern with Thai Chana is the lack of elaborated Terms and Conditions (T&Cs) describing what the data will be used for. Moreover, concerns heightened over the extent of state surveillance when the Government admitted, in June 2020, during an interview on the TV station MCOT, that it had been sharing information with the Defense Ministry. This is an ominous sign in a country whose military is not averse to using force against its own citizens (Satrusayang, 2020). In addition there are concerns that excessive terms and conditions may include an extension of the life of such data collection beyond the life of the pandemic (Hicks, 2020).

In September, Myanmar's COVID-19 Control and Emergency Response ICT, Ministry of Transport & Communication and Ministry of Health and Sports collaborated to also create a contact tracing application named 'Saw Saw Shar' (Saw Saw Shar, 2020). Intrusive requirements include allowing access to the user's gps location; device's photos, media and files; as well as capability to take photos through the application.

Digital Surveillance Measures

Country	App Name	Date	Agency in-charge	what does it collect	What is it stored
Brunei	BruHealth	May	Ministry of Health	- Proximity movement tracking - Health data	Government servers
Cambodia	N/A				
Indonesia	PeduliLindungi	April	- Communications and Information Ministry - State-Owned Enterprises Ministry	- Phone number - GPS location	Government servers
Laos	LaoKYC	April	Ministry of Post and Telecommunications	Location	Government servers
Malaysia	- MySejahter - MyTrace	May	- Communications and Multimedia Commission - Ministry of Health - Ministry of Science, Technology and Innovation	User information	Government servers
Myanmar	Saw Saw Shar	September	- COVID-19 Control and Emergency Response ICT - Ministry of Transport & Communication - Ministry of Health and Sports	- GPS location - Device's photos, media and files - Device's camera	Unclear
Philippines	StaySafe	April	National Task Force	- Phone number - GPS location	Government servers
Singapore	TraceTogether SafeEntry	March May	- GovTech - Ministry of Health	- Proximity movement tracking (TT) - Name, ID number, phone number (SE)	- User's device (TT) - Government server (SE)
Thailand	- Thai Chana - Mor Chana	March April	- Ministry of Defence - Department of Disease Control	- GPS Location - Phone number	Government servers
Timor-Leste	N/A				
Vietnam	BlueZone	April	Ministry of Information and Communications	- GPS Location - User information	User's device

In essence, these contact tracing/healthcare applications provide Southeast Asian governments the opportunity to further infringe on the rights of the people under their jurisdiction as they have the legitimacy to impose digital surveillance methods on the people in their countries, under the guise of healthcare concerns. Should the data in these platforms be manipulated, government critics may be detained under false healthcare concerns. Regressed democracy in the region has also diminished the capacity for citizens to voice their concerns and ensure these platforms are abolished post-COVID-19. The ease of imposition in one country only strengthens the curiosity of another.

Which presents a risk of becoming a region-wide surveillance strategy, justified under ASEAN security.

Not only is there a possibility of these digital surveillance methods becoming the 'new normal' in countries, but the collective mob mentality of states in the region reinforcing the necessity for it. Quoting sovereignty has all too well been the response to any of these concerns. Given these risks, it is important to ensure that these questions are addressed, private data collected by these applications are destroyed - not anonymised, and government accountability guaranteed and recorded.

Privacy laws in the Southeast Asian states should address specifically these data collection applications so as to ensure accountability is prioritised. Furthermore it has been noted that foreign data protection regulations may create conflict with an international traveller's privacy (Hicks, 2020). The European General Data Protection Act, as an example, enforces the protection of European Union (EU) citizens' data even outside of the EU's borders (European Union, 2020). The previous areas of concern have mainly shown civil society's role in correcting the errors that have come to light. With internationally enforceable laws such as the GDPR, foreign governments have the capacity and legitimacy to investigate these forms of human rights abuses.

9. Funding Shifts

The COVID-19 pandemic has led to shifts in donor priorities, exposed the rigidity in their funding allocations and their ability and experience to respond to a crisis situation. Meanwhile, due to a drastic drop in enterprise activities of the pre-COVID-19 era, such as providing administrative support, events management and venue rentals, whatever limited income CSOs used to generate ceased and had no alternative source of income to turn to. Amidst these dwindling funding, the shift to digital technologies and spaces incurred additional costs for organisations. Even as the later part of 2020 saw a modest growth in research projects and requests to convene digital activities, donors remained reluctant to adequately resource them.

The pandemic has exacerbated the reduced funding CSOs have been grappling with for years, preceding the COVID-19 health pandemic. It was caused by the monitoring and tightening of government regulations, the monopoly of INGOs in securing the bulk of competitive grants for work in the region, the rising cost of operations for regionally based local civil society organisations, request for co-contributions by donors and sub-granting INGOs.

