

Internet Freedoms in Southeast Asia

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"Infodemic" and SDGs
Internet Freedoms in Southeast Asia

2021
Asia Centre

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Since its launch in 2015, progress towards achieving the Sustainable Development Goals (SDGs) by 2030 has stalled and is even in decline. Indeed, the decline has accelerated amidst the Coronavirus 2019 (COVID-19) global pandemic and the accompanying “infodemic” as governments prioritised health security over their commitment towards the SDGs. This has negatively affected progress towards achieving SDGs 9.c (Access and Affordability of Internet) and 16.10 (Fundamental Freedoms and Access to Information) which in turn has had an impact on internet freedoms.

This report emanates from the collaboration between Asia Centre and the Thai Media Fund. Both organisations have been working together in areas of research and capacity-building to promote digital and media literacy to address online disinformation. *“Infodemic” and SDGs: Internet Freedoms in Southeast Asia* is an extension of this cooperation, to evaluate responses to the COVID-19 related infodemic and the consequential impact on the state of SDGs and internet freedoms.

The report aims to generate discussion and dialogue among stakeholders from academia, civil society, government, and technology companies to advocate for solutions through non-discriminatory legislation, positive policy measures and international cooperation.

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Asia Centre seeks to create a positive social impact in the region through its programme of activities. We are therefore pleased to bring out this report at this critical juncture in regional and global affairs, which underscores the importance of combating the infodemic and promoting the SDGs amidst a health and social crisis.

Asia Centre looks forward to continuing its collaboration with the Thai Media Fund to promote digital and media literacy.

Yours Sincerely



Dr. James Gomez
Regional Director
Asia Centre

Abbreviations

ACSS	ASEAN Community Statistical System
AMS	ASEAN Member States
APSD	Asia Civil Society Partnership for Sustainable Development
ASEAN	Association of Southeast Asian Nations
COVID-19	Coronavirus Disease 2019
CSO	Civil Society Organisations
GMSA	Global System for Mobile Communications
HRD	Human Rights Defenders
ICT	Information and Communications Technology
IGO	Intergovernmental Organisation
INGO	International Non-Governmental Organisation
IO	International Organisation(s)
ISP	Internet Service Providers
ITE	Electronic Information and Transactions Law
ITU	International Telecommunications Union
ITUC	International Trade Union Confederation
LDC	Least Developed Countries
MCI	Ministry of Communications and Information
MDG	Millennium Development Goals
NGO	Non-Governmental Organisations
OHCHR	Office of the High Commissioner for Human Rights
POFMA	Protection from Online Falsehoods and Manipulation Act
SDG	Sustainable Development Goal(s)
SoE	State of Emergency
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations Refugee Agency
UNSD	United Nations Statistics Division
UPR	Universal Periodic Review
VNR	Voluntary National Review(s)
WGSDGI	Working Group on Sustainable Development Goals Indicators
WHO	World Health Organisation
Wi-Fi	Wireless Networking Technology

Executive Summary

A digital ‘infodemic’ of false or misleading information, regarding the virulent COVID-19, has proved troublesome for many governments worldwide in their fight to mitigate the effects of the virus. Against the backdrop of this phenomenon, Asia Centre’s report, *"Infodemic" and SDGs: Internet Freedoms in Southeast Asia*, examines the state of progress of SDGs on advancing internet freedoms in the region.

As part of an assessment of the SDGs, this report reviews government efforts in building internet infrastructure, protecting principle freedoms and guaranteeing access to information. As legislatures introduce new laws to combat the infodemic, it is clear that the virus has fundamentally altered online misinformation across Southeast Asia.

The report evaluates the implementation of SDG 9.c (Access and Affordability of Internet) and 16.10 (Fundamental Freedoms and Access to Information) since 2015. This is gleaned from the submissions of Voluntary National Reviews (VNR), which are low in Southeast Asia. The VNRs are inconsistent in their content across countries and reveal weak adherence to SDG indicators in their assessments.

In terms of achieving SDG 9.c, while there is some progress on internet infrastructure, the digital divide arising from connectivity, bandwidth, affordability and accessibility being concentrated in urban areas has become more prominent during the pandemic. As a result, vulnerable groups may not be able to fully enjoy such progress due to lack of access, high costs and unstable connections.

In relation to achieving SDG 16.10, the evidence points to regression. Indices that assess fundamental freedoms (SDG 16.10.1) of journalists, labour activists and human right advocates, point to a deteriorating situation. Similarly, legal guarantees to access to information (SDG 16.10.2) have not progressed well and continue to be limited in the region.

The lack of progress is compounded by responses aimed allegedly at quashing the ‘infodemic’ about the pandemic. Penal codes, national security concerns, telecommunication and cyber laws, fake news legislations and emergency decrees have been marshalled against the COVID-19 related infodemic. In doing so, these laws have allowed governments to implement internet shutdowns and prosecute online users, specifically critics who call out their mismanagement of the pandemic.

Collectively, these actions have accelerated the regression of SDGs 9.c and 16.10, affecting governments’ ability to ensure public access to the internet, protect fundamental freedoms and legally guarantee access to information. These developments, as well as the unclear tracking and assessment of SDG targets as reported in the VNRs, do not demonstrate convincing progress on the SDGs and placed them on the backfoot, calling into question the 2030 targets.

To prevent further backsliding of the efforts to achieve SDG 9.c and SDG 16.10, this report provides specific recommendations directed to International Organisations (IOs), Governments, Technology Companies and Civil Society Organisations (CSO), on how they can help to better focus on, and track and achieve the specific SDGs targets. These recommendations focus not only on responding to the COVID-19 related infodemic, but also on how to promote and protect internet freedoms.

Momentum towards achieving the SDGs has been disrupted and regressed by COVID-19. The central message of the report is the pertinent need for public access to information to be set back on track to meet the goals by 2030, not to mention the immediate need for reliable information as the health crisis continues to unfold. This report stresses the importance of achieving SDG 9.c and SDG 16.10 targets to ensure internet freedoms.

1. Introduction

The COVID-19 infodemic has severely impacted internet freedoms in Southeast Asia. This has occurred on the back of laws used against government critics who have called out the mismanagement of the COVID-19 pandemic. These governments' actions have severely regressed the limited improvements that most states within Southeast Asia had achieved in relation to internet access.

To determine the progress made towards internet access as well as evaluate the impact of COVID-19, this report turns to Southeast Asia's progress on the Sustainable Development Goals (SDGs). It examines how resilience and affordability of internet infrastructure (SDG 9.c), fundamental rights of journalists, labour activists and human rights defenders as well as public access to information (SDG 16.10) have fared in the region. Challenges to achieving SDG 9.c targets arise from the lack of sustainable infrastructure to support internet connectivity, bandwidth, reduced cost and accessibility. Meanwhile, SDG 16.10 faces the dual threat of attacks on the fundamental freedoms of journalists, labour activists and human rights defenders, as well as the lack of legal guarantees to ensure public access to information. In assessing these developments, the report puts forward a set of recommendations that are aimed at arresting the regression of the SDGs and progressing SDGs 9.c and 16.10, dealing with the infodemic, and ensuring that internet freedoms are protected and promoted.











In short, this report argues that legislation used to curb the COVID-19 infodemic not only regressed the SDGs, but concurrently impacted internet freedoms in the region.

1a. Infodemic and SDGs





The COVID-19 outbreak was declared a global health emergency by the World Health Organisation (WHO) in March 2020. Unverified, controversial and false information spiked almost immediately following the first reported cases in Wuhan, China, and soon after it became a global concern (WHO, 2020). The first infection outside of China, reported in Thailand, prompted governments in Southeast Asia to enact emergency measures (WHO, 2020a). Within one week, COVID-19 had spread to Australia, France, Malaysia, Nepal, Singapore, South Korea, the United States and Vietnam (WHO, 2020a), triggering a global lockdown of borders. As of 26 July 2021, there were an estimated 197,310,173 total cases and 4,213,102 deaths globally (Statista, 2021), while in Asia, there were an estimated 44,629,314 cases and 663,584 deaths (The Straits Times, 2021).

Whilst trying to contain the pandemic, media ecosystems witnessed the emerging phenomenon of the infodemic. An infodemic is defined by the WHO as "too much information including false or misleading information in digital and physical environments during a disease outbreak" (WHO, 2020b; WHO, 2020c). False information related to the COVID-19 pandemic was especially prevalent during its preliminary stages in 2020, as ordinary individuals were quick to fill in gaps in information with misinformation. Given growing internet and social media use, this misinformation was spread quickly, and the public was thus misinformed regarding the methods of transmission, possible cures for the virus, and fatality rates (Abdoli, 2020). In April 2020, UN Secretary General Antonio Guterres expressed his concerns over the rapid spread of disinformation (Chappell, 2020), and denounced the infodemic as the main driver of the COVID-19 pandemic misinformation (UNESCO, 2020).

COVID-19 Infodemic in Southeast Asia

Country	Origin of COVID-19	Infections and Deaths	Bogus Remedies	Vaccine Efficacy
 Brunei		✓		
 Cambodia			✓	
 Laos				✓
 Indonesia	✓		✓	✓
 Malaysia			✓	✓
 Myanmar			✓	
 Philippines	✓	✓	✓	✓
 Singapore				✓
 Thailand		✓	✓	✓
 Vietnam		✓		

Types of COVID-19 Infodemic

Origins of COVID-19 	Often manifests in the form of conspiracy theories on the origin of the virus such as being leaked from a Wuhan Laboratory, originated from the U.S., that it was created in exchange for material benefits, or to distract citizens from other political issues.
Infections and Deaths 	False speculations of possible unconfirmed, or underreported clusters, cases or death resulting from COVID-19 pandemic.
Bogus Remedies 	Unproven preventive measures, or cures for the virus. Most of the claims concern the use of local herbs, traditional medicines, or even religious or magical rituals.
Vaccine Efficacy 	False information over reactions to different types of vaccines or their long term effects. This also includes false reports of vaccine provisions by hospitals and other agencies.

Across the ten countries reviewed in this report, the regional governments responded to the infodemic by using existing laws and enacting new laws to penalise the spread of disinformation and 'fake news'. During the COVID-19 pandemic, using legal measures were the main approach governments in the region took, and these could be broken down into 5 types of legislation: Penal Code, State Security Laws, Telecommunications and Internet Laws, Fake News Law, and COVID-19/ Emergency Laws and Administrative Orders. Using these laws was often a tacit attempt aimed at silencing dissent and criticism targeting the government, censorship of unfavourable health statistics, opinion and statement (Asia Centre, 2020). In 2020, despite the increased necessity of the internet for information amidst quarantine and social distancing, it was reported that 29 countries had intentionally shut down or slowed internet connectivity, significantly limiting information accessibility and jeopardising lives. Globally, the pandemic has exacerbated the digital divide, with an estimated half of the population lacking access to the internet, and less than 20% of the population in LDCs having a digital connection (Broom, 2020). This underscored the diminished access to digital information, infrastructure and fundamental rights.

COVID-19, has disrupted SDG 9.c achievements and regressed SDG 16.10 targets, as the pandemic was leveraged by governments to administer internet shutdowns, increase attacks on media, labour and human rights advocates, and curtail transparency by censoring or punishing whistleblowers. A plethora of UN agencies, INGOs, governments and media organisations have presented analyses and reports covering the impact of COVID-19 on democracy and human rights in Asia, with some reference to freedom of information, freedom of expression, freedom of opinion and freedom of the press (Shahbaz and Funk, 2020). The SDGs themselves, however, are rarely referred to in these reports. When they are, there has thus far been little or no critique of the inability to hold governments accountable for the very slow pace at which they are moving towards the 2030 deadline. A more comprehensive measurement of the SDGs, including holding up the micro-level indicators against a country's VNRs and the use of legal and non-legal measures, is required to better assess the progress or regression made in relation to achieving SDG 9.c and SDG 16.10 and their overall impact on responding to the COVID-19 related infodemic.

1b. Internet Landscape Prior to SDG Implementation

Southeast Asia has experienced significant improvements to its internet infrastructure in recent years. Following the adoption of the UN Sustainable Development Goals in late 2015, implementation efforts led to all four indicators laid out in SDG 9.c progressing rapidly. These indicators include connectivity, bandwidth, accessibility and cost. The discussion below provides some brief figures for these indicators in 2014 and 2015, prior to the implementation of the SDGs, and adds context and contrast to the most recent figures detailed in Chapter 2.b to track the progress of the SDG goals.

In 2015, the average percentage of citizens with access to an internet connection in Southeast Asia was at 40% of its total population, a little under the global average of 44%. However, variations between individual countries were, and still are, notable. Then, the country with the highest percentage of citizens with internet access in the region was Singapore (84%), followed by Brunei (81%), Malaysia (67%), Thailand (54%), Vietnam (50%) and the Philippines (46%). Indonesia (34%), Laos (14%) and Myanmar (9%) all stood at well under the regional average of 40% (We are Social, 2015).

Bandwidth is the amount of data that can be transferred from one point to another within a network during a specified time period and is indicative of internet speed. According to a 2014 infographic from the Association of Southeast Asian Nations (ASEAN) DNA, the average Southeast Asian internet speed stood at 12.4 megabytes of download per second, though if one takes Singapore out of the equation, the average significantly dips to just 7.0 Mbps. In comparison, the world average was 17.5 Mbps. Singapore experienced the fastest download speeds by far (61 Mbps), followed by Thailand (17.7 Mbps), Vietnam (13.1 Mbps), Cambodia (5.7 Mbps), Malaysia (5.5 Mbps), Myanmar (4.9 Mbps), Brunei (4.9 Mbps), Indonesia (4.1 Mbps), Laos (4.0 Mbps) and the Philippines (3.6 Mbps) (ASEAN DNA, 2014).

