



FREEDOM

2021

STATE OF MEDIA FREEDOM:  
CONFRONTING THE  
REGRESSION OF FREEDOM IN  
SOUTHEAST ASIA REPORT



**ADN**  
ASIA DEMOCRACY NETWORK



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## State of Media Freedom: Confronting the Regression of Freedom in Southeast Asia Report 2021

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# **State of Media Freedom in Southeast Asia: Confronting the Regression of Media Freedom in Southeast Asia**

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## **I. Executive Summary**

As the so-called fourth estate, the media plays an important role in sustaining democracies. To maintain trust between and among democratic institutions and sectors, transparency and free flow of information is crucial. In this sense, truth tellers such as the press and journalists must be protected and encouraged to thrive. However, since 2015, democracy actors have been witnessing an upsurge of attacks against the institution of the press, and these attacks have only exacerbated during the onslaught of the Covid-19 Pandemic. The ADN consultations revealed far from ideal situations for journalists in the region. In fact, some have said that the media in Southeast Asia operate in a hostile environment that allows them to barely survive, that restricts them and undermines their mandate to inform and spread the truth. Despite all these challenges to their survival, our consultations also reveal that the spirit and mettle of the media in the region has not diminished despite receiving attacks from all sides.

This report covers perspectives from journalists, civil society actors, and government institutions regarding the state of press freedom in Southeast Asia and what can be done to expand their space. The consultations covered 5 countries -- Cambodia, Indonesia, Malaysia, the Philippines, and Thailand, and were held in partnership with Cambodian Journalists Alliance Association (CamboJA), Asosiasi Media Siber Indonesia (AMSI), Gerakan Media Merdeka (GERAMM), the Philippine Center for Investigative Journalism (PCIJ), and the Thai Journalists Association (TJA), and uncovered some of the deep-seated issues the media continue to endure.

In Cambodia, members of the press continue to experience a restrictive environment under the regime of Prime Minister Hun Sen. Since 2018, the Government has been enforcing a legal regime that discourages actions of the free press. For instance, the Cambodian Government has been weaponizing tax laws to restrict the operations of independent press organizations. Furthermore, under the political environment created by Prime Minister Hun Sen, intimidation and harassment of journalists have been prevalent, thus encouraging censorship. With this environment, the press freedom situation in Cambodia remains among the worst in the region.

In Indonesia, human rights and press freedom organizations have been facing a plague of social media disinformation which escalated after the last presidential election. In the advent of the Covid-19 Pandemic, such disinformation has only

intensified, prompting more concern as it can adversely affect efforts to halt the spread of the virus. Representatives of the government assert that the Jokowi Administration has been doing its best to promote press freedom in Indonesia and the region. However, journalists distrust such pronouncements, especially as the welfare of journalists remain unprioritized and access to areas such as West Papua remain to be dangerous. Furthermore, recent laws enacted by the Parliament have only put into question how serious the government is, especially, according to press freedom issues consulted, they do not address the root of the bad situation of press freedom in Indonesia and might make it worse.

Malaysia experienced some positive developments under the leadership of Dr. Mahathir Mohammad as Prime Minister from 2018 to 2020. These include actions that opened the Malaysian Government to media access, creating hopes that dangerous laws including the Sedition Act, Official Secrets Act and the Communications and Multimedia Act will be overturned. However, due to the unexpected collapse of the Mahathir Government in 2020, these hopes were quashed, and a new Anti-Fake News decree was created. Under the leadership of Prime Minister Mahiyuddin Yassin which followed, journalists publishing critical pieces have been subjected to intimidation and harassment. Instances of harassment such as those experienced by Al Jazeera and other organizations who published stories regarding the plight of the migrant workers in Malaysia during Covid-19 Pandemic paint a worrying picture of the continuously worrying state of press freedom in Malaysia.

The Philippines is recognized as among the most dangerous spaces for journalists in the world. Tragedies such as the 2009 Maguindanao Massacre, which claimed the lives of at least 34 journalists still haunt the minds of many in the country. There have been no positive developments since then, and in fact, the environment of intimidation and violence experienced by journalists have only worsened. President Rodrigo Duterte has painted the media in the Philippines as the enemy of his policies, especially the deadly War on Drugs. During his tenure, he managed to close the operation of the country's largest media network, ABS-CBN, filed cases against critical journalists such as Rappler's Maria Ressa, and touted conspiracy theories involving journalists seeking to architect the downfall of his government. He has also utilized the awesome powers of his office to influence legislations such as the Anti-Terror Law which targeted progressive groups and opposition, and the Bayanihan Law, which severely restricted media freedoms under the guise of pandemic control.

Without any advocate in the formal institutions in the country, the situation of the lives of journalists in the media will continue to be threatened.

The main problem of journalists in Thailand has always been its restrictive legal regime that encourages self-censorship. Under the Computer Crimes Act (CCA), authorities have been given overbroad powers to restrict online expression, to conduct surveillance, and severely censor publications. Furthermore, the CCA has also served as a bridge to extend the coverage of the Lese Majeste Law which penalizes expression and even reporting of criticisms against the country's all-powerful monarchy, which has victimized both citizens and journalists in the past. Without changes, the function of the media to serve as purveyors of truth, and a check and balance to powerful institutions will remain unrealized, which makes the country's efforts to fully democratize remain difficult.

The five countries covered by this report provide insights on what can be done both nationally and regionally to protect and promote press freedom in Southeast Asia. We hope that through this documentation of insights from a wide range of stakeholders such as media, civil society, academics, government institutions and intergovernmental institutions, media freedom in the region will improve. Through the recommendations, coming from press freedom advocates, presented in each country we hope that international bodies, both in the governmental and non-governmental side, can be guided on what to prioritize regarding this important function. We express our gratitude to our partners and collaborators who made this endeavor possible.

## **II. About the Report**

The Asia Democracy Network (ADN) recently launched an initiative to advocate for media space advancement. Crucial to this initiative is the process of mapping out the dire press freedom and democracy issues in Southeast Asia to find appropriate solutions in addressing them. Also, it is the hope of this initiative to find potential collaborative efforts among key stakeholders, at the national and regional levels, to work together to create wider and more vibrant space for press freedom.

To achieve the above goals, ADN collaborated with key partners in five Southeast Asian countries, namely: Cambodia, Indonesia, Malaysia, the Philippines, and Thailand. Consultations were carried out among stakeholders to better understand each country involved in this analysis and the current press freedom issues they are facing.

However, due to the global pandemic that almost paralyzed the globe, activities had to adapt to “new normal” practices. As such, consultations for each of these countries were held virtually, through various online platforms most suitable for participating individuals and organizations, from October 2020 to March 2021.

Participants to the consultation meetings consisted of journalists, government representatives, human rights advocates, academicians, members of press councils, human rights organizations, and representatives from national human rights commissions. While policy makers representing governments and even members of political opposition were invited, none were able to attend due to their busy schedules.

This report presents the state of media freedom in five countries in Southeast Asia. Among the highlighted issues were with regards to certain national legislations that limit the space of media freedom, and the worrying cases of violence against journalists.

A set of recommendations are also enumerated in each country report based on the consultation with key stakeholders, it also enumerates ADN’s recommendations to address the challenges from a regional perspective. This report aspires to help in the efforts of creating a wider space for media freedom not only in the five countries selected in this study but also in the region and globally.

### **III. Acknowledgements**

The Asia Democracy Network expresses its gratitude to its partners and colleagues who are advocating for the greater expansion of press freedom and freedom of expression in Southeast Asia. This project would not have been possible without the collaboration of our local partner organizations in the five (5) countries where the online consultations were held -- Cambodian Journalists Alliance (CamboJA), Asosiasi Media Siber (AMSI), Gerakan Media Merdeka (GeraMM), Philippine Center for Investigative Journalism (PCIJ), and the Thai Journalists Association (TJA). We send our sincere gratitude for their guidance, contribution, and partnership. It would have been impossible for us to navigate and understand the respective country's media landscape without our partners.

We would also like to thank the resource persons who joined our focus group discussions and consultations. Without the expertise and openness of these journalists, civil society leaders, members of enforcement agencies, legislators and academics, issues and experiences faced by the media during these vulnerable times will not be surfaced.

We would also like to express our gratitude to the support given by the National Democratic Institute (NDI). During these crucial times, it is important that works to advance media space in Asia are expanded. We are grateful for interregional collaborations such as these which augments the support for local struggle to protect democratic institutions.

Finally, ADN as an institution, thanks Mr. Mandeep Singh who has worked tirelessly to coordinate and implement this project. Through his efforts and enthusiasm in asking the right questions, and raising the issues during the consultation, recommendations and possible action points have been documented and presented through this report.

We dedicate this report to all truth tellers in Southeast Asia and beyond, who have sacrificed their safety and comfort to ensure that our democratic institutions are accountable and transparent.

We thank you for your service to the cause of expanding democracy!

# Introduction

It is an understatement that the Covid-19 Pandemic severely affected the way institutions operate. While civil society and government institutions struggle with this sudden paradigm shift, existing democracy and human rights issues have only been exacerbated. Looking at Southeast Asia alone, the situation brought about the unravelling of some advances on democracy and human rights — achievements that various stakeholders endeavored to build for years. To mitigate the spread of the infectious disease, governments in this region adopted harsh policies that limited or sacrificed, one way or another, people’s fundamental liberties. More concerning is the fact that some powerful anti-democratic forces took advantage of the vulnerability created by the situation to exert their influence over crucial decision-making processes and public discourse, resulting in severe drawbacks on the state of human rights and democracy.

