FREEDOM OF EXPRESSION AND RIGHT TO INFORMATION IN ASEAN COUNTRIES

A REGIONAL ANALYSIS OF CHALLENGES, THREATS AND OPPORTUNITIES

BASELINE STUDY

Internews
EUROPE

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SWEDEN

COVER PHOTO
Philippines: 83 year old tricycle driver Demetrio S. Legaspi from Manila reads the paper every day, sometimes with his granddaughter watching. He reads all the newspapers he can get ahold of.

"In order to build your own thoughts, in order to exercise freedom of opinion, you need information. In order to build the best opinions, you have to have the best information. You have to have access to diversity of media."

FRANK LA RUE, SPECIAL RAPPORTEUR FOR THE UN ON FREEDOM OF EXPRESSION

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1 EXECUTIVE SUMMARY

This study, conducted by Internews Europe for the Development Cooperation Section, Embassy of Sweden, Bangkok, has three key aims:

1. To assess the current state of the Freedom of Expression (FoE) and Right to Information (RTI) movements across Southeast Asia, both at the national and regional levels.

2. To test the hypothesis that the overwhelming majority of international donor efforts to increase FoE in the region are limited to country-based schemes.

3. To present, on the basis of the research undertaken, recommendations for how international donors can best support the sustainable development of local FoE/RTI change agents at the regional level.

Using mixed research methodologies, with a particular emphasis on Social Network Analysis, this report bridges a significant gap in the sector's understanding of the links and interactions between national and regional networks. It also identifies where collaborative gaps exist, and provides an analysis of where support might be best placed in the future.

In broad terms, the study underscores the consensus on Southeast Asia. The FoE landscape is visibly struggling across the region in the face of increasing threats within national borders, including from a cross-regional domino effect of regressive laws and policies. With external and regional support dwindling, and a lack of recognition for FoE as a concept worthy of support in its own right, the report concludes particularly that there is – across the region – the demand and potential for achieving greater impact with an evidence-based, region-wide strategy to reinforce and complement national-level initiatives.

CURRENT FREEDOM OF EXPRESSION LANDSCAPE

While the struggle to expand FoE and RTI is one common to many countries within the region, the scope and scale of that struggle varies by country. Furthermore, it is difficult to compare and contrast FoE and RTI between Association of Southeast Asian Nations (ASEAN) members, because the pool of countries is politically, socially, economically and religiously disparate.

ASEAN member countries span the political spectrum, from democratic and transitioning societies such as the Philippines, Indonesia, and increasingly Myanmar (which is quickly shifting the region's political balance), to highly repressive, single-party regimes such as Laos, Cambodia and Vietnam. Economically the divide is equally wide, from prosperous nations in high-income brackets such as Singapore and Brunei, to middle-income nations such as Malaysia, Thailand, Indonesia, the Philippines and Vietnam, and to the poorest end of the spectrum, where Laos, Cambodia and Myanmar are reducing poverty at a slower pace.[1]

Socially, while stalwart democracies such as the Philippines host flourishing and highly developed civil societies, characterised by collaboration and coalition-building,[2] ASEAN also includes countries where state policies strictly limit the formation of civil society, and governments aggressively control activities that seek to widen the democratic space.

All five priority countries selected for deeper research in this study – Cambodia, Laos, the Philippines, Thailand and Vietnam – provide constitutional guarantees for free speech; though in practice, that right is severely curtailed. Across the region, the diminishing ability of citizens to express themselves openly and freely without recrimination is an alarming trend.

1 'Comprehensive Study on Cybercrime', UNODC, 31 May, 2013, accessible at: http://www.unodc.org/documents/organised-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf.

2 'Overview of NGOs and Civil Society, Philippines, Asian Development Bank' brief, accessible at: http://www.adb.org/sites/default/files/pub/2007/CSB-PHI.pdf.

Uthanyin and his wife are both retired. They live with their children. Uthanyin's regular routine is to listen to international radio in the early morning. His favorite station is the BBC radio news. He wants to access satellite radio because he says the current stations are limited. © KIM OANH NGUYEN

Statistically, all five countries sit in the bottom third of Reporters Without Borders' (RSF) annual *Press Freedom Index* 2014, with four out of the five – Vietnam, Cambodia, the Philippines and Laos – slipping further between 2013 and 2014. Malaysia and Cambodia earned their lowest ranking ever in RSF's 2013 ranking, followed by further falls in 2014. Cambodia's score has continuously declined between 2002-2010. The downward trend also holds true for Vietnam, which slipped six places in the 2012 index and failed to improve in 2013 and 2014.

In Freedom House's *Freedom of the Press 2013* report, four out of five countries prioritised in this study carry the status 'Not free'. Only the Philippines is considered 'Partly free'.

WINDOW OF OPPORTUNITY

There are, however, a few opportunities for progress. Beyond ASEAN's economic integration in 2015, its establishment of an Intergovernmental Commission on Human Rights and its adoption of a Human Rights Declaration in 2012 indicate there is at least some room for social issues to gain attention.[3]

In addition to ASEAN, in which Myanmar currently serves as chair (2014), other recent or imminent regional developments open a window of opportunity:

- Vietnam is one of the countries serving the 2014-2016 term on the UN Human Rights Council, which may put a degree of pressure on the country to keep its own abuses in check.
- Laos – with one of the world's most repressive governments – goes up for Universal Periodic Review by the UN Human Rights Council in 2015, opening a rare opportunity for public scrutiny of the country's human rights situation.
- Upcoming elections in Thailand, Indonesia, Myanmar and Singapore will further test the limits on the public's ability to freely express their views.

It is against this extremely difficult backdrop for FoE, and limited opportunities to make a difference, that Internews Europe has identified the following key findings and recommendations to inform a concerted region-wide strategy to increase FoE.

SUMMARY OF KEY FINDINGS

1. **Fragmented and erratic Freedom of Expression sector**
   While a handful of FoE/RTI organisations well-placed to receive funding and other support exist in the priority countries, numerous smaller organisations and individual activists also working towards FoE and RTI are more poorly networked and resourced – and are often unaware of the work of other entities. Furthermore, there is no effective FoE or RTI mechanism or initiative connecting any of these country-level actors with regional organisations, or vice versa.

2. **Systematic collaboration on high-priority issues limited**
   Increased multi-stakeholder collaboration and cross-border sharing of information is urgently needed to counter key threats to FoE/RTI, such as the domino effect of regressive media and Internet laws across the region, the increase in online censorship, the deteriorating safety and security situation for journalists and human rights defenders (HRDs), and systemic self-censorship, especially on sensitive topics.

3. **Shifting donor commitments**
   Donors are increasingly nesting their support for FoE/RTI initiatives under broader funding streams for governance or poverty alleviation, decreasing the overall funding available for FoE/RTI, and leaving expert groups in the region with diminished resources, and little margin for error or experimentation.

RECOMMENDATIONS

In taking into account the context and needs of the FoE/RTI sector identified through this study, Internews makes the following region-wide recommendations:

1. Establish or support a regional forum and network for organisations working across the range of FoE/RTI issues, bringing together expertise from key regional and national organisations, and

3 'Human Rights in ASEAN', Centre for International Law, online source: http://cil.nus.edu.sg/human-rights-in-asean/.

following best-practice models from other areas of the world.

2. Support multi-country collaborations between diverse organisations tackling restrictive laws, for example 'cybercrime' laws, through the provision of technical assistance, skills, resources and networking. Establish or strengthen a lead regional organisation focused on online free expression.

3. Strengthen links between country-level organisations and existing regional resources to prioritise the safety and protection of journalists (e.g. the UN Safety Plan).

4. Support organisations working to end impunity through regional policy approaches.

5. Support nascent civil society organisations to develop strong links and exchanges with relevant organisations through cross-border exposure trips where country clusters exist.

6. Work with/through other regional networks to provide digital security training.

7. Investigate support for other forms of media such as documentary film and photography as entry points on FoE in the most challenging environments.

8. Foster the development of a donors' forum for Southeast Asia involving regional and international donors.

RECOMMENDATION OF PROGRAMMATIC APPROACH: IDENTIFY ASEAN 'COUNTRY CLUSTERS' TO SHARE SOLUTIONS

An additional layer of social, political, economic and religious dynamics exists in the form of natural country clusters, where specific conditions and contexts potentially lend themselves to more tailored interventions related to FoE.

For instance, Vietnam and Laos are two of the most repressive regimes in the region, where journalists and HRDs are particularly vulnerable. In both countries, one-party rule has resulted in extremely weak civil society and absolute state control over information flows. Pairing these countries with Myanmar could provide useful examples for how to maintain information flows in highly repressive states.

Meanwhile, Thailand's Deep South and the island of Mindanao in the Philippines – both beset by violence and regional conflict – share similar challenges in the limited availability of neutral information. Marginalisation of communities in these locales has spurred violence and adds a complicated layer to the information ecosystem, where ongoing violence and strife impedes communities' ability to access information. Aceh in Indonesia, which experienced decades of internal conflict and fighting before a peace agreement was reached in 2006, could offer both of these regions insights into ensuring citizens have access to accurate and quality news and information in conflict zones.

Specific tailored approaches to creating an enabling environment for FoE in these country clusters will be necessary and should include initiatives that place flexibility and adaptability at their core.

2 REGIONAL CONTEXT ANALYSIS

Internews researcher Bryant Macale gives a presentation about impunity and the safety of journalists and human rights defenders in the Philippines—one of the biggest threats to freedom of expression in the Philippines, which has appeared in Committee to Protect Journalists' Impunity Index since 2008 as one of the country's in the world with the highest rate of unsolved journalist killings. © KIM OANH NGUYEN

Freedom of expression and the right to information are linchpins of vibrant, thriving societies in which public participation contributes to ensuring equitable and inclusive development. Article 19 of the Universal Declaration of Human Rights – the freedom to speak and express opinions, and to have access to government-held information – is a universal human right legally protected in state constitutions across the globe.

But in Southeast Asia, the public's ability to freely express and exchange ideas, information and opinions is under perennial threat – a situation that has intensified in recent years and impacts every resident of every member of ASEAN.

"Freedom of expression is not a journalist issue," says Bency Ellorin, Associate Editor of Cebu Daily News in the Philippines. "It has to be the community that says, 'Don't take that democratic space away from us'."

There is ample evidence of a backward drift in freedom of expression, with more restrictive laws enacted or applied, ongoing or increased violence against journalists and human rights defenders who offer dissenting or critical views, and widespread impunity for perpetrators of violations of freedom of expression.[4]

The situation is especially pronounced in the Lower Mekong sub-region, which includes one of the world's most repressive regimes, Laos,[5] as well as Vietnam, the country that hosts the second highest number of 'netizen' prisoners in the world.[6] Two other countries, Cambodia and Malaysia, received their worst rankings ever in Reporters Sans Frontieres' (RSF) annual *Press Freedom Index* 2013, maintaining a downward trend in press freedom over the past decade. Meanwhile, Thailand slipped in Freedom House's *Freedom of the Press* ranking from 'Partly free' to 'Not free' status.[7]

Among other ASEAN member states, such as the Philippines, Indonesia and Cambodia, attacks on and killings of journalists and human rights defenders – and the overwhelming lack of political will to solve those cases – remain the biggest affront to free expression. Since 2008 when the Committee to Protect Journalists (CPJ) began measuring impunity, the Philippines has been listed each year as one of the countries with the highest rates of unsolved journalist murders.[8]

The Southeast Asia region has also distinguished itself as home to three of RSF's 'Predators of the Press' in 2013 – a worldwide ranking of presidents, politicians, religious leaders, militias and criminal organisations that censor, imprison, kidnap, torture and kill journalists and other news providers.[9] Laos' President Choummaly Sayasone; Vietnam's General Secretary Nguyen Phu Truong, and the private militia in the Philippines were considered the biggest enemies and threats to freedom of expression in Asia.

While Malaysia's information ecosystem, and particularly its ICT sector, is among the most advanced in the region, freedom of expression continues to be restricted, particularly in relation to content touching upon sensitive issues around the three Rs: race, religion and rulers.[10] In a recent example, local newspaper *Malaysian Reserve* in January, 2014, censored a *New York Times* photograph of pigs in a story about living conditions of farm pigs in New York, apparently in an effort to avoid potentially offending Malaysia's majority Muslim ethnic Malay population, which considers pigs unclean.[11] Online censorship has increased as more Malaysian citizens use the Internet to access and share information, with bloggers facing prison sentences for content considered blasphemous, and opposition party websites facing cyber attacks in advance of elections to prevent citizens' access to alternative views.

Meanwhile, access to independent media remains at stake in higher income countries such as Singapore, which consistently ranks low in RSF's *Press Freedom Index*. Singapore continues to control its citizens' ability to speak freely through regulatory measures such as a recent policy requiring online news sites that attract at least 50,000 visitors per day to obtain an annual licence, and to remove content considered objectionable by the state within 24 hours.[12]

Taken together, these ratings and trends reveal significant contraction in the overall space for FoE and a decreasing tolerance by both state and non-state actors to allow alternative or dissenting views into the public domain.

4 'Working within bounds: Southeast Asia's Press Freedom Challenges for 2013,' Southeast Asian Press Alliance, accessible at: http://www.seapa.org/?p=4048.

5 *'Freedom in the World 2013,'* Freedom House report.

6 *'Vietnam Programmed Death of Freedom of Information,'* Reporters Without Borders, 25 September, 2013.

7 *'Freedom in the World 2013,'* Freedom House report.

8 'Impunity in Journalist Killings Muzzles Press', in *'Getting away with murder, Committee to Protect Journalists 2013 Impunity Index,'* accessible at http://cpj.org/2013/05/impunity-in-journalist-killings-muzzles-press.php.

9 *'Predators of Freedom of Information 2013,'* Reporters Without Borders, available at http://en.rsf.org/IMG/pdf/predators_2013_en.pdf.

10 *'Mapping Digital Media Malaysia,'* Open Society Foundations report, 16 May, 2013.

11 'Malaysian Printer Censors New York Times Photo of Pigs,' online source, Romenesko.com, 22 January, 2014.

12 'Singapore Clamps Down on News Web Sites,' Associated Press, 9 June, 2013.

However, the emergence of Myanmar as a key regional player capable of shifting the political balance and moving the region toward greater freedoms and protections of rights must be taken into account. As chair of ASEAN, Myanmar plays a significant role in potentially influencing its neighbours by demonstrating a commitment to democracy through political and economic reform, and specifically working to improve its human rights record. Intent on reaping the rewards of international aid and investment, it will likely do what it can to appear as a neutral chair of ASEAN. Already, Myanmar's progress in relaxing media censorship and releasing political prisoners, as well as outreach to civil society, is a promising development in the overall move toward openness. Myanmar recently granted permission for an ASEAN People's Forum in March 2014, in advance of the ASEAN government summit in May; whereas under the previous chairmanship held by Cambodia, only government-selected representatives were invited to join the forum.

Additionally, Myanmar has an important opportunity to alter the image of the ASEAN Intergovernmental Commission on Human Rights (AIHCR), by determining the future direction of the body and whether it becomes more inclusive and participatory or closed and exclusive, as it was under Cambodia's tenure as chair.[13] However, whether countries in ASEAN react to Myanmar's reforms – and how – is difficult to predict. Still, the potential for Myanmar to have an impact regionally cannot be ignored when considering strategic interventions on key social development issues such as FoE.

13 'Myanmar's ASEAN Chairmanship, Lessons from Cambodia,' Justine Drennan, *The Diplomat,* 13 January, 2014.

A commuter in Bangkok, Thailand, checks his smartphone while waiting for a BTS train. © KIM OANH NGUYEN

3 STUDY METHODOLOGY AND RATIONALE

A wealth of country-level data examining various facets of freedom of expression is available in many ASEAN countries, yet very little research exists on the bigger picture of how and why the space for FoE is shrinking, and what can be done to reverse this. For a deeper understanding of the situation, Internews examined the key players – both organisations and individuals – working towards freedom of expression, the ways in which they link (or don't link) with each other, and the strengths of those relationships.

While this research examined freedom of expression across all 10 ASEAN nations,[14] limitations on time and resources meant Internews selected only five countries – Thailand, Laos, Vietnam, Cambodia and the Philippines – for deeper analysis. This analysis covered: core country conditions for freedom of expression; factors leading to a downward spiral in freedoms; and what could be done to change the situation. In Thailand, the Deep South region was of particular interest because of its complex conflict, the interplay of politics, economics and religion, and the impact of these dynamics on FoE.

Country selection was based on an initial desk review and stakeholder consultations, and guided by a set of criteria including: donor interest and commitment levels to FoE and RTI initiatives; countries that are set to take the next step in FoE and RTI efforts; and immediate needs based on the country's current conditions for FoE. In Laos, for example, donor interest in FoE/RTI issues is comparatively low because of the challenging environment of addressing these issues in a highly repressive one-party state. Meanwhile, in Cambodia, despite major setbacks in free expression (particularly around land and garment sector protests) draft freedom of information (FoI) legislation recently promoted by the prime minister, eager to gain favour among a disenfranchised civil society, indicates an opening for FoE and an intention to revert the right to information back to citizens. Yet across the border in Vietnam – where there is an increasingly vocal populace emboldened to expose injustice via broadly available platforms such as social media – the only intention by the state appears to be reining in the public with an alarmingly harsh hand.

Beyond the five priority countries, two additional countries – Malaysia and Myanmar –were included for second-tier analysis of best practices and new approaches to supporting freedom of expression.