Internet accessibility is another key indicator of SDG 9.c and is measured through the number of mobile connections in the country compared to its total population. According to We are Social, mobile subscriptions in Southeast Asia stood at an average of 124%, which measured slightly above that of the global average of 121%. This statistic can be misleading, however, as many people hold two or more mobile subscriptions each. The average number of unique mobile subscriptions (51%) provides a more accurate representation (We are Social, 2015). Fixed broadband subscriptions in 2015 were low, with an average of only 8.9% (ITU, 2015).

The last indicator covering progress of SDG 9.c is the cost of internet. The UN defines affordable internet as amounting to less than 5% of average monthly income (Broadband Commission, 2015). Though accurate figures for the constituent countries of Southeast Asia are not available, according to the International Telecommunications Union (ITU), developing and emerging economies (the primary makeup of Southeast Asian states) experienced much higher prices as a proportion of their GNI than developed countries. Mobile broadband was generally twice as expensive in developing and emerging economies, and thus did not meet the UN's affordability guideline (ITU, 2015).

Over the years, the rise of the internet in Southeast Asia has resulted in it becoming a platform for political expression. It has been utilised by advocates to articulate their concerns and direct criticisms at governments. As the use of the internet and social media for these purposes grow, governments across the region have concurrently been passing legislation to control such digital expression. These have had an impact on internet freedoms.

1c. 2030 Sustainable Development Goals

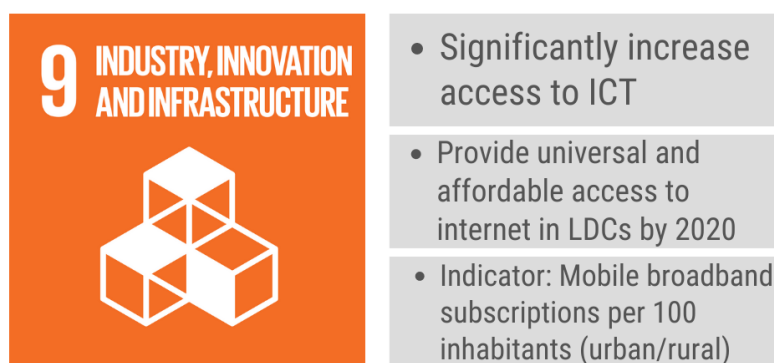
In 2015, the United Nations General Assembly adopted the Sustainable Development Goals (SDGs), a collection of 17 interlocking goals with the primary focus on reducing poverty, enhancing the inclusion of people with disabilities and protecting the environment (United Nations, 2021a). The SDGs were unanimously adopted by governments worldwide, with a target date for achieving the goals set at 2030.

The SDGs build on its predecessor, the Millennium Development Goals (MDGs). The MDGs faced many criticisms, notably from human rights critics for falling short of alignment to universal human rights standards. They pointed out, inter alia, concerns related to the most vulnerable and marginalised and concerns over failure to achieve universal and affordable access to information. The SDGs were set out to correct these challenges, in particular by specifically introducing SDG 16 on 'peace, justice and strong institutions'. While other goals ultimately address core human rights aims, SDG 16 was drafted from a human rights perspective. The sub-goals and indicators within SDG 16, while not without their challenges, aim to track and evaluate governments' commitments to key legal and policy commitments in the human rights arena (Ramcharan, 2021).

Though not publicly acknowledged, all indicators under the SDG 16 are in fact components of democratic governance, though they could be improved for more effective human rights monitoring. (Ramcharan 2021) The SDG process, which emphasises dialogue, allows for much window dressing in their reporting and for 'cherry picking' in terms of indicators that governments place stress on. A uniform measurement of progress towards achieving peace, justice and strong institutions within each society is therefore difficult to measure. The goal itself remains a mirage. This results in a situation whereby selective, technocratic approaches are taken to meet the interlocking goals which do not facilitate long-term political reform that enable the promotion of these goals in a sustainable manner (Netherlands Institute of Parliamentary Democracy, 2019).

For the purposes of this report, the analysis focuses on SDG 9.c and SDG 16.10 as the set of indicators to track governments' commitment in promoting and safeguarding internet freedoms. These are key factors in combating the pandemic related infodemic. Given that access to information and freedom of expression are interrelated, these two goals complement each other.

Figure 1: Sustainable Development Goal 9



Source: United Nations, 2021a

SDG 9 encapsulates the broad aim to “build resilient infrastructure, promote sustainable industrialisation and foster innovation”. The UN acknowledges that investments in infrastructure, including transport, irrigation and communication technology, are crucial in boosting a country’s “productivity and incomes”. Access to such infrastructure enables equitable opportunities and therefore must be strived towards, especially in the context of less developed countries (LDCs) (SDG Tracker, 2018a). Whilst there has been rapid industrialisation occurring in LDCs, the UN Conference on Trade and Development (UNCTAD) has observed that the speed of development is relatively slow (UNCTAD, 2020) to meet the aims of SDG 9 by 2030.

Focusing particularly on access to information and communications technology, the UN has designated SDG 9.c as an indicator of “development assistance for infrastructure”. SDG 9.c outlines specific aims of increasing universal mobile network coverage, and then placing responsibilities on governments to provide global and affordable internet access to LDCs by 2020 (UNSD, 2021). In terms of fixed broadband subscriptions, second-generation (2G) mobile telephony was nearly universal, while third-generation (3G) mobile coverage was estimated at 84% globally in 2016 (UNSD, 2017a). In 2018, 96% of the world’s population lived within reach of a mobile-cellular signal, and 3G mobile coverage was estimated at 90% globally. It was noted, however, that disadvantaged and vulnerable population groups often lacked the finances to procure a mobile-cellular signal, with merely 50% of the world population using the internet (UNSD, 2019). This disparity between access to digital infrastructures of differing groups was termed a “digital divide” (UNESCAP, 2019). In 2019, similar trends surfaced, with 97% of people living within reach of a mobile cellular signal, and 93% living within reach of a mobile-broadband signal. The usage of the Internet, however, remained at 54%, with only 19% of the population in LDCs using the Internet, compared to 87% in developed countries (United Nations, 2020). As such, though the implementation of SDG 9.c has facilitated increasing accessibility, this has mostly benefited urban, richer communities, rather than rural, marginalised areas. This digital divide has manifested itself dramatically with the onset of COVID-19, as elaborated on in Chapter 2.b.

Figure 2: Sustainable Development Goal 16



Source: United Nations, 2021b

SDG 16 sets the goal of promoting “just, peaceful and inclusive societies” aimed at constructing effective and accountable institutions that enhance access to justice and foster peace, which is a right under the ASEAN Declaration of Human Rights. The UN identifies digital rights, including an individual’s access to digital information, as a core right requiring protection through enhanced capacity and strengthening of national institutions (SDG Tracker, 2018b). The UN Development Programme (UNDP) has observed that SDG 16 targets have not been met when last assessed in 2019 (UNDP, 2021). This is buttressed by the 2019 Freedom House report, which highlighted how internet freedom and privacy had declined for the ninth consecutive year. The report stated that 47 countries permitted authorities to arrest individuals for “posting political, social, or religious speech online”; 40 countries utilised the internet and social media surveillance programmes; and leaders of 38 countries manipulated online opinions to favour their political parties (Molla, 2019). These trends point toward a degradation, rather than improvement, of universal access to digital freedom.

Under SDG 16, its tenth target, SDG 16.10, notes the responsibilities of governments to first, protect fundamental freedoms, and second, ensure public access to information “in accordance with national legislation and international agreements” (United Nations, 2021b). The tenth target is split into SDG 16.10.1 and 16.10.2, referring to the “number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months” and the “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information” respectively (United Nations, 2021b). 16.10 points towards an overall focus on the promotion and protection of internet freedoms and the protection of the online civic space where traditional and new media operate alongside citizen journalists and human rights defenders.

Under 16.10.1, this report will thus examine the three sub-categories of journalists, trade unions and human rights defenders, evaluating how past and present developments have exerted impacts onto the SDGs. Globally, the safety of journalists has increasingly been compromised, with a reported increase in the number of journalists killed in countries not at war. In 2020, an estimated 50 to 66 journalists were killed globally (Reporters Without Borders, 2020). The United Nations Educational, Scientific and Cultural Organisation (UNESCO) highlighted the degrading treatment of journalists in reporting the death of a journalist every five days (UNESCO, 2021a).

Simultaneously, increasingly repressive legislation has targeted trade unions, curbing their ability to advocate for proper labour freedoms. According to the 2021 International Trade Union Confederation (ITUC) Global Rights Index, the right to join trade unions and the respect of civil liberties has been on a gradual decline in recent years, and the pandemic has further diminished bargaining rights (ITUC-Asia Pacific, 2021). Specifically, 74% of countries excluded workers from “the right to establish and join a trade union”, and the number of countries that “impeded the registration of unions increased from 89 in 2020 to 109 in 2021” (ITUC-Asia Pacific, 2021). This has undoubtedly exerted a negative impact on fundamental freedoms, leading to the regression of 16.10.1 in perpetuating the persecutions of labour rights advocates.

Similar to the treatment of journalists and trade unionists, an increasingly restrictive climate has been introduced to curb the freedoms of human rights defenders, with legal and justice systems frequently abused to prosecute human rights defenders (Human Rights Watch, 2018). According to the Office of the High Commissioner for Human Rights (OHCHR), human rights defenders refer to “people who, individually or with others, act to promote or protect human rights in a peaceful manner” (OHCHR, 2021a). A key aspect of HRDs is their belief in “their own right to do so”. The pandemic has increased online surveillance, targeting media workers, labour activists and internet users (Freedom House, 2021a).

As of 2016, 111 countries have adopted laws and policies pertaining to freedom of information. Yet, only 62 countries have clear legal provisions and clear promotional measures which effectively raised the public’s awareness of the implementation of such laws (UNSD, 2017b). By 2018, the number of countries adopting freedom-of-information laws remained at 111, with implementation remaining weak (UNSD, 2018). In 2019, the number of countries rose to 127, with a marginal increase to 58% of countries providing clearer legal and promotional information to the public. Additionally, more countries have included the training of information officers as a component of freedom-of-information (UNSD, 2020).

Internet freedoms have emerged as an indispensable facet of fundamental human rights, with an individual’s access to the internet crucial in assessing the progress of both SDG 9.c and SDG 16.10. The correlation between human and digital rights is buttressed by the Human Rights Council and General Assembly, which reminded governments that “the freedom of expression and other rights apply online” (UNESCO, 2018). The Special Rapporteur on the promotion and protection of Freedom of Opinion and Expression also discussed this correlation in 2017, when analysing the role of digital access providers and access to information in IOs (OHCHR, 2021b). With an increasingly disturbing trend of governments diluting the transparency of information presented to the public, as well as restricting Freedom of Expression, Freedom of Opinion, Freedom of Information (UNESCO, 2017) and Freedom of Privacy exercised in digital spaces, the regression of both goals must be addressed to arrest any degradation of rights in this area.

1d. Methodology

The research for this baseline study was undertaken from 15 January to 30 July 2021. The study incorporates desk research drawn from primary materials, such as United Nations (UN) documentations including the Universal Periodic Review (UPR) submissions of countries under review, Voluntary National Reviews (VNR) and reports by Special Rapporteurs. Examples and types of infodemic were gleaned from observation of social media content and flagged online content from fact-checking websites or initiatives from the period of 15 January to 30 July 2021. Other primary sources consulted include news reports and the various national laws and emergency decrees of Southeast Asian countries. Reports by International Non-governmental Organisations (INGOs), Non-governmental Organisations (NGOs), Intergovernmental Organisation (IGOs) were also consulted.

Asia Centre's past baseline studies, *"Timor-Leste: Internet Freedoms Under Threat"* (Asia Centre, 2021a), *"Myanmar: Dismantling Dissent Crackdowns on Internet Freedoms"* (Asia Centre, 2021b), *"Defending Freedom of Expression: Fake News Laws in East and Southeast Asia"* (Asia Centre, 2021c) and *"COVID-19 and Democracy in Southeast Asia: Building Resilience, Fighting Authoritarianism"* were examined to provide more information on this issue. Perspectives were additionally gleaned from Asia Centre's membership and participation in the Asia Civil Society Partnership for Sustainable Development (APSD) - a regional network engaged in monitoring the effective implementation of the SDGs.

In terms of scope, this report examined the SDG progress made within ten countries¹ in Southeast Asia, encompassing Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. This was achieved by specifically evaluating the progress made to date on SDGs 9.c and 16.10 and analysing the impact of existing laws and COVID-19 emergency decrees on internet freedoms. The report concludes with a set of recommendations directed at IOs, Governments, Technology Companies and CSOs, on how they can help to better focus, track and achieve the SDGs targets by preventing the further backsliding of SDG 9.c and SDG 16.10. These recommendations deal not only with the COVID-19 related infodemic, but can also assist to promote and protect internet freedoms.

The next chapter will review the state of SDGs in the aforementioned ten countries through an analysis of the country's VNR, before assessing the impact made on SDG 9.c and SDG 16.10.

¹ For a discussion on Timor-Leste, see Asia Centre's report *"Timor-Leste: Internet Freedoms Under Threat"*, available at this link: <https://asiacentre.org/timorleste-internet-freedoms-under-threat/>

2. Sustainable Development Goals in Southeast Asia

Globally, progress in achieving the SDGs, and in particular SDG 9.c and SDG 16, has been deemed to be either underwhelming or deteriorating (International Institute for Sustainable Development, 2020). Despite there being more indicators as compared to the MDGs era, the “institutional, operational, financial and capacity constraints” of countries have led to a regression of the SDGs. In addition, as of 2020, several developed countries still face difficulties in assessing their SDG progress, with most only able to report 40-50% of the SDG targets (International Institute for Sustainable Development, 2020). From submissions to date, despite a “certain amount of progress”, UN Secretary General Antonio Guterres stated that all countries must “dramatically” increase the pace of implementation, including in Southeast Asia.

