



THREAT ANALYSIS AND PROTECTION MECHANISMS OF HUMAN RIGHTS DEFENDERS IN MALAYSIA, THAILAND, AND INDONESIA

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INTRODUCTION

Many countries in Southeast Asia are showing signs of declining human rights and shrinking civic space. There has been a significant increase in threats and security incidents targeting human rights defenders (HRDs) committed by state or non-state actors.

When it comes to security, whether it is digital security or physical security, it is increasingly evident that HRDs and CSOs, on the whole, do not have this capacity. They lack the understanding and ability to assess the risk that could jeopardize their risk at work and lives. Moreover, many HRDs are so engaged in their work to protect others that they give insufficient attention to their security.

This report is the outcome of extensive mapping and research involving 75 CSOs and HRDs from Malaysia, Thailand, and Indonesia in 2021 and 2022. This study was intended to gather relevant information on the security landscape in which civil society actors operate and its fundamental barriers, map out the threats, and analyze the risks CSOs and HRDs in the region.

The research found that while CSOs and HRDs from these three countries have different experiences and face different challenges, they all have something in common. Most of the CSOs and HRDs in the study depends heavily on digital technologies, which is not unusual given that all of us uses some form of digital devices in our everyday life. The use of digital technologies was further amplified with the COVID-19 pandemic.

However, there are some worrying signs that we should pay attention to. Most of the CSOs and HRDs are hampered by resource constraints. Furthermore, they are limited by skills and technical literacy. Existing inadequacies in knowledge and skill set have led to scenarios where civil societies cannot address surveillance, censorship, and other forms of government interference, rendering them exceptionally vulnerable to generic cyber threats.

Study similar to what we conducted is usually scarce. With this countries-level approach, we believe we will be able to make significant contributions to understanding the local needs and challenges faced by civil societies within each country and draw general conclusions with broader applicability.

CONTEXTUAL ANALYSIS



In 2018, the opposition Pakatan Harapan coalition unseated the ruling Barisan Nasional coalition in the general election. This is the first federal power transition between coalitions since Malaysia's independence in 1957.

There is much more freedom of expression under Pakatan Harapan rule. Pakatan Harapan was fully committed to promoting free and independent media, and in December 2019, the parliament scrapped the Anti-Fake News Act 2019.

Since Pakatan Harapan took over Putrajaya, Malaysia has jumped 22 places in the 2019 World Press Freedom Index and ranked 123 out of 180 countries, ahead of Indonesia at 124 and Thailand at 136. The Paris-based organization Reporters Without Borders (RSF) that compiled the index stated that press freedom received a breath of fresh air in Malaysia after Barisan Nasional lost the general election in 2018.¹

However, their Prime Minister Mahathir resigned in February 2020, leading to the Pakatan Harapan coalition's collapse. The King determined that the new Perikatan Nasional coalition commanded a parliamentary majority and appointed Muhyiddin Yassin as the new prime minister.

With the change to the Perikatan Nasional government, there was a sharp decline in freedom of expression as they showed a propensity to curb freedom of expression, especially freedom of the press.

Printed and broadcast media in Malaysia were overtly pro-government as many of these media companies were owned by the ruling coalition. On the other hand, online media were more independent, which explains why they often became the target of legal action and harassment. One reporter said a communications officer from the prime minister's office often convened journalists to align messaging and make the government look good.²

The government has the power to ban, restrict, or limit the circulation of publications and even suspend the license of news outlets or punish the owner of a website for allowing offensive racial, religious, or political content. One recent example was Malaysiakini, an independent news portal in Malaysia, which the government charged in June 2020 because of readers' comments posted to a June 9 Malaysiakini article. "The comments wrongfully alleged the judiciary committed wrongdoings, involved in corruption, does not uphold justice, and compromised its integrity," said the attorney general.³

The law in Malaysia prohibits sedition and public comment on sensitive issues, such as racial and religious matters or criticism of the King and the royal families. It is also a common practice for the government in Malaysia to monitor the internet and detain anyone sending or posting sensitive content deemed a threat to public security or order.

In March 2020, the police arrested at least three individuals for separate social media posts insulting the King.⁴ In November 2020, two student leaders of the University Malaya Association of New Youth (UMANY) were arrested by the police regarding a post on social media discussing the scope of the King's powers. The police also raided the home of Yap Wen Qing, the student group's president. The ex-president of UMAN, Wong Yan Ke, who happened to be present when the police performed the raid, was handcuffed and arrested for recording the police raid live on Facebook.⁵

1 "Better Media Freedom After GE14, Hard Work Remains to Improve Further: Analysts," theSundaily, accessed August 10, 2022

2 "Malaysia 2020 Human Rights Report," accessed August 11, 2022

3 "Malaysiakini Found Guilty, Fined, Over Readers' Comments," Al Jazeera, accessed August 11, 2022

4 "Malaysian Police Arrest Man for Insulting King, Investigate Three Others," Reuters, accessed August 11, 2022

5 "Malaysia: End Harassment of Student Activists," Article 19, accessed August 11, 2022

CONTEXTUAL ANALYSIS



In May 2020, the police probed Xavier Jayakumar⁶ over a video clip⁷ of his statement that the one-day parliamentary sitting in May was "worthless" and "rubbish," and it was "a charade being played by a bunch of traitors and pirates" to safeguard the government's interest. In July 2020, a retiree was fined for posting "insulting" comments about the then health minister on social media, even though the court noted that the criticism "was not overboard or malicious in nature."⁸

The Perikatan National government used the COVID-19 pandemic to further restrict freedom of expression and reported arrests for spreading discontent or allegedly spreading false information through the press and social media. In April 2020, the then Senior Minister Ismail Sabri instructed police and the Malaysian Communications and Multimedia Commission (MCMC) to take stern action on news portals that broadcast and publish confusing and inaccurate news.⁹

The situation in 2020 continued into 2021. Malaysia was put under a state of emergency from January 2021 to August 2021 without any parliamentary scrutiny. In February 2021, independent online news portal Malaysiakini was found guilty of contempt for user comments posted to an article the portal published in June 2020.¹⁰ Malaysiakini was fined RM500,000 (\$124,000). This is worrying as it resulted in self-censorship among the local print and online media and might set a precedent that websites or social media could be held responsible for reader comments posted in response to content.

In March 2021, the government enacted an emergency ordinance known as The Emergency (Essential Powers) (No. 2) Ordinance 2021¹¹ or simply the Fake News Ordinance, prohibiting the spread of COVID-19-related "fake news" with heavy fines, three years in prison, or both for violations.

The term "fake news" in the ordinance was not clearly defined. As a result, the opposition members of the parliament, media, lawyers, and civil society activists called the ordinance draconian and prone to abuse. Although parliament annulled the emergency ordinance in October 2021, the annulment will not affect any ongoing investigations. A total of 30 investigations were opened from March to October 2021. 12 were brought to court, no further actions were taken for 14 cases, and the remaining four are under investigation¹²

The power transfer occurred again in August 2021, when Prime Minister Muhyiddin Yassin resigned after losing majority support from members of the lower house of parliament. The Barisan Nasional coalition regained power after the King determined that Ismail Sabri commanded a parliamentary majority and appointed him prime minister. There are not a lot of activities going on in Malaysia since the political reconfiguration, where the new federal government has been particularly quiet and playing safe by functioning the way the previous administration did.

6 "Cops to Call Xavier Over Alleged Statement With Elements of Sedition," The Star, accessed August 11, 2022

7 Jayakumar, Xavier. "Parliament 18th May 2020." Facebook, uploaded by Xavier Jayakumar, May 18, 2020

8 "Retiree Fined RM2,000 for Posting Insulting Remarks Against Health Minister", Malaysiakini, accessed August 11, 2022

9 "Senior Minister Warns Action Against News Outfits over 'Inaccurate' Reports on Govt Remarks," Malay Mail, accessed August 11, 2022

10 "Malaysiakini Fined RM500k for Contempt," The Star, accessed August 29, 2022

11 "Emergency Ordinance grants Putrajaya sweeping powers against 'fake news'," Malaysiakini, accessed August 22, 2022

12 "Fake News Continues to be Controlled After Revocation of Emergency Ordinances — Annuar," theSundaily, accessed August 23, 2022

CONTEXTUAL ANALYSIS



THAILAND

Thailand's recent political history has been faced with prolonged turbulence and instability. Between 2005 and 2021, the country endured two military coups, six elections, seven prime ministers, four constitutions, and numerous violent social upheavals. Despite a general election held in March 2019, Thailand remains under a military-backed government, including retired army general and Prime Minister Prayuth Chan-ocha, who led the army in the 2014 coup. The current government has continued many of the repressive measures implemented by the heavy-handed approach to violate fundamental human rights and the rule of law. Its governance system has been identified as "electoral authoritarianism" or "hybrid authoritarianism."¹³

Individual human rights defenders (HRDs) and civil society organizations are often subjected to attacks and abuses by state and non-state actors, including authorities, business companies, pro-royalist groups, and other powerful entities and communities who believe their interests are threatened by their activism. These people are using a range of tactics and tools to silence critics. Women Human Rights Defenders (WHRDs) are also exposed to additional gender-based attacks and harassment beyond attacks other HRDs might experience. These include sexuality, reproductive rights, social hierarchies, age, and identity norms. According to the interviews, Women and LGBTQI+ activists in the pro-democracy movements have experienced threats and harassment from the authorities and even within their movement.

Following the 2019 national elections, restrictions on freedoms of expression remain, resulting in prominent HRDs reported being constantly harassed. Self-censorship concerning government and military officials is widespread, while authorities continue to exert pressure on the independent media and citizen journalists. The people exposing criticism related to the military and monarchy have faced surveillance, arbitrary arrest, detention, imprisonment, and torture.

At the beginning of 2020, after long-standing dissatisfaction with the repressive regime and political climate, student and young human rights defenders took the lead in organizing a series of protests across the country calling for new elections, the end of state-sponsored harassment of citizens, and constitutional amendments together with democratic reforms of the monarchy. This youth-led movement is the first time in modern Thai politics that the Thai monarchy had been discussed publicly in a critical way since doing so is a serious criminal offense under the strictest *lèse-majesté* provisions.

Rather than engaging with the protesters on their demands, Thai authorities seemed intent on preventing protests from public mobilization by using excessive force, including the use of chemical-laced water cannons and tear gas canisters. There has been a notable increase in threats, intimidation, and harassment online and offline against pro-democracy protesters, including many minors and children under 18. Numerous people have been imprisoned because they participated in peaceful gatherings and protests.

When the global pandemic arrived in Thailand, the government announced an Emergency Decree in March 2020, which included a ban on public gatherings as a part of the measures for the pandemic. However, many pro-democracy HRDs were charged with violating the Emergency Decree in relation to restricting public participation and criminalizing dissent.¹⁴ As of the time of writing; the cabinet approved the extension of the state of the emergency decree until the end of September 2022 with pending further extensions.¹⁵

13 Sripokangkul, S., Crumpton, C., & Draper, J. (2022). Restricting Democratic Choice in Thailand's 2019 Election: "Retrograde" and "Sophisticated" Authoritarianism. *TRANS: Trans-Regional and National Studies of Southeast Asia*, 1-17. doi:10.1017/trn.2022.3. Accessed March 5, 2022

14 "COVID-19 and Restrictions on Freedom of Expression under the Emergency Decree," Thai Lawyers For Human Rights, last modified September 7, 2021

15 "Emergency Decree Extended, but Vows Not to Infringe on Freedoms," *Thaiger*, last modified July 9, 2022

CONTEXTUAL ANALYSIS



According to the Thai Human Rights Lawyers, between July 2020 and February 2022, at least 1,787 individuals have been prosecuted for participating in political rallies and political expressions in 1,027 cases, including 274 minors who are under 18. Many HRDs have been charged multiple times, and several face decades of imprisonment.¹⁶

Social media and online space have been used for political participation and activism as the internet and social media penetration greatly expanded in Thailand. According to the Digital 2022 Report by We Are Social and Hootsuite, Thailand's internet penetration rate was 77.8 percent, and there were 54.50 million internet users. Their analysis indicates that internet users in Thailand increased by 108 thousand (+0.2 percent) between 2021 and 2022.

As of January 2022, there were about 56.85 million social media users in Thailand, while the most popular platforms were Facebook (50.05 million users), YouTube (42.80 million users), TikTok (35.80 million users), and Instagram (18.50 million users). The number of social media users in Thailand at the start of 2022 was equivalent to 81.2 percent of the total population, but it's important to note that social media users may not represent unique individuals.¹⁷

With 11.45 million Twitter users in Thailand, Twitter became a major platform for political activism in the March 2019 national elections as a space for mobilization among young people, particularly those between 18 and 24. Anti-government sentiments and political discontent have spread quickly on Twitter, with various protest hashtags and other creative tactics to spread their protest message, often using symbols, satire, and popular culture.

Telegram is another alternative messaging platform and is more widely used within Thai social movements, which echoes what is happening in the Hong Kong movement.¹⁸

However, Thai authorities were reported to have ordered internet service providers (ISPs) to block the Telegram messaging app, which has been used by anti-government protesters.¹⁹

The pandemic has also amplified digital threats and online harassment by forcing HRDs and civil society communities into a rapid digital transformation. Very few people are well prepared and equipped for digital safety and security skills. Although several social media platforms are available and serve as a powerful tool for digital activism in Thailand, these platforms can also be used against the HRDs.

The Thai military also perceives social media as integral to its broader information warfare strategy. They have also set up an "Army Cyber Centre" dedicated to monitoring social media posts deemed critical of the government and monarchy. Therefore, it is no surprise that many military-related official Facebook Pages were created in the wake of the latest coup.²⁰

In response to the pro-democracy protests during the global pandemic, digital spaces have become increasingly hostile to HRDs, particularly young and pro-democracy activists. In the 2021 Freedom on the Net report, Thailand continues to rank as "not free" for internet freedom, giving a score of just 36 out of 100.²¹

16 Thai Lawyers For Human Rights, "Human Rights Situation Report February 2022," Thai Lawyers For Human Rights, last modified March 14, 2022

17 "Digital 2022: Thailand — DataReportal – Global Digital Insights," DataReportal – Global Digital Insights, last modified February 15, 2022

18 Bangkok Post Public Company Limited, "Alternative Chat Apps Appeal to Protesters," <https://www.bangkokpost.com>, last modified October 20, 2020

19 "Thailand Protests: Authorities Move to Ban Telegram Messaging App," BBC News, last modified October 19, 2020
20 Stanford University, "Cheerleading Without Fans: A Low-Impact Domestic Information Operation by the Royal Thai Army (TAKEDOWN)," FSI | Cyber - Cyber Policy Center, last modified October 2020

21 Freedom House. "Thailand: Freedom on the Net 2021 Country Report." Freedom House. Last modified September 20, 2021

CONTEXTUAL ANALYSIS



The Clubhouse App is increasingly used for Thai netizens to engage in political and controversial discussions related to the monarchy, the government, and democracy, despite the risk of criminal charges and being monitored by authorities.²²

Like other authoritarian states, part of the Thai military's fear is to lack the power to control online space as they can do over physical space. On September 6, 2020, the Technology Crime Investigation Police Bureau or "Cyber Police Bureau" was established, with responsibilities to enforce the Computer Crime Act (CCA) and Cybersecurity Act and to investigate cybersecurity crime, giving more power to the police to crack down on dissenting voices.

On February 18, 2022, the Minister of Digital Economy and Society (DES) said during a House meeting that the government is studying the possibility of using the "Single Internet Gateway" to control the flow of illegal information better online. Prior, the national internet gateway idea was brought up in 2015 by the military-installed government and faced strong opposition from various groups to the implementation of the idea. Beyond its security agencies, the Thai government has encouraged pro-royalist networks of citizens to counter pro-democracy groups.

In Thailand, both online and offline, HRDs and the civic space in which they work are being targeted and attacked instead of supported and protected in line with the requirements of the HRDs Declaration. Whether attacked by state or non-state actors, these threats aim to end human rights activities and send others a message that they should refrain from defending human rights.

22 Tanakasempipat, Patpicha. "Clubhouse Emerges As Platform for Thai Dissidents, Government Issues Warning." Reuters. Last modified February 17, 2021

23 Bangkok Post Public Company Limited, "Govt Mulls Internet Gateway to Fight Crime," <https://www.bangkokpost.com>, last modified February 20, 2022

CONTEXTUAL ANALYSIS



Indonesia, the largest country in Southeast Asia, is showing signs of declining human rights, just like other neighboring countries in the region. Over the year, the Indonesian government has set policies that shrunk democratic space. The riots and conflicts in Papua, the lack of transparency relating to enacting the omnibus law, the problematic articles of the ITE Law, the Ministerial Regulations 5/2020, which allows the government to overly regulate the Internet, and the repression of freedom of expression show signs of democratic regression in Indonesia. Indonesia's longstanding commitment to promoting human rights is far from fully realized as Indonesia has continued to struggle to improve civil rights.

Digital space is always an important tool for civil society to drive change, and the covid-19 pandemic has supercharged its role in driving social change. Nevertheless, the digital space has also become a medium of repression against civil society.