Internews' research combined stakeholder consultations with rigorous desk review and a Social Network Analysis (SNA) survey, which aimed to identify human rights and freedom of expression networks within countries and across the region, and assess the strengths of relationships within the network. The SNA provides an important baseline for understanding links within a network, and can also identify where links can be strengthened.

14 ASEAN comprises Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

A child on the banks of the Mekong River in Pakse, Laos, surfs the Internet on his cellphone while a friend watches. An increasing number of Lao people are using social media on their smartphones to share information. © KIM OANH NGUYEN

4 KEY FINDINGS

1. FRAGMENTED AND ERRATIC FREEDOM OF EXPRESSION SECTOR

Internews' research has revealed the complex relationships between relevant change agents at a country level, and in many cases the dominance of a handful of organisations already well placed to receive funding and other material support. In the background are legions of smaller organisations with great potential to increase the plurality of approach demanded by the very concept of FoE.

This study, however, underscores how these organisations and individuals have operated largely in isolation, with limited links to others, particularly at the regional level. When it comes to freedom of information issues in particular, Southeast Asia is characterised by "weak regional relationships among civil society groups working on RTI". [15]

Even within country borders, as in the case in Vietnam, a variety of organisations and individuals work to protect free expression but appear to be disconnected from each other and in many cases, do not even know of each other's existence. This is indicative of the most closed information societies where socially ingrained mistrust deepens isolation, especially among those working on sensitive or controversial topics, and where there is an obvious degree of logic for individuals to protect themselves by remaining isolated in such an oppressive context.[16]

Furthermore, while organisations – both above and below the radar – have many shared challenges and attributes that cut across country borders, there is wide disparity in the extent to which knowledge and best practice is applied within countries and across the region. At present, there is no specific, formal FoE or RTI mechanism or initiative connecting country-level actors in the sector with regional organisations, or vice versa.

Change agents vary, ranging from highly organised media collectives to well-established journalist unions, academics and, in the most restrictive states, almost exclusively human rights advocacy organisations and/or the state broadcaster/s.

Nonetheless, it is this county-by-country variance that also presents fertile opportunities to share expertise and best practice across borders; especially where the efforts of some actors in the most challenging countries will be perpetually restricted by the national context if regionally conceptualised and implemented support is not forthcoming.

2. SYSTEMATIC COLLABORATION ON HIGH-PRIORITY ISSUES LIMITED

Internews Europe's research identified a lack of multi-stakeholder collaboration, networking and sharing on the following high-priority issues that represent the greatest threats to FoE/RTI across the region:

- A serious regression in media laws and policy related to FoE, and in particular on Internet policy and cybercrime laws, and a parallel rise in online state censorship.
- Widespread impunity for violations of the rights of journalists, and deteriorating safety and security of journalists and human rights defenders. As a result there is evidence of region-wide systemic levels of self-censoring, particularly in relation to reporting on critical and sensitive issues such as environment and natural resource issues, conflict and democracy.

15 *'Global Right to Information Update,'* July 2013, Center for Law and Democracy.

16 Researcher observation during Social Network Analysis, Hanoi, November 2013.

- There is wide disparity in access to research and knowledge for those organisations and groups working on FoE/RTI, both within and between countries.

3. SHIFTING DONOR COMMITMENTS

Donors are increasingly bundling their support for FoE/RTI initiatives under the broader funding streams of governance or poverty alleviation, decreasing the overall funding available for FoE/RTI, and leaving expert groups in the region with diminished resources, and little margin for error or experimentation.

A significant finding of the research points to a shift in financial commitment by donors away from freedom of expression and right to information initiatives as programme priorities that deserve separate and focused funding. This results in a decrease in funding for FoE/RTI interventions and compounds the already vulnerable foundation for FoE in the region.

This means that the technical and institutional strength of the many local and regional organisations, expert in their respective field, is significantly under-served. In turn, this means the sustainability of more promising approaches is at risk. Some organisations receive modest organisational capacity support for limited periods of time, but rarely enough to achieve significant traction.

Additionally, the more prominent international or regional donors in this area (at the time of writing) tend to focus their efforts on lobbying, advocacy and campaigning.

5 REGIONAL THEMES

While the battle for freedom of expression manifests in different ways across ASEAN's member states, our research revealed a variety of common themes that cross borders and carry regional resonance for intervention. These include a propensity for governments to crack down on information related to sensitive land, environmental and natural resource management issues; a tightening legal framework to suppress dissident voices; escalating concerns for physical and digital threats to journalists and human rights defenders; a move by civil society to pressure governments to adopt right to information legislation; and a general atmosphere of isolation among organisations and individuals working in FoE, with a particular disconnect to the regional level.

5.1 FREEDOM OF EXPRESSION AND ENVIRONMENTAL ISSUES

Across the region, environmental issues have become a flashpoint between human rights defenders and journalists attempting to expose abuses related to the environment, and government officials and their cronies intent on choking the flow of information around issues they feel jeopardise their economic or political interests.

Land rights, illegal logging, hydropower dams and mining are defining issues in the region. Journalists and human rights defenders face severe consequences for exposing these issues, including physical and legal attacks, enforced disappearances and murder.

In Cambodia, environmental activist Chut Wutty was shot and killed in April 2012 by a military officer while accompanying two reporters with the English-language *Cambodia Daily* to investigate illegal logging in the country's coastal Koh Kong province. And in September the same year, journalist Hang Serei Oudom was found murdered in troubled northeastern Cambodia after writing a story implicating the son of a military commander in the illegal timber trade; this was the first journalist killing since 2008. Hot spots of illegal land confiscation also surface, from remote locations such as Ratanakkiri province in northeastern Cambodia, where indigenous communities are clashing with local officials over land concessions, to the capital, Phnom Penh, where 13 women in the Boeung Kak neighborhood were imprisoned after protesting the forced eviction from their homes in 2012.

BEST PRACTICE CASE STUDY: EARTH JOURNALISM NETWORK

Internews' Earth Journalism Network (EJN) is a global community of technically trained journalists focused on covering a range of environmental issues, including climate change, environmental health and biodiversity.

More than 2,200 journalists in developing nations have been trained and local-level environmental media organisations have been seeded by EJN.

The Network includes a fellowship and awards programme to help raise the standards of professional reporting on environmental affairs, and serves as a platform for journalists covering similar topics to share knowledge and experiences.

Land disputes resonate across the border in Laos, where illegal land confiscation remains a taboo topic that has sparked an aggressive response from the government. Radio broadcaster Ounkeo Souksavanh's popular call-in programme ' ' was abruptly cancelled in January 2012 following a broadcast in which famers who had lost land expressed concerns over government land seizures,[17] and in December the same year, well-known environmentalist Sombath Samphone disappeared following his participation in the Asia-Europe Meeting, which included a public forum where farmers shared their experiences of land seizure –

17 Anonymous source interview with a veteran journalist, 1 December, 2013.

Boeung Kak Lake activists Tep Vanny, Phan Chhunreth, Yaom Bopha, Bo Chorvy, Song Sreileap were imprisoned after protesting the forced eviction from their homes in the Cambodian capital Phnom Penh. © KIM OANH NGUYEN

a deeply humiliating event for the Lao government intent on stifling critical voices.[18] Sombath has not been seen or heard since.

News coverage of hydropower dams is also strictly monitored and censored. Journalists are encouraged to attend government-sponsored press junkets to learn about the economic benefits of dam projects, but then stories are censored and slanted to favour the state's perspective.[19]

In Vietnam, bloggers and journalists covering illegal logging and bauxite mining are aggressively targeted by authorities. Netizen Dinh Dang Dinh was sentenced to 12 years in prison in 2012 under Article 88 of the criminal code which bans "making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam" for a series of articles he wrote on government corruption and bauxite mining.[20] Even journalists working for state-sponsored media are not safe from threats and abuse. In Hung Yen province, two journalists with state-run Voice of Vietnam radio, Nguyen Ngoc Nam and Han Phi Long, were severely beaten while covering protests of mass evictions of farmers.[21]

18 Anonymous source interview with a long-time NGO worker in Laos, 7 November, 2013.

19 Anonymous source interview with a veteran journalist, 12 November, 2013.

20 'Dissident Blogger Jailed', Radio Free Asia news report, 9 August, 2012, available at: http://www.rfa.org/english/news/vietnam/blogger-08092012145526.html.

21 'Challenges and Opportunities for Media Reporting on Corruption at the Provincial Level', Mai Phan Loi, Director of Center for Media in Educating Community, October 2012.

And in Thailand in 2012, freelance investigative journalist Wisut Tangwittayaporn was shot and killed in the resort town of Phuket, an attack possibly linked to his coverage of land disputes.[22] Attacks on journalists covering land disputes are echoed in Indonesia, where in 2013, a pregnant TV journalist was beaten by the village chief and a dozen other men while interviewing sources in a rural village.[23]

Various efforts are underway to address the increasing pressures on journalists and human rights defenders attempting to expose these issues, including monitoring and mapping initiatives, as well as technical training to cover such topics. In Indonesia, the Society of Indonesian Environmental Journalists is sponsoring an online platform to map deforestation in order to demonstrate the impacts on both the environment and local communities, with a similar effort underway in Cambodia through the recently launched Open Development Cambodia, which also tracks and maps land and mining concessions.[24]

Meanwhile in Laos, a pilot programme by international researchers using satellites to track economic activity has helped counter a lack of information about the environmental and social impacts of land concessions.

Exile community radio in other countries such as Radio Free Sarawak in Malaysia provide citizens on the island with critical information about potential impacts of proposed hydropower dam projects, and an innovative campaign by indigenous communities in Cambodia's endangered Prey Lang forest area used documentary videos posted on Facebook to raise awareness of illegal logging activities in the area.

Across the region, bloggers and netizens are filling the mainstream media void on sensitive environmental issues by posting news and information on human rights and environmental abuses. While such initiatives have been critical in expanding the freedom of expression space, they have been country specific and had limited impact. More can be done to improve the safety of journalists and HRDs on the front lines of exposing abuse and injustice while increasing their capacity to technically and professionally report on these sensitive topics.

FOE AND ENVIRONMENTAL ISSUES: SUGGESTED ACTIVITIES

1. Investigate collaborations with existing networks such as Earth Journalism Network, the Mekong River Commission and Earth Rights International to tap into regional expertise and knowledge, as well as training opportunities on technical reporting skills, while supporting individuals and organisations already focused on environmental reporting with organisational strengthening and core funding to prepare them to take on additional funding.
2. Explore ways to link existing online mapping initiatives already underway through organisations – such as the Society of Indonesian Environmental Journalists' mapping of deforestation, the Philippines' Center for Media Freedom and Responsibility's mapping of journalist attacks, and Open Development in Cambodia's online mapping of land concessions and deforestation – with a view to regionalising and adapting them to countries such as Laos, Vietnam and Malaysia, where similar battles over land, environment and natural resource management play out.

5.2 REPRESSIVE REGULATION

A proliferation of new laws and enforcement of existing regulations specifically controlling online activity are being used across the region to target journalists and human rights defenders who post news and information deemed critical of government. The situation in Thailand has deteriorated to the extent that the country was the only one in the region that faced a status change in Freedom House's *Freedom on the Net 2013* report, from 'Partly free' Internet to 'Not free' Internet – a slip resulting from aggressive enforcement of lèse-majesté laws, which restrict speech deemed offensive to the monarchy.[25] Cambodia's press freedom score also dropped as a result of there being more journalists behind bars – including popular radio broadcaster Mam Sonando – and increasing attacks on journalists. The Philippines

22 See Freedom House's *Freedom of the Press 2013* report.

23 'CPJ Condemns attack on pregnant Indonesia reporter,' 5 March 2013, available at http://www.cpj.org/2013/03/cpj-condemns-attack-on-pregnant-indonesian-reporte.php

24 'Laos in Space', *The Economist*, 25 September, 2013.

25 See Freedom House's *Freedom on the Net 2013* report.

is the only country in Freedom House's ranking to be considered 'Free' in relation to online activity.[26] And while Myanmar made incredible strides in paving the way for independent media, government critics and human rights organisations are still attacked via online controls as noted in Freedom House's *Freedom on the Net 2013* report.

Tellingly, several ASEAN nations have cybercrime legislation; and while generally aimed at combating online crimes such as pornography and financial scams, governments have used the laws to clamp down on content. Cambodia is currently drafting a cybercrime law, although to date, the draft has not been made public. And in Laos, the government announced in October 2013 its intent to create legislation controlling information that gets posted to Facebook – an announcement that came in the wake of a Lao Airlines crash in which 49 passengers were killed, sparking a rash of Facebook activity in which the public shared news links from foreign media outlets because so little information was released by the state.

At the country level, Vietnam has been especially aggressive in implementing policies to silence voices of dissent. Article 88 of Vietnam's penal code is considered among the most repressive anti-FoE policies in the region, routinely used by the state to target bloggers for "conducting propaganda against the state".[27] Most recently, in September 2013, Decree 72 was issued, banning the use of social media sites and blogs to share news articles, and requiring international Internet companies to keep their servers inside the country.

In Thailand, the government effectively uses highly restrictive lèse-majesté laws as a lever to stifle voices. Meanwhile, libel – which remains a criminal offence in the Philippines – is routinely used to intimidate journalists because a libel lawsuit carries the threat of arrest, imprisonment or severe fines, which have the effect of financially crippling already cash-strapped journalists who are sued. [28]

26 Ibid.

27 'Vietnam Pro-democracy bloggers face harsh penalties in upcoming trial', International Federation of Human Rights website, 20 September, 2012, accessible at http://www.fidh.org/en/asia/Vietnam,234/Viet-Nam-Pro-democracy-bloggers.

28 Source interview with Grace Albasin, editor-in-chief of Sun Star Daily News, Cagayan d'Oro, Mindanao, Philippines, 20 September, 2013.

Lacking cybercrime legislation, Cambodia has used defamation to charge its citizens who criticise the government using online platforms. In the most recent case, a provincial citizen was arrested and charged with defamation after complaining about corrupt police officials on his Facebook page.[29] The liberal use of laws to stifle voices also echoes in Indonesia. In a recent high-profile case, housewife Prita Mulyasari was fined Rp 204 million (roughly US$25,500) under the Indonesian Information and Electronic Transaction Law for defaming the Omni International Hospital in Jakarta by criticising services at the hospital in a private email to a friend in 2008.

FOE AND REPRESSIVE LEGISLATION: SUGGESTED ACTIVITY

Support collaborative efforts that seek to roll back restrictive digital laws and prevent proposed legislation by drawing on the regional experiences of such initiatives as the Philippine Internet Freedom Alliance and the Thai Netizens network in Bangkok. Core funding would be provided to a lead organisation focused on protecting the online space for free expression, linked with regional advocacy expertise and establishment of an online community of practice or discussion forum for knowledge sharing and networking.

5.3 SECURITY OF JOURNALISTS AND HUMAN RIGHTS DEFENDERS

The physical and digital safety of journalists and HRDs is among the most prominent features of the regional FoE landscape. Threats and attacks against journalists and those who speak out against injustice, including enforced disappearances, lawsuits, physical assault and murder, strike at the heart of freedom of expression and show no signs of slowing across the region.

In CPJ's *2013 Impunity Index*, the Philippines – along with 9 of the 12 countries measured by the index – has notoriously appeared every year on the

29 'Facebook user arrested for defamation freed', The Cambodia Herald, 21 November, 2013, accessible at http://www.thecambodiaherald.com/cambodia/detail/1?page=15&token=ODY0YjVmZTFkYzI.

list of countries with the highest impunity since 2008, when CPJ began measuring impunity. Cases of murder and disappearances of journalists and HRDs have also gone unsolved in countries such as Indonesia, Cambodia and Laos.

And as journalists and human rights defenders take their battle for freedom of expression online, governments are following suit by meticulously monitoring and controlling the online sphere.

> ***"We're being attacked by cyber-troopers online, and real troopers in Vietnam,"***
>
> AS ONE EXILED VIETNAMESE BLOGGER DESCRIBED IT.

Surveillance of online activity across the region is similarly on the rise. Thailand's Cyber Security Operations Center was launched in 2011 to monitor online activity, while across the border in Vietnam, a team of 1,000 'public opinion shapers' scour blogs and social media to counter criticisms of the ruling party.[30] In Cambodia, a 'Cyber War Room' has been reportedly established and tasked with monitoring Facebook activity through the creation of fake Facebook users who reportedly bait Cambodian users critical of the ruling party. [31]

While country-level initiatives have focused on safety training for journalists and mapping of cases, including the Center for Media Freedom and Responsibility's database and mapping of attacks on the press, Indonesia's SAFE-NET, which maps legal attacks on FoE, as well as Voices, which provides digital security training for exiled Vietnamese bloggers, the situation demands a more effective strategy that better links these initiatives with tie-ins to regional platforms to reverse the alarming trend in both physical and digital attacks on the press and HRDs.

30 'Vietnam admits deploying bloggers to support government,' Nga Pham, BBC News, 12 January, 2013, available at: http://www.bbc.co.uk/news/world-asia-20982985.

31 Anonymous source interview in Phnom Penh, Cambodia, November 2013.

FOE AND SECURITY OF JOURNALISTS AND HRDS: SUGGESTED ACTIVITIES

1. Strengthen links between country-level organisations with regional resources, such as Media Legal Defence-Southeast Asia, to foster collaboration on advocacy and policy initiatives that prioritise safety and protection for journalists and HRDs and explore collaboration with the UN Plan of Action on the Safety of Journalists, which could influence ASEAN through recommendations for improving the safety of journalists in both conflict and non-conflict zones.
2. Investigate support to organisations working to end impunity through research-based design approaches that emphasise data and information gleaned from the country level to feed into regional-level initiatives aimed at influencing policy on how attacks on the press are handled by the state.