The purpose of the Southeast Asian VNRs, as with all VNRs, is to track each country’s progress towards the implementation of the SDGs (OHCHR, 2021c). The VNR is then presented and assessed at the High-level Political Forum (HLPF). The VNR is a “formal intergovernmental follow-up and review process on the Agenda 2030” that is guided by the UN Secretary-General’s Voluntary Guidelines (UNDP, 2017). While there is no established criteria on the frequency that the VNR should be submitted, in the Global Alliance’s *A Guide to Report on SDG 16 in Voluntary National Reviews*, there are some templates and best practices for Southeast Asian states coming from the VNRs of Azerbaijan, Chile and Uruguay. Chile has submitted 2 VNRs, and Azerbaijan and Uruguay have each submitted 3 VNRs thus far. Hence, it is safe to assume that countries should submit at least 2 VNRs, the first being a baseline assessment to be built on by subsequent reports.

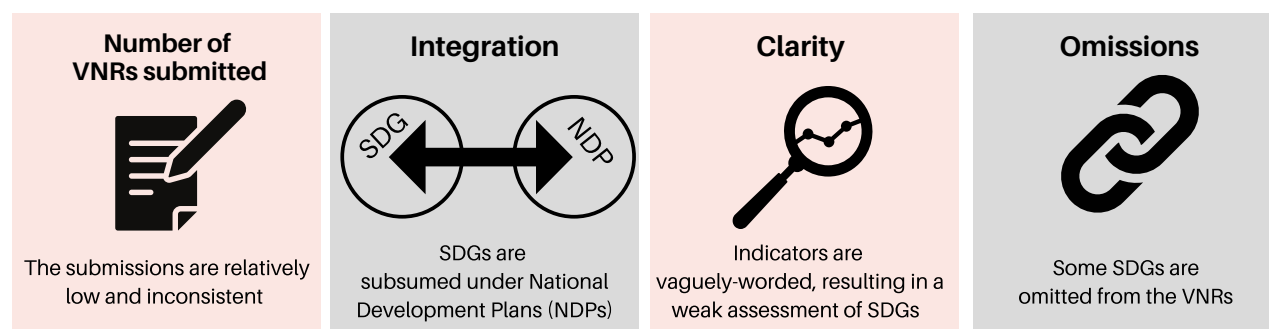
In Southeast Asia, a review of their VNR submissions reveals the SDGs that have been evaluated thus far and to what extent these countries have progressed on implementing SDG 9.c and SDG 16.10.

2a. State of SDG Reporting in Southeast Asia

The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) has noted that the Asian region is unlikely to meet the stipulated targets by 2030 (UNESCAP, 2019).

Figure 3: State of SDGs in Southeast Asia

State of VNR Submissions in Southeast Asia



Sources: Multiple government agencies and news articles

All ten countries under review in this report officially adopted the SDGs in 2015 (Sustainable Development Report, 2021). However, VNR submissions among countries in Southeast Asia are low and inconsistent, with a weak application of the SDG indicators in their assessments. Myanmar has not submitted a VNR to date; Brunei, Cambodia, Singapore and Vietnam have submitted one; while Laos, Malaysia, Philippines have submitted at least two VNRs. Indonesia has submitted three VNRs, and Thailand has submitted five.

Figure 4: Number of VNRs submitted

Country	Year Assessed	Submitted Report
Brunei	2020	1
Cambodia	2019	1
Indonesia	2017, 2019, 2021	3
Laos	2018, 2021	2
Malaysia	2018, 2021	2
Myanmar	-	-
Philippines	2016, 2019	2
Singapore	2018	1
Thailand	2017, 2018, 2019, 2020, 2021	5
Vietnam	2018	1

Source: OHCHR, 2021c

Generally, countries that submit two or more VNRs demonstrate better structure in their subsequent VNRs, with attempts to articulate goals and indicators more clearly. Yet a closer look at the VNRs reveal that countries such as Thailand consistently keep their VNRs vague and make no attempt to refer to SDG indicators. Part of the problem arises from countries streamlining the SDGs into their national development strategies. Eight out of the ten countries—Brunei, Cambodia, Laos, Indonesia, Malaysia, Philippines, Thailand and Vietnam—have done this. Though Myanmar did not integrate the SDGs into its national development plan, it used some SDG indicators to justify its compliance with the SDGs. Singapore established an Inter-Ministry Committee on SDGs, co-chaired by the Ministry of the Environment and Water Resources and the Ministry of Foreign Affairs, to consult relevant agencies and analyse the country's alignment with SDG goals (SDG Knowledge Platform, 2018). Given that these socio-economic development plans may predate the SDGs, some SDG indicators such as the SDG 16.10 are not included in countries' plans and their implementation of the SDGs. Moreover, as most Southeast Asian countries are one-party states or illiberal democracies, which prioritise economic development at the expense of promotion and protection of human rights, certain elements of SDGs, in particular SDG 16, may be deliberately omitted or left unanalysed.

As a result, in the submitted VNRs, not all 17 SDGs are analysed by all countries. For example, Cambodia, Laos, Myanmar and Vietnam have developed their own SDG reporting system. This has led to some SDGs being prioritised over others, or selected sub-SDGs being highlighted to justify the overall achievement of each particular goal. Often, SDG 9.c and SDG 16.10 are glossed over, or dropped altogether. In its 2021 VNR report, Laos recognised SDG 9.c and reported that 95% of the population was covered by a mobile network. However, while it recognised SDG 16.10 in the Statistical Annex section and designates the Ministry of Public Security to be a responsible agency, its promotion was not officially adopted as one of the government's targets. This may explain why the information under SDGs 16.10 were left blank specifically, compared to other indicators such as SDG 16.10.1 and SDG 16.10.2. There are similar instances in the VNRs of other countries.

Further, vaguely-worded SDGs have led to governments publishing broad statistics that are not specific and targeted. This allows the government to shield the lack of adherence to certain SDG goals, under the guise of fulfilling one related sub-goal. For example, Malaysia's VNR indicates that 0.3% of the country's civil servants have disabilities, with respect to SDG 16. There is, however, no specific data shared that targets SDG 16.10 specifically (Department of Statistics Malaysia, 2020). Indonesia's VNR similarly publishes statistics that fail to target the micro-indicators of each goal. For example, though SDG 9 lists the number of districts/cities covered by national fibre optics, 3G and 4G networks, it does not account for other indicators such as the cost and bandwidth of the internet. Vietnam, in its VNR, presented its progress on all of its SDGs in a very generalised manner with sweeping, positive platitudes, without evidence-based targeted indicators to back up its claims.

The low frequency and quality of reporting is thus further watered down by conflating the SDG markers with national plans, or selectively reporting SGD markers with unclear indicators. A review of the VNRs demonstrates that the 17 SDG indicators are not fully taken on board and evaluated by most states. Many of the SDGs are subsumed under national plans whose indicators do not align with those of the SDGs. More importantly, SDG 16, particularly SDG 16.10 related to protecting human rights, in 9 out of 10 countries is simply left out or vaguely stated without clear evaluation.

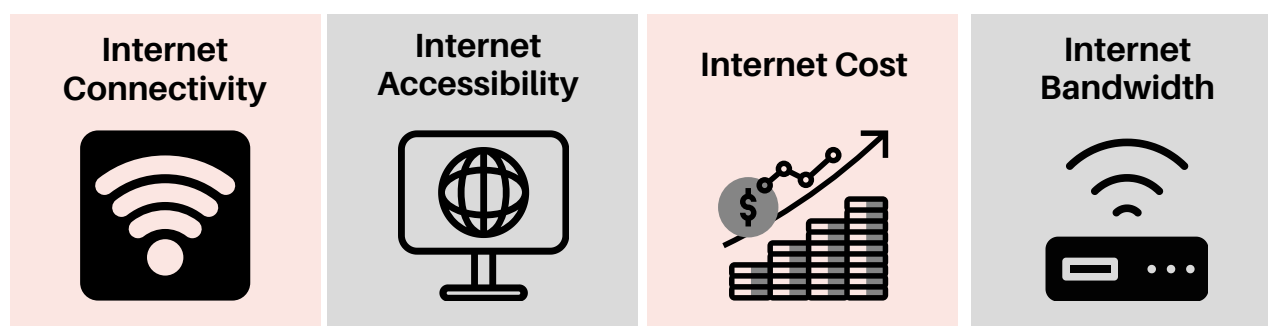
At the regional level, in 2017, the ASEAN Community Statistical System (ACSS) set up a Working Group on Sustainable Development Goals Indicators (WGSDGI) for better regional monitoring on the achievement of the SDG goals by 2030. This working group was established to "address the statistical requirements in monitoring and reviewing the implementation of the SDGs in the ASEAN Member States (AMS), in the ASEAN, as well as the region's position at the global level" (ASEANstats, 2017). The inaugural report, released in 2020, covered 67 indicators chosen according to relevance and consistency in definitions, methods of data collection, timeliness of data, credibility of data source, and the number of countries that can submit the data for that indicator. However, for indicators pertaining to SDG 9.c and 16.10, only 9.c.1 on "proportion of population covered by a mobile network" was included in the 2020 report (ASEAN Secretariat, 2020). The lack of coverage of SDG 16.10 could thus indicate the lack of willingness of certain countries to provide data on the more politicised goals. The lack of willingness to cover goals pertaining to human rights, specifically SDG 16.10, indicates ASEAN's weak adherence to the goal and commitment to upholding human rights.

2b. SDG 9.c (Access and Affordability of Internet)

SDG 9.c focuses on the increased access to Information and Communications Technology (ICT), as well as provision of affordable internet to LDCs. In this section, the ten countries in Southeast Asia are reviewed using the following four internet factors: connectivity, bandwidth, accessibility and cost.

Figure 5: SDG 9.c Indicators

SDG 9.c Indicators



Sources: Multiple government agencies and news articles

In terms of access to mobile broadband networks (3G or above), per the countries' population, the 2020 Global System for Mobile Communications (GSMA) Mobile Connectivity Index reported that, with the exception of Laos, most countries in the region performed beyond the global average of 90% (ITU, 2021). This meant Southeast Asian countries had made significant progress on SDG 9.c since 2015, when increasing access to ICT is concerned.

In terms of the quality of fixed broadband (bandwidth), which refers to the maximum amount of data transmitted over an internet connection in a given amount of time, stark differences were present across the region. According to the Speedtest Global Index, in June 2021, the global fixed broadband internet speed was at 106.61 Mbps on average. In Southeast Asia, most countries in the region were under the global threshold and there were huge discrepancies between countries. To illustrate, Singapore and Thailand have the fastest bandwidth at 252.68 Mbps and 214.47 Mbps respectively; while Vietnam, which is the best performer among 6 lower-tier countries that did not pass the global median, has a bandwidth of 74.46 Mbps (Speedtest, 2021).

The above discrepancies hold true for mobile broadband (bandwidth) as well. For mobile broadband internet speed, with the global average at 55.34 Mbps, only Singapore (86.96 Mbps), Brunei (56.77 Mbps) and Thailand (53.82 Mbps) perform near or beyond the global standard. Since 2015, Laos however has made significant progress on mobile broadband internet speed at 30.01 Mbps. Laos stands as the third-best performer just behind Vietnam (43.02 Mbps) and Philippines (32.84 Mbps) among the middle tier countries. The slowest mobile broadband internet speed among countries ranked at the bottom was around 20-25 Mbps, which includes Cambodia, Myanmar and Indonesia (Speedtest, 2021).

Despite the poor results compared to the global average values, the quality of fixed and mobile broadband internet among Southeast Asian countries is considered decent despite the stark differences in connectivity. According to the United States Federal Communications Commission, an internet service must deliver at least 25 Mbps download speed and at least 3 Mbps upload speed to qualify as high speed internet or broadband. With reference to this metric, only the internet connections in Cambodia, Indonesia, and Myanmar are sub-standard. For the majority of Southeast Asian countries, progress has been made on connectivity which is one of the two indicators of SDG 9.c.

Internet accessibility is analysed based on the percentage of mobile and fixed broadband subscriptions per 100 people. In other words, the analysis looks at subscriptions to the public internet via mobile or fixed platforms. According to the ITU, active mobile broadband subscription per 100 inhabitants in the ten countries in 2019 are as follows: Singapore (155.65), Brunei (148.11), Malaysia (126.55), Cambodia (96.44), Myanmar (92.69), Thailand (86.68), Indonesia (81.21), Vietnam (72.46), and Laos (48.59).² Most countries fare better than the world average that stands at 77.43 (ITU ICT-Eye, 2019a).

Similarly, for fixed broadband subscriptions in 2019 where the global average is at 15.68 per 100 people, the countries are ranked as follows: Singapore (25.91), Vietnam (15.35), Thailand (14.52), Brunei (12.51), Malaysia (9.28), Philippines (5.48), Indonesia (3.8), Cambodia (1.12), Laos (1.06) and Myanmar (0.21) (ITU ICT-Eye, 2019b). Across the years, in Southeast Asia, despite some countries experiencing minor slumps, mobile and fixed broadband subscriptions have been increasing in the last 20 years, thus progressing the accessibility criterion of SDG 9.c.