The infamous ITE Law, which carries a maximum penalty of six years in prison, a substantial fine, or both, is often misused by authorities to silence and punish critics, leading to increased self-censorship by media, journalists, and activists. Criminalization using the ITE Law is at a record high of 84 cases in 2020.²⁴

The authorities have used the ITE law excessively to silence people who criticize the government in handling the pandemic or condemn the president or the government. In April 2020, the national police chief issued a circular instructing the police officers to carry out cyber patrol and monitor the circulation of opinion news online, especially on hoaxes regarding Covid-19, government policies in dealing with Covid-19, and insults against the president and the government.²⁵

In October 2020, the national police chief issued another circular.²⁶ This time, it instructs the police officers to conduct patrols on social

media as mass protests erupted nationwide in opposition to the newly passed omnibus law on economic reforms.

The government of Indonesia released revised implementing regulations (also known as the Join Decision Letter) for the controversial ITE Law to prevent multiple interpretations of the law in June 2021. Civil societies welcomed the move, but it is reported that government officials continued to use the law to threaten government critics.²⁷

The government officials also used direct pressure on internet service providers to degrade perceived opponents' online communication. Internet disruptions or difficulty accessing certain websites are closely affected by political situations and dynamics. During the Papuan protest in 2019, the government deployed more than 1000 additional soldiers and shut down internet services in the region to "restore security."²⁸

Digital attacks in Indonesia are also increasingly driven by politics. According to SAFEnet, an NGO that focuses on internet freedom, critical voices like journalists, activists, civil society organizations, and students are the most vulnerable group.

24 "Digital Rights Situation Report Indonesia 2020: Digital Repression Amid the Pandemic," SAFEnet, accessed September 5, 2022

25 "Police Issues Telegram to Thwart Cybercrimes During COVID-19 Pandemic," Antara News, accessed September 5, 2022

26 "Police Telegram Urges Control Over Protests Against Controversial Jobs Bill," The Jakarta Post, accessed September 5, 2022

27 "Planned Cyber Law Revisions Won't Fix Free Speech Issues, Rights Body Says," The Jakarta Post, accessed September 5, 2022

28 "Indonesia cuts off internet to Papua following protests," BBC, accessed September 5, 2022

CONTEXTUAL ANALYSIS



Pro-government hackers often used doxing, disruptions to online events and hacking of social media accounts to threaten and intimidate government critics. For example, unnamed actors attempted to dox Papuan activists and hacked into their Zoom discussions²⁹ to threaten the participants during the anti-racism against Papuans movement in June 2020.

Recently, the news of having a National DNS like the Great Firewall of China has become a hot topic again. This idea is not new in Indonesia and has been around since 2015.³⁰ However, this is the first time the Ministry of Communications and Information has discussed how they will implement the system at a technical level. Furthermore, The Indonesian Internet Domain Name Manager (PANDI) has already begun sourcing the necessary hardware.³¹ Nevertheless, there is no exact timeline on when and how the National DNS will be implemented.

By introducing such a strict liability model in Indonesia, the regulation would strike a blow to internet freedom in the country and arguably risk inspiring copycat legislation elsewhere in Southeast Asia. These overly restrictive laws and practices, to name a few, damage civic freedoms and seriously threaten democracy, human rights, and the rule of law.

29 "Speakers in '#PapuanLivesMatters' Discussion Hit by Spam Calls, Zoombombed in Live Event," The Jakarta Post, accessed September 5, 2022

30 "Kominfo Finalisasi DNS Nasional," Kementerian Komunikasi dan Informatika Republik Indonesia, accessed September 5, 2022

31 Pengelola Nama Domain Internet Indonesia, "Pengadaan Server DNS," accessed September 5, 2022



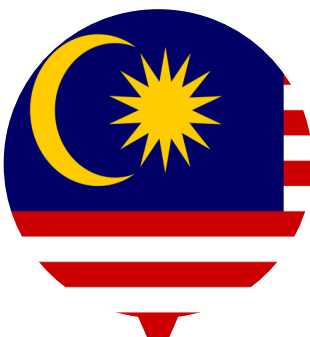
The methodology in these three countries might vary as the studies were conducted separately (Malaysia in 2021, Thailand and Indonesia in 2022). Some were done during the pandemic when travel was heavily restricted. The way we ran the studies is also being adapted to suit the unique situation in each respective country. Lastly, we bettered the way we conducted the study over time. Confusing questions or questions deemed non-value added were removed, and questions crucial to the study were added.

On a general note, using only qualitative or quantitative methods comes with limitations. For example, observation is a time-intensive approach, and interviews require a lot of time which usually constrains the overall research sample size. Ethical concerns constrain film and photography, and random surveys target certain people, which means others are denied the opportunity to tell their stories. Focus group discussions are helpful in cases where interviewees may be unable to sustain one-on-one conversation or are uncomfortable with the researcher alone but cannot be used to discuss very sensitive topics where participants need protection because respondents are adept at changing the subject away from overly private matters.

Both quantitative and qualitative research methods were used to get the overall picture of the human rights defenders. Firstly, we extensively researched the human rights landscape of how legal restrictions and mechanisms affect HRDs and CSOs in these three countries.

After examining the legal and policy challenges, the second part explores HRDs' working environments and key human rights themes.

Malaysia



Semi-structured video conferencing interviews were conducted with 18 carefully selected CSOs deemed best representing Malaysia's human rights environment and three individual HRDs from different parts of Malaysia. Questionnaires were sent to them via email before the interview.

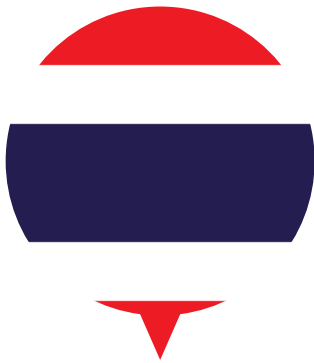
The interview took an average of 90 mins per session and comprised two sections. The first section was where interviewees answered the questionnaire given to them. The second section was where interviewees shared their experience regarding threats that they faced, any pattern of threats, the objective of the threat, who would possibly be the one making the threat, did the threat change the way they worked, and any key learning obtained from the incident.

There were two different sets of questionnaires, one for CSO and the other one for individual HRD. The CSO version had three sections: capacity mapping, digital security, and physical security, which comprised 36 questions. The individual questionnaire had the same structure and number of questions as the CSO's version but with certain questions tweaked to suit the nature of a human rights individual.

³² "Research methods in human rights work: Some basics you need to know," Betterplace Lab, accessed October 7, 2022



Thailand



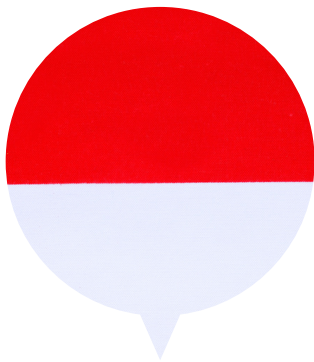
A total of 19 respondents attended the focus group discussions and interviews. Participants were chosen based on two factors:

- 1) individual HRDs who faced threats and risks after the 2014 coup and;
- 2) civil society organizations or security trainers who work closely with HRDs at risk.

All interviews and discussions were conducted in the Thai language via a secure online platform. Only people that we or our trusted networks are familiar with were invited to the focus group discussions. We did not disclose the nature of our discussion to the public and practised “privacy by default.” Participation is voluntary and no participant received any form of compensation in this study. Names of the participants will not be disclosed due to security concerns and to protect the confidentiality of the participants.

Semi-structured video conferencing interviews were conducted with 35 CSOs from different parts of Indonesia. Questionnaires were sent to them via email before the interview.

Indonesia



The interview took an average of 70 mins per session and comprised two sections. The first section was where interviewees answered the questionnaire given to them. The second section was where interviewees shared their experience regarding threats, any pattern of threats, the objective of the threat, who would possibly be the one making the threat, did the threat change the way they work, and any key learning from the incident.

Then, the data gathered was checked for missing data and outliers. Also, all interviews were transcribed, and a thematic analysis was conducted. This involved summarizing all transcribed interviews and coding the data. All data were closely examined, and a SWOT analysis was performed to understand the risks.

Finally, a summary of the findings from the study is created, together with drafting suitable recommendations and best practices for the CSOs and HRDs. The summary of the findings includes:

1. Digital literacy, reliance on digital media, and tools.
2. Types of threats and risks faced by HRDs.
3. The barriers, challenges, and gaps in HRDs protection.



OVERVIEW OF LEGAL RESTRICTIONS AND PROTECTION MECHANISM

INTERNATIONAL LEGAL STANDARDS IN THE LOCAL CONTEXT

Malaysia, Thailand, and Indonesia adopted several international human rights instruments, recognizing the special role of human rights defenders in promoting, protecting, and implementing international human rights.

Malaysia maintains reservations against treaty provisions that conflict with Islamic and national law. Malaysia has ratified three international human rights treaties, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. However, Malaysia practices the "doctrine of transformation." For a treaty to be operative in Malaysia, the Legislature must pass a domestic law to give legal effect to that treaty. Without this, the treaty has no domestic legal effect.³³

Thailand is a party to seven of the nine principal international treaties on human rights, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). However, Thailand has a dualist approach to incorporating treaties into domestic law. Treaties are only binding on Thai courts if they have been transformed into national law by, for example, an Act of Parliament.³⁴

Of the nine major human rights conventions, Indonesia has ratified six: ICERD, ICCPR, ICESCR, CEDAW, CAT, and CRC. However, Indonesian laws, including the Constitution, are silent on the status of international law within the Indonesian legal system. Laws covering treaties are silent on their incorporation into domestic law, focusing almost entirely on the processes of entering into and negotiating treaties.³⁵

Even though Malaysia, Thailand, and Indonesia have ratified several human rights treaties, problematic and ambiguous domestic legal provisions in these countries often do not correspond to principles of international standards and grant authorities' discretion to unduly limit and disproportionately sanction the peaceful exercise of these rights to "protect" national security, public order, and reputations.

Below are some of the main legal provisions that authorities in Malaysia, Thailand, and Indonesia have used to target critics of the government and the monarchy, including human rights defenders, civil society organizations, journalists, and pro-democracy protesters.

33 "Finding Malaysian Treaties," The University of Melbourne, accessed October 5, 2022

34 "Finding Thai Treaties," The University of Melbourne, accessed October 5, 2022

35 "Finding Treaties in English," The University of Melbourne, accessed October 5, 2022

DOMESTIC LAWS RESTRICTING FREEDOM OF EXPRESSION AND ASSEMBLY

The constitution of Malaysia, Thailand, and Indonesia provide freedom of expression and peaceful assembly. However, these freedoms are somehow restricted by laws and government actions in these countries. We will look at some of the main legal provisions that authorities in these countries used to limit the freedom of expression and peaceful assembly.

Malaysia

Freedom of speech and expression is guaranteed under Article 10 of the Federal Constitution of Malaysia. In practice, however, this right can be limited by the vague interpretations of laws that restrict expression in the interest of national security, safety, and public order.

Sedition Act 1948

The Sedition Act 1948 is one of the Malaysian government's favorite laws to silence political dissent and restrict freedom of expression online and offline.

Sections 3(1) and 4(1) of this colonial era Act can be used against any form of a statement that contains a seditious tendency - to bring hatred or to excite disaffection against any Ruler and Government; to promote feelings of ill will and hostility between different races or classes of the population of Malaysia; to question any matter, right, status, position, privilege, sovereignty.

Many had called for the repeal of the Sedition Act but to no avail. Defenders of the Sedition Act, primarily pro-establishment conservatives including former prime minister Tun Dr. Mahathir Mohamad, contend that its removal will open the floodgates of attacks against the Bumiputera, Islam, and the Malay rulers.³⁶

Printing, Presses and Publications Act (PPPA) 1984

The Printing, Presses and Publications Act (PPPA) 1984 controls all types of publications, whether printed in the country or imported from abroad.

The amendment of PPPA in 2012 expanded its scope and included "publications" (anything which by its form, shape, or any manner can suggest words or ideas) posted online and plugged loopholes. It gives sweeping power to the government to ban publications, opening the door to arbitrary and discriminatory applications.

Communication & Multimedia Act (CMA) 1998

Section 211 of the CMA bans content deemed "indecent, obscene, false, threatening, or offensive." while Section 233 same applies to the content shared over the internet.

Section 233 was introduced to curb the cyberbullying of internet users. However, this law is frequently used by the Malaysian government to curb "fake news" and repress political expression as it lacks a clear definition of words such as "offensive" and "annoy." Unlike the Sedition Act 1948, this law section can cover any comments made online interpreted as hurting someone's feelings.

To ensure compliance with Section 233 of the CMA, the Malaysian Communications and Multimedia Commission (MCMC) in the past have reported hashtags or posts deemed offensive to Twitter and Facebook, attempting to take down the content on social media. A recent example was when the MCMC attempted to remove Twitter posts critical of the government's alleged mishandling of the severe flood situation in Klang Valley last year.³⁷

Prevention of Crime Act (PoCA) 1959

The amendment of PoCA allows for detention without trial for two years. This order can be extended to another two years by the Board. A supervision order allows a registered person to be attached to an electronic monitoring device and imposes conditions such as restrictions on internet use or meeting with other registered persons.

³⁶ "Putrajaya doesn't need rulers' nods to end Sedition Act, lawyers say," Malay Mail, accessed September 29, 2022

³⁷ "CJ condeems MCMC's attempt to suppress online posts," New Straits Times, accessed September 30, 2022

Evidence Act 1950

The Evidence Act 1950 is the primary law governing evidence's admissibility in Malaysia.

Amendments to the Evidence Act hold intermediaries liable for seditious content posted anonymously on their networks or websites. This includes hosts of online forums, news outlets, blogging services, and businesses providing Wi-Fi services. The amendment also holds someone liable if their name is attributed to the content or if the computer it was sent from belongs to them, whether they were the author.

The most recent case is the Malaysiakini Case. The online news outlet was held liable as the presumed publisher of the offending comments according to section 114A of the Evidence Act 1950, even though third-party internet users made the comments.³⁸

Security Offences (Special Measures) Act (SOSMA) 2012

SOSMA is the new Internal Security Act 1960 (ISA) when the ISA was repealed in 2012 after widespread opposition from the people. SOSMA was created to thwart internal security issues, including public order, acts of terrorism, sabotage, and espionage.

SOSMA allows infinitely renewable detentions without trial. SOSMA authorizes phone-tapping and communications powers to the government and an electronic anklet to track the freed detainees of the Prevention of Terrorism Act (PoTA). Subsection 4(3) of the law stated that no person might be arrested and detained solely for political beliefs or activities. However, the truth shows otherwise, as SOSMA has been used to raid the offices of human rights defenders and arrest Human Rights Defenders. Maria Chin was detained in 2016 when she was the chairperson of Bersih for "undermining Parliamentary democracy."

Furthermore, the Home Minister said in a press conference that individuals issuing statements that could incite others to the point of causing public fear could be charged under SOSMA.³⁹

Official Secrets Act (OSA) 1972

Malaysia's Official Secrets Act is a broadly worded law. It allows the government to classify any document as secret and jail those who release such information for up to seven years. Public officers can declare any material an official secret: a certification that cannot be questioned in court. The Act allows for arrest and detention without a warrant and substantially reverses the burden of proof. It states that "until the contrary is proven," any activities proscribed under the Act will be presumed to have been undertaken "for a purpose prejudicial to the safety or interests of Malaysia."

The law has long been considered a tool to enable the government to keep its affairs opaque - or worse, to cover up its scandals. During the Barisan Nasional administration, they classified the auditor-general's report on the 1Malaysia Development Berhad (1MDB) scandal as secret and sentenced the opposition party (Parti Keadilan Rakyat) vice-president to jail for releasing part of the report.⁴⁰

Prevention of Terrorism Act (PoTA) 2015

PoTA enables the Malaysian authorities to detain terror suspects without trial for two years, without judicial reviews of detentions. Instead, detentions will be reviewed by a special Prevention of Terrorism Board. Suspected militants will be fitted with electronic monitoring devices (EMD or electronic anklets) upon their release from detention.

38 "The Malaysiakini Decision: Liability of Online Intermediary Platforms for Third-Party Content," Lexology, accessed October 3, 2022

39 "Home minister says Sosma can be used against those who cause public fear," MalaysiaNow, accessed October 3, 2022

40 "Official Secrets Act to stay, says Malaysian PM Mahathir," The Straits Times, accessed October 3, 2022

Role of National Human Rights Institution in Protecting HRDs

The Human Rights Commission of Malaysia, SUHAKAM, is Malaysia's national human rights institution.

SUHAKAM was re-accredited as an "A status" body by the Global Alliance of National Human Rights Institutions (GANHRI) in 2021,⁴¹ showing how credible SUHAKAM is as an independent organization that investigates complaints about the violation of human rights and the protection and promotion of these rights.

The "A status" is awarded to organizations that comply with the Paris Principles concerning the status and functioning of national institutions to protect and promote human rights.

However, SUHAKAM faced several challenges in recent years. First of all, they were left operating with no chairperson and commissioners for more than two months before the prime minister finally announced the appointment of new commissioners.⁴²

Secondly, the opaque and controversial appointments of the new commissioners raised many concerns among the civil societies, worrying that the appointment of these people might compromise the neutrality of SUHAKAM.