5.4 RIGHT TO INFORMATION

Right to information is fundamental to freedom of expression. Without access to information, citizens are left in an information blackout and unaware of their own agency and basic rights. Although right to information laws are generally slow to be adopted in countries (only two countries, Thailand and Indonesia, have enacted such laws), several ASEAN countries have draft laws in varying stages of completion.

In the Philippines, an existing freedom of information (FoI) law has made its way into the House of Representatives, and while stalled there, media advocates remain hopeful it will be passed – in keeping with President Benigno Aquino's campaign pledge to lead a transparent and accountable government.

Cambodia and Vietnam also have FoI legislation in the pipeline. In October 2013, Cambodia's Prime Minister, Hun Sen, called for immediate attention and effort to be placed on passing an FoI law, a move

that comes on the heels of Cambodia's ever-deeper drop in ranking in Transparency International's *Corruption Index of 2013*, in which Cambodia is placed 160 out of 177 countries, and ranks as the 17th most corrupt country in the world.[32]

Meanwhile in Vietnam, international non-governmental organisation (NGO) Article 19 worked with government to draft an FoI law in 2009, with the country's nascent civil society pushing for its passage. In Malaysia, two states – Selangor and Penang, both under rule of Malaysia's opposition party Pakatan Rakyat – have passed RTI legislation, while a third state, Kelantan, has drafted RTI legislation. Advocates believe passage of laws at the state level provide foundation for a future federal FoI law.

The groundswell of civil society activity in the region surrounding right to information legislation demonstrates a demand for greater access to information that the public has a right to have, along with greater transparency and accountability among governments. However, it can take years, and in the case of the Philippines, decades, for such laws to gain the momentum and political support needed for adoption.

32 *'Transparency International Corruption Perceptions Index 2013,'* available at http://cpi.transparency.org/cpi2013/.

A seamstress in Vientiane, Laos tunes in the radio to listen the news. She get her news by watching TV and listening to the radio.

FREEDOM OF EXPRESSION AND RIGHT TO INFORMATION: SUGGESTED ACTIVITY

Establish or support a regional right to information legislation network that focuses specifically on advancing RTI, similar to ones that currently exist in other regions such as Latin America, South Asia and the Middle East, as suggested by Toby Mendel of the Centre for Law and Democracy. Such a network would draw upon regional expertise from organisations (such as the Philippines' Right to Know Right Now! coalition and Malaysia's Center for Independent Journalism, and supported by international expertise such as the Center for Law & Democracy), to provide guidance and input to other countries attempting to pass RTI legislation.

Pilot programmes could start in countries such as Cambodia and Vietnam, where current draft laws may gain traction with regional support and expertise, using an approach that combines technical support with capacity building in support of advocacy initiatives.

5.5 FREEDOM OF EXPRESSION AND SOCIAL NETWORK ANALYSIS

In order to further understand the networks of organisations and individuals working in the freedom of expression space at country and regional levels, and where gaps exist or relationships could be strengthened in local and regional networks, Internews conducted a Social Network Analysis of major actors operating in the human rights and FoE sectors. SNAs help identify potential partners who are well-placed (given their influence within their network) to implement freedom of expression strategies and activities, and also indicate stability within the sector as organisations are seen to be closely linked and working together.

WHAT IS SOCIAL NETWORK ANALYSIS?

Social network analysis (SNA) provides both a theoretical and methodological perspective for examining complex social structures and their activities. A social network is a group of actors (individuals, groups, or organisations) that are connected by a type of relationship (e.g., personal, professional, resource-based). A SNA approach to research examines both the content and pattern of relationships in order to identify the impact of these relationships on the functioning of individual actors and the entire network. SNA helps to visually map and measure the structure of a network of actors to determine how relationships affect the ability of organisations and communities to be successful.

SNA can be used to study the structure of relationships in many contexts. However, one of the most frequent uses of SNA is to determine the individuals or organisations that play important roles in a defined community of actors. Considerable research has shown strong inter-organisational relationships to be crucial to the success of civil society sectors with shared goals. Relationships provide the social capital for a civil society sector to accomplish what an organisation on its own could not. SNA is thus a compelling research methodology to use in assessing the structure of relationships among organisations that comprise the FoE and human rights space in Cambodia, Malaysia, the Philippines, Vietnam and Thailand's Deep South region.

In each country surveyed, organisations identified as the most important – or perceived to have the most impact – were also, tellingly, the organisations that most frequently received support as well as provided support to others. This suggests these organisations are already well-equipped with the capacity and systems in place to absorb funding and collaborate with smaller partners in-country for implementing activities, and acting as significant hubs for their respective networks. Provided with strategic intervention, these organisations could also improve their capacity to scale-up and operate effectively at the regional level.

Survey results revealed strong FoE networks and a high density of organisations in the Philippines and Malaysia, and a trio of key players working in Cambodia on freedom of expression issues. Of particular importance were the sparse links ¬from national to regional levels. The strongest links from the country to regional level were made to Bangkok-based Southeast Asia Press Alliance (SEAPA), itself a regional network of media organisations; and the international non-governmental organisation Human Rights Watch (HRW), also based in Bangkok with country-level representatives.

Though not identified in the SNAs, other regional organisations based in Bangkok, such as membership-based Forum Asia (also known as the Asia Forum for Human Rights), which coordinates the efforts of its members to advocate for human rights.

The overall lack of links to the regional level suggests either a dearth of regional organisations working on FoE and RTI and/or severely limited coordination between country-level and regional-level networks. Anecdotally, stakeholders across ASEAN indicate a strong desire to connect with and work within a broader FoE and RTI network, yet such links so far have not existed.

Internews' SNA survey also clearly demonstrates how organisations considered most important and/or most effective are surrounded by a constellation of much smaller organisations, which generally work in isolation and serve as implementers of activities related to human rights and press freedoms. It will be important to further examine the capacity of these smaller organisations to advance freedom

Early in the morning around 6am, newspaper workers gather on 33rd Street in Yangon to prepare the local newspapers for delivery. © KIM OANH NGUYEN

of expression regionally, as these outliers tend to be grassroots in nature and therefore closer to the ground on issues, providing a more accurate picture of daily realities faced by journalists and HRDs.

The SNA survey results suggest opportunities for effectively engaging with these smaller, less visible organisations while simultaneously supporting the more established, influential organisations to strengthen the overall network to respond to threats to freedom of expression and build alliances and momentum toward greater access to information.

FOE AND SOCIAL NETWORK ANALYSIS: SUGGESTED ACTIVITIES

1. Support development of a vibrant and plural media, and a long-term shift in SNA networks to strengthen regional networks by bolstering nascent organisations orbiting bigger, influential nodes within each country's FoE space. This can be done with core funding and organisational support to establish systems and improve capacity for absorbing larger grants to implement activities. Internews' expertise in collaborative research design would help line up organisations with funding opportunities by facilitating strategic programme design, incorporating research-based action and robust M&E tools to monitor progress and foster a stronger regional network where disparate actors work together on key FoE issues, feeding into regional campaigns or initiatives.

2. Investigate the most effective support strategies per country with an emphasis on cross-border collaboration based on existing dynamics and conditions of the SNA. For example, Vietnam's fragmented civil society may require a series of smaller grants to more organisations working to fight for freedom of expression, whereas in countries with robust civil societies, such as the Philippines, a select handful of mid-size organisations such as the National Union of Journalists of the Philippines and Center for Media Freedom and Responsibility are primed to take on larger grants to work with smaller partners on the ground while strengthening their capacity to operate regionally. In places such as Cambodia and Thailand's Deep South, where networks are more limited and loose, support for a handful of new or emerging organisations focused on FoE may be needed in each of these countries to prepare them for regional networking and prominence.

PEN PORTRAITS

A constellation of smaller organisations across the region are operating largely in isolation and with limited operational capacity to work effectively and sustainably. These organisations are characterised by small staff sizes, from a few core staff to approximately a dozen employees, and are chronically overstretched and under-resourced, with an urgent lack of the organisational strength necessary to be sustainable and able to take on regional relevance. These portraits illustrate the kinds of organisations working on a range of FoE/RTI issues that could become more effective actors or leaders in the regional FoE space if given an injection of targeted resources and support.

CENTER FOR MEDIA IN EDUCATING COMMUNITY (MEC) HANOI, VIETNAM

MEC is a non-governmental scientific organisation established mid-2012 under the Vietnam Union of Science and Technology Associations (VUSTA). It works towards a fair society where legal rights are guaranteed, and people's quality of life is improved.

Organisational structure:

- 6 full-time staff
- 2 management board members
- More than 15 Vietnamese expert supporters from newspapers, academia, law, education, and social media
- 10-15 volunteers who help organise large events

Activities:

- Develop communication strategies and capacities for local NGOs.
- Promote an open communications environment by training journalists and raising awareness of journalists' rights and operational skills in target communities (e.g. documentary film on investigative journalism on corruption).
- Promote national and international cooperation by joining NGO and partner networks.
- Research and conduct policy advocacy (e.g. research and workshops on communication and community education challenges/strategies).
- Develop businesses' communication strategies, branding, and promote corporate social responsibility.

Immediate organisational strengthening needs: Training and human resources.

MEC is a nascent organisation that is less than two years old, with an immediate need for management skills training to improve overall effectiveness.

RADIO FREE SARAWAK (RFS) MALAYSIA

Radio Free Sarawak (www.radiofreesarawak.org) is an exile Iban-language radio station that broadcasts on shortwave to Malaysian Borneo's indigenous population. It was founded in 2010.

Organisational structure:

- 4 on-air presenters
- 1 producer
- 2 stringers
- 1 long-time philanthropic supporter
- 1 veteran reporter that sends RFS weekly commentaries from the US
- Switzerland-based researcher (half-time) helps on Sarawak Report
- London-based web designer for technical support

Activities:

- Produce 5 to 6 two-hour shows a week, plus a repeat of the best of the week show for Sunday.
- Run an Internet call-in for listeners to raise concerns and express opinions and views.

Immediate organisational strengthening need: Core funding

RSF is facing an immediate operational need for core funding to continue operations. The station started as a volunteer operation and is expected to lose its core funding by the end of 2014 from its sole benefactor, who is encouraging RSF seek other funding streams.

NETWORK OF CIVIC WOMEN FOR PEACE
PATTANI, THAILAND

Network of Civic Women for Peace (NCWP) is a local, non-governmental organisation that provides humanitarian assistance in the ongoing conflict in the Deep South while offering public platforms for victims of the conflict to have their voices heard.

Organisational structure:

- 3 full-time staff
- Consultation team for each project, usually 2-5, approximately
- 15-20 core coordinators with roughly 100 members throughout the three provinces

Activities:

- Provide basic humanitarian relief and consultation to victims of violence and conflict (providing support in time of grievance, and information on where to get help).
- Promote the peace process by creating radio programmes aimed at fostering deeper understanding of the complex conditions in the south that contribute to intractable violence. Radio content is broadcast through radio stations and websites.
- Bridge the gap in understanding between the authorities and the people, who have become suspects, by serving as moderator or mediator.
- Support victims of violence by finding them basic employment or matching them with other groups for vocational training and assistance.

Immediate organisational strengthening need: Project management, grant proposal writing support.

NCWP has limited financial and administrative capacity because of its small size. The organisation is in need of project management and grant proposal writing support, in particular, to improve operations and better position itself to grow and expand its reach.

PHILIPPINE INTERNET FREEDOM ALLIANCE
MANILA, PHILIPPINES

Philippine Internet Freedom Alliance (PIFA) is a broad alliance of organisations and individuals formed in 2012 in response to the country's new Cybercrime law. The group advocates for the protection and promotion of Internet freedom. Its mission is to "protect, promote and advance human rights and fundamental freedoms of citizens, both online and offline".

Organisational structure:

- Six active organisations, including the Foundation for Media Alternatives, Dakila Artists Collective, HR Online Philippines, and Blogwatch.
- From these active organisations, several individuals volunteer their time.
- Foundation for Media Alternatives serves as de facto secretariat.

Activities:

- Promote public participation in policy-making that seeks to govern or regulate the Internet.
- Advocacy campaigns focused in communities, schools and various regional locales to raise awareness on the dangers of Cybercrime legislation within broader advocacy work toward repealing the law.
- Organise round table discussions in the wake of the controversial February 18, 2014 Supreme Court decision upholding the criminal aspect of online libel as stated in the Cybercrime law.
- Organise events, including the Philippines' action as part of the February 11 Global Action against Mass Surveillance.

Immediate organisational strengthening need: Core funding

PIFA has not yet organised its structure or institutionalised operations. It plans to register as an NGO in the near future. Core funding would help the group formalise, including employing in-house staff.

6 COUNTRY CLUSTERS

Internews' research also suggests that natural country pairings where similar social, political, economic and/or religious dynamics exist could lend themselves to a tailored approach to intervention on FoE.

These country clusters demand greater attention for – and a highly iterative approach to –programming that leaves room for trial and error and adaptation as needed to minimise the risk to staff and stakeholders while maximising impact. For instance, a rapid-response M&E team or system could be integrated into programme design in anticipation of a volatile political environment or quickly shifting or emerging risks

6.1 REPRESSIVE REGIMES

Vietnam and Laos, as the two most repressive regimes in ASEAN, will require a more sophisticated and careful approach in addressing freedom of expression and right to information issues, as merely using the words 'right' and 'freedom' are deemed highly sensitive. Lack of legal protections and strong civil society networks leaves journalists and human rights defenders particularly vulnerable in these contexts

In Laos, no media advocacy organisations exist to push for greater access to information and freedom of expression, while in Vietnam, various individuals and organisations are working, largely in isolation, to defend their rights to speak.

An immediate opportunity exists to implement strategies that improve FoE and RTI as Laos comes up for Universal Periodic Review in 2015 – a scenario that will provide for rare scrutiny of the human rights situation in a country whose leaders are intent on blocking information flows both in to and out of the country, particularly related to social and environmental injustices.

FOE AND REPRESSSIVE REGIMES: SUGGESTED ACTIVITIES

1. Support to nascent civil society organisations in Laos and Vietnam through exposure trips or other knowledge-sharing opportunities with journalists and HRDs within the region, and facilitating connections with Myanmar counterparts on best practices for advancing information flows while maintaining physical security in completely closed and repressed societies.
2. Collaborate with existing regional networks on strategies to stay safe, combined with support to organisations such as the Manila-based Voices for Journalists and HRDs to receive training in digital and physical security measures. Voices could then share resources across borders with other organisations and individuals facing particularly acute challenges in covering and disseminating sensitive news and information.
3. Investigate opportunities in alternative media, including documentary film and photography focused on key development goals of poverty alleviation, health and education, as entry points for deeper engagement on more difficult social issues of human rights and freedom of expression. Trainings targeting youth to build skills would be supported, and regional opportunities to safely showcase work – such as support to a regional documentary film festival – would add legitimacy.

6.2 REGIONAL CONFLICT

Marginalisation of communities in Thailand's Deep South, as well as in Mindanao in the Philippines, has created high tension and feelings of alienation, especially among ethnic and religious minorities who feel they are missing out on resources made available to urban inhabitants. To a lesser extent, this is also true for residents of rural Malaysia. In all countries, geographic disparities and inequities create conditions for economic, political and social strife.

Loan Phan, taking a break from making rice noodles to surf on her phone. Facebook is prevalent among youth in Pakse. The recent plane crash in Pakse has been a hot topic. © KIM OANH NGUYEN

Thailand's Deep South and Mindanao, in particular, face serious constraints to access to information – and by extension, freedom of expression – as a result of the intractable insurgent violence and conflict in both areas.

A deep distrust of central governments, and mainstream media concentrated in urban cores and perceived to be closely aligned with the state, has greatly limited the kind and quality of information that residents in these areas can access. Ongoing violence and strife also limits access to information as few mainstream journalists risk their own safety to report regularly on the insurgency.

Sporadic efforts have been made in the Deep South to address the lack of independent news and information, including support to radio programmes and smaller media organisations such as Radio Selatan. In the Philippines, Mindanews, an online news outlet in Mindanao, has effectively filled a gap for unbiased, independent coverage of the insurgency. However, many smaller organisations working to expand FoE in such contexts are often ineffective or fold soon after startup due to limited organisational capacity and poor management.[33]

Experiences can be drawn from the region, including in Banda Aceh, Indonesia, where decades of conflict left an information void, and disenfranchised communities lacking trust in information sources. In Banda Aceh, Internews helped support freedom of expression and improve access to information by working with local partners, such as Balai Syura Banda Aceh, a women's rights organisation, to expose human rights abuses through training on how to report on such issues.

FOE AND REGIONAL CONFLICT: SUGGESTED ACTIVITY

Investigate knowledge-sharing activities drawing on regional experiences from Banda Aceh in creating a vibrant, independent media conducive to free expression in conflict environments. Mindanews, the online independent news portal in Mindanao could also be used as a model to be replicated in places such as the Deep South of Thailand, with journalist exchange programmes and mentoring activities to stimulate replication of best practice models.

33 Observation of independent expert on Thailand's Deep South region.

7 DONOR LANDSCAPE

Given the regional outlook for freedom of expression, with a variety of key pressures working to stymie information flows, another alarming trend is a reduction in financial commitments from donors to fund freedom of expression initiatives. Additionally, donor support for FoE initiatives is generally sporadic and treated as a tertiary priority, packaged into broader thematic funding strands such as governance and democracy-building, poverty alleviation and human rights. Throughout the region, funding for media and information-related projects in general, and FoE and RTI in particular, has been largely project-based and country specific, with extremely short time frames that leave little room for sustainability and real impact.