Costs of internet usage per 10 GB of mobile broadband data, compiled from sources such as the Alliance for Affordable Internet as well as from local telecommunications firms again show disparities between countries. Overall, Brunei (\$26) is ranked highest for internet costs, followed by Thailand (\$15) and Cambodia (\$9). Myanmar (\$8.50), Singapore (\$7.60), Philippines (\$7.20) and Indonesia (\$6.75) were ranked in the middle. The cheapest countries for internet usage in the region are Vietnam (\$5.20), Malaysia (\$6.60) and Laos (\$6.70).

² Statistics for the Philippines are only available for the year of 2017, at 68.44 per 100 inhabitants.

In order to determine the affordability of internet usage, the cost is juxtaposed with the gross national income (GNI) per capita and the level of competition in the telecommunication market. This is measured under the 'affordability' threshold of the Inclusive Internet Index, which studies internet availability (quality and breadth of infrastructure), affordability, relevance (local language and relevant content) and readiness (accessibility, skills, and acceptance of internet use). According to this Index, the populations of Singapore, Thailand and Malaysia are in a better position to afford high-speed internet compared to Cambodia, Indonesia, Laos, Myanmar, Philippines and Vietnam (The Economist Intelligence Unit, 2021).³

While progress on SDG 9.c in Southeast Asia is noticeable, especially in the area of internet connectivity, internet bandwidth and internet accessibility, challenges remain in the area of affordability. Out of 120 countries surveyed in the Inclusive Internet Index, only 4 Southeast Asian countries are in the top-half. Vietnam (62th), Philippines (79th), Cambodia (82th), and Indonesia (84th) did not pass the cut, and Malaysia (55th) and Myanmar (59th) barely made it (The Economist, 2021).

It is important to note, however, that while significant progress has been made on the above indicators in the ten case countries, the underlying digital divide continues to hamper progress. A lack of access to the internet threatens the right to access information for those who live in rural areas and those of lower income, among others, in countries where internet accessibility may already be low. This divide has only worsened with the onset of the COVID-19 pandemic as individuals are unable to access aid, or partake in work or school.

The most evident divide is among urban and rural populations, as infrastructure is mainly situated within urban areas while neglecting rural areas that resultantly face unstable, or even a lack of, internet connection. Rural areas, even when well-connected with infrastructure, house those of lower-income groups who may face additional difficulties affording smartphones and laptops. During the pandemic, lower-income and rural groups faced difficulties in accessing aid that had to be requested online, in line with the regional rise in e-government services. In Indonesia, social assistance programs relied on online platforms to deliver aid, which impeded the effectiveness of these programs in areas that were not connected extensively (Iswara, 2020). Similarly, in Thailand, registrations for monetary handouts during the early stages of the pandemic in 2020 proved difficult for those from lower-income and rural backgrounds as they lacked access to the internet, mobile phones or bank accounts, which were required to access the aid (Wangkiat, 2020). In Singapore, though internet penetration and speed levels are highly commendable, income divides continue to exist and disproportionately affect seniors. Elderly have struggled coping with the digitisation of important services pertaining to their healthcare, and application for welfare schemes (Ong, 2020).

During the COVID-19 pandemic, poor accessibility and affordability also severely impacted students who have had to engage in distance education through online means. An incident that went viral and brought light to this problem across the region took place in Malaysia, where an 18-year-old student Veveonah Mosibin who resides in a remote district in Sabah had to trek up a hill the night before an online examination and sleep on a tree, for good internet connectivity the next day (Hassan, 2021). As the pandemic forces people to stay indoors, the underlying digital divide—especially among vulnerable populations—has prompted governments in the region to shift the already-exhausted resources to support the so-called 'new normal' behaviors such as distance learning and remote working.

Staggering economic inequality in much of the region, exposed by the pandemic, also negatively impacted access. In Thailand, for example, even in urban areas, the sudden loss of employment and income badly affected the poor and vulnerable in a country where the daily minimum wage is merely between US\$10.03 to US\$10.77 (Medina, 2021). Drastic inequality is relevant to Goal 16 in that it is not conducive to an inclusive society where all have adequate access to information. As early as 2018, ASEAN cautioned its member states that income inequality is a growing collective challenge for the regional grouping to close the development gap (Tongwaranan, 2018).

It is thus possible to conclude that achievement on the SDG 9.c has not been uniform in the region, and the COVID-19 pandemic has brought into focus the digital divide between the urban and rural as well as among vulnerable communities. As the COVID-19 pandemic has revealed underlying issues of urban-rural digital divide in almost all Southeast Asian countries, or even an income-led divide, it is safe to assume that progress of countries in the region to achieve the affordability component of the SDG 9.c has been disproportionate between countries, within countries and across communities.

2c. SDG 16.10 (Access to Information and Fundamental Freedoms)

SDG 16 focuses on the promotion of the goal of “peaceful and inclusive societies for sustainable development” and the building of “effective, accountable and inclusive institutions” to ensure the access to justice for all. Specifically, 16.10 refers to the goal of “ensur(ing) public access to information and protect(ing) fundamental freedoms, in accordance with national legislation and international agreements” (SDG, 2021). 16.10.1 refers to the “number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months”. This report will evaluate 16.10.1 through the three sub-categories of journalists, trade unions and labour activists, as well as human rights defenders. 16.10.2 indicates the “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information” (SDG, 2021). Similarly, this report will analyse the constitutions, national laws and policies related to access to information.

2ci. SDG 16.10.1 (Fundamental Freedoms)

Most of the VNRs analysed for this report from the ten countries under review did not specifically delve into SDG 16.10.1. This section thus assesses how countries fared, by employing data from indices that pertain to the fundamental freedoms of journalists, trade unionists or labour activists as well as human rights defenders.

Figure 6: Fundamental Freedoms

SDG 16.10.1 Fundamental Freedoms



Sources: Multiple government agencies and news articles

The World Press Freedom Index analyses the degree of freedom journalists have. This is achieved through an analysis of the number of recorded acts of abuse towards reporters, censorship, media independence, and the quality of infrastructure supporting freedom of reporting (Reporters Without Borders, 2021). The ten countries assessed in this report have had relatively poor press freedom in comparison to international counterparts, with Vietnam ranked at the bottom of the ten countries at the 175th position (Fyre, 2021). In 2020, the Asia Pacific region reported 32 cases of journalists being killed (International Federation of Journalists, 2020a). As of 6 July 2021, this disturbing trend has continued to be perpetuated, with 35 journalists reportedly being killed within the first seven months of 2021 alone (Dhaka Tribune, 2021).

Figure 7: 2021 World Press Freedom Index

Country	Ranking	Score
Brunei	154	49.91
Cambodia	144	46.84
Indonesia	113	37.40
Laos	172	70.56
Malaysia	119	39.47
Myanmar	140	46.14
Philippines	138	45.64
Singapore	160	55.20
Thailand	137	45.22
Vietnam	175	78.46

Source: Reporters without Borders, 2021. Countries are ranked from 0 to 100, with lower values indicating better press freedoms.

In countries such as the Philippines, independent reporting is severely restricted and punished, with the Philippines ranked as the third deadliest country for journalists (Mendiola, 2020). Four journalists were killed in 2020 (International Press Institute, 2020), with punishments enacted according to dated, disproportionate criminal laws (Jennings, 2020). Prominent critical news outlet Rappler is often at the face of abuse under Duterte's administration (Geddie & Petty, 2019), with co-founder Maria Ressa imprisoned, as of June 2020, for cyber-defamation (McCarthy, 2020). In August 2021, the cyber libel charge against her has since been dismissed (Rappler, 2021). Additionally, reporters are arrested and imprisoned "merely for publishing" (Conde, 2018), significantly regressing the freedom to be granted to journalists and other media personnel.

Vietnam, similarly, limits press freedom through imposition of libel charges, detainment and imprisonment, amongst other punishments. In 2019 alone, at least 30 journalists and bloggers were imprisoned (Ghani, 2019). Authorities often use intimidation measures and curb the circulation of controversial topics to enforce censorship. Additionally, censorship is significant in the realm of political issues (Truong, 2020). For example, the government was dubbed "secretive" for hiding most information pertaining to the 2016 toxic chemical waste spill (Hutt, 2020). As evidenced from these two countries, the pertinent need to uphold political and economic power has led governments to impose tight regulations onto legislation, challenging any critical dissent. This ultimately leads to the disproportionate targeting of media, press and internet freedoms. Inevitably, this has led to the regression of the SDGs, with SDG 16.10 severely affected in having journalists and relevant media personnel attacked.

In Southeast Asia, trade unions have been considered weak as they have been clamped down upon by governments early on during the Cold War, and during the adoption of export-oriented industrialisation in the 1990s. Labour unionists were often grouped together with civil society activists as left-leaning, or even communists, when fighting for their rights. According to the 2021 Global Rights Index, Asia-Pacific is ranked second-worst in the world for worker's rights. Cambodia, Myanmar and Philippines are particularly noted for their persecutions of prominent union leaders and forceful suppression of workers' protests (ITUC-Asia Pacific, 2021). In 2020, Rong Chhun, President of the Cambodian Confederation of Unions, was arrested for sharing critical comments against the government pertaining to irregularities in border towns, resulting in some losing their farmland (VOA News, 2020).

In some countries such as Indonesia and Thailand, legislation has been passed to violate labour protections, or a draft law on labour reform was rejected by the sitting government. Indonesia, for example, has severely violated the right to strike. The controversial Omnibus Law, passed in November 2020, was met with widespread protests that were brutally suppressed, with protestors detained and arrested (BBC News, 2020). Additionally, the Omnibus Law, in itself, severely degraded worker's rights in reducing "leave entitlements" and "social security provisions," which further exerts a negative impact onto SDG 16.10. Similarly in the Philippines, despite being ranked within the top ten countries for workers' rights, it was reported that trade unionists were murdered, with an escalation of violence targeting workers and representatives. Presently, there are insufficient legal mechanisms to guarantee civil liberties, with the Anti-terrorism Act, signed in July 2020, exposing workers and trade union activists to "more arbitrary arrests, indiscriminate and baseless attacks, harassment, intimidation and extrajudicial killings" (ITUC-Asia Pacific, 2021).

According to the Freedom in the World Index, in 2021, the COVID-19 pandemic has hastened the already-backsliding human rights protections in the region. This backsliding is evidenced by the fact that most countries have seen their freedoms decrease since 2015, before the implementation of the SDGs. According to the Index, 6 countries (Brunei, Cambodia, Laos, Myanmar, Thailand and Vietnam) are listed as not free; while the remaining 4 countries (Indonesia, Malaysia, Philippines and Singapore) were accorded partly free status. The status of these ten countries has not changed since the implementation of the SDGs. As governments gain new power through state of emergency decrees and COVID-19 laws and policies, human rights defenders in the region have been left with little room to engage in advocacy as restrictions on free speech and organisation tighten. Furthermore, they are unable to organise physical activities to express their concerns, and financial resources have been suddenly affected and exhausted.

Figure 8: Freedom In The World Index

Country	2015	2020	Status (2015, 2020)
Brunei	29	28	Not Free
Cambodia	32	24	Not Free
Indonesia	65	59	Partly Free
Laos	12	13	Not Free
Malaysia	45	51	Partly Free
Myanmar	28	28	Not Free
Philippines	65	56	Partly Free
Singapore	51	48	Partly Free
Thailand	32	30	Not Free
Vietnam	20	19	Not Free

Source: Freedom House, 2021a; countries are ranked from 0-100, with a higher score indicating more freedoms.

In Myanmar, human rights defenders suffer from long-standing bureaucratic red tape that have significantly restricted their ability to engage in civic activism. Since 2015, the Home Affairs Ministry has made it compulsory for NGOs to obtain government approval prior to formal registration. Additionally, the police are at liberty to detain human rights defenders advocating for politically controversial topics, which overall, has worsened the protection of human rights activists (Freedom House, 2021b). The tight control the government exerts, has perpetuated the long standing rights abuse occurring in Myanmar, with the 2021 coup concretising the harsh and punitive action limiting civic action and space. During the coup, repressive measures against human rights defenders have taken a new dimension, with intermittent internet shutdowns that have severely impacted the ability to disseminate information and conduct activism online.

Human rights defenders in Thailand face a highly restrictive environment. Vaguely worded provisions under the Criminal Code have resulted in the shrinkage of the civic space and the severe prohibition of fundamental freedoms. Many human rights defenders, in advocating for freedom of expression and democracy, face lèse majesté and sedition charges under the Penal Code. The pandemic has further exacerbated the declining trend of the curtailment of fundamental freedoms, which critics have deemed as “disproportionate” and “unjustified under international law” (Bangkok Post, 2021a).

With regards to the SDG 16.10.1, the period from 2020 to 2021 has seen much of the past progress being severely regressed. While the COVID-19 pandemic is just one contributing factor that has accelerated the regression, it should be noted that, even before the pandemic, Southeast Asia countries were not committed to the SDG 16.10. This has been exemplified by the omission of SDG 16.10 indicators, or vague generalisation, in VNR submissions or on the regional scale. When other indices, such as the Freedom in the World and World Press Freedom Indexes, are taken into account, it is clear that the region is experiencing democratic backsliding and degradation of human rights. This only further indicates the government's disregard to ensure guarantee and protect fundamental freedoms.

2cii. SDG 16.10.2 (Access to Information)

The SDG 16.10.2 points towards the “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information” (SDG, 2021). To better assess the current progress made towards SDG 16.10.2, this report refers to constitutional articles, statutory guarantees relevant to information access and policy guarantees referencing practices that seek to provide public access to information. Access to information broadly refers to the release of budget documents, spending records, draft laws, meeting minutes and any other type of recorded information available to the public upon request (Chen, 2018). It also includes specifics pertaining to “the records held by a public body, regardless of the form in which it is stored (document, tape, electronic recording, etc), who originated it and the date of production” (Padman, 2003).