Rahmat Mohamad, who co-authored a paper that convinced the Conference of Rulers to reject the Rome Statute, was appointed as the Chairman of SUHAKAM. Furthermore, UMNO-linked lawyers Hasnal Reza Merican Habib Merican, and Nazira Abdul Rahim were selected as the commissioners of SUHAKAM.⁴³

Civil societies were also concerned about the appointment of Nordin Ibrahim, former Jakim director-general, as one of the commissioners. He had previously questioned SUHAKAM's third gender recognition research project.⁴⁴

41 "'A status' accreditation essential for Suhakam, says its chairman," The Star, accessed October 3, 2022,

42 "Suhakam in limbo with no new chairman, commissioners, say NGOs," The Star, accessed October 3, 2022

43 "'Controversial' appointments compromise Suhakam's neutrality, says Suaram," Free Malaysia Today, accessed October 3, 2022

44 "Deputy minister, Jakim take issue with Suhakam's 'third gender' study," MalaysiaKini, accessed October 3, 2022

DOMESTIC LAWS RESTRICTING FREEDOM OF EXPRESSION AND ASSEMBLY

Thailand

Several laws have been widely used to criminalize and intimidate human rights defenders including Articles 110 and 112 of the Criminal Code relating to lèse-majesté; Article 116 of the Criminal Code that relates to sedition; Article 14 of the Computer Crimes Act; Criminal defamation under sections 326 of the Criminal Code; and the Public Assembly Act.

The Public Assembly Act

The Public Assembly Act, enacted in 2015 under the NCPO, has been frequently used by Prayuth's regime to suppress political movements and peaceful public assemblies. Individuals who lawfully exercise their right to freedom of peaceful assembly have obligations under the Public Assembly Act. According to Article 10 of the statute, protest organizers must notify the police and provide information about the planned public assembly at least 24 hours ahead of time. Failure to submit the notification, according to Article 32, makes the gathering illegal, even if it is peaceful and so guaranteed by the constitution.⁴⁵

Prior to the enactment of the Emergency Decree in March, the Public Assembly Act was the principal law used to target nonviolent demonstrators in response to the growing pro-democracy movement in 2020. Despite the Public Assembly Act's express inapplicability during the period of implementation of the Emergency Decree, authorities continued to use it in combination with the Emergency Decree to press charges against demonstrators after the ban on public gatherings was lifted. At least 68 protest organizers were prosecuted under the Public Assembly Act between January and December 2020.

On September 9, 2020, authorities summoned a 17-year-old female high school student who gave a speech at a demonstration in Ratchaburi Province regarding the Thai education system. She was charged with violating the Emergency Decree, the Public Assembly Act, and illegally utilizing a loud amplifier in public. It was the first time since the student-led protest began that a high school student had been summoned.⁴⁶

Article 110 and 112 of the Criminal Code (Lèse-majesté)

Article 112 of the Thai penal code imposes punishments up to 15 years in prison for those who are found guilty of defaming, insulting, and threatening the royal family. Article 110 is another provision regarding lèse-majesté. It prohibits committing an act of violence towards the Queen with 16 years imprisonment. Moreover, if such an act of violence is likely to endanger the life of the Queen, Article 110 carries a death sentence. Articles 112 and 110 have been widely used to arrest human rights defenders during pro-democracy protests, especially the prominent protest leaders. There are a huge number of human rights defenders who are sued with Article 112 and 110. By January 22, 2021, at least 55 individuals had been charged under Article 112 in connection with their participation in peaceful pro-democracy protests.

Panusaya aka Rung, a 23-year-old Thammasat University student and pro-democracy activist, is one of the prominent protest leaders that got arrested. She is also an outspoken leader of the United Front of Thammasat and Demonstration (UFTD). On 10 August 2020, she took the stage to read a ten-point manifesto to call for reform of the monarchy at Thammasat University's Rangsit campus. As a result, she is currently facing at least nine lèse-majesté charges and could face up to 135 years in prison if found guilty in all the cases. She is among the BBC's 100 Women announced on 23 November 2020.

45 "Thailand: Women Pro-Democracy Activists Criminalized, Harassed, New Report Shows," International Federation for Human Rights, accessed February 4, 2022

46 "Thailand: Women Pro-Democracy Activists Criminalized, Harassed, New Report Shows."



SLAPP generally refers to a lawsuit brought by strong parties against non-government individuals or organizations who take a stand on a substantive issue of political or social importance.⁴⁷ Despite the fact that freedom of expression is a constitutionally recognized right in Thailand, human rights defenders' ability to exercise it has been severely constrained by restrictive legislation and the government's media control. The government agreed to review the effectiveness of anti-SLAPP elements put into articles of the Criminal Procedural Code in 2018 as part of its efforts to the National Action Plan on Business and Human Rights. These articles have been amended in order to avoid judicial harassment of human rights defenders. However, these beneficial amendments have not led to reduced SLAPPs being filed against human rights activists, who continue to be targeted by corporations and government organizations for exposing human rights crimes.⁴⁸



Article 116 of the Criminal Code (sedition) has been used extensively by the government to silence its critics and to target pro-democracy activists. Authorities used Article 116 and the Computer Crimes Act instead of Article 112 to prosecute anyone who criticized the monarchy both offline and online between mid-2017 and late 2020. Individuals convicted of conveying an "opinion or criticism in order: (a) to bring about a change in the laws or the government by coercion or violence, (b) to create confusion or disaffection among the people to the point of causing unrest in the kingdom, or (c) to have people violate the law" face prison terms of up to seven years under Article 116.

Authorities periodically filed sedition charges against individuals in connection with their involvement in peaceful demonstrations in 2020, as the pro-democracy movement expanded and escalated calls for monarchy reform. At least 64 demonstrators were charged with violating Article 116 between January and December 2020. Lots of them are protest leaders who spoke about the need for monarchy reform in speeches. Article 116, on the other hand, has been utilized to bring charges against pro-democracy activists who spoke out on other matters during protests. Past lèse-majesté convicts, such as Somyot pruksakasemsuk and Patiwat Saraiyaem, have been targeted with sedition accusations.⁴⁹

47 European Centre for Press and Media Freedom, "SLAPP: the background of Strategic Lawsuits Against Public Participation," European Centre for Press and Media Freedom, accessed April 1, 2022

48 Kalpalata Dutta, "Judicial harassment against labor rights activists: An analysis," Human Rights and Development Foundation, accessed March 11, 2022

49 Ibid

"NPO Bill" Restricting Freedom of Association of Organizations



The right to freedom of association allows for individuals to form or join formal or informal groups to take collective action, a critical element of the work of HRDs. In February 2021, the government approved in principle the Operations of Not-for-Profit Organizations Bill or "NPO bill" which presented a highly securitized approach to the non-profit sector. Under this bill, Thai civil society organizations (CSOs), including philanthropic and charitable entities will be required to seek prior approval from the minister of interior for activities supported with foreign funding. Violators could be subject to a severe fine, imprisonment, or dissolution of the organization altogether, including up to five years imprisonment and a fine of THB100,000 (\$3,225).

It would also give power to authorities to break into the organization's office or organizing space if it was suspected that things were not going according to what was declared with registration. On a systemic level, this is a poignant signifier of Thailand's shrinking civic space. The Draft Act also allows the authorities to enter civil society organizations' offices and make copies of their electronic communications traffic data without prior notice or a court warrant.⁵⁰

This Act, if passed with its currently excessively broad provisions, could be easily misused and abused to significantly restrict the rights to freedom of expression, association, peaceful assembly, and other human rights. Not only could it have a significant impact on a wide range of grassroots, national and international civil society groups in Thailand, but such an Act threatens Thailand's status as a hub for local and international not-for-profit organizations working on diverse issues of public interest in Southeast Asia.⁵¹ At this point, it is unclear whether there will be additional public consultation before it is reviewed by Thailand's Cabinet and Parliament.

Emergency Decree with the Stated Aim of Controlling the Pandemic



In an effort to limit the transmission of COVID-19, the Thai government announced the State of Emergency on March 25, 2020, in accordance with Article 5 of the 2005 Emergency Decree on Public Administration in the State of Emergency ("Emergency Decree"). The law, however, imposed substantial restrictions on the enjoyment of the right to freedom of expression and the right to peaceful assembly due to its wide and ambiguous provisions. Article 9 of the Emergency Decree forbids public assemblies and the spreading of "false" or fear-inducing online material. Violations of the Emergency Decree's measures are punishable by up to two years in prison or a fine of up to THB 40,000 (\$1,225) under Article 18. The State of Emergency has been extended several times. On August 1, 2020, the restriction on public meetings was repealed.

Following a dramatic rise in COVID-19 infections, Prime Minister Prayuth Chan-ocha released a series of measures under Article 9 of the Emergency Decree on December 25, 2020, including a restriction on gatherings or illegal assembly in congested areas, as well as any actions that would encourage disturbance. Notwithstanding Prime Minister Prayuth's claim on July 21, 2020, that the renewal of the Emergency Decree was unrelated to the escalating student-led public protests, the decree was regularly used to prosecute demonstrators. At least 67 people were charged under the Emergency Decree for participating in protests prior to the removal of the ban on public gatherings.⁵²

50 "Thailand: NGO Law Would Strike 'Severe Blow' to Human Rights." International Commission of Jurists. Last modified April 6, 2021

51 "Open Letter: Thailand Must Withdraw Draft Act on Not-for-profit Organizations," Amnesty International, last modified December 27, 2021

52 "Thailand: Women Pro-Democracy Activists Criminalized, Harassed, New Report Shows."

Authorities have frequently used the Computer Crimes Act (CCA) introduced in 2007 and revised in 2017 by the junta-appointed National Legislative Assembly (NLA) to target online critics of the government and the monarchy under Prime Minister Prayuth's administration. Offenses under Section 14 of the act are dishonesty or deception and distortion or false computer data into a computer system in a manner likely to cause damage to the general public; entering false computer data into a computer system in a manner that is likely to cause damage to the protection of national security, public safety, economic safety of the Kingdom of Thailand, infrastructures which are for public benefit; or to cause panic to the general public; entering into a computer system, any computer data which is an offence related to the national security of the Kingdom of Thailand or related to terrorism under the Criminal Code; entering any obscene data into a computer system which could be accessed by the general public.

The Computer Crimes Act was used to target some of the protest leaders during the 2020 protest movement. Just like Article 112 of the Criminal Code, Article 14(3) of the Computer Crimes Act has been used to prosecute those who criticise the monarchy on the Internet. The Computer Crimes Act was used to prosecute several of the protest leaders over online political expression during the protests. At least 42 people were charged with violations of the Computer Crimes Act between January and December 2020⁵³

There are two examples of cases concerning the use of section 14 of the Computer Crime Act to silent HRDs and journalists. The first case is the use of the act against media outlets. Voice TV, Prachatai, The Reporters, and The Standard, four media outlets that report on the protests, had their licences threatened with suspension on October 19, 2020. The following day, the Criminal Court ordered Voice TV to stop all online coverage of a democracy mass demonstrations in Bangkok on October 16, 2020, which allegedly infringed media restrictions set forth in the Emergency Decree on Public Administration in Emergency Situations and the Computer-Related Crime Act.

Another case is where Supriya Jaikaew, one of the leaders of the 2020 protest, a pro-democracy WHRD, and the administrator of

Chiang Rai's Free Youth student group, was prosecuted with lèse-majesté and the Computer Crime Act on February 25, 2021. She was detained before being granted bail after midnight. Her detention was the 60th lèse-majesté complaint filed against pro-democracy activists since late November 2020, according to Thai Lawyers for Human Rights. She joins a long list of student and adolescent activists, some as young as sixteen, who have been charged for peacefully exercising their right to free expression and assembly.⁵⁴

Repressive Legislation Restricting Freedom of the Press

There has been an increase in restricting freedom of press and speech since the recent pro-democracy movement in the country. The threat of a lèse-majesté charge carrying a possible fifteen-year jail sentence continues to be used as a weapon of mass deterrence against dissident journalists, bloggers, and media. The coverage or non-coverage of the massive pro-democracy demonstrations in 2020 confirmed the scale of self-censorship within the Thai media.⁵⁵

Another key concern is regarding the "Bill on media council" or the "Bill on the Promotion of Media Ethics and Professional Standards" or the "Bill on media council", which is now waiting for parliament to accept for deliberation. This law would create a national professional media council tasked with issuing codes of conduct to journalists and media outlets. In other words, Thai media outlets will be required to register and be subjected to the monitoring of their activities by the authorities. Media organizations that are not registered with the council may face investigation by the authorities. Once implemented, many still have concerns over it becoming another tool for media controls and censorship. The bill includes a vague definition of media that can be interpreted to include social media pages and anyone routinely publishing for the public.

53 "Thailand: Women Pro-Democracy Activists Criminalized, Harassed, New Report Shows," International Federation for Human Rights, accessed February 4, 2022

54 Front Line Defenders, "UPR 39 - Thailand - Front Line Defenders," Front Line Defenders, last modified March 25, 2021

55 Reporters Without Borders (RSF), "Thailand: Gen. Prayuth and Monarchy in Ever Greater Control | Reporters Without Borders," RSF, accessed April 11, 2022

DOMESTIC LAWS RESTRICTING FREEDOM OF EXPRESSION AND ASSEMBLY

Indonesia

The constitution provides freedom of expression, including for the press and other media members. The law, however, places various restrictions on this freedom, including criminal penalties for defamation, obscenity, blasphemy, hate speech, and spreading false information. The constitution and law also freedom of peaceful assembly and association. Nevertheless, the government sometimes restricts these freedoms, especially in Papua.

Electronic Information and Transactions (ITE) Law

The ITE Law is widely used to regulate online speech and carries a maximum six-year prison sentence. NGOs reported the authorities often used this law to silence and prosecute critics of the government.

The ITE Law was passed in 2008 to fill legal gaps around issues such as electronic transactions under Indonesian law, as information technology was developing rapidly during that time. However, the law also includes problematic articles, such as articles 27, 28, and 29, to name a few, that criminalize defamation, immorality, and hate speech.⁵⁶

This law has long been criticized as it contains problematic articles that are subjective and have multiple interpretations. The law is also a major threat to press freedom in Indonesia as journalists increasingly face ITE Law charges, where journalists are usually charged with the controversial defamation and hate speech provisions.

President Jokowi requested the house of representatives to look into and revise this law in February 2021.⁵⁷ Later that year, the government of Indonesia released guidelines⁵⁸ (also known as the Joint Decision Letter) on the interpretation and implementation of the controversial ITE Law to prevent multiple interpretations. However, the problematic articles are not removed, and hence, the fundamental problems still exist. It is reported that government officials continued to use the law to threaten government critics.

Articles 14-15 of Law no. 1/1946

Article 14 and 15 of Law No.1/1946 refers to "broadcasting a hoax resulting in a riot" and "broadcasting uncertain information resulting in a riot." It is widely used to silence netizens other than the ITE Law. In recent years, people have been charged under this law for misinformation and disinformation, but also used to silence and punish government critics, their perceived opponents, and people that touch on sensitive topics such as pro-independence topics.

Law no. 11/2020 on Job Creation (The Omnibus Law)

The controversial Omnibus Law passed in 2020 is intended to increase employment, attract foreign investment, remove the red tape (pro-business), and make Indonesia the largest economy in Southeast Asia.

However, it receives massive backlash from civil society groups and human rights defenders, leading to waves of demonstrations and criticism online on social media platforms.⁵⁹ The law is said to erode the rights of workers and indigenous people, reduce their incomes, increase the use of outsourcing, and weaken environmental protection.⁶⁰

⁵⁶ "Attempts to Revise Draconian ITE Law Stumble," The University of Melbourne, accessed September 7, 2022

⁵⁷ "President Jokowi: ITE Law Must Fulfill Public Sense of Justice," Cabined Secretariat of The Republic of Indonesia, accessed September 7, 2022

⁵⁸ "Government Issues Guidelines for ITE Law, What Are the Impacts?," D-insights, accessed September 7, 2022

⁵⁹ "Protests Spread Across Indonesia Over Jobs Law," The New York Times, accessed September 7, 2022

⁶⁰ "Indonesia: New Law Hurts Workers, Indigenous Groups," Human Rights Watch, accessed September 7, 2022

Articles 106 and 110 of the Criminal Code

The constitution and law in Indonesia provide for the freedom of peaceful assembly. However, the government sometimes restricts this freedom.

Article 106 (treason) and Article 110 (conspiracy to commit treason) under the Criminal Code is often used to arrest, prosecute and imprison peaceful political activists and limit the freedom of assembly, especially in Papua and Maluku, where there is a history of pro-independence movements.

Hundreds of convictions have been documented by Amnesty in recent years under these articles, where people are being charged for attending, organizing, or participating in peaceful political protests or other activities, or possessing, raising, or waving the prohibited pro-independence flags of Papua and Maluku.⁶¹

Although there are petitions for judicial review of these articles, there is no sign that they will be removed as the court reaffirmed the constitutionality of these articles and claimed they are crucial for national security and stability.⁶²

Ministerial Regulation no. 5/2020

On November 2020, the Ministry of Communication and Information Technology of Indonesia issued Regulation of the Minister of Communication and Informatics Number 5 of 2020 (Ministerial Regulation no.5/2020) on Private Electronic System Operators.