Very few donors in the region, apart from Open Society Foundations and the Embassy of Sweden in Bangkok prioritise freedom of expression as a strategic programmatic area of focus. Yet despite this, donors are very influential in the FoE landscape.

For the Lower Mekong countries in particular, the European Union supports media-related activities through three separate mechanisms: the Instrument for Stability (IFS), the Non-State Actors (NSA), and the European Instrument for Democracy and Human Rights (EIDHR). Of the three, it is only EIDHR that explicitly prioritises freedom of expression and right to information through its Protection of Human Rights and Human Rights Defenders programme. However, both the IFS and NSA mechanisms often engage with media as part of their larger programmatic goals, while as of December 2013, EIDHR had not yet taken on media or information-related projects, although the intention to do so is clear, with a call for proposals issued at the end of 2013.

USAID has largely disengaged on freedom of expression issues as an area of specific focus in the ASEAN region with the exception of Myanmar. Media as a focus, when it appears, is often a subset of larger programmatic focuses on issues such as health or environment. USAID does have global calls for proposals that focus on rights-based mandates, which can be utilised in ASEAN member states, but are not explicitly part of missions' development priorities for ASEAN member states. At present, the dominant US-government donor mechanism applying a rights-based approach to media development in the region is the US Department of State's Bureau of Democracy, Human Rights and Labor (DRL).

The UK government channels a considerable amount of its media development assistance through BBC Media Action and similarly the Australian government has a preferred partnerships arrangement with the Australian Broadcasting Corporation's development wing. Both BBC and ABC have been active in various ASEAN member states, with a focus on both producing programming as well as building capacity of national counterparts. The UK government, through annual global calls from its Foreign and Commonwealth Office, has also prioritised human rights and media freedom in countries in the region, albeit on a slightly smaller scale.

Scandinavian donors have been active in the region, particularly in Myanmar, with Norway, Sweden and Denmark all having provided funding to media development activities over the past several years.

UNESCO remains a key player in FoE and RTI issues regionally, supporting initiatives such as community radio and training for journalists in rural locales in Laos and Cambodia, and currently conducting an assessment of Myanmar's media landscape using its comprehensive Media Development Index tool.

However, these programmes offered by aid organisations tend to be country specific with short funding cycles of up to one year.

Donors are also moving away from supporting academic and training endeavours tied to media. In Vietnam, Swedish government support for a training centre for journalists has largely ended as of 2013; and in Cambodia, German government support to the country's only accredited undergraduate degree programme for journalism students is expected to end within the next few years, as the programme becomes increasingly influenced by Cambodia's ruling party.

Donors and international organisations that support freedom of expression cite a number of reasons for turning their focus away from free media issues, including the difficulty and high risk involved with implementing projects in particularly repressive regimes where work related to human rights may run counter to government policies; political control over media institutions, as in the case of Cambodia's Department of Media and Communications; and a general misunderstanding of the role media and information play in promoting democracy and human rights.

There is an opportunity for a more strategic level of donor engagement and coordination to help create an enabling environment for freedom of expression through concentrated, sustainable programming with regional resonance.

CASE STUDY: DONORS AND FOE INITIATIVES IN VIETNAM

Sweden's multi-year media programme in Vietnam ended in 2013, when it shifted its support away from direct media development and towards human rights, freedom of expression and right to information projects as part of broader development programmes such as governance, anti-corruption and global integration.

As a result, the UK's Department for International Development (DfID) now has the biggest influence as a donor in the area of freedom of expression and right to information. However, due to resource limitations, DfID is unable to assume Sweden's lead efforts in media cooperation, leaving an important opportunity to have meaningful impact on the FoE space through targeted intervention.

Overall, funding for media development activities in Vietnam has decreased following Sida's departure, leaving a significant gap. There is a mix of foreign and multilateral donors still engaged on media issues, but those interventions tend to be small in scale and project-based.

Additionally, as Vietnam quickly climbs into middle-income status, foreign development partners in general are decreasing their activity and moving away from infrastructure development and, overall, increasing support for good governance.

Germany, in particular, had been a significant donor supporting media development in Vietnam; however, the focus of Germany's 2012 €272 million German-Vietnamese Financial Cooperation agreement is centered more on vocational training, energy and the environment, and has shifted away from media and FoE issues.

Other smaller state actors, including Norway, Finland, France, the US and the World Bank have offered sporadic and small-scale media nd information-related activities.

8 COUNTRY PROFILES

An integrated regional strategy in support of FoE/RTI is not possible without also supporting and empowering country-level actors to feed into broader, umbrella initiatives. Ultimately, a two-way network of national-level organisations expanding their own sphere of influence to the regional level, and in turn regional FoE organisations reaching back out to the local level, will create a critical mass and momentum that could drive meaningful and enduring change in FoE on a large scale. To this end, Internews examined country conditions as they currently exist for FoE in an effort to reveal regional patterns and commonalities that can then provide a foundation for strategic intervention.

Social Network Analysis surveys were conducted in Internews' five priority countries; however, due to limitations of time and resources, as well as safety concerns, data collected in Vietnam and Laos were insufficient to support development of a network map. Country profiles are based on readily available, relevant and timely data combined with stakeholder consultations.

8.1 THAILAND

Thailand is the second country in ASEAN to have enacted freedom of information legislation; however, the freedom of expression landscape is marred by: a highly polarised media either in favour of or opposing the ruling party; aggressive online censorship; and liberal use of the *lèse-majesté* policy to muzzle voices of dissent among Thailand's 66 million people.

Thai residents have multiple choices and means to receive news and information, though television remains their most-preferred option. The government however owns or controls all six terrestrial TV stations, which means that information and messages are predictably biased toward the ruling party. Thai Public Broadcasting (TPBS), established in 2008, is generally believed to be a source of neutral, independent news, supported by sales of tobacco and alcohol, and legally protected from political and commercial influence. However, even TPBS has attracted controversy and debate as to its political impartiality, as many question its coverage of issues related to the Deep South and Thailand's recent political protests.

As an alternative to government-controlled information, Thai community radio emerged in the early 2000s, and has since burgeoned, with more than 3,000 community radio stations founded. In 2010, more than 6,000 applications for community radio licences were filed with the Subcommittee Radio and Television Broadcasting under the National Telecommunication Commission (NTC) when the Subcommittee began inviting applications.[34]

Newspapers provide a valuable source of news and information for Thais, particularly as many TV and radio broadcasters tend to read aloud articles from the daily press. As a result of recent political uprisings, newspapers are becoming increasingly polarised between those for and against influential media mogul Thaksin Shinawatra.

As in neighbouring nations, Thai citizens are increasingly turning to the Internet as an important platform for alternative sources of information. However, an increase in Internet use has also resulted in a parallel increase in state monitoring and censoring of online content, with new laws proposed that place the onus on Internet Service Providers to ensure content transmitted through their service is not considered 'offensive'.[35] Thailand has been consistently ranked as one of the worst-

34 'Women and Community Radio in Thailand', Sarintip Mansap and Sarod Wellmanee, The Multiculturalism and Education Policy Research Center, Faculty of Education, CMU, available at http://www.gwi-boell.de/web/democracy-women-community-radio-thailand-media-reform-3054.html.

35 *Southeast Asian Media: Patterns of Production and Consumption*,' Jeremy Wagstaff, Open Society Foundation report, 2012, available at http://www.opensocietyfoundations.org/publications/southeast-asian-media-patterns-production-and-consumption.

offending countries worldwide for its monitoring and censorship of cyberspace.[36]

In a particularly high-profile attack on online freedom, web editor Chiranuch Premchaiporn of the popular Prachatai online news portal, was arrested in 2009 under the country's restrictive lèse-majesté legislation for anti-royal comments posted on the Prachatai website at the height of political tension. Chiranuch was convicted under the 2007 Computer Crime Act for failing to delete material deemed offensive to the monarchy, an online application of the country's strict *lèse-majesté* policy.[37]

Public response to Chiranuch's arrest illustrates Thailand's overall robust and diverse civil society and FoE/RTI ecosystem, in which a vast range of organisations and individuals rallied in Chiranuch's defence. A thriving blogging and netizen community, as well as media and human rights organisations and academic institutions, contribute to a relatively open and democratic space in Thailand. The flagship regional media organisation, SEAPA, is based in Bangkok, along with regional offices for almost every major international human rights and FoE-related organisation, including Human Rights Watch, Committee to Protect Journalists, and International Federation of Journalists.

Yet the country's vibrant civil society betrays clear urban-rural disparities in relation to information flows. Economic and religious conflict in the Deep South has created a dynamic of mistrust of mainstream media among a majority of people who live there. To fill the gap, community radio and the burgeoning use of Facebook has provided residents on both sides of the conflict with alternative choices for accessing and sharing information. Yet as a whole, extremely limited networks exist in the Deep South to fill the void of neutral information that underpins FoE, as evidenced by the small number of organisations named in Internews' Social Network Analysis survey of the region.

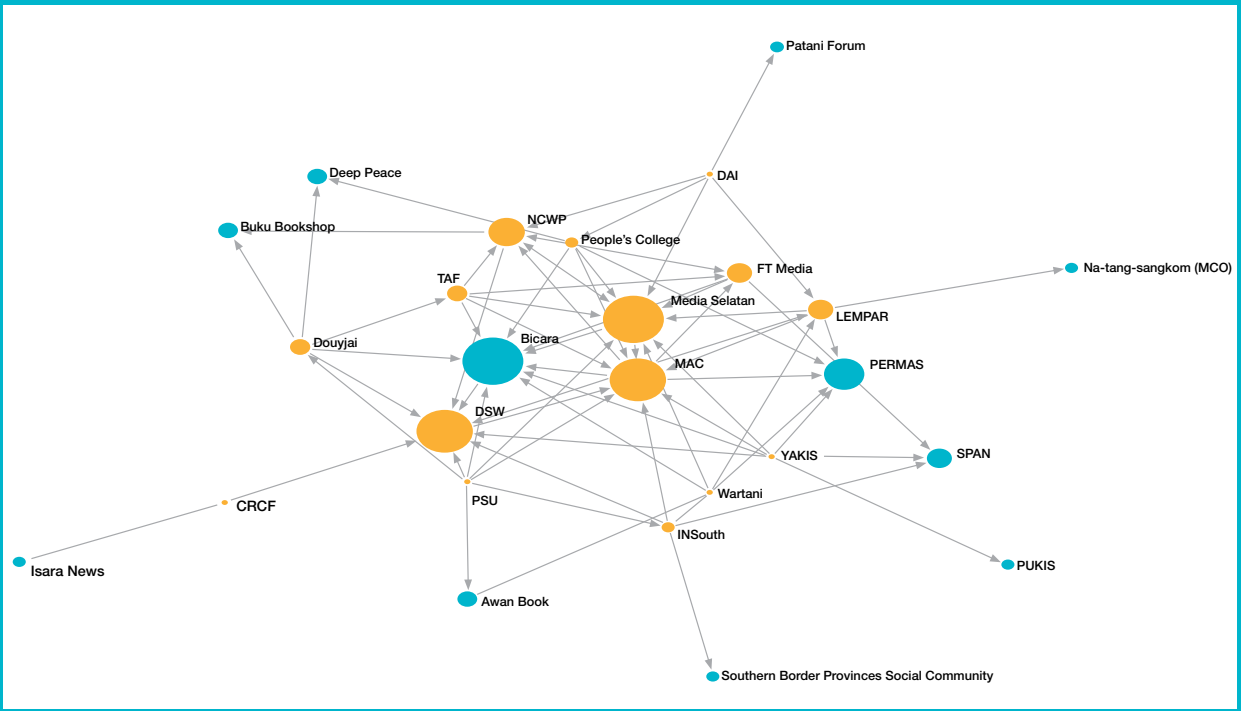
The Deep South SNA map reveals a sparser and less intricately connected group of players, with the Muslim Attorney Center (MAC) listed as the most important and most effective in the human rights and freedom of expression space. This is likely due to MAC's reach in its activities in raising awareness on basic human rights issues and supporting communities to seek justice. Media Selatan, which promotes debate through regular radio shows covering the conflict in the south, is also considered influential in the FoE space, and is known for its cutting edge work interviewing disparate parties in the conflict to provide as diverse a range of opinions as possible for listeners. However, anecdotally, smaller organisations in Thailand's Deep South SNA satellite, such as Network of Civic Women for Peace – seen as a smaller node in the Deep South network map – are emerging as key players in the FoE landscape, but currently lack the support they need to be more effective.[38]

36 *'Thailand's Struggle for Freedom of Expression in Cyberspace,'* online source, Tim Yu, e-International Relations, 21 July, 2013, available at http://www.e-ir.info/2013/07/21/thailands-struggle-for-freedom-of-expression-in-cyberspace/.

37 ,' Shawn Crispin, Committee to Project Journalists, available at https://www.cpj.org/2013/02/attacks-on-the-press-internet-opening-is-shrinking.php.

38 Anonymous source interview, December 2013.

SOCIAL NETWORK ANALYSIS MAP: THAILAND



SNA SNAPSHOT

Total number organisations identified as influential: 26

Network characteristics: Sparse network with one-way relationships dominated by the Muslim Attorney Center (MAC), a human rights organisation; Media Selatan, an independent radio station made popular by cutting edge interviews with actors on both sides of the conflict; and Bicara, a student activist group that engages the community in local level dialogue.

General conclusions: The Deep South's FoE ecosystem is sparsely populated, which is indicative of a relatively new or still forming network, and dominated by an interesting blend of a media outlet, human rights organisation and student group. Smaller nodes of influence, such as the Network of Civic Women for Peace, and Permas, are on the perimeter of the most influential nodes. Yet the key players within the network, apart from MAC, largely lack the organisational capacity to contribute to a more stable and sustainable FoE sector in the Deep South, as the network is marked by start-up grassroots organisations, coalitions and other groups that are quick to launch and just as quick to shut for a variety of reasons, most frequently because of lack of resources.[39]

39 Analysis from an expert on the Deep South, February 2014.

KEY CHALLENGES

1. Intensified use of highly restrictive *lèse-majesté* law that criminalises speech deemed offensive to the monarchy has stifled freedom of expression.
2. Shrinking space for free expression online with ramped up use and abuse of the country's cybercrime law, and proposed new laws and court cases that place the onus for online content on third parties, such as website masters and ISPs.
3. Conflict in the Deep South creates an added layer of challenge for residents to access neutral and relevant information.

KEY ACTORS

Thailand: SEAPA, Thai Netizens, Thai PBS, I-Law. Thailand Deep South: Muslim Attorney Center and Media Selatan.

KEY STRATEGIES

1. Investigate opportunities to work with nascent organisations to roll back the *lèse-majesté* policy while linking Thailand-based organisations with regional actors experiencing similarly restrictive laws that limit free speech, such as Malaysia's Sedition Act. Support to a regional network of online advocates and organisations working to expand the online space, with a focus on deeper research into ICT issues and policies across the region, and opportunities for knowledge-sharing of best practices and strategies for digital security and circumventing state tools to control online content.
2. Support nascent organisations in the Deep South working to promote understanding of the conflict through technical trainings, combined with core funding to help organisations establish solid operations that will help attract additional funding opportunities.

8.2 VIETNAM

Vietnam's media sector appears vibrant and diverse, fuelled by a highly literate populace (93% of the 88.7 million people in Vietnam are literate). The country boasts more than 700 news agencies, more than 850 newspapers and magazines, 66 TV and radio stations, 80 online newspapers and thousands of news websites.[40] Yet these numbers belie the fact that Vietnam's news and information outlets are strictly state-controlled.

To fill the void created by government-controlled news content, online bloggers are proliferating, many of whom are former journalists who moved into blogging in order to cover issues that would go unmentioned by government-controlled news outlets. Vietnam has one of the highest Internet penetration rates in the region – above the global average at 39% – while its IT development outpaces richer neighbouring countries such as Thailand, Indonesia and the Philippines. [41]

At the same time, limits to online expression are also worse than all other countries in ASEAN. Vietnam had the worst record for imprisoning netizens – second only to China– with 35 bloggers and two journalists imprisoned as of 2013, according to Reporters Without Borders.[42]

Although the Vietnamese government is quick to punish bloggers and cyber-dissidents, journalists with traditional, state-owned or allied media also face severe consequences for reporting issues deemed critical of the government. Government corruption, illegal land seizures and sensitive environmental issues are particular triggers for swift government reaction.[43]

The regulatory environment for journalists and bloggers is also increasingly restrictive. In 2008, the government began issuing a series of decrees aimed specifically at controlling online content, the latest of which, Decree 72, was passed in 2013 to further regulate social media by banning the sharing of news on social media sites.

Vietnam has a very limited civil society, making it difficult to generate a Social Network Analysis map of organisations working in human rights and freedom of expression – though several news outlets and organisations were named in surveys as being influential in fighting for FoE (see graph).

40 *'Vietnam Programmed Death of Freedom of Information,'* Reporters Sans Frontieres report, 25 September, 2013.

41 *Freedom on the Net 2013, Key Developments May 2012-April 2013,* Freedom House.