Donor investment priorities under the spread of COVID-19 shifted significantly during this period. Investment in CSOs under the pandemic moved towards organisations and activities that focus on the virus or the effects that arose from it (Fidelity Charitable, 2020). Issue specific funding with detailed requirements are nothing new in this sector, however, under the pandemic, the majority of investment in Asia moved towards digital infrastructure and charitable organisations which aid in COVID-19 health response (Post Reporters, 2020). The result was CSOs, who do not operate within these spheres or work on democracy and human rights, experienced reduced or found very little funding opportunities available

An example being the Open Society Foundations, a well established civil society donor (Gaspard, 2020). The OSF pledged US\$130 million towards COVID-19 response. Most of their funding went to access to health treatment and care, helping low-income families and to protecting workers. The OSF stated that the purpose is also to fight authoritarian grabs, yet half of the pledged funds were sent towards the United States. It should nonetheless be noted that only 7.4% of their 2020 democratic practice budget was allocated to the Asia-Pacific whereas the United States received 37.4% (Open Society Foundations, 2020). Disparities in funding of particular geographies adds onto the problems facing civil society's financial limitations in Southeast Asia. The diversion of funds during crisis situations is not uncommon and does substantially affect the work of CSOs during and post-crises.

The shift in donor's priorities was further exacerbated by the rigid financial negotiations that have taken place (Nixon, 2020). As COVID-19 spread across borders, governments and international organisations such as the WHO dictated health precautions to limit casualties. These included remote working procedures and limitations on the amount of people in confined spaces. Civil society organisations almost instantly implemented these recommendations by facilitating the remote working of their employees. During this initial period, planned face-to-face activities were halted and postponed as organisations had to regroup and strategize.

Donors, rigid in their workings, immediately halted disbursement, requested detailed explanations in the form of letters of postponement and review of funding commitments that have been made in signed agreements. The monies in the agreements, often disbursed through instalments, meant that CSOs which already received payments from donors to prepare for projects, were cautioned they would have to return funds for activities that are not able to be implemented. Financial reviews from donors, concerned with the equity of their investments, often resulted in the cancellation of further instalments, postponing future instalments, and accounting reviews of the instalments that have been sent with the goal of repossessing any unused amounts. The halting and withdrawal of financial investment burdening organisations, was further aggravated by inquiries and justification requests from donors whose first response was to be rigid with their agreements.

Even as explanations were provided, additional clarifications of regulations and requirements were sought after by staff of donor organisations, who, inexperienced with the financial complications of unforeseen crises, were not able to respond to the situation created by the pandemic and new ways of working. To execute these demands, civil society organisations had to expand additional working hours and deploy resources that were not budgeted for.

CSOs undergoing these reviews, still had to adapt to the environment or risk the shut down of their operations completely (Flynn, 2020). This problem impacted INGOs with regional offices and grass roots CSOs alike as seen by Oxfam International closing some of its country offices (Oxfam International, 2020). Yet, donors placed primary importance on their funding priorities and modalities with little appreciation, experience or understanding of the impact on CSOs in the midst of implementing projects which had to manage existing partners and participants of their activities.

To add onto this, donors then removed travel allowances, accommodation and stipends for planned cross-border events. Removing these allocations then resulted in a substantial drop in overhead cost allowances, which further reduced the operating amounts for CSOs. However, CSOs' overhead expenses remained the same if not higher as costs drifted towards technologies and the additional human resources required for their operation. The COVID-19 operating environment required the installation of new technologies, skilled digital workers, graphic designers and media engagement. Donors, while approving the shift to a digital and online approach, were not quick to take into account the increases in technical equipment, software licences, labour and intellectual capital.

Video Conferencing Equipments



Laptop



TV Screen



Adjustable Camera



Table Mics



Speakers



Softwares

Zoom

Canva

Mad Mimi

Google Suites

Wordpress

Survey Money

Another complication in this opportunity is donors who tend to have loyalty in their preferred, longstanding recipients - many of whom are international consultancy firms positioned to tap such funding (Nixon, 2020). In these cases, it is not unusual for these firms to seek out local CSOs to list them in grant applications as junior partners to provide logistical and events management support or undertake on the ground field research, always in a minor capacity (Haynes, Ireland, Duke, 2019). In other instances, foreign aid under COVID-19, from the United States to Southeast Asia for example, has been delayed by donor agencies, due to overly bureaucratic operating procedures, resulting in funding only materializing after its purpose is unavailed (Flynn, 2020).