Figure 9: Constitutional Guarantees

Country	Constitutional Guarantee
Indonesia	Article 28F of the Constitution (1945)
Philippines	Article 3, Section 7 of the Constitution (1987)
Thailand	Section 41 of the Constitution (2018)

Sources: Multiple government websites and news sites

Out of the ten countries under review, only 3 (Indonesia, Philippines, Thailand) have provisions in their constitutions that guarantee the right of public access to information. The focus of such guarantees is the recognition of the right of one to access information on matters of public concern, or for the purpose of self actualisation and that any limitations on the exercise of this right must be provided for by the law. Indonesia's Constitution highlights the link between access to information and self-actualisation. The Philippines' Constitution takes the view that access to information is crucial to hold the incumbent government accountable. Meanwhile, Thailand's Constitution recognises and enforces the principle that access to information is a basic right, by providing for a member of the public to take legal action if a state agency withholds official information.

Constitutional Guarantees

Article 28F under the **Indonesia's** Constitution clearly stipulates that *"every person shall have the right to communicate and to obtain information for the purpose of the development of his/her self and social environment, and shall have the right to seek, obtain, possess, store, process and convey information by employing all available types of channels"*. Similarly, **Philippines'** Constitution, under Article 3, Section 7, highlights that *"the right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law"*. **Thailand** takes a step forward by providing a person the right to *"take legal action against a state agency as a result of an act or omission of a government official, official or employee of the state agency"* under Section 41(3) of the Constitution.

Statutory guarantees in terms of access to information laws reaffirm the rights to information provisions under Constitutions, and further guarantee people's rights of access to information possessed by the government. There are four Southeast Asian countries that currently have specific national laws on access to information: Indonesia, Myanmar, Thailand and Vietnam. It is important to note that, for those countries that have specific laws, two patterns emerge: enabling legislation (Indonesia and Thailand) and discouraging legislation (Myanmar and Vietnam) to disclose official information. For the former, the laws provide clear definition and criteria for information that the governments are obliged to publicise, and obligations of public agencies to respond within a specific time period. A procedure to request access to information, and an Appeal Board to preside and adjudicate if a dispute arises are also articulated. For the latter, on the contrary, the laws discourage public officials from providing information to the public, or criminalise an individual who accesses information the government considers sensitive. Often, the laws are vaguely-worded and reflect an ideological position that all government information is its secret property, with an emphasis on punishments that public officials may face if they breach the rules on handling government information.

Figure 10: Access to Information Laws

Country	National Access to Information Laws
Indonesia	Public Information Disclosure Act (2008)
Myanmar	National Records and Archives Law (2019)
Thailand	Official Information Act (1997)
Vietnam	Law on Access to Information (2016)

Sources: Multiple government websites and news sites

Malaysia only has access to information laws at the state level; while Cambodia is drafting a law on access to information which is expected to be passed at the end of 2021. As of 2021, Malaysia does not have a federal level law, but the states of Penang and Selangor passed their access to information laws in 2011. Nevertheless, Selangor and Penang Freedom of Information (FOI) Enactments are restricted to information held by state governments only, and require applicants to provide reason and purpose for the request of information, which could subject them to possible criminalisation, if the authorities deemed the applicants have used the concerned information in the manner that contradicts that stated reason and purpose. In Cambodia, as of August 2020, the draft Law on Access to Information was still being finalised. However, in 2019, the Article 19's review of the draft law pointed out that full access to information may not be facilitated, as the law contains overly broad provisions that give exemptions to public institutions such as the judiciary, or organisations managing public funds. In addition, stringent formalities around request applications and the lack of an oversight body may discourage the public from requesting access (Article 19, 2019).

Policies pertaining to access to information are often undergirded by freedom of information ethics. According to UNESCO, safeguarding information access encompasses two sub-processes: first, ensuring that information is available online, and secondly, empowering individuals to have digital devices to access such information (UNESCO, 2021b). While the Philippines does not have a specific access to information law, it does have a policy on freedom of information that corresponds with the constitutional guarantee, streamlined across all executive offices. In 2016, President Rodrigo Duterte signed into effect the Executive Order No. 2 (EO No. 2), also known as the Executive Order on Freedom of Information. The EO No. 2 requires all departments, agencies, bureaus and offices under the executive branches to make available public records, government transactions or decisions, or any other information requested by a member of the public.

Brunei, Laos and Singapore do not have any specific law or policy on the public's right to access to information or a freedom of information act. On the contrary, these three countries place bureaucratic obstacles that often prevent the public from accessing government held information. To make matters worse, Brunei and Singapore, due to their colonial legacy, retain the outdated Official Secrets Acts, which prohibits the disclosure of official documents or information, and criminalises whistleblowers—the act of accessing or making governmental information public.

Figure 11: Access to Information

SDG 16.10.2 Access to Information



Sources: Multiple government websites and news sites

Across the ten countries reviewed, and in analysing the constitutions and access to information laws, it is evident that the region has not made substantial improvement with regards to SDG 16.10.2. Whether a country has constitutional, legislative or policy guarantees, it can be assessed that most legislation provides governments with the opportunity to restrict access to information, arising from vaguely-worded laws and poor legal frameworks that fail to uphold information accessibility. The vagueness of the types of information that can be accessed, the criminalisation of whistleblowers, compounded by the lack of a proper VNR submission framework, has impacted internet freedoms and effectuate, the stagnation and regression of the SDGs across the ten countries.

While most countries have submitted VNRs, it remains difficult to clearly track all 17 SDG targets, because they are integrated into pre-existed national development plans, which may not have, nor align with SDGs indicators. The VNRs are especially unclear on SDG 16 given its political nature. With reference to SDG 9.c, while there is progress, the digital divides have been starkly exposed. SDG 16.10.1 has underscored the increasing persecution of journalists, trade unionists and labour activists as well as human rights defenders, while SDG 16.10.2 indicates roughly half of the countries analysed lack freedom of information laws in their constitutions and national provisions. This indicates that progress around internet freedoms needs improvement. The next chapter will thus review existing legislation as well as the pandemic-induced laws that impact the progress of the SDGs, in particular internet freedoms.

3. Legislation

Given the digital divide following a review of SDG 9.c, and the broad trend of regression of 16.10 in Southeast Asia, this chapter reviews laws invoked to combat the infodemic arising from the COVID-19 pandemic. These laws include existing legislation, such as the Penal and Criminal Codes, laws governing state security, laws concerning telecommunications and cybersecurity, fake news laws as well as emergency decrees and temporary laws. These laws, while implemented to penalise false information or disinformation that could mislead the public, have also been used to justify internet shutdowns, persecute government critics, deny public access to information, and penalise whistleblowers. In evaluating progress on SDGs 9.c and 16.10, the laws are outlined and their impact considered.

3a. Penal Code

In Southeast Asia, legislation such as the Penal and Criminal Codes have been used in six countries to criminalise the spread of false information, with penalties including hefty fines and imprisonment, targeting individuals, groups and technology companies considered as perpetrators. Acts that generally discuss the issue of false information have been utilised to penalise the spread of misinformation even though these Acts—when they first came into being—do not specify their use for online content, and secondly, there are other laws that deal with telecommunications and internet content. Given the fact that these laws are archaic in nature, the punishments that come along with them are highly disproportionate.

Figure 12: Penal/Criminal Code

Country	Penal/Criminal Code
Cambodia	Articles 425 and 495 of Penal Code (2009)
Laos	Article 117 of the Criminal Code (2005)
Malaysia	Section 505(b) of the Penal Code (1997)
Myanmar	Section 505(b) of the Penal Code (1861)
Philippines	Article 154 of Revised Penal Code (1930)
Vietnam	Article 117 of Revised Penal Code (2018)

Sources: Multiple government websites and news sites

Sections of the Penal Code that deal with criminalising the spread of false information are often vaguely worded with regards to what is considered false news and misinformation. Additionally, these provisions often discuss the implication of fake news as causing public instability or distress. This is evident in Section 505(b) of Myanmar's Penal Code, whereby people can be charged for "making, publishing or circulating" false information that can cause instability within the country, with the penalty including imprisonment up to three years (The Irrawaddy, 2021). Malaysia's Penal Code also penalises one whose actions may result in "fear or alarm to the public" with up to two years in prison, a fine, or both. Similarly, in the Philippines, Article 154 of the Revised Penal Code punishes any person who publishes "false news which may endanger the public order". Those found guilty are subject to a maximum fine of US\$4,000 and a jail term up to six months.

Article 425 of Cambodia's Penal Code criminalises *"communication or disclosure of any false information with a view to inducing a belief that a destruction, defacement or damage dangerous to other persons will be carried out"*. Individuals face between one to two years of imprisonment or a fine of between \$490USD to \$981USD. Article 495 on incitement, also criminalises any act that creates "serious turmoil in society" through public speech, writings or drawings, or audio-visual telecommunication, with a vague definition on incitement (Human Rights Watch, 2010). A fine of up to US\$1,000 and a maximum jail term of two years can be warranted.

With no definition of what constitutes false information and what constitutes 'endangering the public order,' incumbent regimes are able to arbitrarily use the existing provisions above to penalise what they deem as fake news. The information criminalised is often dissent against political incumbents or their policies, evidencing subjective interpretation of what can cause instability in society.

Compared to the Penal Codes analysed above, Vietnam's Penal Code and Laos' Criminal Code state the type of information criminalised more clearly. Article 117 of Vietnam's Penal Code criminalises *"making, storing, and spreading information, materials, and items for the purpose of opposing the State of the Socialist Republic of Vietnam"*. If charged under this Article, one faces up to 20 years imprisonment for "particularly serious crimes", while individuals who are involved in the preparation of committing the crime would be subject to between one and five years of imprisonment (Human Rights Watch, 2015). Article 117 of Laos' Criminal Code similarly punishes one who conducts *"propaganda activities against ... the Lao People's Democratic Republic, [...] or circulating false rumors causing disorder by words, in writing, through print, newspapers, motion pictures, videos, photographs, documents or other media which are detrimental to the Lao People's Democratic Republic or are for the purpose of undermining or weakening State authority"*. One charged under this Article faces one to five years of imprisonment, and a fine between US\$570 to US\$2,280 (International Federation for Human Rights, 2019). These Articles clearly criminalise dissent against the state, and can be abused to even penalise constructive criticisms of state policies and action.

Though the identified Articles in the various Penal Codes are implemented to stop the spread of false information, such Articles have been invoked to criminalise dissent, given their highly vague, or highly explicit nature of intentions. Not only do these breed an environment of fear and limit freedom of expression, but they also curtail access to information by penalising the circulation of critical commentary.

3b. State Security Laws

Laws that ensure public order and regulation of society also contain provisions on spreading false information. These laws are, as seen below, present in countries that have not accounted for provisions pertaining to fake news in their Penal and Criminal Codes, such as Brunei, Indonesia and Singapore. These laws focus on ensuring any public disorder and unrest is duly restricted and penalised - as such, the provisions often focus on criminalising fake news that can cause fear and unrest among the population.

Figure 13: State Security Laws

Country	State Security Laws
Brunei	Section 34 of the Public Order Act (2013) Section 4(1) of the Sedition Act (2010)
Indonesia	Articles 14 and 15 of Regulation of Criminal Law (1946)
Singapore	Article 14D of Miscellaneous Offences (Public Order and Nuisance) Act (1997)

Sources: Multiple government websites and news sites

In Brunei Darussalam, Section 34 of the Public Order Act (Chapter 148) allows the government to charge people who “spread false news or information that can cause public fear and anxiety, tension and uneasiness; and mislead facts” (Commonwealth Legal Information Institute, 2002). Those found guilty are subjected to a three-year imprisonment and a fine of US\$3,000. Furthermore, under Section 4(1) of the Sedition Act (Chapter 24), authorities can charge any person who “does or attempts to do, or makes preparation to do, or conspires with any person to do, any act with a seditious intention” with a two-year imprisonment and a fine of US\$5,000 (Attorney General's Chambers, 1948). In Indonesia, Article 14 of the Regulation of Criminal Law (“Law No 1/1946”) criminalises the spread of “fake information or news, intentionally [causing] public unrest” even when there are reasonable grounds to show that information is false, with the punishment being imprisonment for a maximum of 10 years. Article 15 penalises the publishing of exaggerated or incomplete news that may similarly cause unrest (Fredrik J Pinakunary Law Offices, 2020). In Singapore, under Article 14D of the Miscellaneous Offences (Public Order and Nuisance) Act, transmitting information “which [one] knows to be false” is considered an offence against public order and is punishable by a fine not exceeding US\$7,320, an imprisonment not exceeding three years, or both (Singapore Statutes Online, 2021).

Akin to the issues identified in the Penal Codes of other countries, the nature of false news and information, and what sort of information causes public unrest or fear, is unclear. Additionally, given the nature of state security laws, the focus is largely on eliminating any false information that could potentially cause public unrest. These provisions can thus be misused to limit access to information and persecute critics of the government by branding such information as a threat to public order.

3c. Telecommunications and Internet Laws

With increased internet penetration over time, individuals, NGOs and activists have increasingly made use of the internet and social media as a civic space to engage with one another and hold public officials accountable. In response, governments have looked towards specific legislation to regulate online content and the use of the internet, specifically when it comes to airing critical speech online or accessing information. Specifically, laws surrounding telecommunications and the internet focus on criminalising the potential misuse of technology to disseminate false information, or to access ‘sensitive’ information.