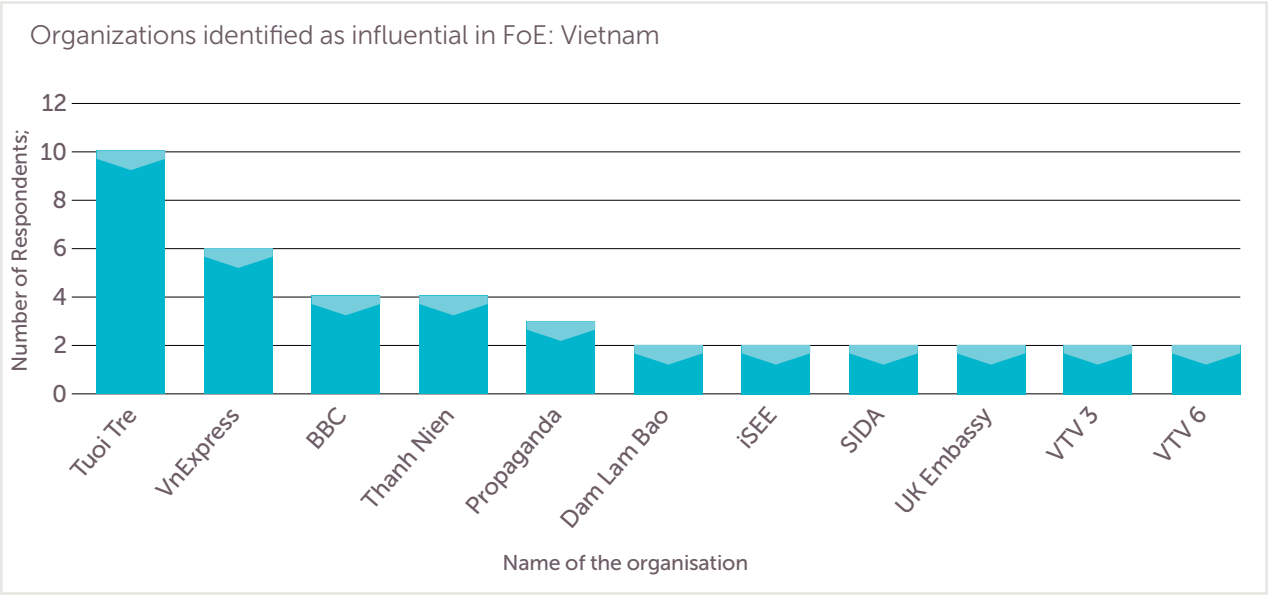
42 Op.Cit., *Vietnam Programmed Death of Freedom of Information.*

43 *'Challenges and Opportunities for Media Reporting On Corruption at the Provincial Level,'* Mai Phan Loi, MEC, October 2012.

The blogging community has shown tremendous resilience in pushing the boundaries of freedom of expression, with a strong capacity to mobilise and coordinate action. In what is being hailed as one of the most creative and effective campaigns, bloggers launched Campaign 258 in November 2013, in which more than 100 bloggers demanded the repeal of Article 258 of Vietnam's penal code (widely used to arrest bloggers) by issuing statements to various UN bodies and embassies. The campaign is considered to be the first collective action by Vietnam's bloggers to assert their right to freedom of expression[44] and one of the most sophisticated advocacy campaigns in Vietnam. [45]

44 Source interview of Vietnamese blogger, 15 November, 2013.

45 'Vietnamese bloggers initiative a unique campaign for freedom of expression', available at http://danlambaovn.blogspot.com/2013/09/vietnamese-bloggers-initiate-unique.html#.UrxHbqVkFSU.



KEY ISSUES

1. Strict control of online space by the state, and aggressive targeting of bloggers and netizens.
2. Limited professional capacity of journalists to cover human rights, environment and corruption issues.
3. Severe crackdown on coverage of issues related to land, environmental and natural resource management.

KEY ACTORS

Tuoi Tre newspaper; Vietnam Express online news outlet; bloggers and netizens.

KEY STRATEGIES

1. Physical and digital security safety training for bloggers and netizens working both in-country and in exile, with links to regional networks and opportunities for knowledge sharing and best practices in operating securely under authoritarian regimes.
2. Support to cross-border initiatives such as fellowships and exposure trips for journalists to broaden their scope for coverage while establishing a network of human rights reporters linked to other networks in neighbouring nations. This network of journalists, bloggers and netizens would be technically trained to safely report on environmental news, thereby collectively increasing the amount and quality of information around such sensitive issues.

8.3 CAMBODIA

Cambodia's young, tech-savvy population combined with ICT infrastructure supports FoE despite ongoing efforts by government to stifle voices critical of the ruling party. The country's information ecosystem is dominated by a partisan press and a broadcast media owned and/or controlled by the ruling Cambodia People's Party. Yet the saturated mobile phone market has opened opportunities for citizens to receive and share information. Cambodia leapfrogged the era of traditional landlines to have one of the most robust telecommunications sectors in the region, with the highest number of mobile phone users across ASEAN (113% penetration as of June 2013).[46] Cambodia has more SIM cards than people, with more than 19 million SIM cards issued as of 2013.[47]

Most of the country's 14.8 million people get their news and information from television and radio, with television outpacing radio in penetration as more than 60% of Cambodians watch TV on a weekly basis.[48] Of Cambodia's 11 television stations, eight are owned by or affiliated with the ruling party; similarly with radio stations, only two of the country's 160 radio stations – Sarika FM and Beehive Radio – are considered truly independent.

Although Internet penetration is relatively low, online platforms – particularly social media – have emerged as a game-changer for this post-war country, providing the only space for independent sources of news and information.

A seamstress at the Beung Keng Kong market holds up a radio she uses to listen to the news. Vendors are often seen watching television, listening to the radio or texting on their phone while working in their shops. © KIM OANH NGUYEN

"Facebook and Twitter, among others, are the new 'to-go' sources for information as well as being actual political barometers. With the heavy censorship of traditional televised media, Facebook has become one of the main alternative sources of information for a large part of Cambodia's population,"

SAYS PA NGUON TEANG, EXECUTIVE DIRECTOR OF THE CAMBODIAN CENTER FOR INDEPENDENT MEDIA. [49]

46 'Cambodia – Telecoms, Mobile, Internet and Forecasts', available at http://www.budde.com.au/Research/Cambodia-Telecoms-Mobile-Internet-and-Forecasts.html#sthash.6oCn4BCu.dpuf.

47 'Social Media Drives Youth Involvement in Cambodia's National Elections', Faine Greenwood, 31 July, 2013, TechPresident.

48 'Country Case Study: Cambodia, support to media where media freedoms and rights are constrained', BBC, August 2012.

49 Source interview with Pa Ngoun Teang, 8 November, 2013.

The Internet is also changing the face of Khmer culture, where women have traditionally lacked a voice in a male-dominated mainstream media. A growing contingent of Cambodia's more than 250 bloggers[50] (known as 'cloggers') are female, breaking long-standing cultural norms of women not having a place to voice their views.

More than 30% of Cambodia's population are between 15-24 years old,[51] making Cambodia the youngest country in the region. The opposition party capitalised on that youth population to collect more votes. Known as the 'Facebook election', the main opposition CNRP party used the popular social media network site to garner support through posting news articles, videos, events and debates; in one case, more than 100,000 people pledged support to the opposition party in less than two days.[52]

The race to reach into the untapped potential of Khmer youth goes beyond the 2013 national elections and into the classroom, where the nation's only accredited journalism programme shows signs of coming under the thumb of the ruling party. A new director for the Royal University of Phnom Penh's Department of Media and Communications (DMC) is considered a loyal ruling party member, with close ties to the ruling party. The Prime Minister's son, Hun Many, was a guest speaker at the DMC in 2013, marking the first time a member of the ruling party family officially visited the department.[53]

However, apart from online platforms, the space for freedom of expression in Cambodia is greatly limited and increasingly under attack, earning its current status as a 'crisis situation' according to Committee to Protect Journalists. Journalists and human rights defenders are increasingly targeted for attempting to cover sensitive land, environment and natural resource management issues, most notably illegal land seizures and illegal logging. And a draft cybercrime law is expected to close the FoE/RTI space even further.

Overall, Cambodia has very few media advocacy organisations and those that exist are not considered the most effective in pushing for freedom of expression (see Social Network Analysis map below). Notably, the key influencers of the freedom of expression space in Cambodia are human rights organisations, highlighting Cambodia's apparently weak media and information ecosystem. Interestingly, while UNESCO works on a range of media and freedom of expression initiatives at country level throughout the region, it appears on Cambodia's social network map as a smaller node of influence, helping to fill the void of media organisations by providing activities such as trainings to journalists in rural areas; whereas in other countries such as the Philippines, the dominance and influence of local media organisations crowds out international organisations such as UNESCO.

Bilateral aid agencies and international organisations also appear on Cambodia's social network map, suggesting the country's FoE network is still forming and continues to rely on external resources in order to continue operating.

Sixty-three organisations were identified in the SNA as being important to the freedom of expression space in Cambodia, with three organisations – Cambodian Center for Human Rights (CCHR); Licadho; and Adhoc – dominating the FoE landscape. By far, CCHR is considered the most effective organisation working in human rights, freedom of expression and right to information. CCHR is also one of the most well-funded organisations starting from a staff of six in 2007, and growing to a core staff of more than 26 by 2013.[54]

While these groups have mobilised around key advocacy campaigns related to human rights abuses and constraints on freedom of expression, stakeholder consultations suggest these efforts have not been well-coordinated, and the network is generally fractured, with limited coordination among groups working on the same issues – a scenario borne out in the map, in which numerous smaller actors in the space appear disconnected to the larger nodes of influence, and operating on their own.

50 'Repression of Expression: the state of free speech in Cambodia', Cambodian Center for Human Rights, September 2013.

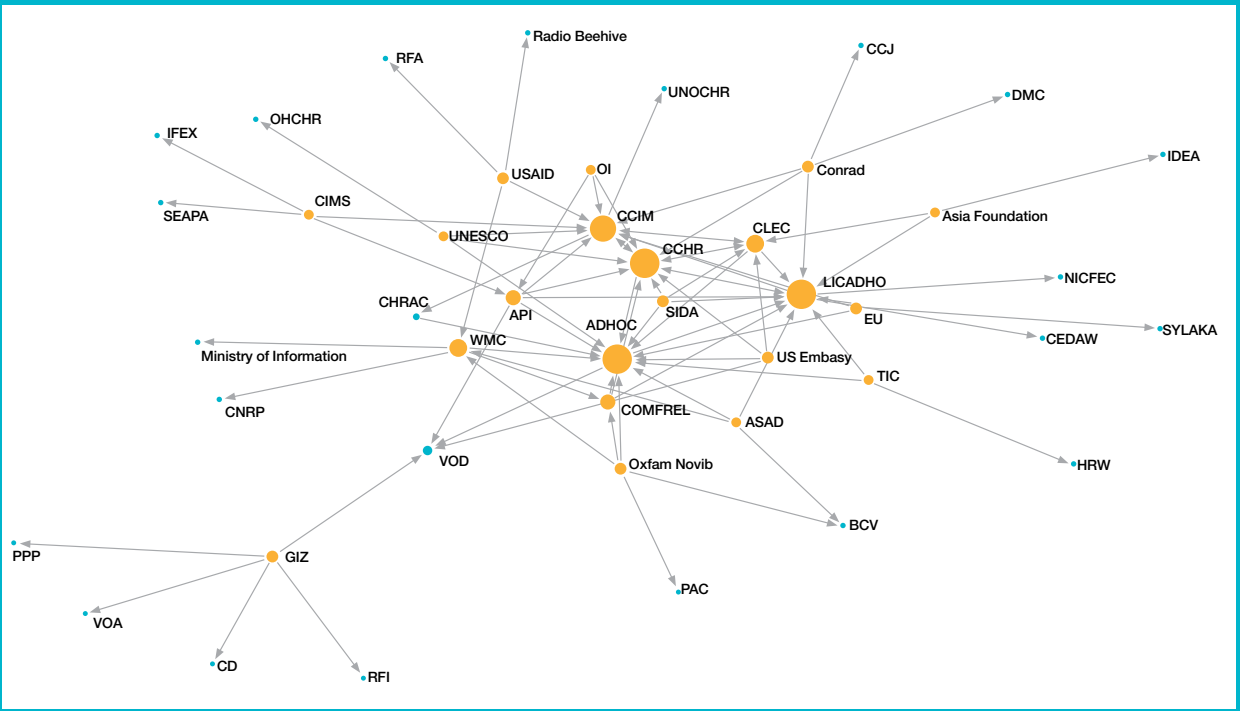
51 Op.Cit., 'Social Media Drives Youth Involvement in Cambodia's National Elections'.

52 Virtual Democracy', Colin Meyn, *Southeast Asia Globe*, 11 November, 2013.

53 Anonymous source interview, 19 November, 2013.

54 Source interview with Ou Virak, 1 November, 2013.

SOCIAL NETWORK ANALYSIS MAP: CAMBODIA



SNA SNAPSHOT

Total number organisations identified as influential: 63

Network characteristics: Three human rights organisations – Cambodian Center for Human Rights, Licadho, and Adhoc – dominate Cambodia's social network of organisations working on FoE, while media outlets and organisations sit as smaller nodes of influence around these three key influencers. International organisations and aid agencies, including UNESCO, USAID and The Asia Foundation, appear in Cambodia's map whereas they don't appear in maps for networks such as the Philippines, suggesting the country's ongoing reliance upon external support to operate. In the absence of stronger media organisations, international organisations such as UNESCO fill the void with activities including training for rural reporters.

General conclusions: Smaller organisations such as the Women's Media Center, which promotes the voices of women in development issues via radio programs, and Advocacy & Policy Institute, which advocates passage of the country's draft freedom of information law, are operating with limited funding and with targeted interventions could become more effective.

Meanwhile, individual citizens have emerged as leading voices for freedom of expression in Cambodia, as in the case of more than a dozen women from Phnom Penh's Boeung Kak neighborhood who were arrested in 2012 after publicly protesting against forced eviction from their homes. Although the fight for these women was viewed through the lens of housing rights, theirs also became a struggle for the right to speak freely – voices the state attempted to muzzle by sending the women to prison.

KEY ISSUES

1. Control of mainstream media by the ruling party leaves little space for neutral news.
2. Highly restricted and dangerous space for journalists and HRDs around environmental issues.
3. Regulatory control of freedom of expression through stalled passage of a draft FoI law and advancement of a draft cyber-crime law.

KEY ACTORS

Cambodian Center for Human Rights (CCHR), Licadho and Adhoc are considered the most influential in Cambodia's human rights, freedom of expression and right to information landscape, based on the social network analysis survey.

KEY STRATEGIES

1. Investigate the potential for new initiatives or support to existing activities that prioritise independent, international-standard news reporting with links to regional expertise from organisations and outlets such as Malaysiakini, and support efforts aimed at making available broadcast licences to non-ruling party members or affiliates.
2. Strengthen links between journalists and HRDs covering sensitive issues such as illegal logging to collaborate on activities aimed at providing information to communities affected by environmental degradation.
3. Support nascent organisations working in the FoE space to combat especially restrictive components of the proposed law by drawing on regional legal and technical expertise from neighbouring nations such as Thailand's Thai Netizen network; the Right to Know Right Now! campaign in the Philippines; and civil society actors in Indonesia working to implement Indonesia's RTI law.

8.4 LAOS

"People know not to express themselves in Laos,"

SAYS ONE FOREIGN NGO WORKER AND LONG-TIME RESIDENT OF VIENTIANE, LAOS. [55]

Laos' media is defined by a fully state-controlled press and broadcast sector, a high level of self-censorship among journalists who actively avoid covering controversial issues, and limited Internet penetration – conditions that earned Laos Freedom House's 2013 press status as 'Not Free'.[56]

The country is resource-rich, yet remains one of the poorest nations in ASEAN, creating a dynamic where pressures on natural resources are triggering illegal land seizure, illegal logging, and construction of hydropower dams. Other abuses occur unabated, such as crackdowns and enforced disappearances of journalists and human rights defenders who dare to expose injustice to the wider public.

The nation's 2008 press law is generally considered ineffective and opaque where it concerns press rights and responsibilities, and overall provides little protection for journalists. A high level of self-censorship translates into few attacks on journalists, who are appointed by the Lao People's Revolutionary Army.[57] The country's 32 television stations and 44 radio stations are government affiliated. Laos' 24 newspapers are strictly controlled by the government, leaving Lao people with almost no choice of media providing independent or alternative viewpoints.[58]

Although the Internet has extremely small reach in Laos, the platform is rapidly expanding and the Internet remains largely unregulated and unmonitored. The number of Facebook users increased from 60,000 in 2011to 400,000 in 2013,[59] with an estimated half a million Internet users.

55 Skype interview with anonymous source, a long-time communications consultant in Laos, 30 October, 2013.

56 *Freedom of the Press 2013*, Freedom House, accessible at: http://www.freedomhouse.org/report/freedom-press/2013/laos.

57 Programme summary of Konrad-Adenaeur-Stiftung, available at http://www.kas.de/medien-asien/en/pages/8878/.

58 *Stifling media and civil society in Laos*, SEAPA, 2 May, 2013.

59 'Government to regulate social media network', *Vientiane Times*, 24 October, 2013.

Students in Pakse, Laos, use their cell phones to text and surf the Internet. Internet penetration in Laos is among the lowest in the region, with an estimated 500,000 Internet users and 400,000 Facebook accounts in a country of roughly 6.6 million people.

However, this unfettered use of the Internet is expected to change following the announcement in October 2013 by Lao government officials that the government plans to regulate social media, following what officials referred to as 'misinformation' disseminated via Facebook after a Lao Airlines crashed in Pakse, killing all 49 passengers and crew aboard. The crash prompted a flurry of Facebook activity as people re-posted news from Thai news sources in response to extremely limited information released by the government.