Ministerial Regulation no.5/2020 governs the functioning of private electronic systems operators (ESOs) doing business in Indonesia, including social media platforms, search engines, e-commerce platforms, games, and communications services. Ministerial Regulation no.5/2020 will affect Indonesian services and platforms as well as multinational companies such as Facebook, Twitter, Instagram, Google, Shopee, Steam, WhatsApp, and others.⁶³

All private ESOs doing business in Indonesia will have to register themselves in Indonesia, and failure to acquire a license from the ministry will result in a complete block of services. Yahoo, PayPal, and several gaming platforms were blocked at the end of July this year when they failed to register within the given timeline.⁶⁴ They are now unblocked at the time of writing upon registering themselves with the government.

To obtain such a permit, ESOs must consent to several terms and conditions. Firstly, as in article 13, ESOs must not facilitate the spread of prohibited documents and information classified as content that violates Indonesian law, promotes social anxiety, disrupts public order, or informs methods or provides access to restricted electronic information or documents. This also involves blocking specific content as per the order of the ministry.

Article 9 defines what the prohibited documents and information are. The ministry can freely define what constitutes "public unrest" or "the disruption of public order" and order operators to remove anything they deem illegal. Failure to comply will result in warnings, fines, and a complete block of services.

By consenting to Ministerial Regulation no.5/2020, private ESOs also agree to provide law enforcement access to their systems and user information for surveillance and criminal investigation purposes. This enables the authorities to track down and find further details to criminalize a person.

Furthermore, the regulation holds ESOs with legal liability if they fail to monitor prohibited content, directly encouraging self-censorship by the operators. Implementing Ministerial Regulation no.5/2020 will dramatically change Indonesia's digital landscape and further threaten the already deteriorating internet freedom in Indonesia.

61 "Constitutional Court's Ruling Could Lead to More Repression of Peaceful Protesters," Amnesty International, accessed September 7, 2022

62 Ibid

63 "The Authoritarian Threat of Indonesia's Latest Internet Bill," The Interpreter, accessed September 7, 2022

64 "Indonesia Blocks Yahoo, Paypal, Gaming Websites Over Licence Breaches," Reuters, accessed September 7, 2022

The draft of the new Criminal Code was made public back in 2019. This draft's objectives are to update the current aging Criminal Code, which dates back to as far as 1918, during the Dutch colonial period.

The release of this draft sparked major demonstrations across the country, some of which turned violent. Twenty-two Asian and global civil society organizations have expressed concerns that proposed amendments to the Indonesian Criminal Code will negatively impact civic space and fundamental freedoms.⁶⁵

The current draft contains articles that will violate women's rights, religious minorities, and LGBT people, as well as freedom of expression, assembly, and association.

Some examples of controversial articles in the draft Criminal Code, to name a few, are Articles 218 and 219 (defamation and insults against the president and vice president); Articles 240 and 241 (defamation and insults against the government); Articles 353 and 354 (defamation and insults against public authorities and state institutions); Articles 263 and 264 (broadcasting or disseminating false news or notification); and Article 273 (organize peaceful protests without notification). Committing such offenses will result in fines, imprisonment, or both.^{66 67}



Photo source: [protectioninternational.org](https://www.protectioninternational.org) | "2020: A dark page in the history of human rights in Indonesia"

There are three national human rights institutions in Indonesia: The National Commission on Human Rights (Komnas HAM), The National Commission on Violence Against Women (Komnas Perempuan), and The Children Protection Commission (CPNC).

Over the years, these institutions have managed to provide some support to human rights defenders. However, they are often constrained by the political environment and may not be independent enough to escape the influence of the government. For example, Komnas HAM recently justified an LGBT restrictive law in West Sumatra, citing the need to take cultural rights into consideration.⁶⁸

The background of the commissioners also plays a vital role in determining how a national human rights institution can support human rights defenders and the area of focus of the institution. Ex-commissioner of Komnas HAM, Siti Noor Laila, has said before that "Among commissioners, there are differences of opinion on some things, like the issues of capital punishment, the marriage of different religions, and LGBT."⁶⁹

In addition to all the factors mentioned, the national human rights institutions' measures are not always actionable even if they are vested with investigatory powers, as charges against rights violators are extremely rare.

65 "Indonesian Criminal Code Changes 'Put Key Freedoms at Risk'," UCA News, accessed September 7, 2022

66 Ibid

67 "Jokowi's Criminal Code: Draft Legislation Threatens Press Freedom in Indonesia," International Federation of Journalists, accessed September 7, 2022

68 "Komnas HAM: Pemprov Sumbar Larang LGBT Tak Langgar HAM," Komnas Ham Republik Indonesia, accessed September 7, 2022

69 University of York, "National Human Rights Institutions and the Protection of Human Rights Defenders: Insights from Indonesia and Thailand," accessed September 7, 2022

OVERVIEW OF HUMAN RIGHTS DEFENDERS

HUMAN RIGHTS DEFENDERS' WORKING ENVIRONMENTS

Countries in Southeast Asia are showing signs of declining human rights. They are failing in their obligations to respect and protect the right to defend human rights, including by failing to implement effective protection mechanisms for Human Rights Defenders (HRDs) at risk or punishing those responsible for attacking them.

Malaysia

HRDs in Malaysia are allowed to freely exercise their rights within the law in contributing to the promotion and protection of human rights in the country, as their fundamental liberties are fully guaranteed by the Federation Constitution of Malaysia as enshrined in Articles 5 to Article 13.⁷⁰ However, criminal investigations were always initiated against HRDs who have criticized the Malaysian government.

Press freedoms had begun to improve after the 2018 general election, when the United Malays National Organisation (UMNO), which had run Malaysia for 61 years, was replaced with a reformist coalition. However, the collapse of the reformist government was replaced by the new ruling coalition (Perikatan Nasional) in 2020 and the Barisan Nasional in 2021. They started to clamp down on press freedoms,⁷¹ and everything was back to square one. The most recent example is the conviction of online media outlet Malaysiakini on contempt of court charges over comments posted by readers. In addition, The Emergency Ordinance 2021, supposedly to combat fake news relating to COVID-19 or the emergency proclamation, gives it sweeping powers with grave implications for press freedom.⁷² It erodes democratic freedoms, digital rights and risks promoting a climate of fear and self-censorship among Malaysian media and website managers.

Digital Rights and Internet Freedom

The government restricted access to the internet to combat dissenting political views online. The government blocked websites and monitored the internet for content deemed a public security or order threat.

The government also warned internet users to avoid sensitive matters such as topics related to religion, royalty, and race and aggressively pursued charges against those criticizing its political leaders. For example, a former deputy minister was questioned by the police for a post she posted on Twitter, questioning her successor's prospects for the national roadmap to fight child marriage.⁷³

The law also requires a license for internet service providers to operate in Malaysia.

Besides that, the law permits the owner of a website to be punished for allowing offensive and sensitive religious, racial, and political content. All these led to further self-censorship among the media and even the rights defenders.

⁷⁰ "Response by the Government of Malaysia to the Questionnaire on the Situation of Human Rights Defenders," OHCHR, accessed March 16, 2021

⁷¹ "Malaysian news site fined \$123,000 over reader comments amid press freedom fears," The Guardian, accessed March 9, 2021

⁷² "Emergency Ordinance grants Putrajaya sweeping powers against 'fake news,'" Malaysiakini, accessed March 9, 2021

⁷³ "Hannah Yeoh to be questioned by cops next week over tweet," The Star, accessed October 4, 2022



Malaysia's press freedom has been under threat since the Perikatan Nasional coalition took over as the government. They showed a propensity to curb freedom of expression and assembly and did not hesitate to utilize repressive laws such as the Communications and Multimedia Act 1998 and the Sedition Act 1948 to curb public criticism. The current Barisan Nasional government is functioning the way the previous administration did.

Other than the Malaysiakini case mentioned in this report, in 2020, the police raided Al-Jazeera's Kuala Lumpur offices. Their computers were seized in response to a documentary on the government's mistreatment of undocumented migrants during the Covid-19 lockdown.⁷⁴

The government also has the power to censor media. The law requires a permit to own a printing press. Hence, printers are often reluctant to print publications against the government because they fear losing their license.

Government restrictions on radio and television stations mirrored those on print media. The enactment of the now repealed Fake News Ordinance in March 2021 has resulted in self-censorship among the media.

In July 2021, the police raided the Freedom Film Network (FFN) office and the house of cartoonist Amin Landak in connection with the production and online screening of his animation about the lack of police accountability, "Chili Powder and Thinner."⁷⁵ They and other rights defenders were summoned to the police station for further questioning under the Communications and Multimedia Act 1998.



The constitution and law in Malaysia provide freedom of peaceful assembly and association, with restrictions deemed necessary in the interest of security, public order, or morality.

Police often ban or place time, location, and other restrictions on the right to assemble, even though the law does not require groups to obtain a permit for assemblies. The police also often confronted civil societies and opposition assemblies with mass arrests.

In July 2021, even human rights observers were subjected to police harassment when two SUHAKAM commissioners and a Bar Council representative were called in for investigation⁷⁶ by the police for attending the #Lawan protest. In the #Lawan protest, protesters demanded the resignation of then Prime Minister Muhyiddin Yassin, a full Parliament sitting, and a moratorium on the repayment of all loans.

Civil society organizations had a hard time obtaining government recognition as NGOs. As a result, many of these organizations registered themselves as companies, which created obstacles to raising money to support their activities. Some NGOs also mentioned that the government monitored their activities and intimidated them.



Photo by Sadiq Asyraf on thevibes.com

74 "Malaysia police raid Al Jazeera's office, seize computers," AP News, accessed October 4, 2022

75 "Cops raid FFN office, cartoonist's home in probe on police brutality animation," MalaysiaKini, accessed October 4, 2022

76 "Suhakam disappointed commissioners called by cops over #Lawan protest," MalaysiaKini, accessed October 4, 2022

The constitution prohibits gender discrimination and gives equal rights to men and women. However, some principles vary in Sharia, where Men are favored.

LGBT rights continued to come under attack. All same-sex conduct is considered illegal in Malaysia. LGBTIQ+ persons reported that they faced discrimination in employment, housing, and access to government services. State religious authorities sometimes force this group of people to participate in "programs" to "cure" them.

Furthermore, authorities often charged transgender persons with "indecent behavior" and "importuning for immoral purposes" in public. A survey in 2018 also showed that more than half of transgender women experienced some form of physical or emotional abuse.

There were proposals to impose heavier punishments against LGBTIQ+ offenses under Sharia and to punish social media postings that promote LGBT lifestyles. SUHAKAM has urged the government to reconsider its decision as punishment is not always the solution.⁷⁷

Thailand

As elaborated in the context analysis, the decline in democracy and increasing authoritarianism of the Thai government have significantly impacted the work of individual HRDs and CSOs. Compared to the civilian governments, the current government led by Prime Minister Prayuth Chan-ocha has seen the highest use of repressive measures in various forms against human rights defenders and dissidents. Before the 2014 military coup, the actors involved in abusing human rights defenders, especially the community based HRDs were mostly those from the private sector/business actors. However, since 2014, the state has become a more prominent actor targeting human rights defenders through judicial harassment and surveillance. This is the result of the shrinking civic space in Thailand.

Although it is the state's obligation to protect human rights defenders, it still lacks a common understanding of protection mechanisms and even a clear definition of the term "human rights defenders". This has been constant throughout various governments, be it the civil or military government as the state bureaucracy for this obligation remains the same. This research focused on affected human rights defenders and civil society groups below who were interviewed and participated in the focus group discussions.

Despite the international women and LGBTIQ+ friendly image, Thai activists expressed that the country is still far from granting equal rights and they continue their fight against social and structural barriers to equality. During the growing pro-democracy movement, many women's, and LGBTQ rights groups such as the Feminist's Liberation Front Thailand were formed, which "ignited a national discussion" about women's bodily autonomy and sexual and reproductive rights. The group also provides support for those who faced gender-based discrimination and harassment because of their activism and mobilization. LGBTQ rights groups have been at the forefront of pro-democracy protests. However,

they have been at particular risk, facing additional abuse over their gender, sexual identity, and age, which includes online "witch-hunting" and verbal and physical attacks.⁷⁸

While there has been some progress in recent years with the Cabinet approving a bill that would recognize same-sex unions in July 2020, there has been no progress on the issue since then. LGBTIQ+ defenders continue to be ostracized and are often the target of gendered attacks.

⁷⁷ "Focus on inclusion, not alienation, in dealing with LGBT, Putrajaya told," Free Malaysia Today, accessed October 4, 2022
⁷⁸ "<https://asiacentre.org/wp-content/uploads/Human-Rights-Defenders-and-Fundamental-Freedoms-in-Thailand.pdf>," Asiacentre.org – Research Institute, last modified March 21, 2021



The Thai government targets media freedom and the capacity of reporters to publish without fear of prosecution. Under the Broadcasting and Television Business Act, for example, the National Broadcasting and Telecommunications Commission (NBTC) can suspend or revoke the licenses of radio or television operators who broadcast information that is false, defamatory of the monarchy, harmful to national security, or critical of the government. The government's tight control over traditional and independent media, news organizations and journalists are increasingly turning to online venues, leading to an extension of the government's internet crackdown.

Under the Emergency Decree during the pandemic, an order was issued in October 2020 to suppress four media outlets including VoiceTV, The Standard, Prachatai, and The Reporters. As a result, Voice TV has been compelled to shut down for breaking the Computer Crime Act and the Emergency Decree by reporting pro-democracy protests. Later, the order was lifted.⁷⁹

On 16 October 2020, police arrested Kitti Pantapak, a 24-year-old journalist from Prachatai (an independent media outlet) as he recorded live coverage of the police crackdown on protesters in Bangkok. He was broadcasting live on Facebook to report what was happening at the protest on the ground. His footage showed that he was asking a police officer about where he would be able to stay and cover the news. Police then approached him and grabbed his camera.⁸⁰

Later in March 2021, a senior Prachatai reporter was shot in the back by a rubber bullet while live-streaming the crackdown at the protest even though he was wearing a media armband provided by the Thai Journalists Association (TJA).⁸¹



Land and environmental rights defenders in Thailand are struggling to have their voices heard for decades, particularly after the 2014 coup. Land rights, indigenous and community defenders are often subjected by state officials, companies, and unidentified perpetrators from a range of judicial harassment to violent attacks, and even killings.⁸² Women human rights defenders from rural areas have also been at the forefront of advocacy for land use, the environment, and natural resources. Authorities are continuing to fail to provide redress for grave violations against defenders, and there have been delays to specialist bodies conducting investigations and keeping families informed of progress into investigations. For example, the Public Prosecutor dismissed all but one charge against officials who detained Porlajee 'Billy' Rakchongcharoen, a Karen environmental and community rights defender, who disappeared in April 2014, and was found in an oil drum submerged.

On 25 September 2020, environmental rights defenders of the Khao Lao Yai-Pha Jun Dai forest conservation group were able to successfully reclaim land from a mining project in the Nongbua Lamphu Province. The project had long been impacting the health and environment of the community. This struggle against the mining project, which has lasted over two decades has come with numerous death threats and killings of members of the group. Since August 2020 one of the group's advisors, Lertsak Kumkongsak, has received several death threats due to his work in supporting the community.

⁷⁹ Ibid

⁸⁰ "Prachatai Reporter Arrested While Covering Police Crackdown," Prachatai English, last modified October 16, 2020

⁸¹ "Protest Turns Bloody As Police Indiscriminately Fire Rubber Bullets," Prachatai English, last modified March 21, 2021

⁸² Front Line Defenders, "UPR 39 - Thailand - Front Line Defenders," Front Line Defenders, last modified March 25, 2021

Digital Rights and Internet Freedom Movement

Since the 2014 coup, the authoritarian government has tightened its grip on the internet, ramping up attempts to online dissent. To defend digital rights and internet freedom, new activists emerged to mobilize with a wave of new campaigns and tactics against the government. After the military government proposed the initiative of the Single Gateway in May 2015, Civic groups including the Thai Netizen Network and the Internet Foundation for the Development of Thailand started an anti-Single Internet Gateway campaign and created an online petition at Change.org with more than 150,000 signatures. Amid these diverse concerns, this could spark the public conversation on how the curbing of internet freedom would affect everyday life and how⁸³ citizens should resist the measure in Thailand.

Even with the increasing repressive internet controls in Thailand since then, there are a few civil society actors and organizations that actively work on digital rights and internet freedom at the national level. Under these circumstances, compared with other countries in Southeast Asia, Thai digital rights spaces are smaller with extremely few people with digital rights and digital security skills to support and strategize with HRDs to mitigate these risks.

Labor Rights Groups

Thailand's military government's attempt to silence labor rights activists shows a deteriorating state of labor rights in Thailand. Private companies in Thailand emulated the authorities and aggressively use the criminal defamation laws against workers and human rights defenders seeking to raise awareness of labor violations and other abuses in the private sector. A massive increase in labor rights violations was reported across the country during the Covid-19 pandemic. Many employers used the pandemic as an excuse to lay off workers without severance pay, payment in lieu of advance notice, and other types of compensation. The movements of the workers were discriminately restricted because of the Emergency Decree. Construction camps were also closed by the police and army, causing workers to become homeless.

