



COVID-19 and Impacts on Environmental Human Rights Defenders and Environmental Protection in Southeast Asia

A regional analysis of legislative and political trends in 2020

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COVER PHOTO:

Global Climate Strike protest in Jakarta

Activists of environmental organisations hold placards during a Global Climate Strike protest in Jakarta, Indonesia, September 26, 2021.

REUTERS/AJENG DINAR ULFIANA





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A regional analysis of legislative and political trends in 2020

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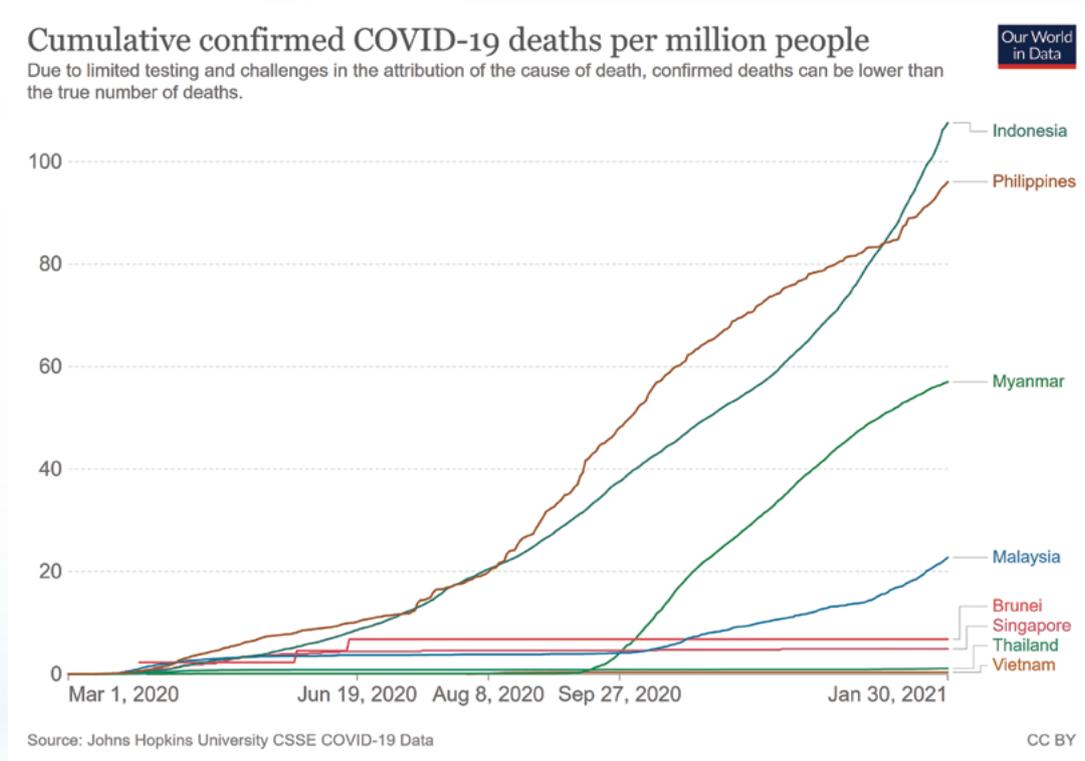
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1. Introduction

The novel coronavirus (COVID-19) had reached Southeast Asia by January 2020. By March, the Director-General of the World Health Organization (WHO) declared that the world was facing a pandemic.¹ The COVID-19 response across the region was generally swift and relatively effective: on average, it took 17 days for Southeast Asian governments to declare a state of emergency or lockdown following 50 confirmed cases. Strict quarantine requirements and the rapid

temporary closure of borders essentially helped to control the virus' spread in most countries. From the onset of the pandemic until 29 January 2021, three countries—Cambodia², Lao PDR³ and Timor-Leste⁴—had reported no fatalities from COVID-19, whereas Thailand, Viet Nam, Brunei, and Singapore had recorded under 100 deaths. However, Indonesia and the Philippines were more severely affected with 29,518 and 10,600 deaths, respectively. Even so, in terms of fatalities per million people, Indonesia had 108 deaths, and the Philippines recorded 97, compared to 1540 for the United Kingdom.⁵

Figure 1. Cumulative confirmed COVID-19 deaths per million people in Southeast Asia



¹World Health Organization, 2020, 11 March 2020, 'WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020' Available at: <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>, Accessed: 14th December 2020
²Grundy-Warr & Lin 2020 argues that Cambodia is underreporting their cases. <https://doi.org/10.1080/15387216.2020.1780928>
³Hereafter, Laos.
⁴World Health Organization, 2020, country data. Available at: <https://covid19.who.int/> Accessed: 14th December 2020
⁵<https://ourworldindata.org/coronavirus>