Figure 14: Telecommunications and Internet Laws

Country	Telecommunications and Internet Laws
Indonesia	Article 28 of the Information and Electronic Transactions Act (ITE) (Amended) 2016
Laos	Article 9 of the Decree on Internet Information Management No. 327 (2014)
Myanmar	Section 66(d) of the Telecommunications Law (2013)
Thailand	Section 14(1) of the Computer Crime Act (2007)
Vietnam	Cybersecurity Law (2018)

Sources: Multiple government websites and news sites

Certain legislation criminalises the spread of false information or hoaxes, such as Article 28 of Indonesia's Information and Electronic Transactions Act. Under this law, a maximum fine of US\$70,000 and/or imprisonment of up to six years may result from the distribution of electronic misinformation (Flevin, 2008). In Thailand, the Computer Crime Act (2007) is the main instrument officials use to punish an act of spreading online misinformation. Section 14(1) of this Act stipulates that *"import to a computer system of false computer data in a manner that is likely to damage the country's security or cause a public panic"* will lead to penalties of up to a 5 year imprisonment and/or a fine of US\$3,100 (Samuiforsale, 2021). In 2020, the Vietnamese government issued Decree 15, which includes penalties for violations against state regulations on online platforms. Under Article 101, those found guilty of posting false information that may cause panic are subject to administrative fines of between approximately US\$430 to US\$860 (Vietnam+, 2020; Nguyen & Piemwichai, 2020).

Some legislations go further to explicitly penalise defamation or criticisms of the sitting regime. Section 66(d) of Myanmar's Telecommunications Law, for example, criminalises *"extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person using a telecommunications network"* with penalties including imprisonment (Abrahamian, 2017). Laos' decree on Internet Information Management No. 327 restricts criticisms of the government and the ruling party, the Lao People's Revolutionary Party (LPRP), as well as information that *"undermines social unity"* or exposes undefined *"secrets"* on online platforms (Amnesty International, 2016). Article 11 and 13 demand internet service providers to *"terminate access"* and *"temporarily or permanently block users"* who violate the decree. Vietnam's National Assembly passed the Cybersecurity Law, which came into effect in January 2019, increasing the authorities' control over digital content (Shira, 2018). ISPs are required to take down any information that threatens the reputation of the sitting regime at the request of the state authorities (Rödl & Partner, 2018).

The laws in this section thus focus on regulating the use of technology to prevent the promulgation of fake news. As governments in the region aim to hold on to their power, it is likely that similar repressive legislation will continue to be drafted to battle any dissent that may threaten their political dominance. Myanmar's 2021 draft Cybercrime Law illustrates this—the proposed law would provide government sweeping powers to access personal data to identify those who share 'fake news' or disinformation, and request data from internet service providers without a warrant (Yu, 2021).

3d. Fake News Laws

In addition to the Penal and Criminal Codes, security laws, as well as technology-specific legislation, a handful of countries in Southeast Asia have attempted to develop legislation that specifically serves to target online misinformation, given its rising prevalence. These laws aim to regulate social media usage, because these platforms are easily accessible and allow for quick content generation and sharing, with no verification if such content is true. As of 2021, however, only Singapore has passed and retained such a legislation, titled 'Protection from Online Falsehoods and Manipulation Act' (POFMA), published in 2019.

Figure 15: Fake News Laws

Country	Fake News Law
Singapore	Protection from Online Falsehoods and Manipulation Act (2019)
Cambodia	Inter-Ministerial Prakas No. 170 (2018)

Sources: Multiple government websites and news sites

POFMA was passed by Parliament on 8 May 2019 targeting electronic *“communication and information misinformation”*, and aims to *“enhance (the) transparency of online political advertisements”* (POFMA Office, 2021). Individuals who circulate falsehoods that are prejudicial to security, public health, safety, finances and relations with other countries will face penalties including a fine of up to S\$50,000 and imprisonment of up to five years. Non-individuals will face a fine of up to S\$500,000 (Singapore Legal Advice, 2020). However, this law has been widely criticised amongst academics, opposition parties, and the general public, due to its vagueness as to what constitutes a falsehood that is prejudicial to the above concerns. Concerningly, what is deemed ‘false’ is decided by the Executive; this provides them a remarkable leeway, when Singapore’s political context is considered, whereby the organs of the state are tightly connected to the incumbent People’s Action Party. This decision essentially provides them with the powers to decide what constitutes a falsehood, and could be misused to criminalise opinions that do not align with the state narrative (Sim, 2019).

In Cambodia, the Inter-Ministerial Prakas⁴ No. 170 on Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia was released in May 2018. This Prakas was established to surveil content online and prevent the publication of information *“intended to ... undermine national defence, ... security, relation with other countries, national economy, public order, discrimination and national culture and tradition”*. Two months later, a second directive was released prescribing fines up to US\$1,000 and a two-year prison sentence for individuals and websites which create and share fake news (Lamb, 2018). While this provision has not been used to criminalise false information, it has been used to justify the extensive monitoring of internet use, which leads to the criminalisation of criticisms through other legal provisions, such as the Penal Code.

The Philippines and Malaysia have also attempted to introduce such laws. In 2018, Malaysia enacted an Anti-Fake News Act to curb misinformation on online platforms. The act was subsequently repealed in 2019 following a change in government (The Straits Times, 2019). The act was discussed in parliament in 2020 for a possibility of revival due to the proliferation of COVID-19 related fake news (The Straits Times, 2020a). In July 2019, the Anti-False Content Bill was introduced in the Philippines’ Senate, with the aim of *“protect(ing) the public from the deleterious effects of false and deceiving content online”*. Punishments include imprisonment, a fine ranging from \$US6,281 to \$US41,877, or both (Oxford Human Rights Hub, 2019). Repercussions for creating or sharing false news are a fine of up to US\$6,200 and/or a jail term of six years. As of 2021, there are no updates on the progress of the Anti-False Content Bill.

The sweeping powers, provided to sitting regimes to decide for themselves what is considered true or false, indicates that the implementation of these laws are more likely directed at curtailing criticisms on social media, which governments generally do not have regulatory powers over. These criticisms can be subjectively deemed as false information to facilitate criminalisation. These legislation raise further concern pertaining to freedom of expression, as topics for online discussion are highly limited and subject to government approval. Moreover, access to alternative sources of information could face restrictions, as journalists, NGOs, and human rights defenders fear legal action, given that certain types of information or sensitive topics must now be avoided.

3e. COVID-19 Temporary Laws and Practices

In order to combat the infodemic, as of August 2021, 8 out of 10 Southeast Asian countries have proclaimed a state of emergency or passed new legislation or directives with specific provisions aimed to address COVID-19 related false information. These developments have raised concerns over the measures that governments enacted during the public health crisis, because, in most cases, the executive branch’s orders override pre-pandemic check-and-balance mechanisms during the state of emergency.

⁴ A Prakas is defined as a ministerial or inter-ministerial decision, endorsed by relevant ministers. It is considered a primary source of law for decision-making, though it is secondary to the law.

Consequently, persecutions of government critics soared as governments desire to have one official narrative on its pandemic management. In this section, there are two patterns of COVID-19-specific legal responses: countries that include or have anti-fake news provisions under their state of emergency proclamation (Cambodia, Malaysia, Philippines, Thailand) and countries that choose to pass new legislation or administrative orders to criminalise the act of spreading false information (Indonesia, Laos, Vietnam).

Figure 16: Anti-Fake News Provision under State of Emergency Law

Country	Anti-Fake News Provision under State of Emergency Law
Cambodia	State of Emergency Decree (Revised)
Malaysia	Emergency (Essential Powers) (No. 2) Ordinance 2021
Philippines	Bayanihan to Heal As One Act
Thailand	State of Emergency Regulation Issued under Section 9 of the Emergency Decree No. 29

Sources: Various government agencies and news sites

For the first category, provisions prohibiting sharing or spreading false information were included when Cambodia (Article 5.11), Malaysia (Section 4), Philippines (Section 6.6), Thailand (Article 9) proclaimed their respective States of Emergency. In these laws, the act of spreading false information or information that would cause panic, disorder or affect national security are criminalised with both a fine and imprisonment. The highest punishment that could be imposed belongs to Malaysia's Emergency (Essential Powers) (No. 2) Ordinance, when, if proven guilty, an individual is liable to \$US 23,600 fine and a 3 year imprisonment. For the rest, the fine amount varies between \$US 20,000 (Philippines) and \$US 1,200 (Cambodia and Thailand); while imprisonment terms could be between 1 to 5 years for Cambodia, or fixed such as Philippines (2 months) and Thailand (2 years). Nevertheless, Thailand is unique in the sense that, on top of its state of emergency decree, in July 2021, it passed the Regulation Issued under Section 9 of the Emergency Decree No. 29—also known as anti-fake news regulation—which obligates ISPs to suspend internet service to a purveyors of fake news and report its IP address to the authorities. On 10 August 2021, three days after coming into effect, the Regulation was repealed following the Civil Court's verdict, which regarded the Regulation to be unconstitutional.

Figure 17: New Legislation or Administrative Orders

Country	New Legislation or Administrative Orders
Indonesia	Telegram ST/1100/IV/HUK.7.1/2020
Laos	Reinforcement Measures on Containment, Prevention and Full Response
Vietnam	Decree No.15/2020/ND-CP

Sources: Various government agencies and news sites

For the second category, a number of countries—such as Indonesia, Laos and Vietnam—have issued or drafted specific laws or administrative guidance aimed at addressing COVID-19 related fake news, or false information during the COVID-19 pandemic. In February 2020, Vietnam was the first country to pass anti-fake news legislation during the pandemic, the Decree No.15/2020/ND-CP which penalises those who share or publish false information on social media with a fine ranging from \$US426 to \$US853.

Indonesia and Laos opted for issuing administrative guidance or order. For the former, in April 2020, the Indonesian Police Chief Idham Azis issued the Telegram ST/1100/IV/HUK.7.1/2020 to instruct the force to double their efforts in monitoring online discussion on social media, including criticism towards public officials. For the latter, in March 2020, prohibition on sharing or disseminating fake news that can cause panic or misunderstanding was included in Point 6 of the Prime Minister's Order on Reinforcement Measures on Containment, Prevention and Full Response, with a specific instruction that criticism needed to be monitored and action taken against offenders.

As evidenced in the analyses above, a variety of existing legislation has been used to tackle online false information, such as the Penal and Criminal Codes, security laws, technology law related to the use of telecommunication and computers, fake news laws, provisions within emergency decrees or new legislation and administrative orders enacted during the pandemic. While these laws have been passed to curb the spread of false information, the wide and vague definitions within these laws have effectuated their use against critics who have criticised governments' ineffective management and mitigation of the COVID-19 pandemic, resulting in suppression of freedom of expression online. The next chapter examines these developments and how it affects the progress of SDGs 9.c and 16.10.

4. Impact of COVID-19 on Sustainable Development Goals

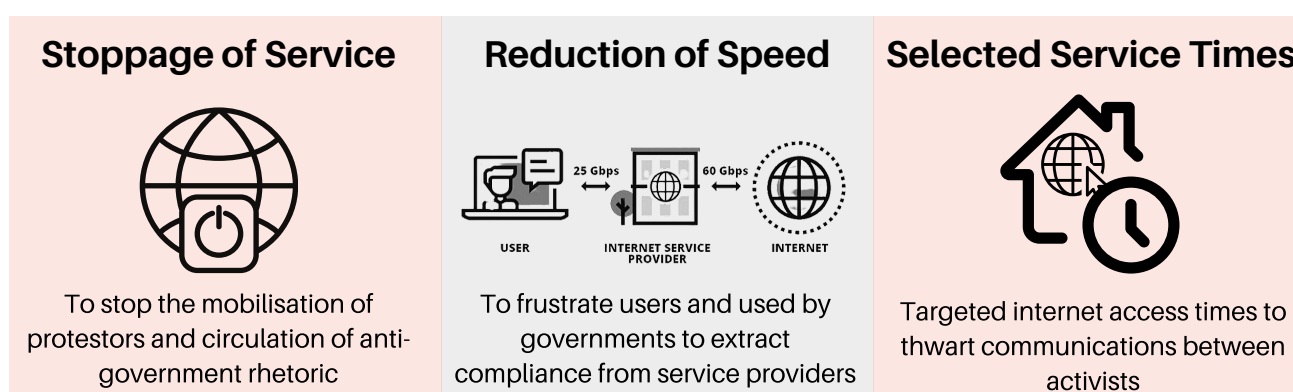
The progress on SDGs has been uneven spread across the region. In terms of SDG 9.c, it has over time faced the constant challenge of a digital divide where most of the improvement on infrastructure has been concentrated in urban areas. Even before the COVID-19 pandemic, SDG 9.c has seen regression arising from increased internet shutdowns in response to online criticisms of the governments. For SDG 16.10 all ten countries reviewed have experienced regression. Under SDG 16.10.1, the region has seen the persecutions of journalists, labour activists and human rights defenders increased during the pandemic, as these groups have called out the government's mismanagement of the crisis. Restrictions on access to information have impacted SDG 16.10.2, especially during the pandemic as governments curtail access to key information and penalise whistleblowers. An additional dimension of information flows has surfaced with the onset of COVID-19 - governments are focused on collecting large amounts of personal information for contact tracing purposes. However, without the necessary oversight mechanisms, this information may be misused by governments to further diminish fundamental freedoms.

4a. SDG 9.c (Access and Affordability of Internet)

While indices reviewed in the submitted VNRs indicate that developments have been made across the nine countries, progress has been intermittent. However, with much of the internet infrastructure development concentrated in urban areas, rural regions are still lagging behind, promoting a digital divide. The COVID-19 pandemic has further exacerbated the digital divide, as vulnerable communities have not been able to apply for government support, receive health advisory updates and book vaccinations online.