Youth Defenders during the Pro-democracy Protests

Young HRDs including minors are a significant force that has emerged as the pro-democracy protests swept across the country. The emerging high school student movement called "Bad Students" has taken the lead in calling for deep reform of the country's outdated educational system and rules, including gender-biased school uniforms and haircuts.

During the 2020/2021 pro-democracy movement, these young HRDs have been harassed and criminalized for their role in advocating for the dissolution of parliament, the end of persecution of government critics, and the drafting of a new constitution in their capacity as organizers and leaders of pro-democracy demonstrations. They engaged in peaceful protests and have faced detention under emergency laws and criminal proceedings under Articles 112 and 116 (sedition) and provisions under the Emergency Decree.

The momentum of these protests stalled with the onset of the COVID-19 pandemic and the restrictions on gatherings. As a result, the movement gathered pace online as people moved to social media to express their concerns and advocate for political change. Due to their activism, they face specific risks and harm and tend to be at the bottom of many hierarchies, facing age-based discrimination intersecting with other forms of oppression.

83 Janjira Sombatpoonsiri, "Growing Cyber Activism in Thailand," Carnegie Endowment for International Peace, last modified August 14, 2017

Indonesia

President Joko Widodo (Jokowi) won a second five-year presidential term in April 2019. Under President Jokowi's administration, some significant human rights issues include but are not limited to interference with the independence of the judiciary, restrictions on free expression and media, restrictions on internet freedom, and interference with the freedom of assembly and association. Human rights defenders, academics, journalists, and students were among those prosecuted and harassed for their activities.

The government continues to use the ITE Law to restrict the freedom of expression, and the latest introduction of Ministerial Regulation No.5/2020 will further restrict internet freedom in Indonesia. LGBT rights continued to come under attack under the Jokowi administration.

Freedom of Assembly and Association

The constitution and law in Indonesia provide for the freedom of peaceful assembly. However, the government sometimes restricts this freedom, especially in areas with a history of pro-independence movements, such as Papua and Maluku.

The law requires demonstrators to provide police with written notice three days before a demonstration. The police are then expected to issue a receipt upon registration as a permit for the rally. However, police in Papua reportedly refuse to issue such receipts as they believe demonstrations would include a call for independence. Authorities continue to arrest and detain activists and people participating in these regions' protests.⁸⁴

On May 9, authorities in Jayapura, Papua Province, arrested Victor Yeimo who was peacefully protesting against racial discrimination.⁸⁵ On August 10, police arrested 14 students from Cendrawasih University for participating in a protest demanding the release of Victor Yeimo.

The authorities also disrupt protests related to Papua across the country, arresting the protesters. This can be seen in multiple protests that happened in Jakarta,⁸⁶ Semarang,⁸⁷ Central Java Province, Denpasar, Bali Province, etc. The police sometimes use the violations of COVID-19 restrictions during the pandemic to arrest the protesters.

Land and Indigenous People's Rights

Land access and ownership were one of the major sources of conflict. The government is usually biased towards corporations instead of the indigenous people. An indigenous farmer was sentenced to prison for cutting down 20 trees in a forest that his tribe has claimed in a dispute with the Asia Pulp & Paper Group.⁸⁸ Still, major companies continued to cut down forests with impunity.

Furthermore, the police sometimes evicted those involved in land disputes without due process, again often siding with business-related claimants over indigenous communities. One example happened in August 2020, when the provincial government of South Central Timor District, East Nusa Tenggara, evicted 47 households of the Pubabu indigenous community from their land without due process.⁸⁹

The government took steps to rectify the land issues when the Ministry of Agrarian Affairs and Spatial Planning launched an electronic land certificate program in January 2021 to register land claims across the country. According to the Ministry, the program would reduce the number of land disputes as it is more difficult to falsify land deeds.⁹⁰

84 "Police Must Stop Discriminating Against Papuan Students, Allow People to Protest Peacefully in West Papua," Amnesty International, accessed September 7, 2022

85 "Indonesia: Release Peaceful Anti-Racism Protester Victor Yeimo," Amnesty International, accessed September 7, 2022

86 "Protests Greet Indonesia's Renewal of Papuan Autonomy Law," The Diplomat, accessed September 7, 2022

87 "Police Break Up Rally Against Papua Special Autonomy - Blame Covid," Asia Pacific Report, accessed September 7, 2022

88 "Jailing of Farmer Who Cut 20 Trees Spotlights Indonesia Land Conflicts," Thomson Reuters Foundation News, accessed 7, 2022

89 "Land Grabs the Root of All Evil in Indonesia," Asia Times, accessed September 7, 2022

90 "Ministry Launches Electronic Certificates for Simpler, More Secure Land Registry," The Jakarta Post, accessed September 7, 2022

Digital rights and internet freedom in Indonesia suffered major blows in recent years. The authorities continued prosecuting individuals for their internet activities under the ITE law. The law is criticized for being vague and has often been misused by authorities to silence and punish critics, leading to increased self-censorship.

One of the many examples is Roy Suryo, the Former Minister of Youth and Sports case. He was arrested in a case of alleged blasphemy related to the Borobudur Temple stupa meme, which was edited to resemble President Joko Widodo's face. Roy Suryo was charged with Article 28 paragraph (2) in conjunction with Article 45 of Law (UU) Number 19 of 2016 concerning Information and Electronic Transactions (ITE). Then he was also charged with Article 156a of the Criminal Code (KUHP) on Blasphemy of Religion and Article 15 of Law Number 1 of 1946.⁹¹

The national police chief even issued telegrams, instructing police officers to prioritize preventing crime under the ITE Law during the peak of the Covid-19 pandemic and the controversial passing of the Omnibus Law.

President Joko Widodo announced that he wanted to revise the problematic articles in ITE Law. However, the government merely issued a guide on implementing the regulations, but all the problematic articles remained.

The government officials also used direct pressure on internet service providers to degrade perceived opponents' online communication. In 2019, the Indonesian government shut down the internet in Papua and West Papua during heightened security tensions caused by antiracism protests. The government also limited internet access after protests contesting the presidential election resulted in riots in Jakarta.⁹²

Indonesia also sees increased digital attacks targeting critical groups such as activists, journalists, students, and civil society organizations. Just like Malaysia and Thailand, Indonesia lacks professionals with digital rights and digital security skills to support and strategize with critical groups to mitigate digital risks.

The introduction of Ministerial Regulation no.5/2020, which governs the functioning of

private electronic systems operators (ESOs) doing business in Indonesia, further threatens the already deteriorating internet freedom in Indonesia.

Women and LGBTIQ+ Defenders

Domestic violence cases doubled in 2020 compared to the year before. The National Commission on Violence against Women has attributed the increase to the impacts of the pandemic lockdowns and the increased willingness of victims to make a report.⁹³

Indonesian lawmakers approved the Sexual Violence Bill in April 2022, recognizing sexual violence in the forms of "physical and nonphysical sexual harassment, sexual torture, forced contraception, forced sterilization, forced marriage, sexual slavery, sexual exploitation, and cyber sexual harassment." This came a month after the case came to light where a teacher is suspected of raping at least 13 students since 2016 and impregnating some of them.⁹⁴

LGBT rights continued to come under attack, and the anti-discrimination law does not protect LGBTIQ+ individuals. According to media and NGO reports, local authorities harassed transgender people and failed to protect LGBTIQ+ from societal abuse.^{95 96 97} The police also often ignored formal complaints from the victims. Human Rights Watch Indonesia noted that anti-LGBTIQ+ rhetoric has increased over the years.

LGBTIQ+ NGOs operated in a low-profile manner as licenses or permits for holding LGBTIQ+-related events are difficult to obtain.

91 "Ex Indonesian Minister Detained for Posting President's Meme, a Blasphemy," *Theindonesia.id*, accessed September 7, 2022

92 "The Internet Shutdown in Papua Threatens Indonesia's Democracy and its People's Right to Free Speech," *The Jakarta Post*, accessed September 7, 2022

93 "Combating Sexual Violence in Indonesia," *The Borgen Project*, accessed September 8, 2022

94 "Indonesian Parliament Passes Long-Awaited Sexual Violence Bill," *The Diplomat*, accessed September 8, 2022

95 "LGBT Community Targeted by Police in Indonesia," *The Diplomat*, accessed September 8, 2022

96 "Indonesian Police Harass Transgender Women," *Human Rights Watch*, accessed September 8, 2022

97 "It's dangerous: Sinaga Case Fuels LGBT Backlash in Indonesia," *Al Jazeera*, accessed September 8, 2022

The Press Law, established in 1999, promised to strengthen press freedom and the quality of journalistic works in Indonesia. The law guarantees freedom of the press as human rights, and the national press is not subject to censorship, banning, or broadcasting bans. The law also provides independence for the press to grow without government interference and legal protection for the press in carrying out its duties. The turned independent Press Council in 1999 was also tasked with developing freedom of the press and improving the national press besides establishing and enforcing the journalistic code of ethics with press organizations.⁹⁸

However, the government sometimes used regulations such as blasphemy, hate speech, defamation, the spread of hoaxes, and separatism to restrict the media. IndonesiaLeaks, a joint investigative journalism project, reported attempted hacking of its websites and project members' social media accounts. Journalists in the project team also said that police followed them and took photos of them after they made public its investigation into the head of the Corruption Eradication Commission and the reasons behind his alleged use of a civil service test.⁹⁹

Journalists are also increasingly being charged under the Criminal Code and the ITE Law. In many cases, the reported news made by journalists and published in the media meets journalistic principles.

The role of the Press Council in legal protection for journalists has also not been seen. In 2019, Muhammad Asrul, a journalist for Berita News, was charged under ITE Law and sentenced to three months in prison for articles he wrote, alleging corruption of a political official. The police chose to bypass the Press Council when they were supposed to coordinate with the Press Council to determine if the police should funnel the case into the criminal justice system.¹⁰⁰

The number of digital attacks targeting the media has also increased over the years. According to SAFEnet, 60% of the digital attacks involved critical groups such as activists, journalists/media, students, and civil society organizations in 2021.¹⁰¹

In 2020, Tirto.id and Tempo.co had articles containing critical views on the government's policies on COVID-19 deleted from their websites.¹⁰²

In June 2021, WatchDoc's Instagram and Twitter account was hacked after they uploaded a short clip containing statements by former Corruption Eradication Commission employees who failed their national civics test.¹⁰³

Indonesia cannot be considered a safe place for journalists to carry out their work.



Photo source: apnews.com | "Thai media restrictions raise freedom of expression concerns"

98 "Press Council: Indonesia," *Accountable Journalism*, accessed September 7, 2022

99 "KKJ Condemns Terrors Following IndonesiaLeaks Investigative Report," *Tempo.co*, accessed September 7, 2022

100 "Press Freedom is Under Attack in Indonesia," *Al Jazeera*, accessed September 7, 2022

101 *Ibid* 24

102 "Digital Attacks Raise Fears Over Freedoms in Indonesia," *Reuters*, accessed September 7, 2022

103 *Ibid* 83

SUMMARY OF FINDINGS

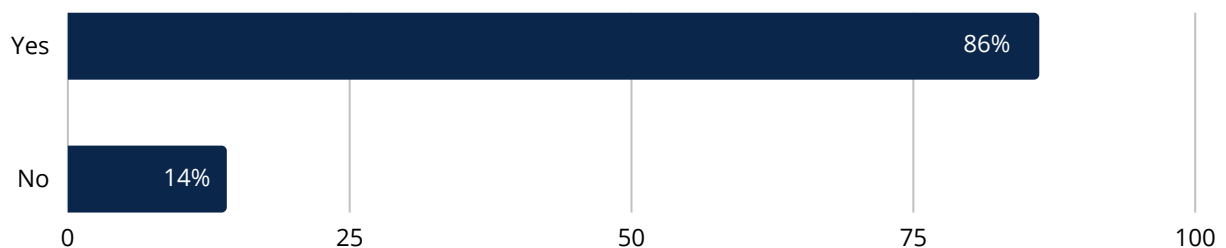
After thoroughly analyzing the data collected, the charts below best illustrate the key takeaway from our study. Some variations can be attributed to a combination of the various differentiating factors highlighted earlier in the report.

DIGITAL LITERACY, RELIANCE ON DIGITAL MEDIA AND TOOLS

Human rights defenders are increasingly using computers and the Internet in their work. In many ways, the Internet has improved human rights defenders' work and security: it increased their mission's effectiveness, facilitated their access to information, and boosted communications with partner organizations. However, digital media is a double edge sword. It has ushered in some previously unknown problems and vulnerabilities. This makes knowledge of cybersecurity more critical than ever.

Malaysia

Figure 1: Do civil societies primarily rely on digital media in their work?



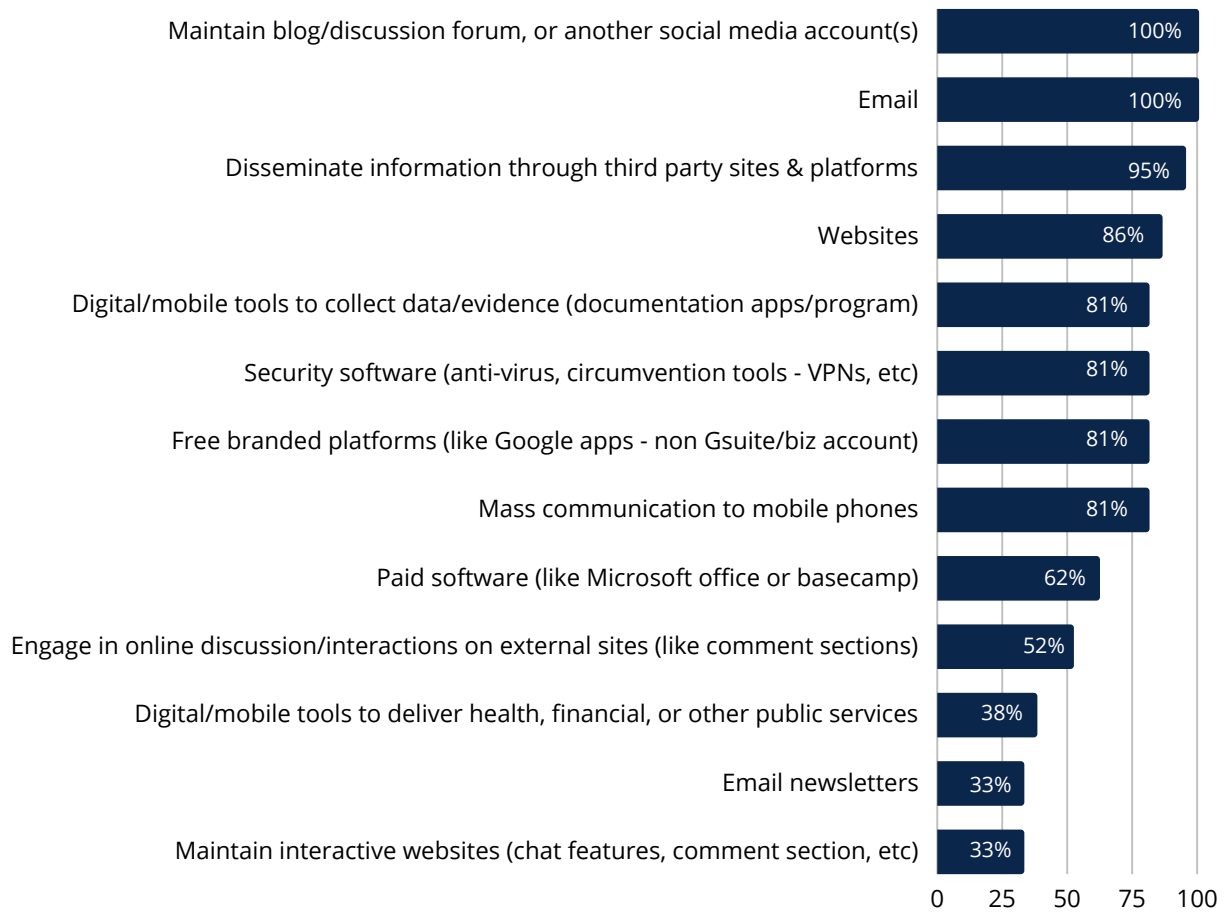
86% of the respondents in Malaysia primarily rely on digital media. Other respondents might not rely on digital media much due to the nature of their work that, focused more on working in rural areas.

Figure 2: Did respondents strengthen their digital security last year?



We particularly emphasized strengthening digital security last year due to the digital surge in the advent of the COVID-19 pandemic. As many as 40 million people in Singapore, Malaysia, Indonesia, the Philippines, Vietnam, and Thailand came online for the first time in 2020. A mixed result can be seen in the study, where 48% of the HRDs strengthened their digital security last year while 52% did not.