The most severely regressed state in Southeast Asia is the Philippines. While the pandemic ravages the country, President Rodrigo Duterte’s Government effectively dismantled independent and critical media in the country with the conviction of online media Rappler’s chief editor Maria Ressa, and the non-renewal of the legislative franchise of the country’s largest television network ABS-CBN. The country’s legislative branch has also taken this opportunity to pass laws which empowered the presidency to implement a highly militarized or securitized response to the pandemic (through the *Bayahinan* Law or the Covid-19 emergency powers), and weaponized security measures to curb public dissent (through the Anti-Terrorism Law of 2020). The implementation of these laws resulted in numerous deaths and arrests of critics of the government, adding to the still expanding body count under the regime’s “war on drugs.” While the Filipino civil society remains steadfast in their efforts to counter aggressive moves from the government, they continue to suffer under a political environment that is hostile to criticisms and deems progressive views as anti-government sentiments.

Countries such as Indonesia, Malaysia, Thailand, and Cambodia are also similarly situated. The four countries also adopted a militaristic approach to curb the virus and gave sweeping powers to their governments’ executive branch. In Thailand, the Covid-19 Emergency Decree, created under the leadership of junta leader-turned-Prime Minister Prayuth Chan-ocha, introduced further curbs to freedom of expression and media in the country by reinforcing the flawed Computer Crimes Act which criminalizes “fake news.” Despite the country faring much better than its neighbors

in terms of infection rates, the government extended the decree's effectiveness period until August 31, widely regarded as a move to undermine youth-led protests calling for the expansion of civic space in the country. In Indonesia, President Joko Widodo's government went against public sentiment to implement *Perpu 1/2020* which undermines anti-corruption efforts by inserting lax regulations regarding the handling of public funds by government officials. He also appointed military officers in charge of agencies tasked to curb the disease, most notably retired Army General Terawan Putranto who now heads the health ministry.

In Malaysia, a sudden change in regime occurred, which created setbacks in efforts to re-establish democracy, especially media freedom, after the 2018 Election which ousted Prime Minister Najib Razak's regime. Furthermore, anti-migrant sentiments have also spiked during this period, with the government conducting mass arrests of undocumented migrants, creating inhumane conditions in immigration centers, a situation widely criticized by local and international groups. Recently, Malaysiakini was found guilty of contempt of court and fined USD124,000 over its reader's online comments. Prime Minister Hun Sen, Cambodia's authoritarian leader, continued his crackdown on civil society and media. The prime minister himself made personal threats against the human rights organizations, supervised arrests of critics under the guise of violating "fake news" laws, and sat over the disappearance of Wanchalerm, a dissident Thai activist who was abducted in Phnom Penh, now presumed to be dead.

The situation in these five countries paint a bleak picture of democracy during Covid-19 that goes beyond the borders of Southeast Asia. Undoubtedly, there is a need for cohesive international support to ensure that initiatives and advocacies demanding for democratic policies and agencies, which function as checks and balances to the immense powers wielded by governments at this time, remain alive and relevant. At the frontlines of the democracy campaign are the independent media, who are oftentimes the first casualties in an environment that neglects human rights and democratic norms. In addition to the cases recorded in the Philippines, numerous instances of press freedom violations in Asia have occurred during a time when truth telling is of utmost necessity. In fact, according to the International Press Institute's tracking, of the 473 press freedom violations across the world during the pandemic, 182 occurred in the Asia Pacific<sup>1</sup>. Among these instances, in Malaysia, the government

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<sup>1</sup> Note: Mostly in 2020. See <https://ipi.media/covid19-media-freedom-monitoring/>

pressed charges and raided the office of Aljazeera after it exposed the neglected situation of migrants after the pandemic broke. In Cambodia, Ros Sokhet, publisher of the Khmer Nation newspaper, was arrested for his criticisms of Prime Minister Hun Sen's Covid-19 policies which he posted in his private social media account. These cases of abuse were enabled by severely restrictive media regulatory practices and excessive "fake news" laws that exist in various forms in the region. The absence of a regional institution focusing on media rights recently has left these issues largely unnoticed.

Despite limitations in mobility and physical interactions, other avenues to advocate for the resolution of human rights and democracy issues, such as social media, remain open. However, challenges to use these platforms remain aplenty effectively and safely. Institutional knowledge on effective social media and Internet advocacy in the region remains low, which results in poor visibility of civil society and minimal engagement on their activities in the online space. Pro-democracy institutions also must compete with the noise created by agents of disinformation and social media trolls, impediments brought about by the advent and tremendous growth of social media influence. Another difficulty with social media as a platform is the increase in governments' ability to collect information on activities of citizens and institutions over cyberspace. Furthermore, online, and social media data has become so commodified without any regard to privacy rights. Now that civil society, media, and pro-democracy stakeholders must fully rely on operating in the online space during the pandemic, these institutions have become more vulnerable to these threats. Especially in the five countries mentioned above, the region has a poor understanding of the security protocols and tools to use to protect themselves online.

The issues mentioned above reflect the findings of a program ADN implemented with the Indonesian election management body BAWASLU (Electoral Supervisory Board) and the (now-defunct) press freedom advocacy organization SEAPA (Southeast Asian Press Alliance) in 2019, titled "Towards Building Regional Solidarity to Reclaim Civic Space in Southeast Asia." Filipino journalist Maria Ressa best phrased how we, as agents of democracy, should act regarding these threats — we should "hold the line." Now more than ever, there is a need for pro-democracy actors to be more unified, especially as we face the cross-cutting, borderless issues created by the Covid-19. Through this report, ADN aims to enable the surfacing of press freedom issues and prescribing good practices in responding to which exacerbated the already poor state of press freedom in the region, aggravated by Covid-19 related challenges.

# Presentation Of Country Reports

## CAMBODIA

Freedom of the press has been under attack in Cambodia in recent years, and the Cambodian Government's poor performance in promoting press freedom is reflected in the country's ranking in the [2020 World Press Freedom Index](#) -- 144th out of 180 countries. In 2017, the government's crackdown victimized independent media in the country, resulting in outlets being closed or rendered toothless. Since then, the supposed free media continued to be curtailed, and judicial harassment of journalists and broader threats by authorities continued to be the norm. At present, local radio stations that survived the onslaught are still hesitant to collaborate with local NGOs or foreign media such as [VOD](#), Voice of America (VOA), Radio Free Asia (RFA), and others.

However, both the Ministry of Information and members of parliament say that the press freedom in Cambodia is good as normal. Mr. CHHEANG Vun, Chairman of the Commission on Foreign Affairs, International Cooperation, Information and Media of the National Assembly admitted that in some cases, press freedom was indeed restricted by local authorities whenever it was for security and safety reasons, resulting in journalists not being allowed to access some specific locations or incidents. Similarly, the Ministry of Information's spokesperson, Means Sophorn continued that only for the health protection and safety of journalists do the authorities sometimes bar journalists from covering news.

### A Restrictive Environment

Cambodian journalists continue to be intimidated and threatened by government actions, whether it is police stopping journalists from filming or legal actions taken against journalists who are simply doing their job, and forces media to self-censor and not cover topics that are deemed too sensitive. More concerningly, there have also been recorded cases of journalists disappearing, sowing greater fear. News reports on sensitive issues remain to be the primary concern among members of journalists in the Kingdom. Data from a study<sup>2</sup> recorded that 90.65% of respondent journalists expressed hesitance in reporting corruption scandals. In addition, 85.05% of the respondents expressed they feel uneasy to report on political issues, 80.37% of respondents also expressed concerns when covering human rights abuses, and

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<sup>2</sup> CCIM (2020). Challenges for Independent Media Report 2020. Accessed at [https://ccimcambodia.org/wp-content/uploads/2021/02/Independent-Media-Report-2020\\_English.pdf](https://ccimcambodia.org/wp-content/uploads/2021/02/Independent-Media-Report-2020_English.pdf)

81.31% of respondents say they have experienced the need for self-censorship because of the current political situation. Self-censorship has become a common practice among members of the Cambodian media as a result of a stringent legal regime which includes defamation.



*Photo: SEQ Photo \\* ARABIC 1. Uon Chhin and Yeang Sothearin enter the Phnom Penh municipal hall to respond to charges. Courtesy: VOA Khmer*

In 2020 alone, stakeholders witnessed the arbitrary arrests of multiple journalists for performing their duties, the unjust revocation of media licenses, third party attacks against journalists, and continued judicial harassment and intimidation of journalists. The recent conviction of Sovann Rithy, director of the online news outlet TVFB for making a Facebook post in which he accurately quoted the

Prime Minister illustrates the detrimental environment that journalists work in across Cambodia. Sok Oudom, owner of the Rithysen radio station and website, was charged in May after reporting on a land dispute and convicted in December 2020. As for Ros Sokhet of Chet Khmer newspaper, he was arrested in June for making Facebook posts deemed critical of the Prime Minister and sentenced in November 2020. These cases are examples of the weaponization of the charge of “incitement”, arbitrarily used to curb press freedom.

Several high-profile legal cases against journalists remained active through 2020. The case of the two RFA journalists, Uon Chhin and Yeang Sothearin, further exemplifies the repressive environment that journalists exist in. For more than three years, the two journalists have been subjected to extensive judicial harassment, suspected to be in retaliation for their investigative journalism. Both were charged with unsubstantiated charges of ‘espionage’ in 2017 and with ludicrous pornography charges in 2018. Since 2017, the pair have been subjected to a series of hearings and investigations, all of which have unearthed no credible evidence to support the charges against them. Yet, authorities have failed to deliver a definitive verdict in their case, instead keeping them in limbo with the threat of criminal charges and lengthy prison sentences looming over them.