Figure 18: Impact of Infodemic

Internet Shutdowns



Sources: Multiple government websites and news sites

Progress on internet infrastructure development has, however, been stifled in Indonesia, Myanmar, and Thailand, which have experienced internet shutdowns as a measure to curb information circulation during periods of political crisis. In Indonesia, after a video capturing the poor and racist treatment of Papuan students from Indonesian security agents had been circulated online, protests erupted to demand justice for the students. To prevent further civil unrest, the Indonesian government employed excessive force and instituted a series of internet shutdowns. The first involved bandwidth throttling, wherein there was an internet slowdown. Subsequently, there was a blanket shutdown lasting for two weeks from 21 August 2019 till 4 September 2019, with the regions of Papua and West Papua further suffering from mobile network disruptions (Krapiva et al., 2020).

Despite the Jakarta State Administrative Court ruling the internet ban as a violation of rights, it is evident that the Indonesian government manipulated the law and hid under the guise of maintaining “safety” to further extend their restrictive and punitive measures onto the population (International Federation of Journalists, 2020b). The country’s initial pledge towards progressing internet advancement and information accessibility was thus put on the backfoot, with the priority placed on the government’s agendas of maintaining a positive reputation and shielding its human rights violations.

Myanmar experienced internet shutdowns following the 1 February 2021 military coup as the action was aimed at suppressing anti-junta protests. Specifically, the military junta ordered telecommunication companies to impose these shutdowns by clamping down on internet connectivity and prohibiting internet access. Internet curfews and nightly shutdowns were gradually regularised from mid-February 2021 as the military refused to give in. ISPs were also ordered by the junta to block access to social media platforms including Facebook, Twitter and Instagram (The Guardian, 2021). By 2 April 2021, most social media sites, mobile data connections, public wireless networking technology (Wi-Fi) and wireless connections were partially or fully suppressed. In what is being deemed a human rights violation, the UN Human Rights Council stated the need for “internet and communication services” to be fully restored to ensure freedom of expression and information access (Januta & Funakoshi, 2021). Similar internet restrictions occurred in 2019, whereby the Myanmar military imposed its longest internet shutdown to curb ongoing protests in the conflict zones of Rakhine and Chin state. The shutdown affected more than 1.4 million people across nine townships, with 3G and 4G networks remaining blocked from June 2019 to August 2020 (Reuters Staff, 2020).

In Thailand, protests at the Democracy Monument in Thailand in August 2020 led to intermittent communication and internet crashes, with “drone signal cutting devices” employed to mitigate the spread of information (Voice Onlines, 2020). This echoes a similar incident in 2014, where the government “blocked Facebook temporarily” to curb online information circulation that erupted, following the overthrowing of the government of Yingluck Shinawatra by the Thai military (Privacy International, 2017). In both examples, the Thai military restricted access to information by shutting down the internet and slowing internet speeds deliberately to thwart pro-democracy activists.

In spite of progress in establishing internet infrastructure, these countries have seen their internet accessibility hindered by such measures to restrict information flows during specific periods of time, or in specific areas. The restrictions on internet usage through throttling of speed and bandwidth, or even complete shutdowns, severely impinges on access to information which may be even more crucial during the aforementioned periods of political unrest and uncertainty. As more and more people look towards the internet to remain informed on political happenings, or even the COVID-19 pandemic, such shutdowns are becoming increasingly restrictive.

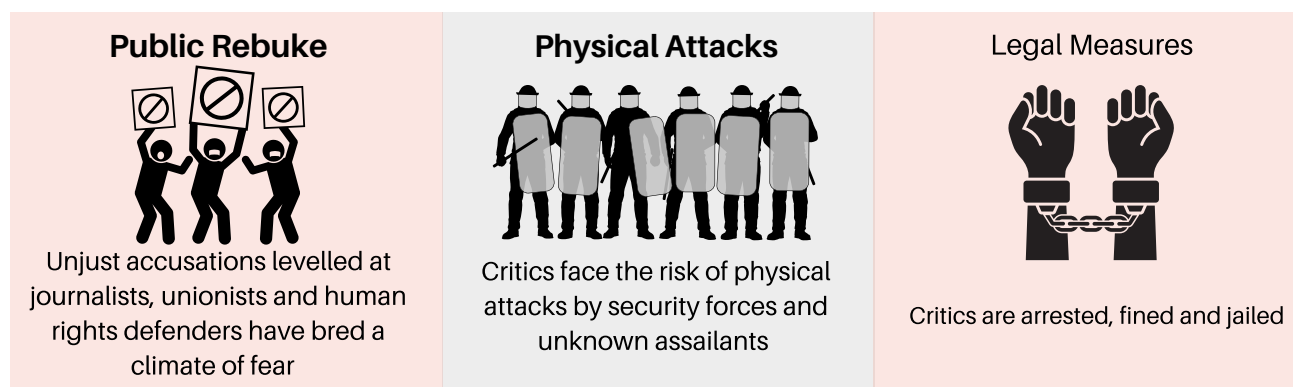
4b. SDG 16.10.1 (Fundamental Freedoms)

Regression in the efforts to achieve SDG 16.10.1 further escalated when authorities in the region took advantage of existing and new laws to curb the spread of information during the COVID-19 pandemic by targeting government critics. As a result, persecution of journalists, labour activists and human rights defenders spiked during the public health crisis. In Cambodia, in 2020, the Cambodian Journalists Alliance Association (CamboJa) recorded 35 cases of harassment against 72 journalists. Most cases (64 incidents) involved journalists of online news outlets. TVFB journalist Sovann Rithy’s sentence of 18-month imprisonment was peculiar, given the fact that he was arrested for directly quoting Prime Minister Hun Sen’s statement on the COVID-19 situation (Narin, 2020). In Myanmar, where the military staged a coup in February 2021, so far a total of 92 journalists have been arrested for their critical reporting of the situation in the country; 40 of them are still in detention.

Facing layoffs or leave without pay, workers found themselves voiceless to hold regimes accountable for their economic hardship, as attacks against their representatives, unionists, and advocates escalated during the pandemic. In Indonesia, after the parliament passed the controversial Omnibus law on 5 October 2020, strikes were organised and met with violence and arbitrary arrests. 32 union members were injured by water cannons and another 10 were arrested; some of these arrests were based on alleged violation of the large-scale social restriction rules set up to combat the spread of the pandemic (IndustriALL, 2020). In Malaysia, in June 2020, 5 protesters were arrested over negligence in the spread of an infectious disease when they organised a protest outside the Ipoh Hospital in Kuala Lumpur. They were calling attention to the lack of personal protective equipment for hospital employees (Bunyan, 2020). Similarly, in July 2021, the police intimidated junior doctors who organised a strike, demanding better treatment and job security from the existing contract employment system (Anand, 2021). In the Philippines, in 2020, at least 8 labour leaders and advocates were arrested in two separate occasions on Labour Day in May and Human Rights Day in December. This was in addition to 4 trade unionists who were killed during the community quarantine (Electronics Watch, 2020).

Figure 19: Impact of Infodemic

Persecution of Critics



Sources: Multiple government websites and news sites

Despite the lockdown measures and restrictions on internet freedoms, there is growing awareness that governments are taking advantage of the pandemic to silence journalists and government critics, attempting to shore up their already-dwindling support before the health crisis. In Thailand, during the period of July 2020 to May 2021, 43 youngsters were charged for their criticisms of the government and demands for political reform (BBC News, 2021a). Most of these views were shared online, especially on social media. Overall, approximately 100 people were prosecuted under the country's Penal Code during a one year period due to their political activism (Prachatai, 2021). In Vietnam, social media users who engage in online activism fare no better. From January to mid-March 2020, at least 654 individuals were called upon to report to police stations nationwide due to their Facebook activities related to the COVID-19 pandemic (Amnesty International, 2020). Among this number, authorities have fined 146 people and forced the rest to delete their posts.

All of these incidents point to the regression of SDG 16.10.1, which looks at the number of verified cases of persecution against journalists, trade unionists and human rights advocates. Most of the countries under review saw such numbers soar during the COVID-19 pandemic as distinctions were hardly made between misinformation and valid criticisms of government mismanagement of the pandemic. The harsh measures taken against journalists, labour activists and human rights defenders for commenting on and sharing their opinions on COVID-19 has bred an environment of self-censorship in these countries.

These groups of individuals, as well as general social media users, are now increasingly fearful of airing dissent against their governments for fear of similar persecution. Access to information is also threatened by discriminatory arrests and punishments, as alternate sources of information are now highly controlled, or not even available to the public, since the sources of alternate information themselves face high risk of persecution.

4c. SDG 16.10.2 (Access to Information)

During the pandemic, across all ten countries, authorities were not comfortable to come forward with information on governments' responses to the COVID-19 crisis, including the real, latest figures on deaths or those who tested positive of the virus. For example, in Indonesia, President Joko Widodo openly admitted that his administration had "deliberately" withheld COVID-19 information to "prevent the public from panicking" (Pangestika, 2020). In other countries, accessing or publishing health-related information such as reported cases of COVID-19 patients or deaths could lead to criminalisation. In Thailand, arrests of people who commented on the government's lack of transparency continued unabated, despite the Ministry of Public Health officially admitting that the real number of COVID-19 cases and deaths were higher than the publicly reported figures. This in effect has led to the reduction of public access to information, which also contributed to heighten infodemic and confusion.

Figure 20: Impact of Infodemic

Information Control



Sources: Multiple government websites and news sites

In tandem with being left uninformed, whistleblowers increasingly face harsh penalties when trying to seek and share information that is withheld by the state, in order to expose human rights violations. Whistleblowers are left unprotected as access to information laws are typically vague. They are often subjected to penalise acts of accessing and exposing information, under the guise that such an intrusion threatens the 'public interest'. For example, in Malaysia, an employee of the factory 'Top Glove', the world's leading manufacturer of medical-grade latex gloves, leaked photographs of workers crowding in the facility with no social distancing measures. He was terminated from his job and termed a "whistleblower" for sharing "false information" (The Straits Times, 2020b). In the Philippines, businesswoman Nina Ellaine Dizon-Cabrera was wrongly accused of being part of a "vaccine slot sale scheme" after she had exposed the illegal scheme on her social media. She was thanked by the San Juan Local Government Unit for sharing the information with them, and the Philippines National Police stated that the charge against her would be dropped (Gime, 2021).

In both examples, it is evident that there are first, poor legal measures in place to protect the freedom of information access and circulation, and second, that the guarantees in place are vaguely-worded, proliferating the government's abuse in attacking critics and government-defined "whistleblowers". In Thailand, in July 2021, the Food and Drug Administration of Thailand filed a civil defamation lawsuit against Dr. Boon Vanasin, Head of Thonburi Healthcare Group. Dr. Vanasin questioned the lack of transparency over the government's procurement of COVID-19 vaccines and revealed the difference in pricing of a Moderna vaccine when it was imported, and the inflated price tag amount when it was sold to private hospitals (Bangkok Post, 2021b). In Vietnam, in October 2020, Nguyen Quang Khai was charged under Article 337 of the Penal Code for allegedly distributing/collecting state secrets over a Facebook post criticising the government. It is unclear how the information Khai shared was qualified a "state secret" (Radio Free Asia, 2020).

While the pandemic necessitates the collection of public health-related information as part of contact tracing measure, some governments in the region show signs of abusing the collected data for purposes other than public health, as there is no effective data protection law in place. These developments lead to infringement on privacy and promote state surveillance, defeating the purposes of the SDG 16.10.2. In Cambodia, the authorities disseminated highly personal data and information pertaining to patients who tested positive for COVID-19, including their "names, age, sex, workplace and home address" (OHCHR, 2020). This has been criticised as excessive and obtrusive; the authorities have since removed such identification. In Singapore, a contact-tracing application, TraceTogether, faced public rebuke when it was revealed that the collected data was used for criminal investigation, despite the earlier claim from the responsible ministers that it would be used for public health purposes only. This information was only revealed to the public after question time in Parliament that personal data collected from the app was used in a criminal investigation (BBC News, 2021b). In Thailand it was revealed in 2020, that data collected from tracing apps was transmitted to the Ministry of Defence.

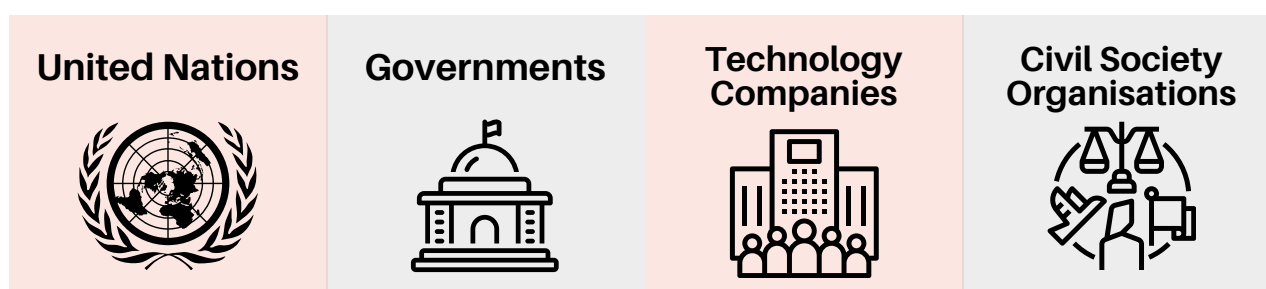
As shown by the discussion in the sections above, the COVID-19 pandemic has exerted a regressive effect upon SDG 9.c, 16.10.1 and 16.10.2. With regards to SDG 9.c, the pandemic exposed the digital gap between social stratas that produce a real world consequence not only, for example, stable, affordable access to distance learning or business meeting, but also the lack of access to accurate information such as registration for vaccination, which is a matter of life and death. Rather than addressing these underlying problems, government measures such as internet shutdowns, employed to disrupt information flows and airing of criticisms, go beyond the issue of a digital divide and further restrict internet access for all. With reference to SDG 16.10.1, the misuse of laws to combat the infodemic further regressed the fundamental freedoms of journalists, trade unionists and human rights advocates, proliferating the government's abuse of both legal and non-legal measures to curb dissent. Similarly, SDG 16.10.2 faced regression given lack of transparency on COVID-19 information, criminalisation of whistleblowers and abuse of the data collected for the management of the pandemic.