In similar situations pre-COVID-19, some CSOs could shift their financial reliance towards generating income by renting out their office spaces, through enterprise activities such as running cafes and bookshops or providing a range of events management, research and consultancy services, such as Cafe Scott in Cambodia which generates income by giving the local community a safe working space (Cambodian Children's Fund, 2019). However, under COVID-19's restrictions from governments alongside the health fears from communities, this path has not been feasible. Financial sustainability is further complicated by the restrictions placed on NGOs and CSOs to accumulate financial reserves due to stigmas arising from perceived profiteering. Unlike businesses that can draw on furlough, civil society could not rely on governments to aid in funding either. Thereby, CSOs had to gradually adapt towards business structured entities which can sustain themselves.

Notwithstanding donor rigidity around finances and drop in enterprise activities, civil society proceeded with their projects - leveraging digital tools and platforms to continue via virtual cross-border meetings with project collaborators and partners (Nixon, 2020). CSOs, already underfunded, had to re-allocate funds towards teleconferencing subscriptions, which also required increasing their network bandwidth, cloud server spaces and purchasing digital and media equipment such as laptops, cameras, screens, microphones and lights as needed. In spite of donor anxiety to pay for such equipment, these organisations continued by increasing the digital infrastructure needed to stay afloat by using their own resources or making do with what they already had. Throughout 2020, civil society organisations continued their activities through digital spaces, collectively learnt by sharing and observing how different organisations were adapting to the new normal, and wrote copious amounts of explanation notes to donors explaining their costs and expenses in the digital environment.

In-House Studio



Room



Backdrop



Lights



Camera



Microphone



Social Media

Facebook

Likedin

Twitter

Youtube

Instagram

Research calls for applications then arose from the later part of 2020, giving civil society some opportunity for funding. Evidence based research with streamlined information through policy briefs, infographics and informational videos became captivating for donors and their target audiences. Civil society organisations have kept up with trends and increased their marketing and communications roles to disseminate these bite sized information bits. As compelling as this seems, donors have grown accustomed to these additional outputs yet are slow to allocate the funds needed to motivate the inputs. Often this arises from donors' reluctance to allocate funds to "salaries".

COVID-19 has again shown the discrepancies between the input that is required by donors and the outputs that they demand. An additional hurdle to this is the relationships between governments and civil society donors. As governments in the region have increasingly instituted regulations and policies which complicate the process of establishing and operating civil society organisations such as NGOs and Social Enterprises (Sidel, Moore, 2020), donors, requiring the outputs of civil society organisations, have come to align themselves with the requirements as well. Some donors and INGOs, lured by promises of stability and security, cut out civil society entirely and directly aligned themselves with governments for projects (Haynes, Ireland, Duke, 2019).

The operating environment of 2020's COVID-19, the rigidity of donors leading up to, and the drop in enterprise activities have forced a fundamental change in the operations of civil society organisations. CSOs have been forced to adapt their operations to digital platforms, increase the human resources in order to facilitate the demand from communications and marketing roles, whilst delegating research roles to workers and attempting innovative methods to increase their funding; all whilst civil society donors have reduced their financial agreements, or maintained their agreements with the intent of low capital donation which require high equity outputs (Nixon, 2020). The push to move from non-profit organisations towards social enterprises have become a necessary reality for civil society organisations to ensure financial independence and ride out crises.

10. Recommendations

To address the issues outlined throughout the report, Southeast Asia's civil society must be empowered and supported to build resilience and fight authoritarianism. The United Nations, Governments, Donors and Civil Society Organisations have equal roles to play in contributing towards this fundamental support, which includes efforts to counteract the government prosecution of women and youth who are becoming the new faces of resistance. The recommendations outlined below elaborate on the support that each stakeholder can offer civil society to empower it.

United Nations

- The UN has a global platform and presence in all regions. It remains an authoritative moral voice in the world, even at a time of considerable global discord over established international human rights norms and democratic governance. Hence, the UN must more vigorously and prominently communicate its support for empowering local, grassroots CSOs as national watchdogs on human rights violations and the erosion of democratic institutions.
- The UN must seek to include and increase civil society's participation in multilateral discussions, which include providing a platform for CSOs to publicly address governments.
- Noting that all Southeast Asian States have endorsed Goal 16, the UN must leverage Sustainable Development Goal 16 - peace, justice and inclusive societies - to champion civic space in the region.
- The UN must utilize the monitoring and evaluation mechanisms in the UPR third cycle reviews of Southeast Asian countries to ensure states are held accountable to address civil society recommendations.

Governments

- Laws and policies to address the COVID-19 pandemic that are being and have been implemented must be legal, justified, proportional and necessary. Once no longer justifiable or relevant, these must be removed. They should not be used as political tools against civil society.
- To ensure this does not happen, in future crisis situations, task forces or national committees must be inclusive through a combination of government and civil society members and directly relevant institutions.
- Governments must respect the internationally recognised standards to which they have subscribed under international human rights treaties. In this regard, there must be national mechanisms, such as independent human rights institutions, that hold governments accountable for using laws to monitor and prosecute civil society individuals and CSOs.
- To further their commitment and investment in civil society, governments in Southeast Asia are called on to, through an independent mechanisms, to equally resource civil society organisations that operate to promote and protect democracy and human rights.