The case of former Cambodia Daily reporters Aun Pheap and Zsombor Peter, who had been facing trial since May 2017 on baseless charges related to their reporting on elections, was dropped by the Ratanakiri provincial court in November 2020 but the Ratanakiri prosecutor's office filed an appeal against provincial judge Kong Tang Meng's decision to drop incitement charges against the two reporters. The case has gone on too long, upended two journalists' careers and lives, and proven to be without merit and a shred of proof of wrongdoing since a complaint was filed against them more than three years ago. After more than three years, the court has failed to prove their guilt. Rath Roth Mony, a fixer for Russian state broadcaster RT who was arrested in December 2018 and sentenced to two years in prison for "incitement to discriminate" over his reporting on child prostitution, was released from prison in December 2020 after completing his sentence.

## **Contentious Policies**

A law on Access to Information (A2I) is yet to be passed. A2I is a basic right guaranteed by international treaties Cambodia is part of, yet currently, after more than 15 years of discussions about this topic, Cambodia does not have a law regulating requests for public information. As a result, officials can deny the release of information arbitrarily.

Independent journalists and journalists who work for private media outlets were blocked from accessing Prime Minister Hun Sen's event.<sup>3</sup> On the morning of March 4, Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, and his wife, as well as several other senior government officials, went to receive the AstraZeneca vaccine at Calmette Hospital in Phnom Penh and held a press conference on Cambodia's vaccination campaign. During this event, journalists from Voice of America (VOA), Reuters, the Associated Press, VOD, the Cambonomist, Thmey Thmey, and CamboJA News were not allowed to photograph or report the event and were blocked from accessing it altogether. Only reporters from state and pro-government media outlets including Fresh News, Cambodian National Television (TVK), Bayon TV, and CNC TV were permitted access. This clearly undermines the journalists' rights to information, as stated in Article 41 of the Constitution and Article

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<sup>3</sup> CamboJA Statement (March 2021: CamboJA urges respect for journalists' right to access information on the Covid-19 vaccine, accessed at <https://www.camboja.net/wp-content/uploads/2021/03/Statement-CamboJA-urges-respect-for-journalists-freedom-ENG.pdf>

5 of the Press Law and highlights the inequalities between journalists from independent and pro-government outlets.

Another challenge is that the authorities seem to want more control over journalists. For example, recently the Ministry of Information has imposed a requirement (released on February 25, 2021) to be informed of all journalism training. According to the directive, all training related to journalists must be reported to the Ministry of Information in advance.

The latest directive<sup>4</sup> barring journalists from covering "police investigations" has restricted the rights of journalists to cover news. In recent months, multiple journalists have experienced harassment and been told by authorities to stop photographing, recording, and broadcasting during protests and other events in which police were on duty. Phnom Penh Municipal Police Chief Sar Thet announced a new directive to officers on 21<sup>st</sup> January that journalists must be banned from filming, recording, and live-streaming active police investigations of criminal activities, as well as identifying suspects or their location, and officers fulfilling "other duties". Those who violate this directive will face legal action. Three days before this directive was announced, Information Minister Khieu Kanharith admonished all journalists for taking photos and covering news related to authorities' activities "in prohibited areas," claiming that authorities can arrest those journalists. The meaning of this directive remains vague and broad, which could lead to the restriction of journalists' freedom of publication, as protected under Article 41 of the Constitution and the 1995 Law of the Press.

The Criminal Code remains a powerful legal tool, which is too often used to intimidate and jail journalists. Our research shows that most of the journalists who were arrested in 2020 were charged with incitement to commit felony or extortion under Articles 495 and 232 of the Criminal Code. As of December 2020, at least ten journalists remain in prison and four journalists under pre-trial detention because of criminal charges. Furthermore, impunity for crimes committed against journalists is rampant in Cambodia. Since 1994, at least 13 journalists have been murdered for undertaking their crucial work, and dozens more have been subject to harassment and intimidation. Too often, these cases are either unaddressed or inappropriately investigated by the institutions tasked with protecting fundamental rights and freedoms in Cambodia. As Cambodian courts offer limited hope for redress for targeted journalists, the RGC's silencing of journalistic work can go on unabated and

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<sup>4</sup> Open Letter: Journalists Call on Government to Clarify Latest Directive to the Press, accessed at <https://www.camboja.net/wp-content/uploads/2021/02/Open-Letter-to-Mol-English.pdf>

unpunished. As for attacks by non-state actors, they are seldom given due consideration by authorities and rarely result in convictions.

The ongoing intimidation and repression of the media in Cambodia and the impunity with which crimes against journalists are met nurture a culture of fear among media organizations and reporters. This is detrimental as this chilling-effect discourages journalists from reporting on critical issues, reinforces the already pervasive use of self-censorship in Cambodia, and leads to the disappearance of critical journalism, damaging freedom of expression and free media across the country. Kouy Piseth, a reporter for CBN TV online, died in Phnom Penh early in the morning of September 29, in what police said was a traffic accident. Local authorities found the 23-year-old's body 40 meters from his motorbike on a concrete road in a residential area. Kouy Piseth had left his workplace at 11:30 p.m. on September 28, recalled by Chhay Socheat, director general of CBN. Soon after finding his body at 3 a.m., and without conducting a thorough investigation, authorities concluded that his death was a result of a motorbike crash caused by Piseth. In addition to the RGC's frequent reliance on the crime of "incitement" to silence dissenting or critical voices, a number of worrying legislative developments have raised concerns for the future of press freedom in Cambodia.

In particular, the RGC took advantage of the COVID-19 pandemic to promulgate a **State of Emergency Law** in April 2020, prescribing vague, sweeping, and unfettered powers to the Government to implement measures during states of emergency, including restricting free speech. There are no limitations written in the law restraining these measures in compliance with human rights law, meaning the law could easily be wielded without respect for human rights and used to inappropriately target the free media among others. This legislative instrument therefore violates Cambodia's international human rights obligations and its Constitution by threatening human rights online and offline in Cambodia, including the right to freedom of expression.

The Royal Government of Cambodia (RGC) has been discussing the adoption of a **Cybercrime Law** for several years. In October 2020, several media outlets reported that a new draft Law on Cybercrimes was completed. This newest draft, dated August 4, 2020, is the third iteration of the Law. There is concern from civil society that the Law, as currently drafted, restricts the freedom of expression, and violates the right to privacy of Cambodians.

Most recently, in February 2021, the RGC adopted the Sub-Decree on the Establishment of a **National Internet Gateway (NIG)**, which sets in motion the creation

and governance of a national internet gateway. This infrastructure requires all internet communications and internet data traffic circulating within and coming into Cambodia to pass through a gateway. There is a real risk that the NIG could be used to block or omit dissenting opinions online, even when doing so is not necessary under international human rights law, and a likelihood that it could be used to target journalists in a clear violation of freedom of the press.

Early 2018, the Cambodian government announced a **Lese Majeste law**, under which people who insult the king can be punished. These vague laws place freedom of speech under grave threat, as is freedom of press.



Photo SEQ Photo \\* ARABIC 2. Sovann Rithy's arrest. Courtesy: VOD

At the peak of the COVID-19 pandemic, Cambodia has unfortunately witnessed further restrictions of freedom of expression online, as evidenced by the sharp increase in the number of 'fake news' accusations and arrests that took place during April and May 2020. Over 40 people, including journalists, former opposition members and ordinary citizens, were arrested for questioning the government's handling of the crisis or expressing concern about the virus in online posts. The most well-known example is the case of Sovann Rithy.

Sovann Rithy, director of the online news outlet TVFB, was convicted in October 2020 for incitement to cause social unrest for making a Facebook post in which he accurately quoted the Prime Minister's advice to moto-taxi drivers to sell their motorbikes to combat their difficulties during the pandemic. The authorities claimed the statement was taken out of context and was therefore intended to incite social unrest. However, it is unclear how Sovann Rithy's repetition of the statement itself could provoke criminal activity any more so than the original statement spoken by the Prime Minister.

To get a better landscape of the challenges that the pandemic has imposed to journalists, an online survey<sup>5</sup> was conducted. The survey covered 28 media outlets in Phnom Penh and of the 63 journalists (14 women) more than half (58%) have indicated

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<sup>5</sup>CamboJA, a study survey on "The Impacts of COVID-19 on Cambodian Journalists," accessed at <https://bit.ly/3582G7I>

that they were genuinely concerned about their security and safety while reporting on COVID-19. The findings also suggest that 42% of the journalists always censor when they report information related to COVID-19. Approximately, 41.5% of journalists also expressed concern about contracting COVID-19. About three-quarters (74.6%) of surveyed journalists have decreased their in-person contacts for information gathering during the pandemic. Of those surveyed, 60.32% indicated the challenge of difficulty in getting information related to COVID-19 from the Ministry of Health.

In a statement released on 7 December 2020, the Ministry of Information threatened legal action against journalists acting unethically when reporting on COVID-19 or spreading 'fake news' related to the government's efforts to combat the virus.<sup>6</sup> Such a radical measure raised concerns, considering the likelihood it would create a chilling effect among independent reporters for fear that the information they published could be misunderstood or misinterpreted. A less punitive measure would have been more appropriate: while damaging disinformation should be combated, the fight against disinformation should be carried out in good faith and not be used as an excuse to stifle freedom of expression and silence criticism.