"Lao people are starved for information, but there is none for them. If I want information about Laos, I have to find it from external sources," said one long-time Laotian newspaper journalist. "I have to get it from Thai TV or look on the Internet."

Opportunities exist online for the country's 6.6 million people via discussion platforms to share development-related information. Lao44 is an online repository of documents and videos available to Lao citizens on a range of development issues, and with an overall mission to improve access to information in Laos. LaoFab and its Lao-language counterpart, LaoLink, though originally created as a platform for members to discuss agrarian issues, has also become a space for the international community and mostly Lao professionals to express concerns about other issues, most notably the disappearance

of environmental activist Sombath Samphone. Both websites are hosted outside of Laos and so far have not been regulated by authorities.

Voices deemed critical of the government are not tolerated in Laos. In January 2012, Lao officials cancelled without warning the nation's only call-in radio programme, '*Wao Kao*', considered the most popular radio programme in the country, and forced the show's host into hiding.[60] The radio broadcaster launched the radio show in 2007 through the National Radio Laos station. The cancellation followed a broadcast in which farmers called in to complain about land being illegally confiscated.

Radio and TV have the highest reach, with many Laotians turning to Thai TV for entertainment, news and information. International radio stations such as Radio Free Asia and Voice of America have been sources of independent news and information about Laos, and UNDP launched the country's first community radio in 2007. However, in general, Laos' media scene is greatly restricted and limited, with rare opportunities for citizens to get their voices heard.

Currently, there are no media advocacy or human rights organisations in Laos to advance freedom of expression issues. In November 2009, the government issued a Law on Associations, which allows two or more Laotians the right to establish a local NGO to promote economic and professional interests, creative activities and social welfare; yet as of January 2012, only 10 organisations completed the application and were formally registered, while another 70 awaited approval.[61]

KEY ISSUES

1. Increasing attacks on human rights defenders, including enforced disappearances, intimidation, and proposed legislation to control content posted to social media.
2. Complete control of media by the state, leaving extremely limited space for neutral, independent sources of news.
3. Limited access to information for residents in rural areas where severe human rights violations are occurring.

KEY ACTORS

Due to sensitivity surrounding FoE and human rights, limited research and stakeholder consultations were completed. Key informants expressed difficulty and/or reluctance in identifying key actors in the human rights and freedom of expression space, in part due to increased levels of fear and an intensified chilling effect on FoE following the enforced disappearance of environmentalist Sombath Samphone.

KEY STRATEGIES

The extremely sensitive environment for freedom of expression and human rights in Laos demands a customised and cross-border strategy for Laos and could include a combination of support to activities aimed at protecting human rights defenders and journalists; training for youth in alternative media such as documentary filmmaking and photography; and support to exile media that seeks to expand coverage and access to information on key human rights and environmental issues.

60 Anonymous source interview, December 1, 2013.

61 'Laos: an overview of human rights violations', International Federation of Human Rights briefing paper for 9th Asia-Europe Meeting Summit of Heads of State and Government, 5-6 November, 2012.

8.5 PHILIPPINES

"A major strength of the Philippine press, and one unique characteristic of the Philippine media situation, is the determination and readiness of media organisations and journalists to defend the rights of media practitioners and press freedom. The existence of laws protecting press freedom is a major factor sustaining this capacity. Media NGOs are active in the campaigns to build up public awareness about the issues of the press and the importance of press freedom in society."[62]

ASIA MEDIA FORUM

The Philippines has one of the most robust media scenes in the region, with myriad print, radio, TV and online platforms competing to capture the attention of a highly educated and information-hungry public. Yet TV is still the predominant way for people to receive information, with 85% of Filipinos owning a TV set. Radio is a close second, with an estimated 82% of the 96.7 million people owning a radio, with programming supplied by 651 radio stations.[63] The Philippines has an estimated 645 print publications, with newspapers accounting for nearly 90% of those publications. However, newspaper circulation relative to the population remains small, with national newspapers averaging 10,000 to 400,000 daily circulation and community newspapers distributing between 45,000 to 50,000 newspapers per day.[64]

What distinguishes the Philippines from other priority countries examined for this research is its abundance of specific media-related organisations, as evidenced by the Social Network Analysis map (see below). The Philippines' information ecosystem is characterised by a high density of actors in the Social Network Analysis, and dominated by media advocacy organisations and networks that focus specifically on press freedom and freedom of expression. Among the most prominent are the Center for Media Freedom and Responsibility (CMFR), the National Union of Journalists of the Philippines (NUJP); and the Philippine Center for Investigative Journalism (PCIJ).

The most influential actors in the FoE sphere in the Philippines are all media-related organisations, speaking to the Philippines' lively and diverse media scene. A total of 87 organisations were listed as important to the Philippines' freedom of expression space –more than any other country examined for this study – with NUJP perceived to be the most effective. PCIJ and CMFR were also identified as very important to the FoE space. These three organisations are well-connected, with cross-pollination of some projects and staff, and work in a number of common advocacy areas. NUJP's position as perceived to be the most effective may be attributed to its own in-country networks, with 35 chapters spread across the Philippines, including in remote locales, as opposed to the Manila-based PCIJ and CMFR.

The dominance of local media-focused organisations and an overwhelming lack of international organisations and aid agencies in the country's social network map underscores the Philippines' mature and self-sustaining FoE network.

Organisations in the Philippines have strong collaborative relationships, often sharing resources in support of joint objectives, as suggested by the links in the social network map. Interestingly, a coalition – Right to Know Right Now! – is also seen as influential in the Philippines' freedom of expression social network, further demonstrating the robustness of the country's civil society and suggesting that there are opportunities to strengthen coalitions – rather than traditional organisations – to drive real change.

A variety of press associations also operate to increase the availability of opportunities for journalists to network and improve their professionalism, including the Association of Broadcasters of the Philippines (KBP) and the Philippine Press Institute (PPI).

With such an active civil society in general, and a vibrant media scene specifically, the Philippines sets the standard for coalition-building and has incubated a series of effective advocacy campaigns and initiatives that serve as useful models for the region, particularly in countries where the social network of FoE organisations is more sparse and disconnected.

In 2003, a coalition of both media advocacy organisations and associations teamed up to establish the Freedom Fund for Filipino Journalists (FFFJ),

62 *Asia Media Forum Report 2008*, Asia Media Forum, 2008.

63 'Media Factbook 2004,' Philippine Information Agency.

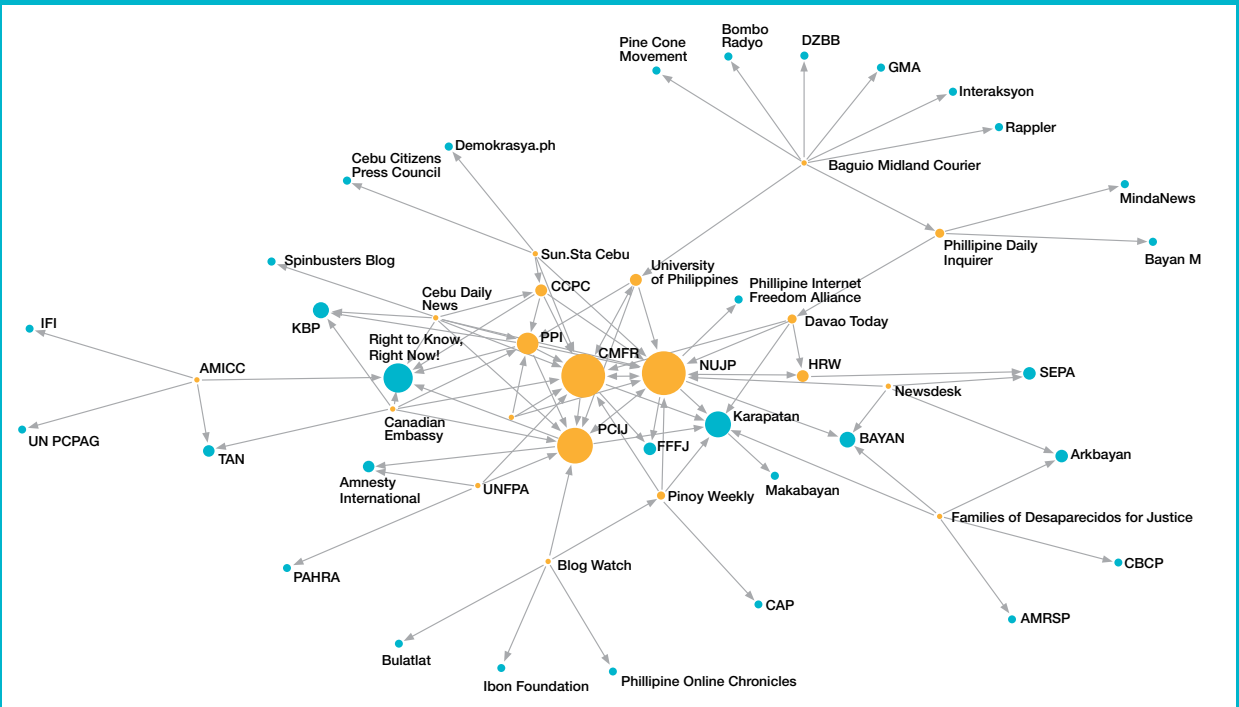
64 Op. Cit., *Asia Media Forum Report 2008*.

the biggest coalition of media groups and press associations in the country, to address the intractable problem of the killing of journalists. FFFJ dispatches quick-response teams to investigate and report attacks against journalists, and to follow up on prosecutions that may ensue. It also raises funds for the protection of journalists facing threats, and provides assistance to the families of journalists killed in the line of duty.

In addition to the Philippines' robust media advocacy landscape, the nation's overall civil society sector is equally vocal, active and successful in building alliances. In an unprecedented campaign for right to information, an estimated 160 civil society organisations representing media, religious groups, gay and lesbian associations and others joined forces to create the Right to Know Right Now! campaign, advocating for the passage of the country's first Freedom of Information Bill.

A family in Manila, Philippines, sells newspapers to supplement their income. The Philippines has one of the most robust media scenes in the region, with an estimated 645 print publications, and 651 radio stations. However, 85 per cent of the population owns a TV set and television remains the dominant way most Filipinos get information. © KIM OANH NGUYEN

SOCIAL NETWORK ANALYSIS MAP: PHILIPPINES



SNA SNAPSHOT

Total number organisations identified as influential: 85

Network characteristics: The Philippines' social network map of organisations working in FoE is dominated by three media advocacy organisations: Center for Media Freedom and Responsibility, the National Union of Journalists of the Philippines and the Philippine Center for Investigative Journalism. Additionally, coalitions such as the Right to Know Right Now! (R2KRN) coalition and Freedom Fund for Filipino Journalists (FFFJ) are also seen as influential in the environment, and good examples of joined efforts by various organisations toward expanding FoE. R2KRN is considered a loose coalition at the forefront of the campaign to pass a freedom of information bill while FFFJ emerged to address the issue of the killing of journalists.

General conclusions: The Philippines' highly dense and closely linked social network for FoE organisations is indicative of the network's overall maturity and could serve as a model for high-level collaboration and network sustainability for other countries in the region. Organisations within the network are seen to mutually support each other, and the coalitions that have sprung up around the most influential nodes in the space, and incorporating the top three influencers, suggest strong collaborations across the landscape and potential for success in areas such as regressive media laws. For instance, the Philippine Internet Freedom Alliance, formed in response to the country's cybercrime law, sits as a smaller node on the map but has potential to become more influential in light of the fact that the law, successfully halted by civil society and currently being challenged in the Supreme Court, is expected to re-emerge and funnel through the legislative process. And when that happens, the country's network of organisations to continue challenging the law will already be in place.

Another enterprising online endeavor – Mindanews – was also launched to bring more balanced news to the peace process on the conflict-ridden Philippine island of Mindanao. Mindanews is considered the only viable, independent source of news on the conflict in Mindanao. The outlet operates as a wire service, providing the broader public access to independently reported stories that get reprinted by mainstream media.

Against the backdrop of the Philippines' vibrant media and information sector, impunity persists. Of the 139 journalists killed in the line of duty since 1986, only 11 cases have been successfully prosecuted.[65] An additional 152 people have been victims of extrajudicial killings, with little evidence of political will on the part of President Aquino to take meaningful action. [66]

KEY ISSUES

1. Impunity continues to thrive, with ongoing attacks on the press and human rights defenders, and little political will to address the problem.
2. Media monopolies controlled by political families greatly reduce the space for neutral news and information, particularly around electoral processes.
3. Restrictive environment for media with a stalled FoI bill in the House of Representatives and a cybercrime bill currently being challenged in court, which threaten to limit the country's relatively free media.

KEY ACTORS

National Union of Journalists of the Philippines; Philippines Center for Investigative Journalism; Center for Media Freedom and Responsibility.

KEY STRATEGIES

1. Support comprehensive mapping and analysis of attacks on freedom of expression (journalists and HRDs), linking to regional mapping initiatives to improve documentation of impunity cases that support regional advocacy campaigns.
2. Investigate potential initiatives that widen the space for independent, neutral news outlets such as Mindanews, and various community radio stations that operate effectively free from political influence, combined with training for mainstream (particularly radio) journalists in fair and balanced political reporting.
3. Strengthen links between country-level coalitions and efforts such as the Right to Know Right Now! campaign with regional and international expertise such as the Center for Law & Democracy, to advance the passage of the Freedom of Information Bill.

The five remaining ASEAN countries – while not studied in as much depth as the priority countries identified for closer examination – are also home to information ecosystems in which FoE struggles to survive. To provide another layer of comparative analysis, country summaries of the remaining five ASEAN nations are provided below, with Social Network Analyses conducted for Malaysia and Myanmar.

65 Center for Media Freedom and Responsibility's database on Attacks and Threats against Press Freedom and Journalists/Media Workers (as of December 2013), available at https://www.facebook.com/notes/center-for-media-freedom-and-responsibility/cmfr-database-on-attacks-and-threats-against-press-freedom-and-journalistsmedia-/517067814991136.

66 Karapatan Monitor 2013, Issue No. 2, available at http://karapatan.org/files/Karapatan_Monitor_Issue2_2013_WEB.pdf.

8.6 MALAYSIA

Malaysia is among the most democratic and religiously diverse countries in ASEAN, with a media scene that encompasses traditional media while incubating innovative channels for news and information online. In 1998, buoyed by the momentum created by the Mahatir government's Multimedia Super Corridor, parliament passed the Communications and Multimedia Act, which includes a section that states no part of the Act shall be construed as censoring of the Internet.

Though the government has vowed since the 1990s to keep the Internet free and expand Internet access for economic reasons, the regulatory environment in Malaysia remains restrictive. Article 10 of the Constitution guarantees freedom of speech and assembly, but parliament is constitutionally permitted to restrict the right as it deems "necessary or expedient" for reasons of public order and national security.[67] The 1984 Printing Press and Publications Act, amended in 2012, grants the Home Minister absolute discretion over licensing of printing presses.[68] The 1998 Communications and Multimedia Act in turn gives the Minister of Information, Communications and Culture a wide range of licensing and other powers. The Malaysian Communications and Multimedia Commission can instruct websites to remove content, leading Internet users to exercise self-censorship.[69] An amendment to the Evidence Act makes it easy to target social media users, bloggers and websites, while the Sedition Act of 1948 allows up to three years' imprisonment for, among other activities, any act, speech or words that are deemed to incite hatred towards a rule or promote feelings of animosity among different races and classes.

Citizens can express themselves freely online – with caveats. Masjaliza Hamzah from the Center for Independent Journalism (CIJ) points to the danger of speaking about the monarchy. Steven Gan, from Malaysiakini, says, "The only stories or issues that we would be a little bit more careful about would be Islam. I think Malaysia is still a very conservative society – a lot of right wingers waiting to whack you if you happen to be seen to be criticising Islam." More than 65% of the country's population is classified as Muslim, while the remaining 35% are Buddhist, Christian or Hindu.[70] Malaysia's diversity has helped the country become one of the most vibrant societies in the region, while also engendering ethnic and religious tensions that define national-level politics and set the stage for religion-based curbs on free speech.

There are significant inequalities around access to information in Malaysia. Media access, including mobile phone signal reception, is extremely limited in the east Malaysian interior, where the majority of the population comprises indigenous groups. Communities express their legal needs in the face of land grabs through a network of activists and lawyers, and the Iban majority obtains independent information from Radio Free Sarawak, a shortwave radio station broadcasting in the Iban language from outside Malaysia. However, the indigenous communities remain uninformed about economic opportunities and political rights.

Indigenous communities also lack basic channels to express themselves. Unlike in east Malaysia where indigenous groups are the majority, the Orang Asli ethnic minority in the Peninsula are constrained to specific areas, where a colonial-era institution voices their concerns. Malaysiakini and *The Malaysian Insider* have begun sending stringers to east Malaysia. However, the same news sites highlight the lack of interest peninsular Malaysians have in east Malaysian issues, particularly those related to indigenous peoples. Clare Rewcastle, editor of Radio Free Sarawak explains, "Peter Kallang's [Director of SAVE Rivers Network, an NGO supporting indigenous communities fighting dam building in Malaysian Borneo] big missing link is the media side of the operation... there is no point in managing people to protest if news doesn't get out." Malaysiakini, Sarawak NGOs, and Radio Free Sarawak explained the potential of recent university graduates among the indigenous population as community reporters or ambassadors.