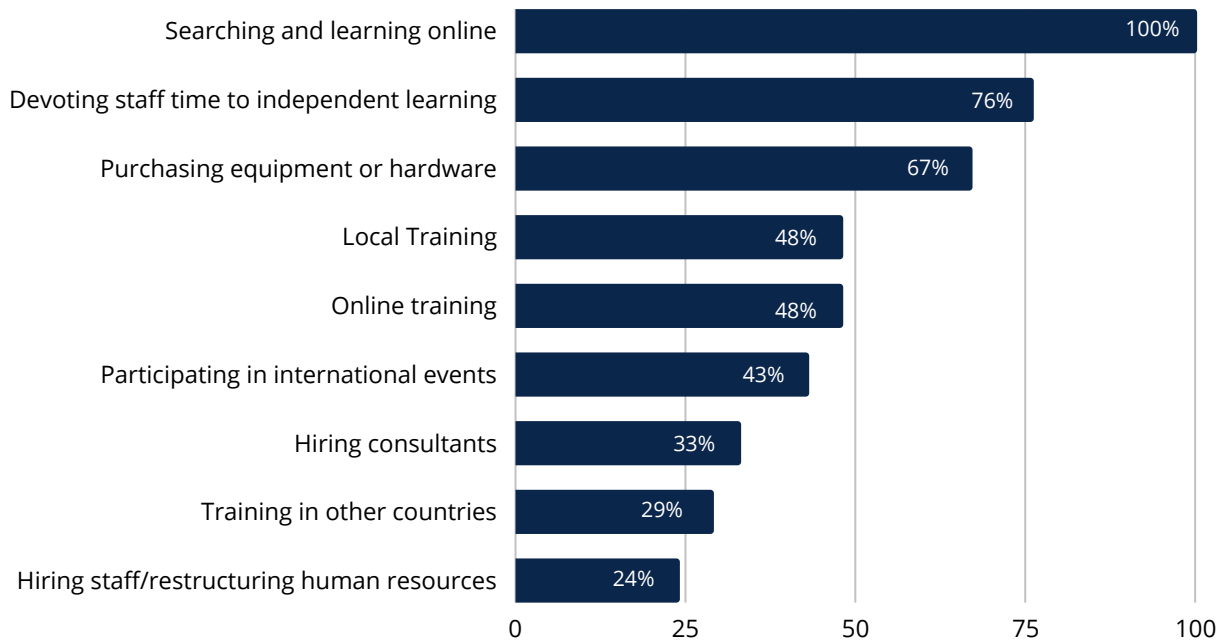
Figure 3: Most popular digital tools



Maintaining a blog/discussion fora or social media and email are the most commonly used tools among HRDs in Malaysia, followed by disseminating information through third-party sites and platforms. The outcome came as no surprise, given the ease of use of these tools. The least popular digital tools are email newsletters and interactive websites, followed closely by digital or mobile tools to deliver health, financial, or other public services. Although these tools require in-depth knowledge and understanding, they have huge potential, especially in connecting with the target audience, improving service delivery, and spreading awareness.

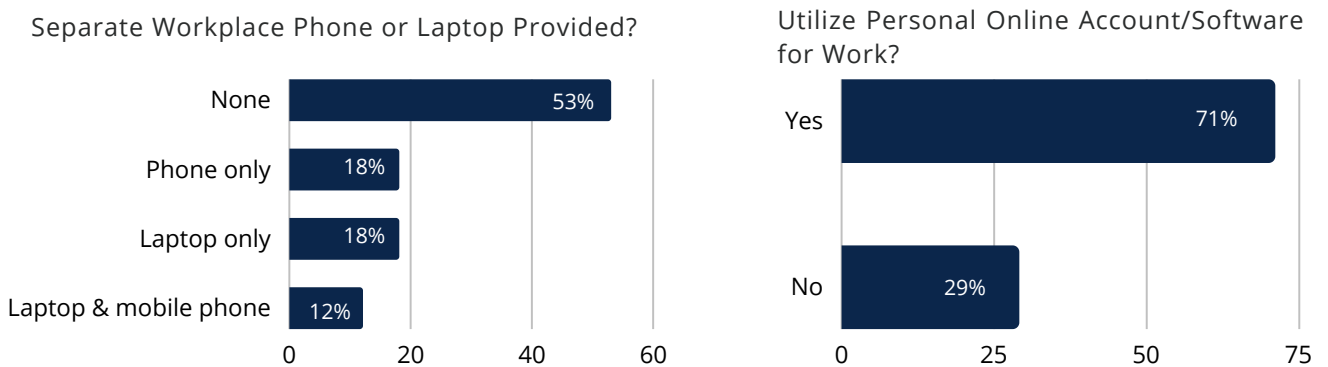


Figure 4: Methods to build skills and capacities for using digital or mobile technologies



When asked how they usually learn how to use digital technologies, 100% of the respondents did some searching and learning online. 76% of the organizations also devote staff time to independent learning. 67% of the respondents will purchase equipment or hardware to help them with their work. However, self-learning might be problematic for some as the luxury of having those with experience to guide the education process is not available. Furthermore, confusion is enhanced by the abundance of resources available.

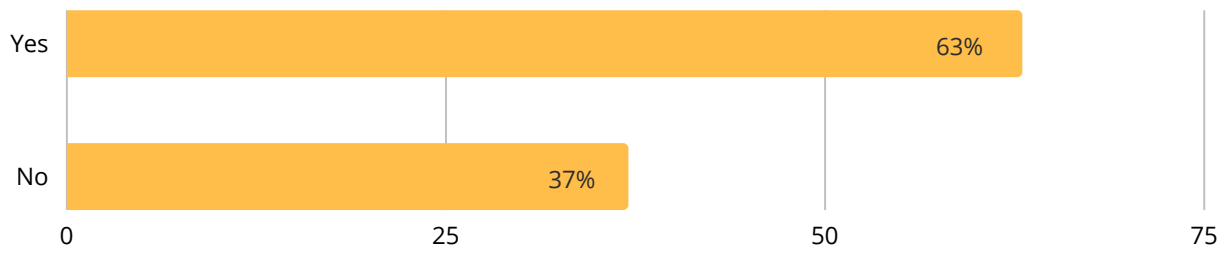
Figure 5: Do the respondents have a dedicated working device, and do they utilize their personal account for work?



Working from home has become the new norm due to the COVID-19 pandemic. Many have never worked from home before and are using their personal device and account as they struggle to acquire and set up the proper equipment for work. Cybercriminals are taking advantage of this situation by targeting these numerous unsecured systems. For cybersecurity reasons alone, keeping personal and professional data and devices separate is best. However, most of the HRDs in Malaysia do not have a separate device for work and are still using personal accounts for work, as seen in the chart above.

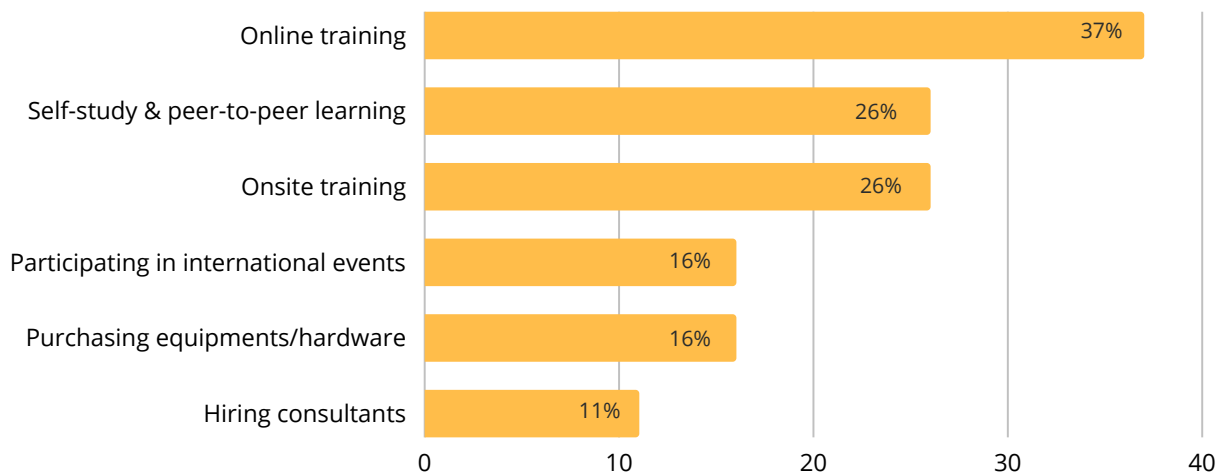
Thailand

Figure 6: Do civil societies primarily rely on digital media in their work?



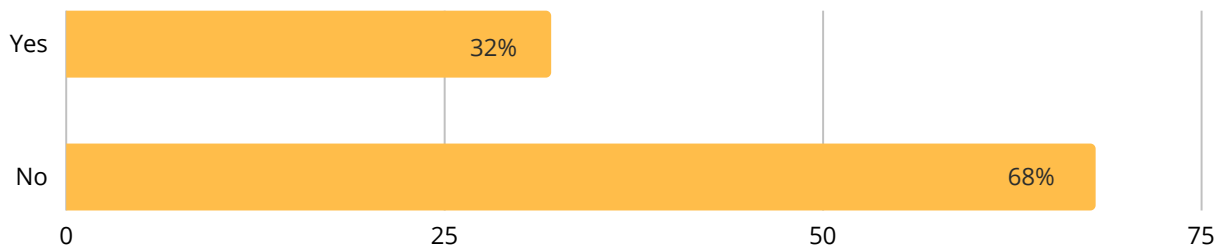
A majority of the respondents in Thailand (63%) rely primarily on digital media in their work.

Figure 7: Methods to build skills and capacities for using digital or mobile technologies



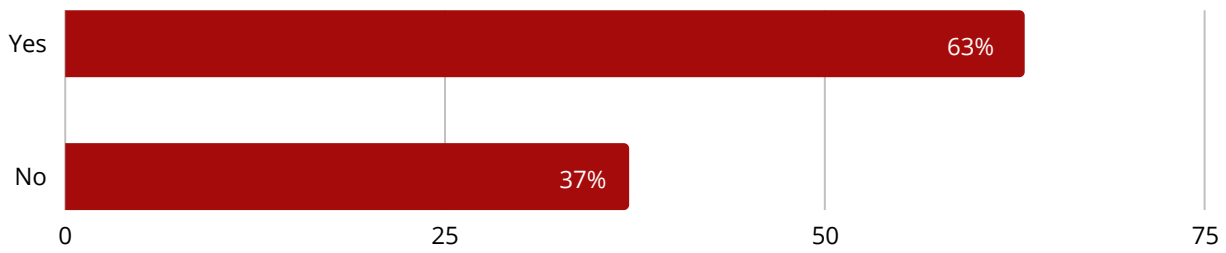
When asked how they usually learn how to use digital technologies, 37% of the respondents did their training online. Self-study and peer-to-peer learning, and onsite training came in second at 27%. Only a mere 11% of the respondents hired consultants to help them with using digital technologies.

Figure 8: Do the respondents have a dedicated working device?



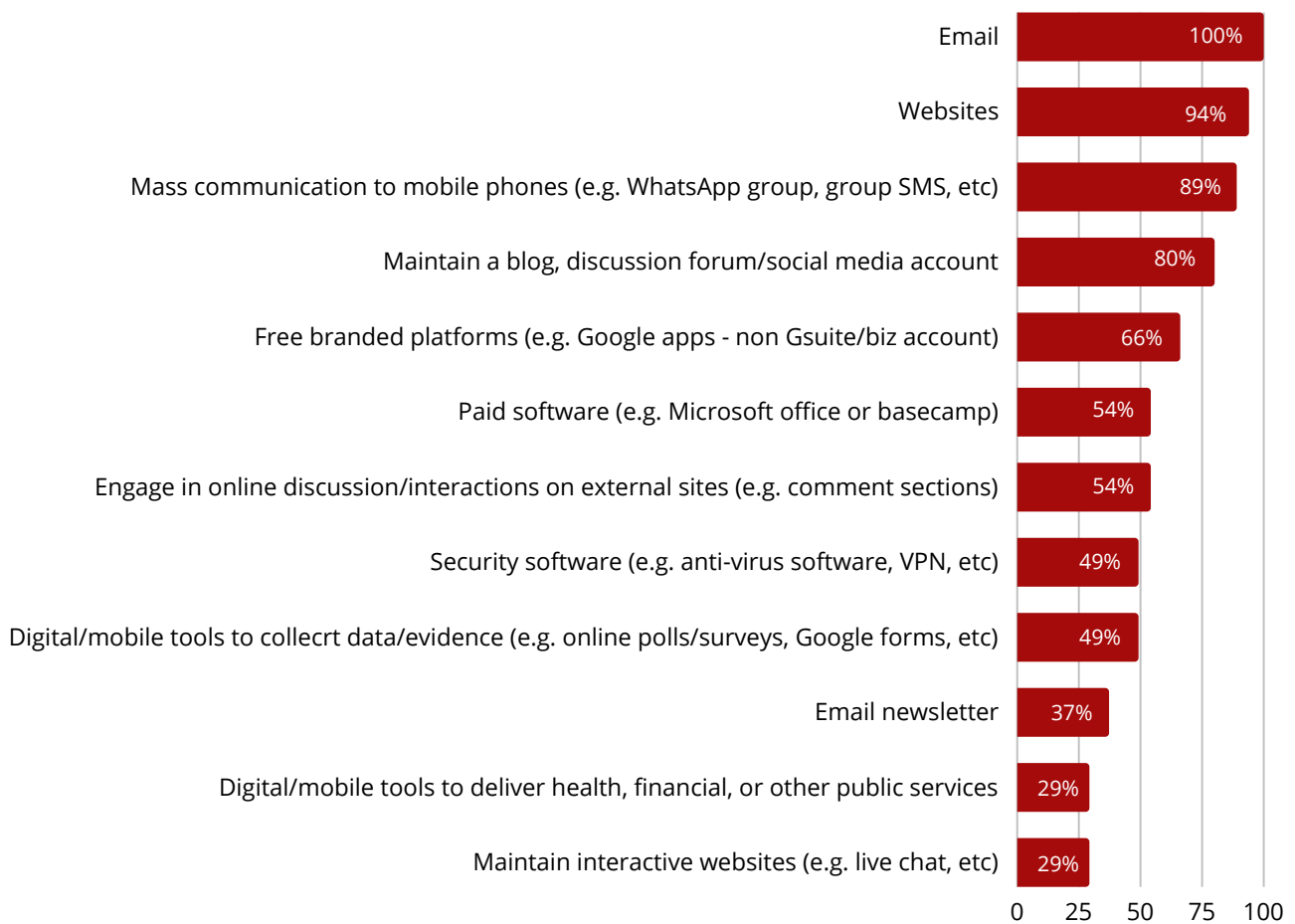
68% of the respondents in Thailand do not have a dedicated working device. This is increasingly worrying, given that Thailand's government is spotted using Pegasus to spy on HRDs. Using a personal device for high-risk work might jeopardize one's personal life.

Figure 9: Do civil societies primarily rely on digital media in their work?



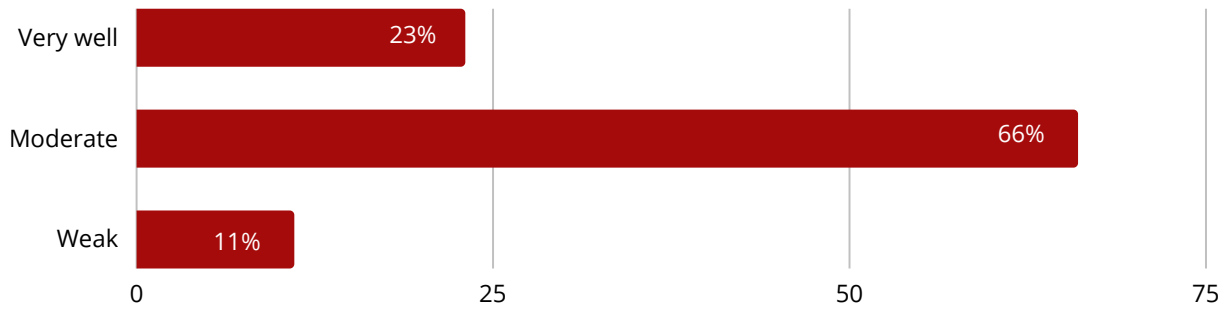
A majority of the respondents in Thailand (63%) rely primarily on digital media in their work.

Figure 10: Most popular digital tools



When asked about the most frequently used digital tools for work, all respondents said email was their most commonly used digital tool. This was followed by websites at 94%, and mass communication to mobile phones came in third at 89%. Tools that require in-depth knowledge and understanding, such as apps to deliver public services and interactive websites, are the least used.

Figure 11: How well an organization thinks they can use digital tools for work?



The respondents were asked how well they think they can use relevant digital tools for work. 66% of them mentioned that although they are not superusers, they can use digital tools for work fairly well.