On 28 February 2021, two ordinary citizens were charged by the Phnom Penh Municipal Court for inciting social unrest for allegedly posting fake news after expressing their views and concerns on the Covid-19 vaccination in Cambodia on social media<sup>7</sup>. This case is yet another example of the ongoing violations of freedom of expression online affecting not only the media but, more broadly, any voices deemed as critical by the RGC. To ensure a more sustainable media landscape, the legitimate role that the media plays in a democratic society must be respected by all stakeholders in Cambodia, and authorities must ensure that the environment that journalists work in enables them to carry out their activities without fear of intimidation or legal threat. As for journalists, to ensure the delivery of reliable and accurate information, they are encouraged to conduct their investigative and reporting duties in a professional and independent manner.

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<sup>6</sup>The Phnom Penh Post (December 2020). Gov't tackles fake news amid pandemic. Accessed at 2020, <https://www.phnompenhpost.com/national/govt-tackles-fake-news-amid-pandemic>

<sup>7</sup> The Phnom Penh Post (March 2021). Two charged with spreading inciting information on Covid. Accessed at <https://phnompenhpost.com/national/two-charged-spreading-inciting-information-covid>

## Moving Forward

There should be continued support including financial and technical support to media institutions, especially those which are operated by NGOs. Partners or donors should allocate a budget to support journalists through giving them story grants so that they can continue their professionalism and while abiding to the code of ethics. There is a need for more capacity building for journalists to be better equipped with skills to combat crackdowns. More legal support should be considered as well. There should be more cooperation or connection to do advocacy works to ensure that space of digital or freedom of expression is ensured by the state. Relevant stakeholders should work closely together to advocate for press freedom collaborating on advocacy to reform press law, joint efforts in improving journalism education, and the promotion of media/information literacy among the public. Strategic collaborations among all media actors inside Cambodia should be encouraged as well as with international media actors. Civil society also has a critical role to play in promoting, protecting press freedom, and ensuring a free and independent media. There is a need for civil society to support journalists, build their capacities, and contribute to the creation of a safe environment for the media to conduct its legitimate work. Civil society and the media can also work together to demand better respect for freedom of expression and freedom of the press and join forces to hold the government accountable for its failure to uphold said freedoms.

According to the 2020 World Press Freedom Index released by Reporters Without Borders, press freedom in the Asia-Pacific region has sharply declined in the past decade due to the adoption of undemocratic and totalitarian practices, the emergence of populism that unleashes hatred on journalists, and extreme media polarization.<sup>8</sup> Freedom of expression is enshrined in international human rights treaties, which many Asian countries have ratified, creating obligations to respect and protect freedom of expression. This fundamental freedom includes the right to hold opinions, the right to a free and independent media and the right to seek, receive or impart information. Freedom of expression must be respected even if it is exercised in pursuit of a cause that governments disagree with. Asian leaders must fulfill their international commitments and ensure that press freedom is promoted and guaranteed across the Asia-Pacific region.

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<sup>8</sup> Reporters without Borders. RSF 2020 Index: Asia-Pacific – hyper-control and national-populist excesses. Accessed at <https://rsf.org/en/rsf-2020-index-asia-pacific-hyper-control-and-national-populist-excesses>

In the regional space, there should be a platform where journalists from different countries can access resources relevant to press freedom advocacy, collaborate on certain projects to promote press freedom, and where journalists support each other. There is a need for support for media actors to have access to legal support. Importantly, there is a need for a strong journalist alliance that can advocate the issues of press freedom on the global level. Currently, there exists no media network or institution that works to promote press freedom in the region. Therefore, a media network should be established and strengthened to facilitate collaboration between regional media organizations as well as provide the space to further education on journalism and freedom of press.

## **National Recommendations**

### ***For the Government and the National Assembly***

Immediate and concrete actions must be made to ensure the effective, independent, and transparent investigation of all crimes committed against journalists in Cambodia. Amending the State of Emergency Law should be prioritized given that, in its current version, it is susceptible to abuse, thus threatening the expansion of press freedom in the country. Furthermore, discarding the NIG Sub-Decree and Cybercrime draft law to assist in ensuring human rights, specifically free expression online and offline in Cambodia. During situation of crisis, the government should guarantee access to information for all journalists, without discrimination, so that they can seek, receive, and disseminate information. Most importantly, the Cambodian Government should resort to less punitive measures against journalists who contribute to spreading disinformation on Covid-19 and instead allow them to correct errors in their publications so that the fight against disinformation is carried out in good faith.

In general, the Government should cease targeting the free media for performing their duties, noting that they are essential actors to promote accountability from all sides. Thus, all policy making bodies should ensure that journalists operate in a political environment in which they can exercise their mandate to report freely and without fear. Instead of adopting punitive measures in the criminal code, specific laws concerning the practice of journalism, like the Press Law, should be encouraged. To facilitate this, the Government should engage all stakeholders, especially journalists, in the process of drafting all media-related laws, such as amendments to the Press Law, and other laws covering cybercrime, access to information, and the National

Internet Gateway (NIG). The Ministry for Information in particular, must play a more active role in supporting journalists facing harassment and promote the use of the Press Law in media-related legal disputes. Finally, the press supports the adoption of Access to Information Law in order to ensure that information of both government and private organizations are disclosed to and available to the public.

### ***For the Judiciary***

We call the Judiciary to immediately drop all charges against and unconditionally release all journalists currently imprisoned for exercising their mandate and their inherent right to express. We call the judicial body to adhere to international human rights standards and legal principles by applying Cambodia's press law on cases related to the non-criminal work of journalists.

### ***For Civil Society Organizations and the Donor Community***

CSOs and government organizations must work together, in a constructive and holistic approach, to enhance rights to information and independent media. This can be done through collaborative training, research studies, and evidence-based advocacy. CSOs must continue their work supplementing the works of journalists by producing public outreach materials and training journalists, as well as the public, on how to differentiate trustworthy and fake news. The donor community must design grants and subgrants that consider the risk and contemporary challenges faced by journalists. Those include, but not limited to, training and consultation services on physical, digital, and psychological threats, and scientific reporting.

### ***For Journalists and Media Organizations***

News outlets and media organizations need to ensure self-sufficiency to maintain their neutrality and independence. This can be done through the restructuring of its business portfolio and investing in innovative technological platforms other than depending on the traditional media. Journalists, practitioners, and media organizations need to maintain and uphold their journalistic ethics to increase their role in the height of growing fake news in the Kingdom. Impartial journalism is crucial in combating fake news and strengthening the country's journalism. To ensure the survival of the media during these restrictive situations, psychological and legal support to journalists must be provided, especially in times that they are being accused and charged.

## INDONESIA

Indonesia is one of the countries in Southeast Asia seen as one of the beacons of hope for democracy, human rights, and press freedom, especially in contrast to the rest of the region which experienced degradation of democratic values and institutions starting 2015. Democracy and freedom in Indonesia were able to make significant developments after the fall of Suharto, which is also known as the Reformasi era in 1998. Since then, building the foundations of democracy in Indonesia has been taking place. Over the 23 years of continuous building of democratic institutions, the clamor for greater space for press freedom in the country also intensified. According to Reporters without Borders, Indonesia had shown some improvements on press freedom albeit gradual. Over the past three years, Indonesia has improved its rank from 124 in 2018 to 119 in 2020. However, human rights and media freedom activists view this ranking as something that they are not proud of as they believe the space for freedom of expression and media could be much better.

In the pandemic era, the foundations of the free press are being challenged as immense and sudden shifts in operation and change in environment happened. Media practitioners seem to be facing significant hurdles in terms of the flow of information, especially in receiving information from the government agencies on Covid-19 related matters. This makes reporting exceedingly difficult for the media, thus undermining their mandate to provide the latest and accurate information to the public. The situation also magnified issues faced by the media even prior to the emergence of the pandemic. For instance, attacks on media personnel, physical and digital, have only continued especially upon reporting on the breach of Covid-19-related Standard Operating Procedures (SOPs) or policies committed by government officials, including President Jokowi. Journalists who often produce critical pieces of news receive the brunt of these attacks which are often perpetrated by pro-government entities and personalities. These attacks include arrests and death threats, merely for doing their mandate as journalists<sup>9</sup>. Furthermore, reports filed by victims of harassment are oftentimes ignored, with the police force turning a blind eye to cases, thus continuing the cycle of hostility against journalists. Under the Covid-19 Pandemic, it is evident that the Indonesian Government has neglected its duty to protect press freedom and freedom of expression.

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<sup>9</sup> Jakarta Post (December 2020). Violence Against Journalists Hits All Time High in 2020 - AJI. Accessed at <https://www.thejakartapost.com/news/2020/12/29/violence-against-journalists-hits-all-time-high-in-2020-aji.html>

During a protest against the Job Creation Law, which was passed by the government in the Parliament, it's been reported that around seven journalists were attacked by the police when they were on the ground to cover the protest. This was even though they were wearing markers to identify them from protesters.<sup>10</sup> On the same protest issue, it was reported that, another seven media managers who were alleged to be social media provocateurs inciting protests against the Law Creation Law were also arrested. According to the National Police Criminal Investigation Department (Bareskrim), these seven persons have been using WhatsApp, Facebook, and Instagram to incite rioting. Southeast Asia Freedom of Expression Network (SAFEnet) also reported that numerous Twitter accounts from civil groups critical towards the law were blocked from platforms.<sup>11</sup>

According to media stakeholders interviewed for this project, protecting media freedom, and protecting journalists has not been made a priority under the current government, and that oftentimes attacks made by government supporters are left without repercussions. From February 2019 to September 2020, Amnesty International reported that at least 201 human rights and social justice defenders have been victimized by online and offline human rights violations<sup>12</sup>. During the pandemic, Indonesia has seen a rise of authoritarian actions, accentuated by the abandonment and democracy and human rights values, increase in corruption and cases of discrimination against women.