Efforts to expand access to information and channels

67 Malaysia', Open Net Initiative, 7 August 2012.

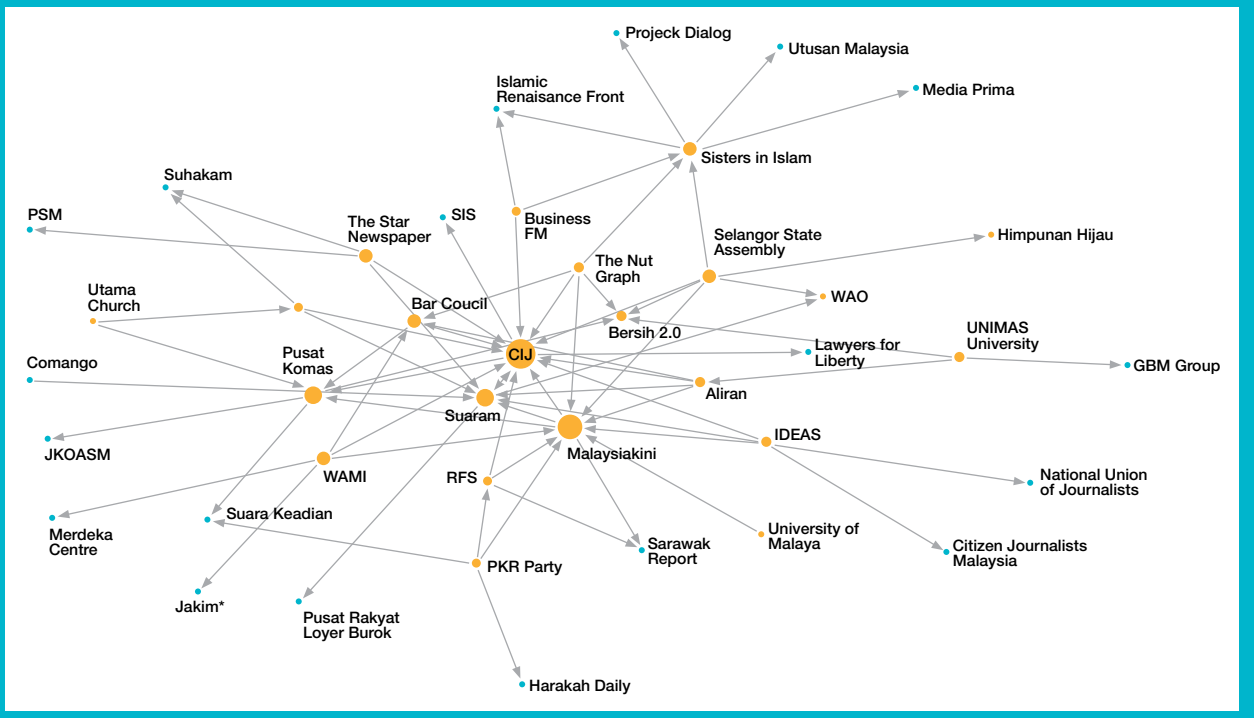
68 *World Report 2013: Events of 2012,* Human Rights Watch, New York, Seven Stories Press, 2013.

69 *Freedom on the Net: A Global Assessment of Internet and Digital Media,* Freedom House, 2013.

70 *Mapping Digital Media, Malaysia,* Open Society Foundations report, 16 May, 2013.

for free expression are closely tied with serious environmental issues and land grabs in east Malaysia. An anonymous source, who educates indigenous communities about their rights while working with government-sponsored infrastructure projects, explains, "Once NCRs (native customary rights) are gone there is nothing to talk about anymore – that's the thing they must fight to the nail for if they want to prevent Sarawak from being overtaken by the industrial vision they have already."

SOCIAL NETWORK ANALYSIS MAP: MALAYSIA



SNA SNAPSHOT

Total number organisations identified as influential: 55

Network characteristics: Malaysia's FoE space is dominated by the Center for Independent Journalism (CIJ) and Malaysiakini, two well-known and reputable organisations in the country's media scene, with CIJ serving as both an advocacy organisation working on issues such as advancing a right to information law as well as working to raise the professional standards of journalists through training. Malaysiakini is considered a success story for online news by providing Malaysians with a source of alternative, independent views.

General conclusions: A diverse collection of non-governmental organisations working in areas of human rights, indigenous rights and law, including Suaram, Berish, Pusat Komas and the Bar Council are seen as smaller nodes accessing resources from CIJ and Malaysiakini, suggesting the two media organisations at the heart of Malaysia's FoE are responsible for bolstering the country's civil society and are well-positioned to serve as strong partners for collaboration.

The regulatory environment in Malaysia leads TV, radio and newspapers to self-censor. State broadcaster Radio Televisyen Malaysia (RTM) is the main broadcaster in Malaysia, though because it has its roots in the British colonial era, it continues to serve as a mouthpiece for the ruling party. RTM is surrounded by four terrestrial channels and three main radio broadcasters, yet even these are considered to be heavily influenced by the ruling Barisan Nasional (BN) party. In radio, Business FM, though only broadcasting in peninsular Malaysia, is "quite bold in its reporting", according to Steven Gan, Editor-in-Chief of Malaysiakini. They are able to intelligently navigate government control and host politically significant figures on the air. Malaysia's print media shares the same characteristics as broadcast media, as most newspapers and magazines are owned by or affiliated with the ruling elite. There are Malay, Chinese and English-language newspapers. Journalists and editors in traditional media outlets, which tow a government line for fear of losing their licence or because of government ownership, sometimes operate at the fringes of what is permissible, especially in Malaysian Borneo.

The country has one of the highest numbers of Internet users amongst its neighbouring countries. According to Freedom House's *Freedom on the Net 2013* report, Malaysia has a population of 29 million and Internet penetration of 66%. Nearly half the population is on Facebook, with an average of 233 friends each – the greatest proportion in the world – all on social networks for an average nine hours a week.[71] However, "more than 80% of Internet users lived in urban areas as recently as 2010, and Internet penetration remains low in east Malaysia".[72]

Given the autonomous nature of Malaysia's media scene, market demand for sources of independent news has been high (evidenced by the popularity and increasing use of social media among the population), as well as public information. That said, Malaysiakini is the only financially sustainable independent media organisation and, according to key stakeholders, suffers from advertising revenue competition with Google.

Malaysia's digital media has proven to be a battleground for freedom of expression – and for votes. In the May 2013 elections, the BN party was severely challenged when it lost the popular vote to the opposition for the first time, largely due to online campaigning by the main opposition party. Azmi Sharom, Associate Professor at the University of Malaya Law Faculty and columnist at *The Star* newspaper explains, "around 70% of the Barisan Nasional's seats came from rural areas. It's obvious that Internet penetration makes a difference." Yet just as more Malaysians are moving online to communicate and share information and ideas, the government has, in a parallel, been restricting content. Malaysia saw its lowest Reporters Without Borders ranking ever in 2013, largely due to the increased number of cyber attacks, particularly during election cycles. The ruling party went so far as to set up cyber-trooper units during the 2013 elections to control online content.[73]

To combat free expression limitations, a network of close-knit and supportive organisations working on freedom of expression has mushroomed in peninsular Malaysia. Fifty-five organisations were identified in Malaysia's Social Network Analysis as being influential in the sector. Malaysia's social network of FoE organisations features Malaysiakini and Center for Independent Journalism as the most influential players, along with others such as Suaram, Berish and the Bar Council as smaller nodes of influence. The most influential NGOs all expressed the need for further collaboration around FoE issues. "The same national groups need to be part of mounting a campaign with other forces beyond the country. For example, linking up with international NGOs and the UN. People need to focus on how to make that link," says Jerald Joseph, of NGO, Komas.

Two states in Malaysia – Selangor and Penang – passed right to information legislation, and draft legislation is underway in at least one other state, Kelantan. However, a penal code amendment passed in October 2013 makes it an offence for civil servants to divulge information about their work, thus challenging the legislative environment in which the RTI legislation exists. Champions of the legislation in Selangor explain that lack of funding and time has driven NGOs away from testing the RTI laws to other issues, and that the state government has no plans to inform citizens of how to take advantage of the legislation.

71 *'Mapping Digital Media, Malaysia,'* Open Society Foundations report, May 16, 2013.

72 Ibid.

73 See Reporters Sans Frontieres' 2013 report.

8.7 INDONESIA

Both the right to privacy and the right to gain information and communicate freely are enshrined in the Indonesian constitution (Articles 28F and 28G).[74] With the passage of Indonesia's 1999 Press Law media oversight played a key role in promoting lasting reform, including the 2008 Freedom of Information law.

Despite the relative freedom of Indonesia's press, the strong nationalist and religious narratives in the country limit freedom of expression. In May 2013, says Human Rights Watch, "more than a dozen UN member countries raised questions and made recommendations during Indonesia's Universal Periodic Review in Geneva about human rights problems in Papua, including impunity for abuses by security forces, restrictions on the rights to freedom of expression, and excessive restrictions and surveillance of foreign journalists and human rights researchers".[75] Merlyna Lim, a scholar on ICT, holds that growing activity on social media has not been able to promote a more pluralistic national discourse around religion or minority areas due to the complexity and high risk of discussing such topics.[76] Political science professor Kikue Hamayotsu argues that liberals' limited access to traditional political and religious institutions limits their ability to influence state policies regarding religious affairs.[77]

Libel is a criminal offence under the Information and Electronic Transactions (ITE) law. A recent high-profile case involved Prita Mulyasari, who was fined Rp 204 million (roughly US$20,500) for defaming the International Hospital in Jakarta in a private email to a friend in 2008.

According to CPJ, impunity has been common in past attacks against journalists. Three men charged with the 2010 murder of television journalist Ridwan Salamun were acquitted in March 2011 by a district court and a pregnant journalist was attacked while covering a land dispute case in May 2013.[78] Agus Sudibyo from the Indonesian Press Council and Nezar Patria from the Alliance of Independent Journalists also point to the dangers of increasing centralisation of ownership in a few media companies, and the affiliation of company owners with political parties.[79]

In 2012 the *Media Use in Indonesia* survey conducted by the British Board of Governors and Gallup in Indonesia revealed that television is the dominant form of mass media, with radio continuing to slide. According to the survey, 95.9% of Indonesian adults use TV at least once a week to get news; 24.1% of those surveyed said they listened weekly to radio news in 2012, down from 50% in 2006; 81.0% of respondents have a mobile phone in their household, compared to 67% in 2011. Half of Indonesians (49.8%) use SMS/text messages at least once a week to get news, while 20.6% of Indonesians say they've used the Internet in the past week, though weekly use is more prevalent in urban areas (30.3%) than rural areas (16.7%). Just over half (51%) of those aged 15-24 have used the Internet in the past week. About one-fifth of Indonesians (19.3%) say they get news from the Internet at least weekly, and 16.7% get news weekly from social networking sites too.

According to the BBC, "Major national commercial networks compete with public Televisi Republik Indonesia (TVRI). Some provinces operate their own stations. The radio dial is crowded, with scores of stations on the air in Jakarta alone. Private stations carry their own news, but cannot relay live news from international broadcasters."[80] Indonesia has the fourth largest national presence on Facebook,[81] and the fifth on Twitter. [82]

Despite having one of the most open media landscapes in ASEAN, journalists and human rights defenders regularly face harassment and impunity, and this

74 *Freedom on the Net: A Global Assessment of Internet and Digital Media*, Freedom House, 2013.

75 *World report 2013: events of 2012*, Human Rights Watch New York: Seven Stories Press, 2013, pp 326.

76 Merlyna Lim, 'Many Clicks but Little Sticks: Social Media and Activism in Indonesia,' *Journal of Contemporary Asia, 43* (2013), 636-657.

77 Kikue Hamayotsu, 'The Limits of Civil Society in Democratic Indonesia: Media Freedom and Religious Intolerance', *Journal of Contemporary Asia,* 43 (2013), 658-677.

78 'CPJ condemns attack on pregnant Indonesian reporter,' Committee to Protect Journalists, March 5, 2013.

79 Agus Sudibyo and Nezar Patria, "The Television Industry in Post-authoritarian Indonesia," *Journal of Contemporary Asia, 43* (2013), 257-275.

80 'Indonesia Profile,' BBC, July 15, 2012, available at http://www.bbc.co.uk/news/world-asia-pacific-15105923.

81 SocialBakers, 'Facebook Statistics by Country' 2013, available at http://www.socialbakers.com/facebook-statistics/?ref=article.

82 'Geolocation analysis of Twitter accounts and tweets by Semiocast,' Semiocast, July 30, 2012, available at http://semiocast.com/publications/2012_07_30_Twitter_reaches_half_a_billion_accounts_140m_in_the_US

A home near the Beung Kak Lake community in Cambodia has two tv sets. © KIM OANH NGUYEN

continues to overshadow the right of citizens to speak freely without facing severe threats or harassment. This year marks the statute of limitations on the case of Fuad Muhammad Syarifuddin (aka Udin), of daily newspaper *Bernas* in Yogyarkarta, who was murdered in 1996. Although a suspect was arrested and jailed in Udin's case, he was eventually released when Udin's widow insisted the wrong suspect had been arrested. [83]

Organisations such as SAFE-NET, a coalition of journalist groups in Indonesia, have mobilised around an initiative to track legal attacks on freedom of expression, with plans to map such attacks and broaden their work to cover all of Southeast Asia.[84]

8.8 MYANMAR

Myanmar's burgeoning media scene is a tale of contrasts. While the country opens its doors to independent media, control over content and attacks on the press belie the outward appearance of a vibrant, thriving, pluralistic media environment. The country's constitution states that every citizen may exercise the right to "express and publish their convictions and opinions", but only if these are "not contrary to the laws enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality".[85] Myanmar is in transition, and various pieces of legislation are being drafted to govern the media environment. Members of the media and civil society sectors are operating in a state of limbo, apprehensive about the formalisation of regulation and uncertain of

83 'Commentary: Culture of Impunity Thrives in Indonesia', The Jakarta Post, 23 November, 2013, available at http://www.thejakartapost.com/news/2013/11/23/commentary-culture-impunity-thrives-democratic-indonesia.html.

84 Interview with Damar Juniarto, SAFE-NET organiser, 25 November, 2013.

85 *Freedom on the Net: A Global Assessment of Internet and Digital Media*, Freedom 2013, pp 168.

where within government or civil society structure responsibility for media ultimately resides. As the nation's nascent media evolves, financial sustainability of independent media, including former exile media, has become a primary challenge for the emerging democracy.

The 1975 State Protection Act, 1950 Emergency Provisions Act, and 2004 Electronic Transactions Law allow for the detention of activists or journalists. In September 2013, 13 activists were imprisoned under Section 18 of the Peaceful Assembly and Procession Law for failing to get permission for a demonstration held peacefully to oppose the armed conflict in Kachin State. [86]

The three journalists' associations, Myanmar Journalists Union (MJU), Myanmar Journalists Network (MJN), and Myanmar Journalists Association (MJA) have roles in fostering collaboration among journalists. Representatives from these organisations join other members of civil society and academics in the Press Council, which is contributing to the drafting of print media legislation. The Press Council and Ministry of Information are actively supporting the reform in freedom of expression, and most of the 21 actors who completed the Social Network Analysis named both organisations as influential actors. Human rights organisations such as the 88 Generation Student Group also play a role in expanding freedom of expression and access to information, but have limited capacity to operate in rural areas.

In 2012, the government lifted pre-publication censorship for the press and allowed privately owned daily newspapers to publish. However, editors and journalists continue to self-censor, with room to report on the performance of the previous regime but stricter enforcement of news coverage of the current government. "Rich weeklies like Eleven Weekly dare to report. But media at the middle level, which are not so rich, dare not report wrongdoings of government because they cannot stand for a long time if they do this."[87] Government newspapers capture most of the advertising revenue as people are accustomed to turning to those newspapers for obituaries and tenders, and these publications have high distribution rates with the help of government resources.

Civil society organisations also self-censor, and are hesitant about collaborating with media organisations. As Ko Aung, Capacity Building Coordinator at Equality Myanmar explained in an interview, "it's only been two years since military dictatorship so how can people express their feelings without fear or intervention from the authorities?" One editor was harassed by the opposition NLD party for questioning the validity of a statistic published by the party. "They told me I would not be able to report on anything related to the NLD in the future. That is not FoE."[88]

Journalists also continue to face threats and imprisonment for reporting that is deemed critical of the government. Though the government outwardly lauds the end of censorship, it also uses a variety of techniques to silence dissenting voices, including bombarding editors with lawsuits and letters threatening lawsuits, as well as threats of imprisonment for national and international media representatives. [89]

Another key limitation facing independent media organisations is the difficulty in accessing government information. "Most government ministries don't want to answer questions from the media. The same with the army; they won't answer any questions regarding any border conflict. They're not at all cooperative."[90]

Sensationalistic news coverage focused on scandal and an overall lack of professionalism is a major concern among journalists and civil society leaders in Yangon. Some fear that the government will use the proliferation of sensationalised news as an excuse to clamp down on the media. In parallel, the lack of professionalism in reporting poses a threat in rural areas, where incomplete or mistaken reports exacerbate ethnic tensions and conflict. Media has been seen by some observers as a tool to exacerbate religious tension, as in the case of the impassioned 969 Buddhist-based movement in which media was used to rouse anti-Muslim sentiment.

86 *World report 2013: events of 2012*, Human Rights Watch, 2013, pp 286.

87 Interview with Aye Chan Hein, Editor at Myitmakha News Agency, 26 November, 2013.

88 Interview with Aye Aye Sann, Executive Director, *Karmaryut Times*, reported on Saffron Revolution, member of MJN.

89 *'The Business of Media in Myanmar,'* Internews report, 2013.