Figure 12: Methods to build skills and capacities for using digital or mobile technologies



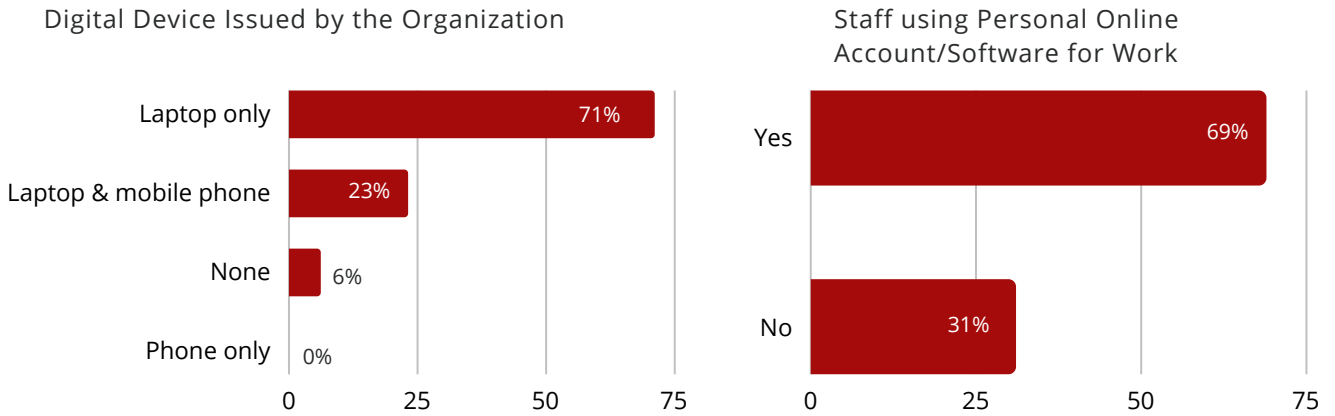
Local training is the preferred way (74%) of learning new digital technologies among respondents from Indonesia. This is followed by searching and learning online (71%) and online training (71%).

Figure 13: Did respondents strengthen their digital security last year?



Digital security has become more critical than ever as attacks on rights defenders in Indonesia have increasingly evolved from physical to digital. A mixed result was obtained when asked if the respondents strengthened their digital security in the previous year. 51% of the respondents strengthened their digital security last year, while 49% did not.

Figure 14: Do the respondents have a dedicated working device, and do they utilize their personal account for work?



71% of the respondents said their organization issued laptops for work. However, the laptop is usually shared among a large group of people in many cases. Due to this, many ended up using their own device for work.

69% of the respondents use their personal online accounts or software for work. Some software was pirated, which is a big concern as pirated files often contain viruses and spyware that could slow your systems down or even completely stop them from running.



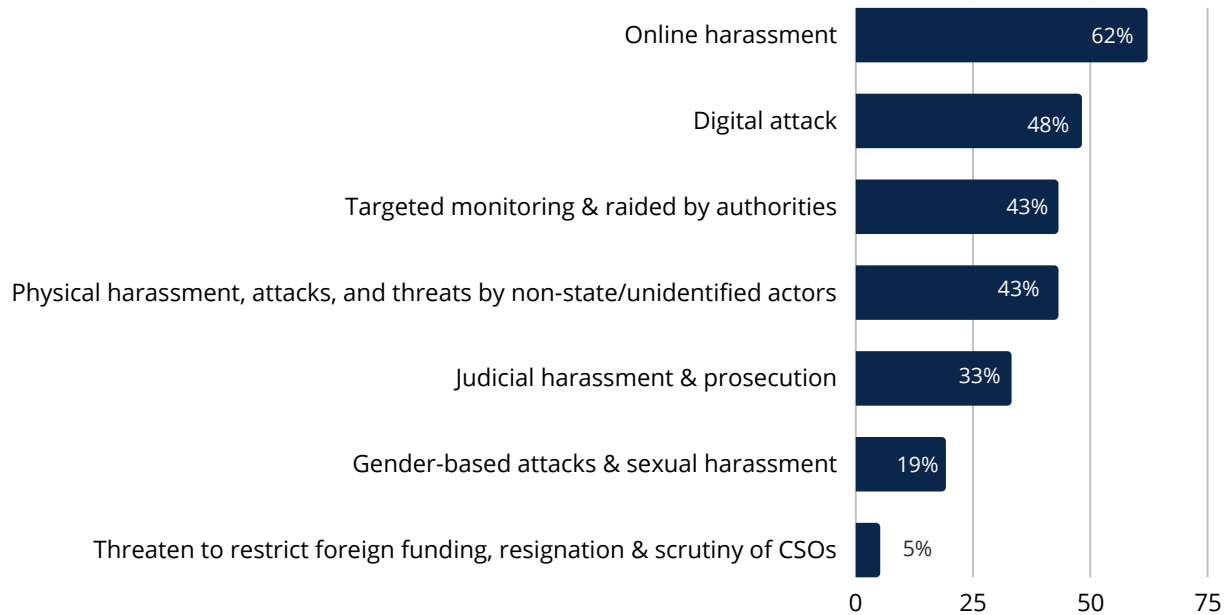
TYPES OF THREATS FACED BY HRDS

HRDs face various threats and risks while carrying out their human rights work. We asked the respondents what threats and risks they were facing or concerned about, be it digitally or physically.

Threats faced differ by country, but we can summarize them into these categories.

Malaysia

Figure 15: Types of threats and risks faced by HRDs in Malaysia



Online harassment is the most common threat faced by HRDs in Malaysia, where 62% of the respondents faced some online harassment. For example, many respondents received threatening, abusive, or offensive messages on social media.

48% of the respondents faced some form of digital attack. Most of the time, the official websites faced DDoS attacks or were defaced.

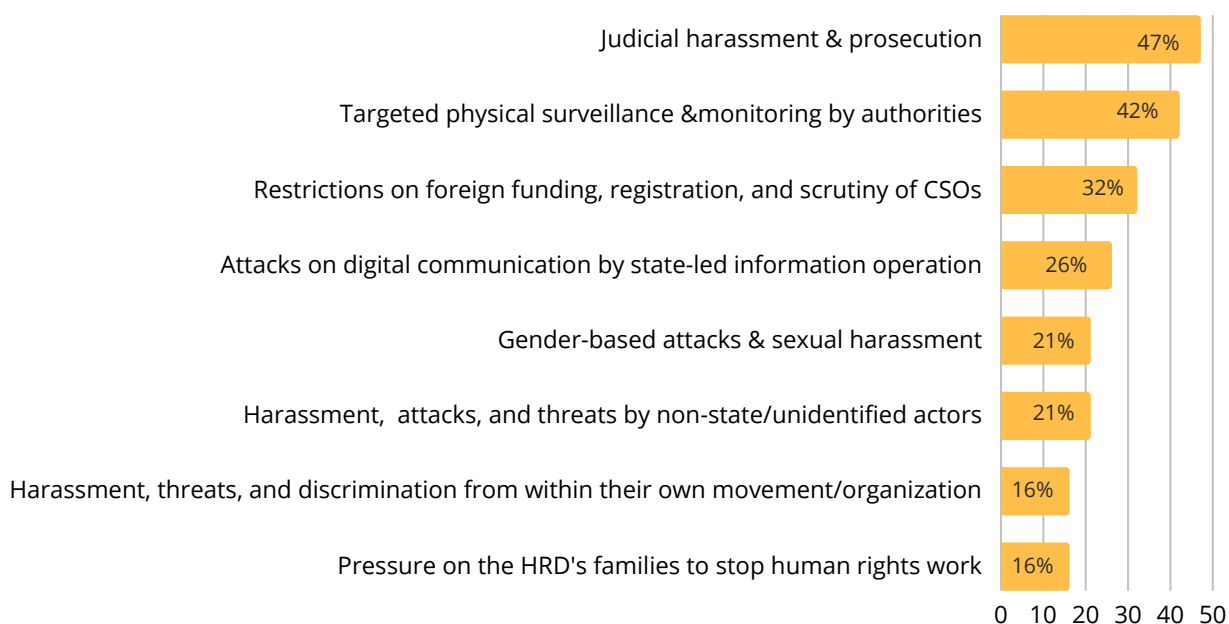
43% of the respondents said they were being or suspected to be monitored (digitally or physically) by the authorities, often leading to a raid. One of our respondents even experienced a spear phishing attack, where the respondent was directed to a fake website, leading to the computer being infected with spyware and used to gather information against him.

Rights defenders also experienced physical harassment, attacks, and threats by non-state or unidentified actors. 43% of the responders have experienced some harassment or threats during their work.

33% of the responders faced judicial harassment and prosecution. Those who worked on the freedom of information, expression, and assembly had the highest risk of facing judicial harassment.

19% of the responders faced gender-based attacks and sexual harassment, while 5% faced threats due to foreign funding, threats to restrict registration, and scrutiny of CSOs.

Figure 16: Types of threats and risks faced by HRDs in Thailand



Judicial harassment and prosecution are the most concerning threats in Thailand, with almost half (47%) of the respondents facing some kind of judicial harassment or prosecution. According to Thai Lawyers for Human Rights (TLHR), 2021 is the year of “state’s retaliation,” manifested through the heavy suppression of protesters and active citizens. The extent of the prosecution of protesters from exercising political expression was unprecedented in Thai political history. Moreover, many CSOs workers have also been charged for participating in public seminars during rallies.

The other common threats HRDs in Thailand face is targeted physical surveillance and monitoring by authorities. When asked about this, 42% of the respondents said they had experienced such threats. The respondents faced physical surveillance by state agencies such as the special police branches and the government’s Internal Security Operations Command (ISOC). Respondents highlighted how Thai authorities subject HRDs to routinely surveillance at their residences, workplace, and educational institutions to intimidate them or gather information on their activities.

32% of the respondents expressed concerns about foreign funding restrictions, registration, and scrutiny of CSOs, especially with the controversial NPO Bill that the Thai government is working on. There are also CSOs that our respondents are working with, been requested to conduct tax audits by the Revenue Department. Another Act that threatened the human rights environment in Thailand is the Anti-Money Laundering Act, which the government proposed to amend. The amendment will give power to the government to block funds that they deem unlawful, further hindering the social movement in Thailand.

Digital targeted surveillance of HRDs continues to grow in Thailand after the 2020 coup and is intensified by the global pandemic. Its rapid growth is aided by the increasingly broad powers being granted by new and existing legislation and the development and availability of new technologies. 26% of the respondents have experienced attacks on digital communication by state-led information operations.

21% of the respondents have experienced gender-based attacks and sexual harassment. Respondents elaborated that the abuses they experienced included sexual assault, online harassment, witch-hunted, and sent rape threats.

21% of the respondents also faced online and physical harassment, attacks, and threats by non-state or unidentified actors. A leading human rights organization respondent reported that a Thai pro-royalist group had targeted them. The group protested in front of their office and even went to the street to protest against their human rights campaigns. Another respondent also said that online threats and harassment from unidentified actors had increased over the years. A lot of time, when online harassment intensifies, there is a strong possibility of physical violence.

When asked about harassment, threats, and discrimination from within organizations our respondents worked with, 16% of them responded that they faced such a problem. This is especially evident when women or LGBT people take a leadership role in a campaign, but decisions and contributions are often ignored or excluded.

Young HRDs plays a vital role in the recent coup. However, most of the young HRDs are below 18 years old. They faced tremendous pressure from their family members. 16% of our respondents mentioned that their family decided to either stop supporting them financially or force them to stop their human rights work.

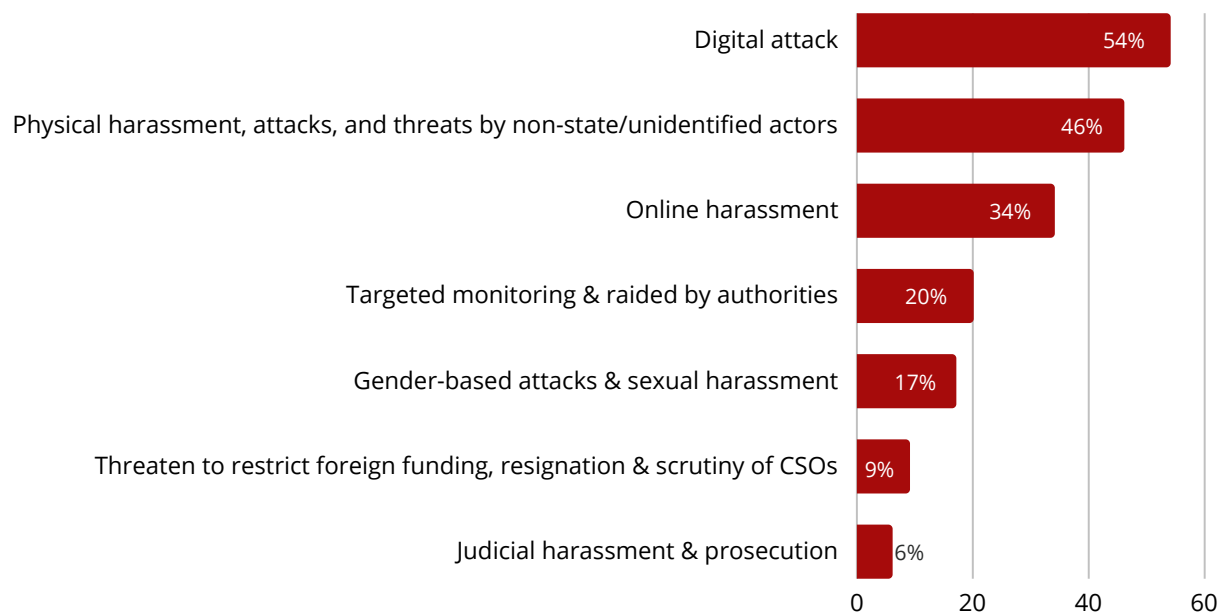


Photo by Narong Sangnak/EPA-EFE on International Press Institute



Photo source: iLaw | "NPO Law: A new threat for civil liberty and public association in Thailand?"

Figure 17: Types of threats and risks faced by HRDs in Indonesia



The digital attack is the most common threat faced by HRDs in Indonesia. 54% of our respondents said they had experienced some form of digital attack over the years. This is especially worrying as most organizations depend heavily on digital technologies, as shown in figure 9. Examples of digital attacks are website hijacking, zoom bombing, DDoS attacks, email or communication channel hijacking, social media accounts hijacking, and phishing attempts. One of the respondents from Indonesia experienced website hijacking that eventually turned into a ransomware attack. Another respondent had an email account hacked, where someone was pretending to be the staff of an organization and sending emails to funders for money.

Physical harassment, attacks, and threats by non-state or unidentified actors are the second most common attack faced by HRDs in Indonesia, where 46% of our respondents have experienced a certain form of physical harassment and attacks. From the study, we learned that organizations were more experienced in handling physical attacks than digital attacks. However, the attacks faced by some organizations are severe and should not be taken lightly. Some examples of physical harassment, attacks, and threats by non-state or unidentified actors are local thugs attacks, intimidation during physical events, defamation, threats of harm, stalking and following, etc. One of our respondents was followed by a truck and almost hit by it. Upon investigation by the police, the truck belongs to a corporate. In another case, a respondent's office was attacked by thugs when they stormed the office and vandalized the property.

34% of the respondents have experienced online harassment or trolling, where they were threatened or trolled on social media and instant messaging platforms. Although cyber-harassment and online trolling are common and often ignored, we should not take this lightly, as online harassment might lead to physical attacks.

20% of the respondents mentioned that they were targeted, monitored, or raided by the authorities, while 17% of the respondents have experienced some sort of gender-based attacks and sexual harassment. Some organization had their event pictures uploaded to social media by threat actors, and the participants were being identified and hunted down by "vigilantes." The LGBTIQ group and communities are especially vulnerable to this kind of threat.

9% of the respondents have received threats to restrict their foreign funding. In one case, a treat actor sent letters directly to the head of the funder's country in an attempt to stop funding to several CSOs the respondents are working with.

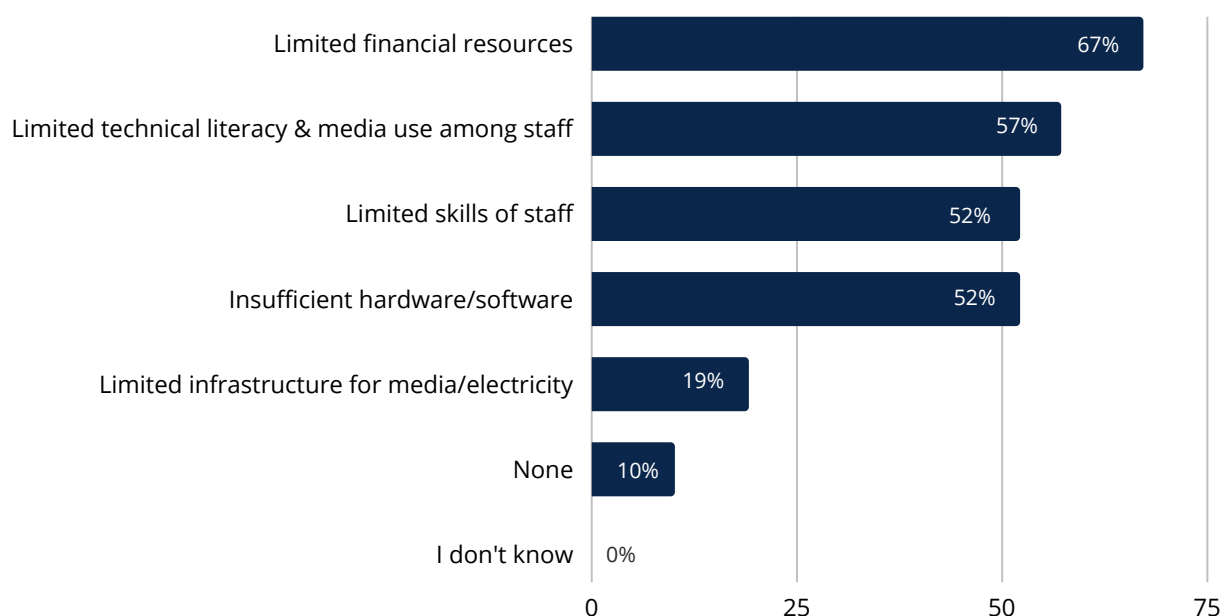
6% of the respondents have experienced judicial harassment and prosecution.