Among the most concerning policies deemed as a great threat is the Electronic Information and Transaction Law (ITE), which in the recent past has raised concerns on whether it can be used against journalists and citizens to curb freedom of speech and media in Indonesia. While the intent of the law is indeed helpful to promote a greater space of media in the country, much more is needed aside from promulgation of policies.

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<sup>10</sup> [https://www.straitstimes.com/asia/se-asia/indonesian-journalists-say-assaulted-by-police-during-protests?utm\\_term=Autofeed&utm\\_campaign=sttw&utm\\_medium=Social&utm\\_source=Twitter#Echobox=1602321709](https://www.straitstimes.com/asia/se-asia/indonesian-journalists-say-assaulted-by-police-during-protests?utm_term=Autofeed&utm_campaign=sttw&utm_medium=Social&utm_source=Twitter#Echobox=1602321709)

<sup>11</sup> <https://www.thejakartapost.com/news/2020/10/26/workers-plan-to-hold-waves-of-protests-against-omnibus-jobs-law-until-nov-10.html>

<sup>12</sup> <https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/>



*Photo SEQ Photo \* ARABIC 3. On February 3, 2020, two women were arrested for allegedly spreading fake news regarding Covid-19 online. Courtesy: AFP*

According to the government representative present, media organizations are “friends to the government” especially in spreading information to the public regarding the Covid-19 pandemic. Regarding data and information about the pandemic, the Indonesian government said that they were very transparent about the information, and it has always been shared to the media daily. However, there have been

concerns regarding the handling of fake news and misinformation. Approximately, there have been around 1200 recorded fake news incidents since the pandemic. The government also urged the media organization and journalists to come forward with their recommendations in terms of improving the draconian laws so be it to amend or even repeal. They urge the media to be their watchdog and they are open for any consultation or discussion to further improve and protect the media space.

Despite these pronouncements from the Government, impunity and injustice committed against journalists remain to be unresolved. Members of the state apparatus (specifically the police and army) who committed these wrongdoings against the journalists remain to enjoy unfettered freedom and authority. “Buzzers”, or alleged government operatives have been continuously filing cases against journalists publishing critical pieces and defaming critical actors. Journalists decry the seeming double standard and treatment by the Government, especially as police and judicial authorities have responded aggressively against opposition and critics, while cases of fraud committed by pro-government actors proceed at a sluggish pace.

According to a report that was published by Amnesty International of Indonesia, a total of 119 cases of alleged violations in freedom of expression using the ITE Law happened since its promulgation, with 141 suspects that include 18 activists and four (4) members of the media. Evidently, the usage of ITE Law is not only a curb to media freedom, but also in limiting the space of freedom of speech in Indonesia. ITE law is

often used as a tool to limit expressions of dissent by critics towards the government.<sup>13</sup>

Arrest, abuse, and violence against journalists in Indonesia is not limited towards critics of the government, or also towards activists and citizens who demonstrate against the government. In a recent case, a journalist from TEMPO, Nur Hadi, was assaulted and threatened by a former director of investigation and tax collections at the Finance Ministry. On March 29, Nur Hadi who reportedly entered the wedding of Angin Prayitno Aji, the said former Director, was accused of trespassing despite him showing his press ID to the bodyguards who are attached with the director. Nur Hadi was slapped in the face and ears; his hair pulled and was held captive in the hotel room in Surabaya for 2 hours. His mobile phone was also smashed and reformatted as well. The bodyguard of Angin Prayitno did so because it was said that the evidence of the corruption case was saved in the journalist's mobile.<sup>14</sup>

Internet restriction has also been a *modus operandi* of the state over the years to undermine popular actions. There have been reports confirming that Internet access in Jakarta, Papua and West Papua were halted during demonstrations. Internet shut down in Papua and West Papua due to heightened security tensions in the two regions brought about by instances of racism. The government's reason for restricting the Internet in these two regions was due to the high tension and for security reasons. However, these restrictions were not received well by the people in these two regions, especially that they lasted for around two months. Due to these impediments to the flow of information, human rights abuse and violence that occurred within this period could not be reported or documented.<sup>15</sup>

Interestingly, the Internet disconnections in Papua was challenged in the State Administrative Court (PTUN), and it was ruled that it is unlawful for the government to shut down the Internet. In the judgement, it was mentioned that the Government violated 1959 State Emergency Law by imposing Internet black out. Human rights activists who were involved in the filing of the court cases, lauded the court's decision.

Internet shut down also happened in Jakarta during the massive demonstrations after the last elections. The government blocked social media and instant messaging in the

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<sup>13</sup> <https://www.lowyinstitute.org/the-interpreter/are-indonesia-s-rubber-laws-limiting-freedom-speech>

<sup>14</sup> <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/indonesia-journalist-abused-for-reporting-on-bribery.html>

<sup>15</sup> <https://www.thejakartapost.com/news/2020/06/03/internet-ban-during-antiracism-unrest-in-papua-deemed-illegal.html>

capital after tensions rose. The reason cited for this restriction was again related to security and as an effort to combat fake news, images, and content related to the demonstrations.

### **National Recommendations**

To improve the space for media freedom and in protecting or promoting freedom of expression in Indonesia, key strong recommendations have been put forward.

The government was urged to take actions against those perpetrators that often attack journalists whether with physical or even in cyber space and be more responsible in protecting freedom of expression and human rights. Government shall also do more engagement with civil society organizations and media organizations, especially when it comes to amending laws that curbs these freedoms and space.

The government is also urged to amend and reconsider laws like article 45A *Berita Bohong* (fake-news), ITE Law when it comes to addressing misinformation and fake news. The emergence of fake news and misinformation is a new global problem that is being faced by governments and citizens, media organizations and journalists. There is a need to look at these laws and remove all provisions that hinder freedom of the press. There is also a strong suggestion for the government to enact whistleblower protection policies for journalists.

The Indonesian government is also being urged to allow international press in Papua and allow free reporting on the issues that are happening in the province. In terms of regional perspective, the suggestion is the conduct of better networking initiatives among civil societies working on protecting and promoting media freedom and freedom of expression. Often it is seen that there is no proper sharing of information and activities between organizations in Southeast Asia, thus these kinds of initiatives that link organizations must be supported.

## MALAYSIA

Over 61 years, Malaysia has been governed by only one coalition party - the National Front or Barisan Nasional (BN). BN has won a total of thirteen general elections since 1955. During its 61-year rule, there was extremely limited space for free media. However, on the 9<sup>th</sup> of May 2018, for the first time in history, BN lost the election to the federal opposition, Pakatan Harapan, led by Tun Dr. Mahathir Mohamad who was also Malaysia's former premier of 22 years. With the change of government, the region saw what could be described as an opening of freer media spaces and improved media freedom in Malaysia.

In two years, Malaysia climbed 44 places in the World Press Freedom Index, from 145<sup>th</sup> place among 180 countries in 2018, to 101 in 2020.<sup>16</sup> However, a political coup which took place in February 2020 saw a return of the shackles on press freedom, in contrast to the positive changes enjoyed by media practitioners after BN's regime's downfall in the 14<sup>th</sup> General Elections, May 2018.

The then Pakatan Harapan government made a few key promises in their manifesto prior to the 14<sup>th</sup> general election to ensure and promote media freedom in the country. Among the promises was to establish the Media Council of Malaysia, abolishing or amending repressive laws including Section 233 of the Communications and Multimedia Act 1998, Sedition Act 1948, Anti-Fake News Act 2018 and the Printing Presses and Publications Act 1984. These three laws have for decades been used as a tool of the then Barisan Nasional government to curb media freedom and freedom of expression in Malaysia.

The Anti-Fake News Act 2018 abolishment was approved at Dewan Rakyat (lower house) in August 2018. However, it failed to get through the Senate due to the lack of majority by the then ruling Pakatan Harapan government. Regardless, the government did not enforce the act on any media organizations, journalists, or individuals. This act was successfully repealed in December 2019 at the Senate house<sup>17</sup>.

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<sup>16</sup> 2020 World Press Freedom Index, accessed at <https://rsf.org/en/malaysia>

<sup>17</sup> Any law that does not get approved at the Senate level in Malaysia needs to wait for one year before it can be tabled again.



The Media Council of Malaysia establishment has been delayed for almost 46 years since the original idea was mooted. After the long wait, on 6 December 2019, the Cabinet approved the forming of a Media Council. By January 2020, an ad hoc committee was formed, chaired

by an industry representative, and tasked to draft the Bill and concept of the media council. A total of 17 representatives were appointed by the industry itself to be a part of the drafting committee. However, after the fall of the Harapan government, the media council has been stonewalled by the Perikatan Nasional government. Media council today appears to be a lost cause under the current regime, it has little or no intention to proceed with the formation of the self-regulatory body for journalists and media practitioners. The formation of a media council is pertinent because journalists in Malaysia do not have a basic right to access information. This is crucial now, especially with the Covid-19 pandemic whether the 'war' is also fought online to counter disinformation.