The laws invoked to curb an infodemic, through their misuse, have thus regressed both 9.c and SDG 16.10. The next section outlines recommendations that would enable the better realisation of SDGs targets, address challenges of the infodemic without infringing on internet freedoms.

5. Recommendations

This report has analysed the progress of SDG 9.c and SDG 16.10 across the ten countries, with a specific focus on how the misuse of laws to address the infodemic affected internet accessibility, fundamental freedoms and access to information online. Overall there has been a regression in the SDGs, negating much of the earlier progress made. This chapter, therefore, outlines how stakeholders, namely IOs, governments, technology companies and CSOs can rectify and better target the achievement of the SDGs, specifically SDG 9.c and SDG 16.10. These recommendations not only aim to deal with the problem of an infodemic, but also serve to promote and protect internet freedoms.

Figure 21: Recommendations



Sources: Multiple government websites and news sites

5a. International Organisations

With a global influence and platform in most regions, the UN is an important moral voice that must ensure civic space and rights are respected within the region. Given the enthusiastic endorsement of SDGs by all ten countries, it is imperative for the UN to assist countries in improving the utility of existing indicators. It must forge a common understanding when communicating the specific elements of the SDGs to regional governments. For example, the UN Secretary General can provide or suggest a recommended format to abide by that allows for the routine coverage of all SDG goals and their outcomes in each country, and a recommendation on the frequency of submitting VNRs. The UN affiliated CSOs in Southeast Asia should collaborate on enhancing the SDG indicators and mainstreaming them in routine coverage of all indicators in the VNRs.

With reference to SDG 9.c, more specific and micro-level indicators, such as free Wi-Fi spots per hectare and internet bandwidth in rural areas, can be incorporated into the assessment of SDG 9.c. This would provide a more comprehensive overview of each country's respective progress, even taking into account the urban-rural digital divide. Additionally, given the findings of this report, the HLPF in evaluating VNRs must provide clear guidance on the connection between SDG 9.c and SDG 16.10. It needs to strongly emphasise the interlocking relationship between these two, given how fundamental freedoms increasingly necessitate the promotion and protection of internet access and use. Otherwise, the use of internet shutdowns to curb information flows and sharing of dissent online, or other such measures, negate any infrastructure progress that has occurred.

With respect to SDG 16.10, relevant UN bodies, building on human rights treaty body general comments on freedom of expression, must further elaborate on the definition of 'fundamental freedoms', so as to incorporate the conceptual link between internet affordability, accessibility, and press and media, allowing for a comprehensive overview of a country's progression towards the SDGs to be evidenced by uncensored reporting.

Efforts should be made through ASEAN's WGSDGI to communicate the SDGs in a manner which would obligate signatory states to achieve their goals that align with the already-established SDG indicators. The WGSDGI should ensure that all member states track and provide data on SDGs, specifically SDG 16.10. Data pertaining to these SDGs must be duly analysed and reported, so that improvements can be facilitated on a regional scale.

5b. Governments

When addressing the infodemic, governments should not act as arbiter of truths and stifle different views and freedom of expression. Rather, they should guarantee public access to information and open up space for debate where scientific, evidence-based information could be discussed and synthesised. As governments are the main facilitators of the SDGs, they should better address and align themselves to the sustainable development goals. With respect to 9.c and 16.10, governments should integrate more representative indicators to address the SDGs. Specifically, within VNRs or other documents outlining the country's commitment to the SDGs, all goals, including 9.c and 16.10, should be clearly outlined and treated, without veering away from the established standards. Governments should provide ample support to national statistics bodies, so that they are able to report accurate figures and findings to the WGSDGI.

In terms of SDG 16.10, as it relates to fundamental freedoms, accountability mechanisms should be instituted to ensure the transparency of governments in executing their domestic legislation that could potentially affect public access to information and internet freedoms. Within the legal framework, governments should engage a fully independent third party to provide a clear definition and criteria of disinformation based on international standards, before legislating them into their respective jurisdictions. These definitions should not limit or discourage citizens from exercising the fundamental freedom of expression, and instead stimulate healthy and critical discourse.

Governments should also amend existing vaguely-worded legislation to ensure that digital rights are not infringed upon, and the right of access to information is protected at all times, especially during a pandemic. These amendments should include clear and independently derived definitions on disinformation, to ensure no disproportionate penalties are meted to those who voice dissent. Governments can also, in support of this recommendation, provide support to CSOs who actively aid in, and voice the need for fulfillment of the SDGs. These CSOs, and other IOs such as the UN, can be engaged to identify, adapt and subsequently implement best practices in protecting these goals.

Concurrently, whilst the infodemic must be addressed, clearer descriptions of infringements should be articulated through neutral justice systems, with clearer definitions of what constitutes false information. Across the ten countries, the harsh, disproportionate financial and imprisonment penalties imposed on those found guilty of spreading false information should be revised and reduced according to international human rights standards. Overall, these combined recommendations would ensure that the legislation and action addresses the stagnation of the SDG goals.

5c. Technology Companies

Technology companies are not passive agents, merely transmitting information. They are active agents conveying information germane to all facets of life while at the same time making a profit from such conveyance. As such, they have an important role as part of society and must proactively address the rights challenges facing society. Tech companies have a responsibility to respect fundamental human rights and the duty to respect all national laws where they are incorporated that aim at the protection of fundamental rights.

They must play a role in pushing governments to uphold their undertakings of the SDG process and more broadly under international human rights law. Crucially, these companies must more effectively outline and disseminate the digital rights that are protected, and cannot be compromised on, unless completely necessary in matters of security as outlined by international human rights standards. They must openly state and fully commit to the SDG 16.10 values of public access to information and freedom of expression, as well as the upholding freedom of opinion and expression. Article 19 of the International Covenant on Civil and Political Rights obliges states to protect FOE. Technology companies can draw upon General Comment No. 34 of the Human Rights Committee, which offers guidelines to states on what these freedoms entail, notably that: *"all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition"* (OHCHR, 2011a). Governmental requirements, therefore, on taking down content or the blocking of a site should only be complied with when they remain aligned with the protection of fundamental and digital rights, including the production and dissemination of information. These actions cannot be justified for the purpose of eliminating online criticisms of the regime.

On the issue of infodemic, companies must ensure that suspected acts of writing or disseminating false information are given fair and transparent investigation before banning, blocking or deleting accounts. Greater transparency and publicity with regard to decisions to take down information would serve the public interest in clarifying what is false or true information. New methods and technology in detecting and flagging disinformation on online platforms should also be prioritised. These forms of technology, though, should be independently used by the company, rather than by governments, to ensure no abuse of personal information. High standards of data protection, and complete independence from government bodies, must thus be ensured. In addition, apart from ensuring that users fully adhere to their community standards regarding misinformation, allocating more resources to the detection and combating of misinformation would also enhance the adherence and progression towards SDG 16.10.

Technology companies, in ensuring that users understand their digital rights, should actively promote digital literacy amongst users. This would also allow them to better understand what they can and cannot engage with online, as well as their rights to access information.

Technology companies, in pursuit of promoting and protecting the discussed SDGs, should abide by the UN Guiding Principles on Business and Human Rights. Section 2 on 'The Corporate Responsibility to Respect Human Rights' outlines the foundational and operational principles for businesses to promote human rights, as well as how they can prevent the infringement of rights in their actions (OHCHR, 2011b). Abiding by the principles and standards set in the UN Guiding Principles, will allow companies to prevent any deterioration of the abovementioned SDG goals, protect them, and remediate them in an effective manner.

5d. Civil Society Organisations

Civil society organisations (CSO) can help the government in combating the infodemic by being part of the fact-checking campaign, leverage on their quick ability to respond and their expertise on each particular area such as public health, democratic governance and human rights. They must also remind states that the SDG agreement of 2015, stipulates an inclusive process in which all stakeholders must be included, which in and of itself would contribute to achieving Goal 16.10. CSOs must contribute actively to designing uniform regional frameworks and models for their participation in the SDG national consultations. They must actively push for such participation. In doing so, they must generate constructive dialogue in engaging with national SDG review processes that are inclusive of civil society, higher education institutions, relevant technological companies, and the government. They must initiate educational meetings and seminars, subsequently generating a bottom-up reform process that ensures transparency and accountability from the government.

They must also develop and offer expertise that constructively shape national, regional and international dialogues on SDGs 9.c and 16.10. Specifically, with regard to the goals under review here, CSOs must contribute expertise aimed at enhancing the SDG indicators for goals 9 and 16, mainstreaming them at the national and regional levels. A partnership with the ASEAN Intergovernmental Commission on Human Rights and with National Human Rights Institutions on indicator reforms, enhancement and localisation is highly recommended.

Given the regression of SDGs in Southeast Asia identified in this report, it is urgent that CSOs vociferously urge the achievement of the SDGs by 2030, both as a moral imperative and as a practical way to incentivise donors to more proactively support CSOs in the region. After all, the preservation of civic space is critical to the protection of the two goals under review in this report.

By addressing these recommendations, progress can be made in arresting the regression and re-starting the progress towards achieving the SDGs 9.c and 16.10. In this way, the challenges of an infodemic can be addressed without compromising internet freedoms.

6. Conclusion

In order to combat COVID-19 and the subsequent infodemic that has arisen, governments across the region of Southeast Asia used existing and new legislation to respond to these challenges. However, in doing so, these very same governments also used these laws to silence their critics who pointed out their mismanagement of the pandemic. To evaluate the impact of their actions on internet freedoms in the region, this report turned to the SDGs, in particular the adherence and progress on goals 9.c (Access to the Internet) and 16.10 (Fundamental Freedoms and Access to Information).

This state of internet freedoms is evident, as across all ten case countries, the rate of regression of the SDGs, particularly SDG 9.c and 16.10, has been alarming. Limited progress has been achieved in SDG 9.c, though disproportionate across countries and the communities within, while SDG 16.10 has certainly regressed. In terms of reporting on the SDGs, instead of strictly following the SDG goal indicators, governments on occasion disregard certain goals entirely, or framed them vaguely. Poor or omitted reporting on a national and regional level further brings into question the adherence to the SDGs.

The pandemic has only served to worsen the regression of SDG 9.c and 16.10. With regards to SDG 9.c, the digital divide has become even more prominent within and amongst countries, with vulnerable populations at risk of disproportionately feeling the effects exerted by the pandemic, or even other crises, due to a lack of access to information. The implementation of internet shutdowns by governments worsens the situation by further disrupting flows of information and restricting the use of the online space to air critical opinions against the regime.

With reference to SDG 16.10.1, Southeast Asian governments have also made use of a variety of legislation, such as Penal Codes, security laws, telecommunications and cybersecurity laws and fake news laws, to subjectively define and then criminalise fake news and disinformation, relying on vaguely-worded laws to further suppress internet access, fundamental freedoms and access to information. In the name of combating the COVID-19 related infodemic, governments in the region have also implemented temporary laws and emergency decrees. However, these arsenal of laws have been used to censor criticism and dissent aimed at its mismanagement of the pandemic, with journalists, trade unionists and HRDs being disproportionately targeted. The purposeful withholding of information, criminalisation of whistleblowing and misuse of personal data collected during the pandemic negates any progress to access to information, compromising SDG 16.10.2.

The collective regression of SDGs 9.c and 16.10 jeopardises the larger project of being on track to reach the 2030 target of achieving progress on all 17 SDGs. Hence the report recommends that IOs, governments, technology companies and CSOs play their individual parts to forward these SDG goals, and ultimately promote and protect internet accessibility, fundamental freedoms, and access to information. It is only through a comprehensive and all-encompassing framework that the countries' commitment to the SDGs, and internet freedoms, can be strengthened. In this way, challenges of an infodemic, which become more prevalent during times of crises where factual information is of utmost importance, can be effectively managed.

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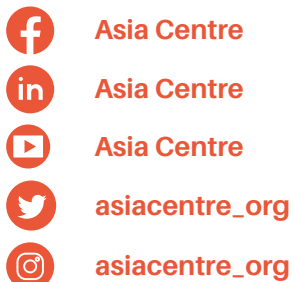
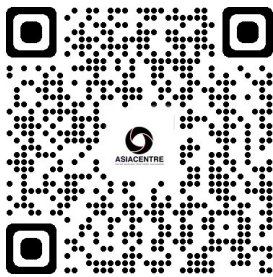
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Asia Centre (asiacentre.org) is a not-for-profit social enterprise and seeks to create human rights impact in the region. Asia Centre's work focuses on issues related to civil society, democracy, elections, freedom of expression, freedom of religion or belief and human rights. The Centre believes that knowledge toolkits built from evidence-based research on critical human rights issues are important for designing activities for stakeholder capacity strengthening and making informed policy interventions. With this aim, Asia Centre was established in Bangkok, Thailand in 2015 and a second branch was registered in 2018 in Johor Bahru, Malaysia. On 21 May 2021, the Centre was recommended by the Committee on Non-Governmental Organizations of the UN ECOSOC for a Special Consultative Status at the UN.

To date, the Centre has been undertaking evidence-based research on key human rights issues to assemble knowledge tools such as books, reports, baseline studies, policy briefs, commentaries, infographics, videos and training programmes. These knowledge tools are often developed at the request of civil society, INGOs and parliamentarians for evidence-based research on critical rights challenges. These knowledge tools are then used to design capacity building programmes for stakeholders so that they can affect positive policy changes.