THE BARRIERS, CHALLENGES, AND GAPS IN HRDS PROTECTION

Human rights defenders in the region face many obstacles. Our research in Malaysia and Indonesia looked at human rights defenders' obstacles in adopting digital technologies. In Thailand, we explored the obstacles, challenges, and barriers faced by HRDs as a whole.

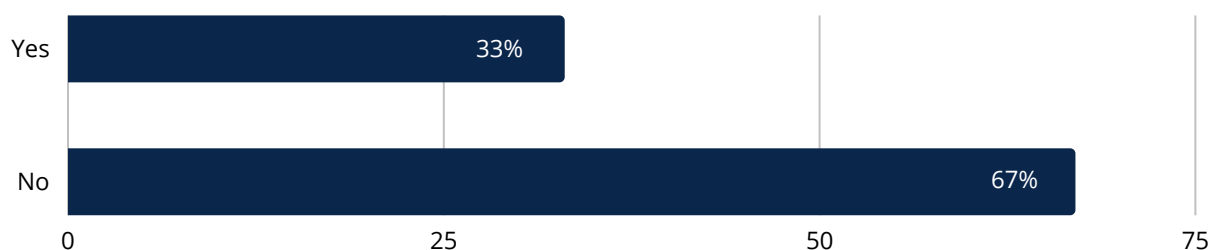
Malaysia

Figure 18: Obstacles that HRDs in Malaysia faced in using digital technology



Limited financial resources, limited technical literacy and media use among staff, and limited staff skills are the top three obstacles faced by HRDs in Malaysia. As technology has become an integral part of people's daily lives around the world, digital training has become more critical than ever. Training ensures that HRDs acquire the skills to use digital media and security effectively. The greater the awareness and training, the fewer incidents will escape your attention.

Figure 19: Is there any office security training program for CSOs?



We looked particularly at the availability of security training in the organization where our respondents worked. 67% of HRDs in Malaysia do not have an office security training program. The Office security training program provides formal digital and physical security education to the staff about various information security threats, policies, and procedures for addressing them. Such training is crucial as it equips staff with the knowledge they need to combat these threats. Staff cannot be expected to know what threats exist or what to do about them on their own. They need to be taught about the risks they might be facing, what clues to look for that indicate threats, and how to respond when they see them.

Figure 20: The barriers, challenges, and gaps in HRDs protection and CSO works in Thailand



47% of the respondents agreed that one of the most significant barriers happened at the organizational level itself. Most respondents agreed that a security policy helps get their team members on the same page, explains its importance, and sets a baseline level of security; it is very challenging to implement. Moreover, even if an existing security policy is in place, it is often outdated, and staff does not practice it because it takes too much time and effort to learn to use secure tools.

37% of the respondents feel the lack of rapid response, support, and documentation; a limited number of Thai security trainers, funding, equipment, and resources; and confusing and troublesome digital security are the barriers and challenges faced by HRDs and CSOs.

While several organizations are working on security and protection in Thailand, this remains incredibly inadequate with the increasing threats and demands. Sometimes an HRD does not know who to seek help from when in distress. During a series of pro-democracy protests in 2020-2021, HRDs faced many difficulties communicating with each other due to the internet disconnection, while some activists did not want to rely on digital tools. It is crucial to develop a secure way of communication during protests.

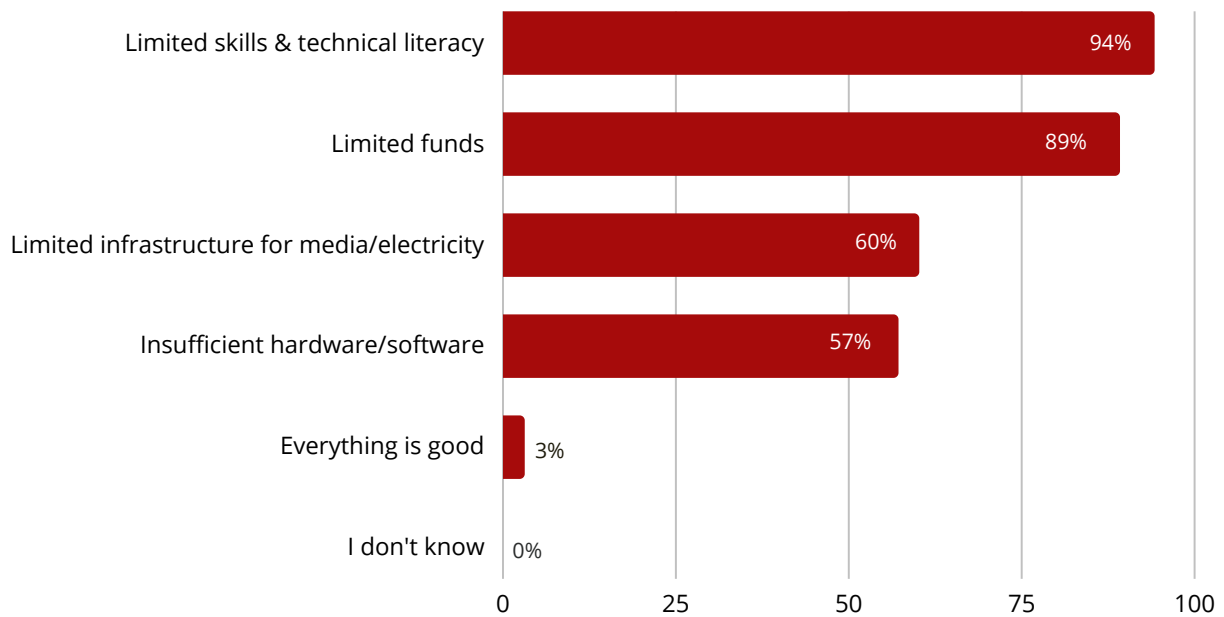
Furthermore, very few people or organizations have the skills to provide security and protection training to the HRDs in Thailand. Regional and international organizations do offer security training and support. However, according to one of the respondents, the training and support are usually in English, which might be a challenge for many Thai activists and HRDs as they said that it is not always easy to reach out to them for help. Those who do not speak English will also find themselves at a disadvantage. Another respondent added that what makes matters worse is the lack of Thai security trainers who understand the local context and what is happening in the country.

Many respondents are aware of the importance of digital security. However, they lacked the knowledge of where to start, how to start, what to do, and how to instill awareness in a group of non-tech-savvy people. Some respondents also think digital security is troublesome and add more work to their already heavy workload.

Our respondents acknowledged that security awareness is critical, with 26% of the respondents saying that security best practices should be made compulsory across all Thai human rights movements. Another 26% of the respondents felt that Thai HRDs are at a heightened risk of intimidation and harassment as existing legal frameworks and ineffective judicial systems are inadequate to prevent harassment against HRDs through legal processes.

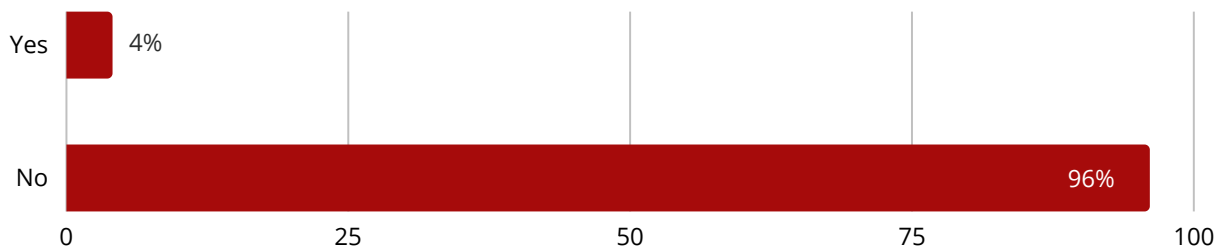
21% of the respondents said there is a lack of safe space to learn and discuss security threats and share their experiences.

Figure 21: Obstacles that HRDs in Indonesia faced in using digital technology



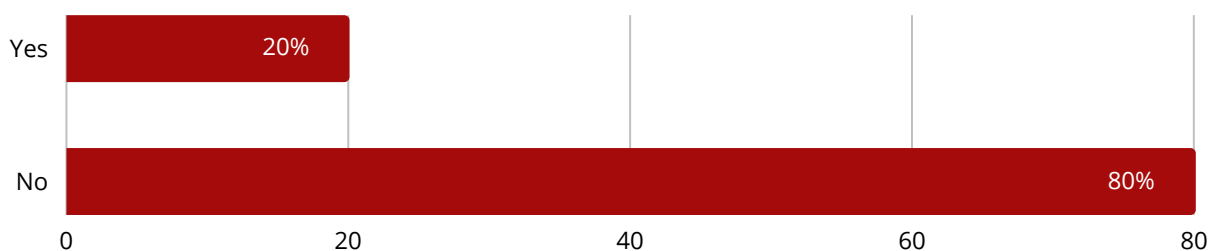
94% of the respondents in Indonesia stated that limited skills and technical literacy were their top obstacles. This is followed by limited funds (89%), and limited infrastructure for media or electricity (60%). A lack of stable Internet connectivity also seems to be a common problem among the interviewees.

Figure 22: Budget allocation for IT among CSOs in Indonesia



We tried to understand the budget allocation for IT among the civil society organizations our respondents worked in. We found out that 96% of the interviewees said there isn't a sufficient budget allocated for IT. Most of the money was spent on purchasing hardware and software (e.g., human resource management system, Google Workspace) but rarely on digital security training. Some respondents mentioned that they do not have the knowledge to plan for the budget due to limited expertise in digital security, causing a lack of budget allocation.

Figure 23: Is there any office security training program for CSOs?



We also looked at the availability of security training in the organization where our respondents worked. 80% of the CSOs in Indonesia that we interviewed do not have an office security training program.

CONCLUSION

Malaysia, Thailand, and Indonesia recognize human rights defenders and their rights and responsibilities through the UN Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms that the UN General Assembly adopted in 1998 and the UN General Assembly Resolution 70/161 on Human Rights Defenders which was adopted in 2015.

Nevertheless, these countries are failing in their obligations to respect and protect the right to defend human rights, including by failing to implement effective protection mechanisms for HRDs at risk or punishing those responsible for attacking them. HRDs cannot operate effectively and contribute to making a safer, more just world unless they are adequately equipped with the necessary skills, tools, and training to carry out their work.

Therefore, security is the aspect that every CSO and HRD should focus on, especially cybersecurity, as the necessary use of the Internet and digital technologies has dramatically increased during the COVID-19 global pandemic. Other than the state actors, there are always non-state actors or attackers in digital or physical scenes with well-developed skills. Thus, it is essential to ensure that all security measures are in place and followed to have a better functioning, safer organization and community.

This report does not offer tailor-made solutions ready to be applied to any scenario, as there is no such thing as one size fits all security solutions. However, it does try to provide a set of strategies aimed at improving HRDs' security management.

The most effective security lessons always come from the defenders themselves - from their daily experiences and the tactics and strategies they develop over time. They are the primary stakeholders and the main protagonists in this report.



RECOMMENDATIONS

All the interviews and group discussions revealed recommendations as to what should be considered for security and protection work for HRDs and CSOs in the region. We have summarized it into these eight points.

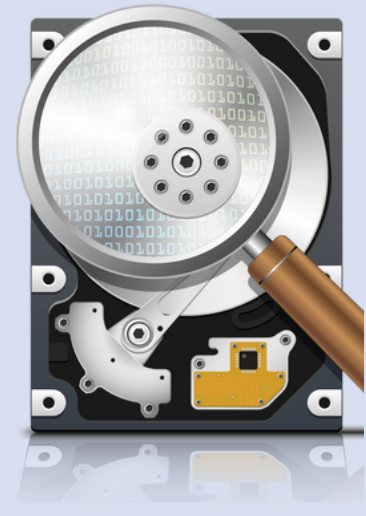


Development of risk assessment capacities for both individual HRDs and CSOs

Risk assessment is essential to identify security risks of assets, threats, and vulnerabilities, including their impacts and likelihood of occurrence. The risk assessment helps bring a more valuable discussion on decision-making to prioritize the level of protection and resources needed in the organization to reduce harm. Many respondents asked for the risk assessment tools and practical techniques they can use for themselves or their network to develop a security plan tailored to their work and context. Although trainers often include risk assessment exercises in the training, respondents suggested it would be better to ask the training participants to prepare for their threat and risk analysis before the training.

Creation of an incident and rapid response support system network

In response to concerns many respondents expressed on the increasing security incidents and threats during protests, participants expect concrete incident response support on security work, especially on accessibility and approachability. For instance, if they are confronted with cyber-attacks or have their social media accounts hacked, where should they seek help and support from? In addition, the gap between human rights defenders and the tech community needs to be bridged. After the sophisticated cyber threat of Pegasus spyware in Thailand and Indonesia which requires technical experts to detect, we need a digital forensic team more than ever to support the rights defenders in the region.



The integration of the holistic approach into security training and protection

The holistic security approach considers the physical, cyber, and human-emotional aspects as a single risk balanced with other risks facing a CSO or HRD. It is crucial to assist HRDs in analyzing their security situation and deciding on the appropriate action and comprehensive security plan. Although the idea of an integrated security approach is not entirely new, there is currently no local security trainer capable of conducting security training while considering these countries' physical, digital, and psycho-social aspects. If training such trainers is challenging, we should run co-facilitation across different domains in the security training and start with co-creating a holistic security curriculum among trainers for HRDs in Southeast Asia.



Increase local security trainers and support

Security trainers are very limited compared to the increasing security threats in the region. Many respondents preferred the idea of the "training of trainers" (ToT) with ongoing support and mentorship.

The training design must include an intersectional lens to security and protection work by collaborating with different HRD groups. Civil society actors will be equipped with the ability to offer quick and basic responses to their community in the ToT. As security is always teamwork, they will also be invited to be part of the first responder network.

Besides that, some participants suggested mapping resource persons and contacts that are easily reachable to those needing such support.

Localization and dissemination of toolkit and materials for digital security

As the security materials are a predominantly English language-based lexicon, a number of respondents wished for contextualized digital security in a simple, digestible, and hands-on way.

Based on our research, the topics below should be the primary focus for HRDs in the region:

- Emergency response guidelines with local scenarios
- How to integrate security practices into mass demonstrations or protests
- Checklist and simple recommendations for digital security practice
- Customized tools and measures for each activists group
- How to develop a security protocol and policy at an organizational level
- A step-by-step guide to mobile phone hygiene and social media safety
- How to tackle online harassment and gender-based attacks in the local context
- Funding management and financial security protocol



Prioritize sustained security learning and practice at the organizational/network level

The importance of integrating security practices and culture within the workflow of networks, organizations, and movements must be addressed. HRDs raised their concerns about how to develop a security mindset and culture within the movement. At the same time, many respondents wanted support for security capacity building and policy writing, including recommendations on writing a funding proposal that incorporates the security aspects. This strategy will help sustain security practices in an NGO and strengthen HRDs in the long term.

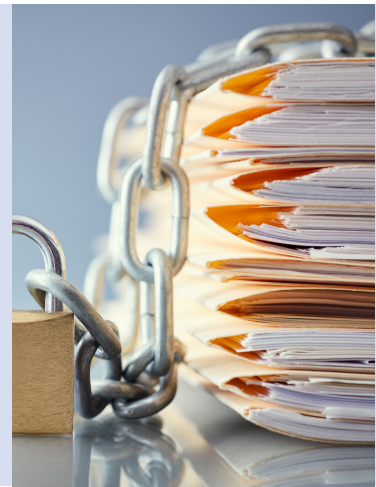


Create a safe space for skill sharing and reflection among HRDs and security trainers

Having a convening space and hosting regular meetings for civic actors who face common challenges to meet, share their experiences, and reflect on what works or does not work has become more important than ever. Having virtual or physical spaces can strengthen existing relationships and catalyze new connections that could benefit from building a more robust social movement and HRD protection. Building on connections made during the sharing space and training, we can establish a network with ongoing support for the protection and solidarity of HRDs.

Emphasize the practice of documentation and having a security incident database

One of the many recommendations during the interviews is how to encourage HRDs to document incidents and threats they face. By doing so, NGOs working on security and protection can identify patterns of threats before it happens. Some of the cases can also be used as examples in training materials. We can start the process by creating a safe space for HRDs to report their risks and threats where their confidentiality will be well protected. The information obtained can be good evidence for advocacy and demanding accountability from perpetrators.



Ensure executive support and management buy-in when implementing

An organization will always need full support from top management for an approach to be successful. When the management level leads by example, participates in better security practices, and creates a good security culture, the key messages will be well understood and passed down to every level of the organization.

ACKNOWLEDGEMENTS

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