Since the formation of Malaysia's new government after the political coup in February 2020, which saw defections of Member of Parliaments from Pakatan Harapan, the Perikatan Nasional government seems to be limiting the space of media freedom. The pandemic has been used as one of the main arguments or factors in providing the media with limited information. Till today, 12 months after the formation of the new government, there have not been any open media conferences by most of the cabinet ministers. This includes the Prime Minister who often held one-way announcements in the developments of Covid-19. Since then, the media has found it exceedingly difficult to write or report on matters which are considered sensitive, in particular, pertaining to the pandemic. In mid-2020, global broadcaster Al-Jazeera was continuously attacked and investigated by police and government authorities over their report that exposed ill treatment received by migrant workers during the pandemic.<sup>18</sup>

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<sup>18</sup> Al-Jazeera (July 2020). Al Jazeera Journalists questioned over Malaysia Documentary, accessed at <https://www.aljazeera.com/news/2020/7/10/al-jazeera-journalists-questioned-over-malaysia-documentary>

Foreign media in Malaysia is seen to be more marginalized because they have not been included in media lists or WhatsApp groups of the Prime Minister's office. Foreign media have also been excluded from invitations to any press conferences organized by Cabinet Ministers. Again, the convenient excuse used to disallow foreign media from attending these press conferences is by using Covid-19 restrictions. The only way for foreign media to gain access to information on the contents of press conferences by Cabinet Ministers is by having some sort of relationship with the 'insiders.' Foreign media also have been facing legacy issues including being barred from covering press conferences in Police Headquarters, Bukit Aman.

### **Malysiakini Contempt of Court**

Note: At the time the consultation meeting was held, there was still a pending court case going on regarding a criminal charge against the Chief Editor of Malaysiakini and towards Malaysiakini as an organization. On 15<sup>th</sup> July 2020, Attorney General of Malaysia filed a charge against Malaysiakini and its chief editor due to 5 comments that were made by its readers in the comment section of a news article



*Photo SEQ Photo \\* ARABIC 5. Malaysiakini paid the RM 500,000 fine. Courtesy: Malaysiakini*

that questioned the independence of judiciary in Malaysia after corruption cases of few political individuals linked to the government were withdrawn. However, for the first time in Malaysia's history, on 19<sup>th</sup> February 2021, the news agency was found guilty of contempt of court and fined RM500,000 or equal to 125,000 USD. The outcome of this decision will surely further curb the media freedom space in this country and affect the freedom of speech for citizens. <sup>19</sup>

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<sup>19</sup> Malaysiakini (February 2021). Malaysiakini fined RM500,000 for contempt of court, accessed at <https://www.malaysiakini.com/news/563554>

## **National Recommendations**

A few key recommendations were discussed during this consultation from the media organization and journalists in reforming the media industry, government, and regional organizations that are promoting media freedom and human rights.

There is a strong call for the current government to enact a Freedom of Information Act so that citizens and media organizations will be able to access information freely and citizens will be able to receive accurate information from the media. The government has also been urged to establish a proper communication channel to share government policies with the media, without excluding any outlets from access to direct information via email, WhatsApp, or any other communication means. The government was also urged to appoint an official spokesperson on behalf of the government or the Ministry which will help journalists or media to clarify any matters pertaining to unresolved matters with the Ministry or agencies. This will help to reduce disinformation.

Further, it was recommended that the government utilize technology when having press conferences, especially on matters related to Covid-19. Using technology i.e., Zoom, it will be able to accommodate many journalists and with more room for clarifications.

From a regional aspect, regional organizations can play a bigger role in terms of providing networking assistance and promoting solidarity among journalists and media organizations, especially in Southeast Asia. More solidarity and networking are needed in this sector as it has been seen in the index that media freedom has been eroding for many countries for the past years. With better coordination for solidarity, journalists and media organizations can stand together for each other in terms of protecting the shrinking space of media freedom.

## THE PHILIPPINES



The background to the current problems confronting the media in the Philippines is rooted in the orientation of the present regime or administration of President Rodrigo Duterte who from the very start signaled his low tolerance of criticism, responding to probing questions about his health with anger at the journalist who asked during a

press briefing he held even before he had taken office.

This general outlook of hostility toward the press has been adopted by officials at national and local levels of government. This was joined by his supporters and the troll armies who launched a propaganda to demonize the mainstream media as “paid for” and undeserving of public trust. These steps primed the ground for his targeting three media organizations, the *Philippine Daily Inquirer*, ABS-CBN and *Rappler*.

Among other authoritarian means are the securitization of policies and programs, the crackdown on the opposition, and the restriction of flows of information. All these lead to the question - “Is there still press freedom in the Philippines?” And the answer is “yes but only in parts for we have a divided press.” The press, like the rest of the population, is divided, resulting from the regime’s design to polarize the public. There are forces in the press that remain fearlessly independent but given the conditions are unable to work together to consolidate the findings that people should know about.

Public opinion polls are also beginning to lose their credibility because the validity of public opinion must be based on people knowing enough about what is going on. The widespread use of social media places people in echo chambers with limited information, usually based on only one side of every issue.

The impact of the pandemic on the media and the restrictions that came with it affected information gathering and reporting, including government accreditation for them to do their jobs. Poor Internet connections had another downside, limiting access to sources everywhere and making it very difficult for journalists to be

connected to the news and to their sources. Some government agencies did not hold regular digital briefings, with some resorting to distributing digital packets of information, eliminating the time for questions. A report also detected the low-response rate to questions sent to the FOI portal.

The lockdown caused a market collapse which severely affected the many community-based newspapers around the country. In the early stage, many of the news publications closed, only to resurface with reduced frequency or going online. The reported revival of those that closed should be checked for sources of funding.

But the period also saw the passage of two laws -- Bayanihan to Heal as One and the Anti-Terror Law -- officializing restrictions on press reporting, legalizing penalties for passing "fake news" adding to all those already stated in the Anti-Cybercrime Law. The ATA has been challenged in the Supreme Court for unconstitutional provisions that curtail legitimate criticisms with at least two cases already recorded in the CMFR database pertaining to arrests of media practitioners.

The effect of the closure of ABS-CBN should be seen for the culture of fear that has taken over most newsrooms. As an unprecedented show of government power to strike at the core of the media system, its message is that this can happen to any other organization.



The military has taken a visible role in the media landscape. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has included activists, lawyers, members of the academe and journalists as targets of a red-tagging campaign, purportedly part of Duterte's policy to end the communist insurgency.

The report also included findings from the CMFR database from 2016 to December 2020 which showed the alarming increase of involvement of state agents in the attacks and threats against the press. These include killings, intimidation, libel, online harassment, threat by Short Message Service (SMS) or messaging apps, online platform or website attack, physical harassment, or assault, barred from coverage,

and arrest, among others. At least 19 killings and 178 incidents of other threats and attacks have been documented by CMFR. Of the number, at least 98 incidents were allegedly perpetrated by state agents.

Meanwhile, the Philippine Supreme Court (SC) has begun hearing oral arguments against the Anti-Terror Act, filed separately by so many complainants, not just the media. The decision of the High Court will be a major determinant of the future of media freedom. While past SC decisions do not give reason to be hopeful, it is more the reason for us to decide how we should respond to the challenges that confront us.

### **National Recommendations and Highlights**

Accreditation, in general, should not be practiced. The Covid-19 pandemic provided a good excuse to do this, but the same context may provide unwanted restrictions in major political events that need to be covered such as the 2022 National and Local Elections. The accreditation process introduced during the start of the pandemic lockdown was so problematic that the government eventually had to call it off. But the idea was already picked up by local government units who made it a political thing. We should be firm that our press IDs are all the accreditation we need. The principle of accreditation is solely for limiting access because of venue space. We should intensify the call against accreditation.

A policy action should also be done on the Media Welfare Bill proposed by Niña Taduran in the House of Representatives and supported by the Undersecretary Egco of the Presidential Task Force on Media Security. The original version of the bill included provisions on “professionalization” of journalism requiring journalists to take exams to determine the level, rank, and salary. But the bill that has been passed on 3<sup>rd</sup> reading in the HOR did not include that anymore. Even then, the point is that the practice of journalism should not be subjected to any kind of legislation because even this bill, if eventually enacted, can always be amended and present restrictions to our work. The bill now has a Senate counterpart proposed by Senator Ramon Revilla Jr.

There are observed similarities on the issues of anti-terror policies, anti-fake news policies, and restrictions to access to information. This calls for a regional voice - an ASEAN voice whose roots are not embedded in authoritarian rule. The Southeast Asian Press Alliance may no longer have a Secretariat, but the members of the network are there and are very much willing to continue the engagement. We can

gather all the regional issues of how the pandemic was leveraged to take advantage of media freedom. We need to show that we can fight it and mobilize the regional voices.

There is a need to build a stronger media community that will present a united stance on issues of press freedom, freedom of information, speech, and expression. Among others, this will help address the issue of a “divided” media. At a time when attacks are relentless, there is a need to come together. Good for those who can strongly and openly assert press freedom, but there is a section in the community who cannot do that mainly for economic issues, among others. We need to be able to surface and address these linked issues to consolidate our ranks.

*Specific action points:*

*1. Grow the Freedom for Media, Freedom for All (FMFA)*

This can involve extending the reach of statements and other activities to also involve those who are active on the regional levels but may not yet be connected in our current efforts. Media statements should be regionalized, make sure that it gets out and reaches the public so that statements have a broader reach.

Expanding the reach can be done through different mechanisms: getting the support of other sectors, NGOs or business groups, or academic networks which are already involved at some level in press freedom protection or related activities, such as, Media and Information Literacy or others that can also serve as an entry point for these engagements.