Donors

- Donors need to develop expertise on how to respond to supporting civil society during crisis situations. Using non-crisis guidelines during crises have revealed a gap that needs to be addressed.
- Donors must re-evaluate the requirements involved in allocating funds, especially in the post-COVID-19 era as civil society works become digitalised. Support should be given both for equipment, skilled staff and activities. In the new normal, funding given solely on the basis of outputs, without acknowledging the length of time and levels of efforts expanded as inputs in a digitalised environment, is disproportionate.
- International donors need to recognise that the bulk of the support is going out to professional consultancies and INGOs. The support reaching regionally based local CSOs in less and funding policies need to be calibrated to adjust this imbalance.
- Local and regional level philanthropists need to be encouraged to be donors in democracy and human rights. These donors must focus on investing in the civil society groups in their vicinity, and aid CSOs that promote civil and political rights.

Civil Society Organisation

- Civil society must work alongside governments and multilateral platforms, to generate dialogue on issues and ensure accountability of government measures especially when it comes to issues related to democracy and human rights.
- CSOs, learning from the impacts of crises such as COVID-19, must work on financial security and sustainability. This means diversifying their source of funds and also increasing their enterprise activities to generate income.
- CSOs should establish cross-border alliances and networks in the region to build solidarity, economies of scale and collective bargaining that would result from international partnerships, collaboration and alliances.
- CSOs must increase their digital presence, which requires investing in digital equipment and the necessary skills of people to undertake digital CS activism.

10. Conclusion

The 2020 COVID-19 pandemic has once more afforded governments in Southeast Asia the opportunity to implement laws and policies that regress democracy and violate human rights. It adds to over two decades of attacks against civic space and fragile democratic institutions, which heightens during crises in the region.

This time the areas that were impacted when rolling out actions to manage the spread of the coronavirus included the ban on assemblies and protests, eroding electoral democracy, censoring political criticism, attacking media freedom, increasing surveillance and playing a considerable role in the underfunding of civil society. Women and the youth were especially targeted during government crackdowns.

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The observations and lessons from this crisis must be used to prepare for and preempt the behaviour of authoritarian governments, as well as forecast resource challenges for civil society in the years to come. This is to ensure that CSOs are in a position to effectively push back against further regression of democracy and human rights when it happens - whether it is crisis-induced or not.

The United Nations, as the principle and moral voice for democracy must increase its public support of regionally based local CSOs in multilateral discussions with member countries and speak up against any efforts to exclude them. Governments are asked to remove hurdles and not to enact laws that will hinder the activities of civil society and to increase investment in CSOs that operate on democracy and human rights. Donors are called to adequately resource regionally based local civil society groups to adapt, innovate and implement projects. CSOs need to diversify resources, work towards self-sustainability, increase digital advocacy and build partnerships for synergy and economies of scale.

In doing so, civil society will be empowered to rectify and prevent the further steadfast establishment of autocratic governance in the region, pursue redemocratization and the repeal of authoritarian dogma.

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Abstract

COVID-19 and Democracy in Southeast Asia: Building Resilience, Fighting Authoritarianism examines trends under which Southeast Asian governments have used crises as opportunities for their political advantage. This report, centred around the Coronavirus Disease 2019 (COVID-19), highlights the routine response from governments with the announcement of emergency decrees and laws, suspension of civil freedoms, corruption of electoral democracy, censorship, digital surveillance measures, and framing human rights activists as national security threats. Post-crises, governments then enact long term laws and policies that effectively shrink civic space. Their methods also include limiting media and journalists' watchdog activities through fake news and defamation labels, whilst substantially contributing to the dwindling civil society funding. A set of recommendations are also prescribed for the United Nations, Governments, Donors and Civil Society Organizations.

Asia Centre

Asia Centre, a not-for-profit organisation, was founded in 2015 in Bangkok, Thailand. It aims to create social impact in the region through its programme of activities. To this end the Centre has organised conferences, roundtable discussions, seminars and workshops as well as undertaken evidence-based research producing books, commentaries and reports. Asia Centre has standing MOUs with universities, think-tanks, INGOs and other established entities and has achieved visibility through its engagement with international media as a commentator on regional issues.

EFDEA

EFDEA is a non-profit organization that aims to empower freedom defenders in East and Southeast Asia through advocacy, project-based grants, capacity building, trainings and sharing of experiences. We strive to build a network of activists whose dream is to act together for a stronger nation, a better region, a freer world.