90 Interview with Aye Thiri Win, Editor, *Modern Journal Weekly.*

These issues feed into the broader challenge for independent media in Myanmar to be self-sustainable, where some new media outlets are closing just as quickly as they opened. Three of 12 new dailies introduced in 2013 have already shut down – casualties of the pressure of lack of advertising revenue and competition from the Internet and state-run news outlets that have long served as the mouthpiece for the junta and continue to operate.[91]

The weak communications infrastructure poses challenges for all kinds of media, especially in rural areas. According to the 2012 *Media use in Burma* survey conducted by the Broadcasting Board of Governors and Gallup, 56.8% of Burmese have a working television in their household, with TV ownership far more concentrated in urban areas (82.9%) than small towns and rural areas (45.7%). Newspapers and magazines are also considerably more prevalent in urban than rural areas, as are news journals; 13.9% of Burmese say they own mobile phones, with a wide gap between those living in cites (28.5%) and those living in small towns or rural areas (7.7%). Rates of ownership are likely to rise rapidly when two new networks launch later in 2014 with cheap SIM cards and smart phones at US$50, significantly impacting how information is accessed.

The Broadcasting Board of Governors' report also found that radio remains the primary source of news for Burmese living in small towns and rural areas, where 67.3% say they get news from radio at least once a week and 67.5% of city dwellers get news from television at least weekly.

Burmese web-based infrastructure also remains sparse. "Just 4.1% say they have ever used the Internet, while 1.3% have used it in the last seven days. Among urban Burmese, about one in 10 (10.3%) have ever used the Internet, though just 3.7% have used it in the past seven days."[92]

According to the BBC, "Overall, Myanmar Radio National Service MW/SW was the top source of news named spontaneously by respondents, followed by the official Myanmar Television (MRTV) and the private FM network, Shwe FM, which was launched in 2009. However, MRTV 4, a station jointly operated by the government and the private Forever media group, is the overwhelming top news source for residents of Myanmar's two largest cities, Yangon and Mandalay." [93]Foreign radio is also a key source of information. "The BBC, Voice of America, US-backed Radio Free Asia and Norway-based opposition station Democratic Voice of Burma target listeners in Myanmar."[94]

Khin Maung Shwe, Development Secretary, Burma News International, expressed a view shared by interviewees from Human Rights Education Institute of Burma, IMS, Parliament, and the Association of Human Rights Defenders and Promoters. "For me, I do understand that media [in urban areas] is very important but in rural areas ['alternative' areas] it's more important. Right now, where are the human rights violations? Alternative areas. Where is land confiscation? Alternative areas. Where are natural resources coming from? Alternative areas. But not so much information is coming out." There are efforts by IMS and ABC to move radio into a public service broadcast model and by BBC to assist the state-run Myanmar Radio and Television (MRTV) to update its programming to reflect a public service ethos.[95] Burma News International is working with UNESCO to develop much-needed community radio programmes in rural areas, pending infrastructure developments and government approval.[96]

Myanmar's social network analysis indicates a nascent media scene, where relationships lack the kind of mutuality that exists in more mature networks such as seen in the Philippines. The Press Council is considered by far the most influential organisation in Myanmar's FoE environment, with Myanmar Journalist Network and Peace and Open Society/88 Generation Student Group also considered important in the Myanmar FoE scene.

91 "In Myanmar, Newly Free Media Struggle to Turn a Profit," *New York Times*, November 25, 2013.

92 Broadcasting Board of Governors/Gallup Media Use in 2012 survey.

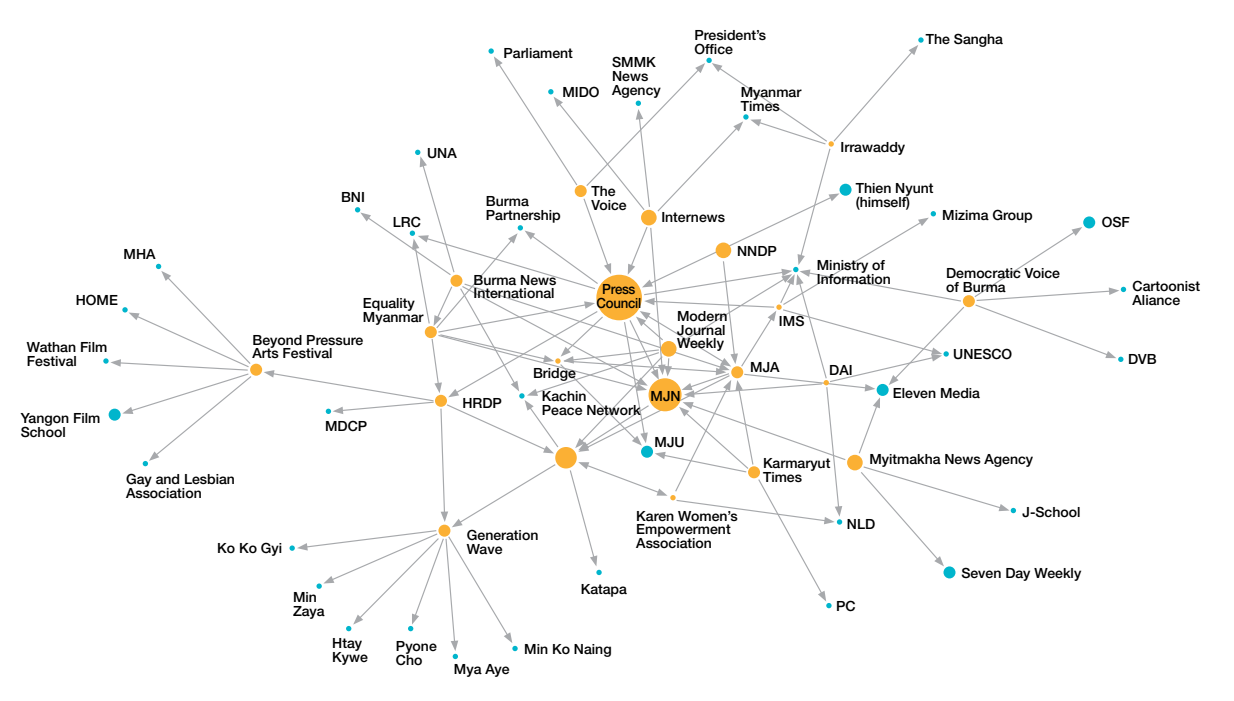
93 'Myanmar Profile', BBC, 22 January, 2013, available at http://www.bbc.co.uk/news/world-asia-pacific-12991727.

94 Ibid.

95 Interview with Glen Swanson, Country Manager, IMS.

96 Interview with Khin Maung Shwe, Development Secretary, Burma News International.

SOCIAL NETWORK ANALYSIS MAP: MYANMAR



SNA SNAPSHOT

Total number organisations identified as influential: 82

Network characteristics: Influential actors in Myanmar's FoE space are characterised by organisations that are relatively new, including the government-formed interim Press Council and Myanmar Journalist Network, both of which started within the past two years. The network is sparse, with limited links among groups – a scenario indicative of Myanmar's emerging and quickly evolving media scene. MJA has a relatively young membership base comprising more than 200 journalists across the country, and is likely identified as highly influential due to public campaigns such as the 2012 "Stop Killing Press" campaign that responded to the government's shutting down of two popular print publications.

General conclusions: The network is dominated by both of these organisations (the Press Council and MJA), with a vibrant constellation of smaller organisations orbiting the bigger nodes; based upon directionality of funding arrows, the relationship between Peace and Open Society, Myanmar Journalist Network, the Press Council and Equality Myanmar may be particularly strong. However, because the Press Council is an interim body that exists to create policy around media issues, its position as the biggest influencer in the FoE space is expected to change as other organisations orbiting it gain more prominence with a current infusion of resources dedicated to improving Myanmar's civil society.

8.9 SINGAPORE

Despite the political awareness of Singapore's online population, reflected in the relative competitiveness of the 2011 general elections, Singapore's information environment remains tightly controlled. Article 14 of the constitution upholds freedom of speech and assembly, while also curtailing those freedoms in order to protect the country's security, public order, morality, and racial and religious harmony.

Reporters Without Borders ranked Singapore 149 out of 179 in its Press Freedom Index 2013. As Human Rights Watch explains, the "Internal Security Act (ISA) and Criminal Law Act permit the authorities to arrest and detain suspects for virtually unlimited periods of time without charge or judicial review... The Newspaper and Printing Presses Act requires that all newspapers renew their registration annually, and allows the government to limit the circulation of foreign newspapers it believes 'engage in the domestic politics of Singapore'."[97] Major revisions of the Broadcasting Act are due in 2014. [98]

Two pro-government companies dominate the traditional media. A government investment company owns MediaCorp, which dominates broadcasting. The private Singapore Press Holdings Limited (SPH) dominates print media but the government has the power to remove SPH shareholders, who are in turn responsible for hiring and firing senior staff. Gatherings of more than five people must be registered with the government, and people may speak freely only at the outdoor Speakers' Corner, a designated area for public gatherings in Singapore's Hong Lim Park. Private ownership of satellite dishes is prohibited.[99] According to the 2013 Nielsen Singapore Media Index report, people increasingly access news and TV online. Radio listenership remained steady over the past year with 93% of adults tuning in to listen to radio on a weekly basis.[100]

Internet freedom is curtailed by the 1997 Internet Code of Practice, which aims to ensure "nothing is included in any broadcasting service which is against public interest or order, national harmony, or which offends against good taste or decency", and requires Internet service providers to restrict access to prohibited material. Regulations formed in 2013 require online news sites with over 50,000 unique views per month over a period of two months to obtain a licence.[101] There is concern that the broad definition of online news sites may allow the regulations to curtail blogging.[102] According to InternetWorldStates, there were 4 million Internet users in June 2012 (75% penetration) and almost 3 million Facebook subscribers (54.5% penetration). "Half of all Internet users have Twitter accounts. Singapore is home to an estimated 100,000 bloggers."[103] Despite restrictions, Internet access positions social media and online independent media as budding avenues for the expansion of freedom of expression.

Given the regulatory environment, journalists and citizens exercise self-censorship in Singapore. However, hackers recently attacked government sites and the website of a government-aligned newspaper to protest government Internet licensing.[104]

8.10 BRUNEI

In Brunei, citizens self-censor and journalists operate under tight government press control. The Sultan introduced the Malay Muslim Monarchy ideology in 1991, presenting the monarchy as the defender of the faith.[105] The government urges citizens to avoid 'DRUMS' – i.e. distortion, rumour, untruth, misinformation and smears – in social media.[106]

The government's clear boundaries around freedom of expression and the degree of its political control have stifled the emergence of a significant community

97 *World report 2013*: events of 2012, Human Rights Watch, 2013, pp 362.

98 'Hacking in Signapore: Messiah complicated', *The Economist*, 6 December, 2013, available at http://www.economist.com/blogs/banyan/2013/12/hacking-singapore.

99 Op.Cit., *World report 2013*.

100 'Majority of television viewers tune in to terrestrial TV channels: Nielsen,' 5 November, 2013, available at http://www.channelnewsasia.com/news/singapore/majority-of-television/874510.html.

101 Media Development Authority, available at http://www.mda.gov.sg/NewsAndEvents/PressRelease/2013/Pages/28052013.aspx.

102 Regulating Singapore's Internet: Two Steps back', *The Economist*, 5 June, 2013, available at http://www.economist.com/blogs/banyan/2013/06/regulating-singapores-internet.

103 'Singapore Profile', BBC, 22 January, 2013, available at http://www.bbc.co.uk/news/world-asia-15966553.

104 'Hacking in Singapore: Messiah complicated', *The Economist*, 6 December, 2013, available at http://www.economist.com/blogs/banyan/2013/12/hacking-singapore.

105 'Brunei Profile', BBC, 13 July, 2013, available at http://www.bbc.co.uk/news/world-asia-pacific-12990064.

106 Public urged to be responsible online,' *The Brunei Times*, 9 November, 2013, available at http://www.bt.com.bn/news-national/2013/11/09/public-urged-be-responsible-online.

pushing for an expanded space in which to openly share information. According to the US Department of State, "Persons convicted under the Act face fines of up to BN$5,000 (US$4,000) and jail terms of up to three years. Journalists deemed to have published or written 'false and malicious' reports could be subjected to fines or prison sentences."[107] The Internal Security Act, in turn, permits detention without trial for renewable two-year periods.[108]

The Sedition Act makes it an offence to challenge the authority of the royal family or the Malay Muslim Monarchy ideology, and requires licences for local newspapers and approval for foreign staff, journalists and printers. The Broadcasting Act requires Internet service providers and Internet café operators to register with the Director of Broadcasting. Internet service providers are advised to monitor content.

"A censorship board determines the suitability of concerts, movies, cultural shows, and other public performances. Religious authorities review publications to ensure compliance with social norms,"[109] says the US Department of State, adding that while 2012 saw "no reports of prosecution or punishment for the expression of political or religious views via the Internet or by email… the combination of low bandwidth and high-volume usage resulted in access issues."[110] Online publications must obtain permission to operate and the government's Censorship Board reserves the right to shut down websites or forums carrying 'undesirable' content.[111]

The country's main English-language daily newspaper is the Borneo Bulletin. An average of 90,000 readers daily read the smaller, independent Malay daily Media Permata. Brunei's only television station is state run, but residents can access foreign television via cable. According to the BBC, "The private press is either owned or controlled by the royal family, or exercises self-censorship on political and religious matters. The local broadcast media are dominated by government-controlled Radio Television Brunei." [112]

In 2009, the government launched a comprehensive and user-friendly Internet portal, e-Darussalam, to inform citizens of government policies and allow easy access to important services and welfare matters. However, writer Chun Leun Jacky Li says, "The site lacks feedback mechanisms that enable citizens to post their suggestions, questions or opinions with regard to relevant policies. Recently, the Anti-Corruption Bureau and the Department of Electronic Services launched Facebook sites. Yet the public very rarely engages in dialogue or voices criticism regarding government policies." [113]

Brunei's cyber-population was 80% in 2010, with most Internet users concentrated in the urban areas of Daerah Brunei-Muara and Daerah Belait.[114] However, the lack of activism or independent media initiatives in Brunei reflects a mostly inert and uncontested media scene.

Brunei is not included in reports or indices by Committee to Protect Journalists, Human Rights Watch or Reporters Without Borders, and was only added to Freedom House's index in 2013.

107 United States Department of State, *2012 Country Reports on Human Rights Practices* – Brunei, 19 April

108 'Brunei', Freedom House, 2013, available at http://www.freedomhouse.org/report/freedom-world/2013/brunei#.UtSk5vaxNHg.

109 Op.Cit., United States Department of State, *2012 Country Reports on Human Rights Practices* – Brunei.

110 Ibid.

111 Chun Leun Jacky Li, 'The Cyberspace in Brunei', *Asian Politics and Policy*, 4-1 (2012), pp 127-129.

112 'Brunei Profile', BBC, 13 July, 2013, available at http://www.bbc.co.uk/news/world-asia-pacific-12990064.

113 Op. Cit., Chun Leun Jacky Li.

114 Ibid.

A monk reads a newspaper at the train station in Bangkok, Thailand. Thailand's press is considered highly polarized and an increasing number of the country's 66 million people are using the Internet to access and share information. © KIM OANH NGUYEN

9 CONCLUSION

Internews' research reveals a confluence of conditions in ASEAN that make the present time a critical moment for FoE/RTI interventions in the region. As donor support dwindles, and threats to FoE increase, there is a danger of a severe roll-back of the rights and freedoms in the region that underpin thriving democracies. The backdrop to this scenario – ASEAN integration along with various other regional synergies – has created an opening for dialogue on key social issues such as FoE/RTI that connect countries within the region.

This baseline study serves to stimulate broader discourse on FoE/RTI with the ultimate aim of providing regional data and analysis to help donors, international and national NGOs and civil society to turn information into action. Internews' key findings and regional recommendations reveal a range of opportunities that exist to have both immediate and long-term positive impact on the regional FoE/RTI space.

FRONTLINE DEFENDERS OF FREEDOM OF EXPRESSION FROM ACROSS THE REGION. THE COUNTRIES REPRESENTED HERE ARE MYANMAR, THAILAND, CAMBODIA AND THE PHILIPPINES.













"EVERYONE HAS THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION; THIS RIGHT INCLUDES FREEDOM TO HOLD OPINIONS WITHOUT INTERFERENCE AND TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA AND REGARDLESS OF FRONTIERS."

Article 19, The Universal Declaration of Human Rights.

Internews Europe is an international development organisation that specialises in supporting independent media and free information flows in fragile states, emerging democracies and some of the world's poorest countries. The need to protect the principles first enshrined in the Universal Declaration of Human Rights more than 60 years ago remains as urgent as ever. The media plays a key role in upholding the declaration's principles, but often countries with poor human rights records are those with limited media freedom. Internews Europe trains both professional and citizen journalists to analyse and report on human rights issues more effectively.

We support independent media to preserve access to information and promote the monitoring of human rights violations. We support freedom of expression by helping to keep information flows open and connecting civil society organisations with their local media. Through free access to information and the ability to express opinions, individual citizens can better understand their rights and contribute to meaningful public debate about related issues in their societies. In turn, they can hold those in positions of power and authority to account, and increase the chances for positive social change. Liberalised, plural and professional media, in all forms, can educate citizens about their rights and amplify the discourse around the human rights agenda.

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