It does not necessarily involve forming one umbrella but just reaching out given the potential of expanding the impact of activities of press freedom protection, which is the focus of FMFA. Building the network can be done by involving other sectors advocating the same cause, however, it does not necessarily mean to form a bigger coalition of organizations.

It is important to get the support and involvement, and some are already participating in media activities, but efforts have yet to be made to get them involved in the campaign. Several activities have been undertaken in the past to engage these sectors, especially the academe and communication organizations, and these have shown their desire to be involved. It is important to be able to sustain this support and involvement.

**2. FMFA should be able to decide on membership expansion but to also consider the reach out.**

Some actions to be considered by local stakeholders:

- ✓ Provide venues for discussions within the media community to thresh out what difference we have, agreeing to disagree but agreeing to focus on the common issues that make us who we are, press freedom most importantly. Media owners are a different issue. FMFA can begin to engage different press corps groups such as JUCRA, DND, PCP etc.
- ✓ FMFA should tap local or regional media organizations – with media groups or organizations outside Metro Manila. These organizations have expressed their feeling that they have been neglected and that the agenda-setting happens only in Metro Manila.
- ✓ It may be necessary to set up a Secretariat or Task Force to handle all coordination and coalition work.

Specific sectors that can be tapped:

- ✓ Journalism schools: this is a huge community and the sector that will bring in the new generation of media practitioners and even voters.
  - JSAP can be the likely bridge to this sector and the academe in general.
  - PPI had also started its voter election campaign within the academic circles.
  - Engagement should be done even beyond journalism issues (e.g., human rights, etc.)
- ✓ Civil society organizations (e.g., human rights and women organizations) - the solidarity of many of the progressive issues that we all face is a good basis to foster partnership
- ✓ Communication organizations - they are not necessarily formed by educators but by students themselves. Possibly, the Philippine Association of Communication Educators and Philippines Communication Society

Media freedom cannot be tackled without addressing basic media welfare issues. These issues highlight that apart from external issues that the media face, there are internal concerns that need to be surfaced and addressed. The expanded and consolidated reach of the proposed Task Force or FMFA should carry this issue and

help amplify the call to address this. We should articulate this in a concept paper where provisions are clear on the welfare issues of media workers including freelance and correspondents (therefore maybe not using the union framework) fostering the freedom and solidarity aspects of our work. PPI, for its part, is undertaking efforts to address economic issues of community journalists by supporting production of stories and looking at forming a cooperative.

Related issues and concerns:

- ✓ Compensation and security of tenure - which is linked with the issue of corruption in the media
- ✓ Impact of the pandemic on operations of the community press
- ✓ Mobility restrictions which greatly affected the work of photojournalists
- ✓ The accreditation process that disregarded freelance media practitioners
- ✓ Representation issues in coverage undermining the presence of local media
- ✓ Weak foundation of labor unionism in the media which used to be strong in the pre-martial law era

The dangers of the Anti-Terror Law are something that must be raised and amplified. We need to sustain pressures against the government for arbitrary actions and accusations that endanger journalists and their work. There needs to be a unified stand against these restrictive laws: Cybercrime Law, Bayanihan to Heal as One Law, Anti-Terrorism Law. If media organizations cannot sign up to that, then individual signatures are the route.

Linked to the issue of the Anti-Terror Act, red tagging is also a concern of media practitioners. It puts the lives of journalists in danger, it impacts on the work of journalists, and at times causes journalists to go easy on reporting. News sources are also red tagged and that also poses problems. But red tagging as a campaign should also go beyond journalism. It is a civil rights issue, an assault on human rights. The more voices that we have against this, the better.

## THAILAND

Thailand has always been known as a paradise for vacation by people from all walks of life in the world. With the country's cultural and national assets, tourism has always been one of the main economic drivers for the nation. However, amid the country's success in this aspect, the situation of politics in Thailand can be described as far from success. Coup d'état is not something new in Thailand, or perhaps for some, they refer to it as a norm. It has been mentioned that, until today, approximately around 13 successful coups have happened in Thailand since the institution of the constitutional monarchy.<sup>20, 21</sup>

The latest coup that happened in Thailand was on 22 May 2014, led by military general Prayut Chan-o-cha, who is the current serving Prime Minister of the Kingdom. This period has only seen greater clamor from the youth and pro-democracy sector to establish democratic institutions in the country. The latest protests in 2020 were triggered in Thailand after the



*Photo SEQ Photo \\* ARABIC 8. Protest in Bangkok (2020) demanding for democratic reforms. Courtesy: AP*

dissolution of the popular youth party, Future Forward Party. The youth started taking to the streets to protest the PM, and shockingly the protest also started to demand the reform of the all-powerful Thai monarchy. In terms of media freedom in Thailand, reports from Reporters without Borders have shown that the index in Thailand for the past 7 years has been the same.<sup>22</sup> The year 2014 marked the country's best ranking in the index, which was 130 over 180 countries, and for the latest year 2020, Thailand is ranked 140 over 180 countries.

As many other countries in the world are facing the new threat of disinformation and fake news especially during the pandemic, Thailand is not spared from it. Amid the pandemic Covid-19, the government has been facing tremendous challenges in

<sup>20</sup> Thai Enquirer (May 2020). Grading Thailand's 13 successful coups. Accessed at <https://www.thaienquirer.com/13406/grading-thailands-13-successful-coups/>

<sup>21</sup> The Atlantic (March 2019). How Thailand Became the World's Last Military Dictatorship. Accessed at <https://www.theatlantic.com/international/archive/2019/03/thailand-military-junta-election-king/585274/>

<sup>22</sup> Reporters without Borders. World Press Freedom Index 2020. Accessed at <https://rsf.org/en/thailand>

combating misinformation especially pertaining to health care and supplementary food products. Most of this information is being aired or shared in mainstream, non-mainstream, and social media. It was reported that some of this case has been dealt with by the authorities.

### **Issues and repressive or controversial act or law**

For the last decades, there have been laws or acts that are often used by the Thai government particularly to curb the freedom of expression and in the media.

Among the commonly used against journalists and activists are the following:

1. Article 112 in Criminal Code, known as the lese majeste law of Thailand (Sentence: 3 to 15 years of imprisonment).

According to a pro-human right NGO, which has provided legal assistance to those charged under Article 112, from late November 2020 to early March 2021 there were 61 people charged under the lese majeste law. This showed that the government is strictly enforcing the lese majeste law again.

2. Article 116 in Criminal Code, known as the sedition law of Thailand (Sentence: Maximum jail term is up to 7 years).

3. Computer Crime Act of 2007. This law allows authorities to prosecute offences under Article 112 and Article 116 committed online. Authorities could also apply this law to deal with fake news

4. Defamation under the Criminal Code

It is easy to place defamation charges and the penalty is high, maximum 2 years of imprisonment

5. Emergency Decree invoked since last year to deal with the pandemic.

Government was accused of using this decree and the pandemic to suppress opposition views.

6. The Public Assembly Act requires those wanting to hold assembly to seek authorities' permission prior to organizing rallies at public venues.

There have been some hurdles and challenges in ensuring media freedom and freedom of expression in Thailand. Thai journalists have seemed to not have many

obstacles in terms of getting information from the government when they need to. It is also noticeable that after the 2019 election, there has been some improvement in freedom of expression and media freedom compared to the situation under the reign of the military junta government. There also has been improvement in reporting in mainstream media, especially in providing some coverage to the opposition.

However, when it comes to reporting about protests against the monarchy and the lese majeste law, media organizations in Thailand have always been careful on what they write, including in reporting speech or statements made by protesters. The Thai mainstream media refrains from reporting what statements of anti-monarchy protesters; publishing these statements may lead to lese majeste charges against them. As a result, there has been a growing frustration among protesters given that they are not able to promote their demands or their reform agenda through mass media channels.

In October 2020, there were reports about news portals being shut down by the government; online news portals and Facebook pages that were shut down include The Reporters, Prachatai, The Standard, and Voice TV, and student activist group Free Youth.<sup>23</sup> Live streaming pages that were reporting about the protest were also blocked and shut down by the government. Media in the country's northeast provinces complied with government policy of doing news coverage and reporting about the Covid-19 pandemic only, with nothing about political rallies that have been happening.



*Photo SEQ Photo \\* ARABIC 9. Kitti Pantapak, one of the Prachatai journalists who were arrested while covering the protests.*

On 16 October 2020, police arrested Prachatai journalist Kitti Pantapak who was doing media coverage for an ongoing protest, live streaming the police crackdown against the protesters. He was arrested under Section 368 of Criminal Code for disobeying the official. He was then released

<sup>23</sup> Coconuts Bangkok (October 2020). 4 Thai news agencies to be shut down by gov't as protests explode: police. Accessed at <https://cocnonuts.co/bangkok/news/4-thai-news-agencies-shut-down-by-govt-as-protests-explode-nationwide/>

on October 17<sup>th</sup> after paying 300 Baht or around USD10.<sup>24</sup>

It appears that there is a coordinated effort by the military junta to discredit the media or news portal that report the truth or news that do not favor the government. These attacks or coordinated efforts are being done via social media by trolls that are allegedly linked to the government.

Meanwhile, the government is of the view that they are in support and encourages the space of media freedom and freedom of expression. Government has also been facing lots of hurdles particularly in combating fake news, particularly about the Covid-19 pandemic. Therefore, the Computer Crime Act is being applied to prosecute said perpetrators of fake news. Government also has no intention to regulate any law or act to govern the media industry. Regarding the media council formation, there has been ongoing consultation with media organizations and the industry as whole.

### **National Recommendations**

In terms of fact checking platforms, Thai government's advice is to allow the private sector from the media industry or an independent organization to conduct the regulation. This is to instill trustworthiness and ensure the legitimacy of the process and ensure independence from government itself. The Thai government is also urged to provide more protection and create a safe environment for media and journalists when they are reporting on the ground, especially in the areas of conflict zones. Safety training, non-interference by government authorities and providing gears like body armor for their safety should also be required.

Protection for whistle-blowers is also a key recommendation that was highlighted so that citizens and journalists will not be targeted, especially when these issues are brought up for government's attention, most specifically when it comes to protection of human rights.

Lastly, media organizations and media watchdogs in Thailand are urged to play a more proactive role in pushing back towards all the censorship, especially when it comes to reporting about monarchy issues and those related to reforms. Reforming the country's current legal regime should be prioritized given the presence of laws

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<sup>24</sup>International Federation of Journalists ( October 2020). Thailand: Reporter arrested while covering protests. Accessed at <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/thailand-reporter-arrested-while-covering-protests.html>

which essentially hinder the country from progressing in terms of promoting press freedom domestically. National groups decry the effect of laws such as the Lese Majeste Law, the Anti-Sedition Law, and the Computer Crime Act, among others, to the mandate of press in the country. As such, the country's parliamentary branch should act to reconsider these laws, thus, preventing further instances of journalists and civilians suffering under such laws.

## **RECOMMENDATIONS BY ASIA DEMOCRACY NETWORK (ADN) FOR GOVERNMENT AGENCIES, CIVIL SOCIETIES, MEDIA ORGANIZATIONS, REFORMS OF LAWS, AND COMBATING FAKE NEWS STRATEGY**

Media space in this region, particularly for Indonesia, Thailand, Cambodia, Philippines, and Malaysia is significantly shrinking, and this shrinking of space has been exacerbated by the Covid-19. Governments in these countries have been seen using the pandemic as an excuse or tactic to silence the media and to control the narrative that they intend to portray. Some governments have also used this 'opportunity' to strengthen their power and position. However, during the entire research and consultation, there were few key recommendations that have been proposed which can be adopted by media organizations, regional organizations, and governments to prevent the further decline of press freedom in the region.

### **1. Governments/ Legislative Reform**

In the five countries involved in the research and consultation, there is an immediate need to repeal or amend draconian laws that limit the space of media freedom.

Existing laws that also affect media personnel's welfare, such as when they write news that may be critical towards the government and/or monarchies in some countries, need to be reviewed to ensure their protection. In some countries, journalists can be arrested, or investigated for simply reporting what has been said by their source or by the general public during events or protests.

Repealing or amending these laws will help the government in terms of improving the index of press freedom in the respective country and this will also help in terms of keeping the government in check and balance the situation by the media, known as the fourth estate, and ultimately this will be of benefit to the citizens who have the right to free press.

### **2. Freedom of Information and whistleblower policies**

Governments are urged to promote and enact Freedom of Information (FOI) policies for journalists and citizens. Journalists in these five countries are facing problems in terms of acquiring information from government offices and agencies. As a result of not having a FOI law in certain countries, journalists tend to obtain information from their sources which then can be a threat against them and the

informant for revealing information that can be classified as 'secret or protected information' by certain governments.

Therefore, the solution is to promote freedom of information. If there is a governing FOI law, journalists will be able to obtain right and accurate information from verified sources in government. As a result, citizens of the country will be able to obtain verified information. This will address other related issues such as the proliferation of fake news. Ultimately, FOI advances transparent governance.

Another equally important measure is to provide protection to whistleblowers. They should not be punished by governments and authorities, especially when they help expose corruption or abuse of human rights. Protection must be provided towards those who come out to say the truth.

### **3. Government to have better engagement with media**

Governments often view the media and journalists from an adversarial point of view. This rises because governments always do not hold consultation and dialogues with the media and journalists to understand their obstacles and difficulties that this crucial sector is facing. There is a much need for governments to constantly engage with media and journalists especially during this pandemic Covid-19 era where media plays a vital role in providing fast, accurate, and verified information to the public. Engagement with the media is also important when governments want to enact any law which affects press freedom and freedom of expression.

In ensuring government policies are well reported and communicated to the public, the government should appoint its official spokesperson which will be able to share and relay all its policy matters to journalists. This will help both the government and journalists in communicating information to the public and with this arrangement, no Cabinet Ministers will be troubled to answer many questions to journalists.

### **4. Regional solidarity and networking**

After the temporary disband of Southeast Asia Press Alliances (SEAPA), there has not been any regional organization advocacy group in this region focusing on the

welfare of journalists and the health of press freedom. Today, media organizations and journalists or unions are only connected via their own contacts in each country and personal contacts. Looking at the current situation in SEA, particularly as there have been continuous threats against media and journalists, SEA media organizations are being proposed to unite and work together in fighting against repressive governments and authorities. There is a much need for wider solidarity in this region as one country will not be able to achieve its goals on its own. Part of solidarity, country and regional media freedom advocates are also being urged to find ways to support the well-being of journalists especially when it comes to legal assistance. Media often is the target of authorities, as some are being charged in court while others are jailed for merely reporting on issues. Much cost and expenses are needed in engaging legal assistance.

## **5. Trainings and collaborations**

Training for young journalists is also an important segment especially when promoting human rights values. Media is an especially important arm of communication to the public in advocating human rights. As human rights are under threat in this region, perhaps a regional organization that advocates for media freedom should also invest in training. In other words, there is an urgent recommendation to form a regional coalition to protect, advocate and promote media freedom.

## **6. Combating fake news**

Fake news and misinformation are a global threat today, not only for governments, but for the public and the country as whole. In some countries, governments operate a fact checking system to combat fake news. However, this initiative where the government runs fact checking organizations is now unwelcome as this allows the government to determine what is fake and what is right. The suggestion for all governments is to allow an independent fact checking organization or platform to operate by the media industry by itself and this will also bring more legitimacy in determining what is fake and what is not. This will also help governments in terms of combating fake news.

## **7. Regional Intergovernmental agencies**

Intergovernmental agencies such as the ASEAN intergovernmental commission for human rights (AICHR) should play a more active role in advocating for media rights and media freedoms at the ASEAN level. The ASEAN charter should be revisited and updated to include a chapter on the promotion and protection of media. AICHR should work closely with civil rights and independent media groups to develop this promotion and protection mechanism. AICHR should also position itself as a bridge between governments and the media and civil rights groups to ensure that media welfare, safety, independence is guarded in ASEAN.

## Annex 1: Issues in the Sub-Region at a Glance

A consolidated advocacy and campaign approach should be carried out to make these changes possible. Immediately, the laws that need to be repealed or amended for each country in this study are the following:

Country	Law/Act	Resulting Press Freedom Issues
Cambodia	State of Emergency Law	<ol style="list-style-type: none"> <li>1. Restrictive political environment that encourages self-censorship and weakened independent media;</li> <li>2. Impunity on cases of arrest and harassment of journalists for performing their mandate;</li> <li>3. Weak accountability from government due to a restricted flow of information and a weakened media sector;</li> <li>4. Use of such laws to retaliate against critical journalists and opposition members.</li> </ol>
	Lese Majeste Law	
	NIG Sub-Decree and Cybercrime draft law	
Indonesia	Electronic Information and Transaction Law (ITE)	<ol style="list-style-type: none"> <li>1. The defamation clause under the ITE Law has been misused to silence opposition and critical journalists;</li> <li>2. Renders whistleblower policies useless, especially that released information can be labeled as "defamatory" thus undermining anti-corruption and transparency actions;</li> <li>3. The law is so draconian that all forms of "insults", which the law vaguely defined, can be penalized with arrest and detention.</li> </ol>
Malaysia	Section 233 of the Communications and Multimedia Act 1998	<ol style="list-style-type: none"> <li>1. Malaysia's government relied on these three laws to target journalists and curb access to information.</li> <li>2. The legal regime in Malaysia has essentially been used to police and stunt press freedoms and freedom of expression in the country, which is reflected in the country's poor placement in press freedom indexes.</li> <li>3. Colonial-era laws such as the Sedition Act have been used as a form of content regulation and human rights repression, violations of which can be penalized up to RM 5000 (USD 1700) or with jail time up to 5 years.</li> </ol>
	Sedition Act 1948	
	Printing, Presses and Publication Act 1948	
	Anti-Terror Law	

<p>The Philippines</p>	<p>Cybercrime Law</p>	<ol style="list-style-type: none"> <li>1. The Anti-Terror Law essentially legalizes and normalized the Duterte Administration’s policy of red-tagging government critics and independent journalists;</li> <li>2. Cybercrime law has vague definitions of “sedition” which can be used to punish independent journalists for releasing information and opinion critical of government action.</li> <li>3. Expands the scope of libel cases, which in the past has been used to silence critics and suppress dissenting opinions.</li> </ol>
<p>Thailand</p>	<p>Article 112 in Criminal Code, known as the lese majeste law</p>	<ol style="list-style-type: none"> <li>1. Under the regime of these laws, censorship and self-censorship has become a rampant practice in the country,</li> <li>2. The government uses these laws to essentially regulate the content of media in the country, as long as it affects national security and “good morals” of the people, as defined by authorities;</li> <li>3. These laws essentially undermine the independence of media and editorial freedoms in the country -- the right to publish is negatively affected.</li> </ol>