Table 1. COVID-19 data: Total numbers of cases and deaths in Southeast Asia between 3 January-13 December 2020 (Source: World Health Organization⁶)

COUNTRY	CASES	DEATHS
	3 Jan-13 Dec 2020	3 Jan-13 Dec 2020
Brunei	152	3
Cambodia	359	0
Indonesia	611,631	18,653
Laos	41	0
Malaysia	82,246	411
Myanmar	105,863	2220
Philippines	448,331	8730
Singapore	58,313	29
Thailand	4192	60
Timor-Leste	31	0
Viet Nam	1395	35

Yet, no country in Southeast Asia has managed to avoid the economic repercussions of the pandemic. It especially impacted small enterprises, the informal economy and the tourism sector. In addition, some of the laws and regulations brought in to help control the spread of the pandemic have also adversely affected human rights and environmental governance within the region. The public's freedom of assembly, association and expression may be curtailed, for instance, by restrictions placed on gatherings in public and private spaces, as well as by efforts to combat misinformation about the pandemic. It is thus essential to examine and determine the implications that legislation enacted during the pandemic can directly or indirectly have on the human rights situation and the protection of the natural environment in these countries. Legislation with human rights and environmental protection consequences that were passed since the start of the pandemic in Southeast Asia includes, inter alia, the Law on National

Administration in the State of Emergency in Cambodia,⁷ the Anti-Terrorism Act in the Philippines,⁸ and the Omnibus Law on Job Creation in Indonesia.⁹

Restrictions on travel and close physical contact, while necessary to contain the virus' spread, have impeded the ability of environmental protection agencies and environmental human rights defenders (EHRDs)—defined as those 'who, in their personal or professional capacity and peaceful manner, strive to protect and promote human rights relating to the environment'¹⁰—to carry out their work, particularly at the local level. EHRDs play a 'positive, important and legitimate role' as acknowledged in the Human Rights Council Resolution 40/11,¹¹ and support the public's right to a 'safe, clean and sustainable' environment—also enshrined in the 2012 'ASEAN Human Rights Declaration'.¹²

Since the onset of the pandemic and the implementation of emergency lockdown measures and disruptions to information flows, EHRDs as well as environmental protection agencies and law enforcement authorities have faced new and unprecedented constraints in their freedom to manoeuvre. As a result, this has shifted policy attention and resources away from environmentally and socially harmful or illicit activities (e.g. illegal logging, poaching and wildlife smuggling) that has occurred across the region during 2020.¹³

Similar challenges have been reported across the globe, with an increase in attacks against environmental human rights defenders, known for being 'most exposed and at risk',¹⁴ during the pandemic. The Business and Human Rights Resource Centre found a 7.5% increase in attacks from March to September 2020.¹⁵ Indigenous peoples in Brazil, for instance, report an

⁶Ibid.

⁷Also known as the 'State of Emergency Law'. See Ratcliffe, R., 2020, The Guardian, 10th April 2020, 'Fears as Cambodia grants PM vast powers under Covid-19 pretext'. Available at: <https://www.theguardian.com/world/2020/apr/10/fears-as-cambodia-grants-hun-sen-vast-power-under-covid-19-pretext> Accessed: 3rd December 2020

⁸Ratcliffe, R. (9 July 2020), 'Duterte's anti-terror law a dark new chapter for Philippines, experts warn', <https://www.theguardian.com/world/2020/jul/09/dutertes-anti-terror-law-a-dark-new-chapter-for-philippines-experts-warn>

⁹Also known as the 'Omnibus Law'.

¹⁰UN General Assembly, 'Situation of human rights defenders: Note by the Secretary-General' (A/71/150) (3 August 2016), p. 4.

¹¹Human Rights Council Resolution 40/11 (2019)

¹²ASEAN Human Rights Declaration (2012)

¹³See, for example, WWF, 'Impact of the COVID-19 pandemic on rangers and the role of rangers as a planetary health service'

¹⁴Human Rights Council Resolution 40/11 (2019)

¹⁵Business and Human Rights Resource Centre, 2020, 'Just Recovery in Peril: Human rights defenders face increased risk during COVID-19', Available at: <https://www.business-humanrights.org/en/from-us/briefings/just-recovery-in-peril-human-rights-defenders-face-increasing-risk-during-covid-19/>

intensification of resource conflicts, exacerbated by discriminatory and precarious health services.¹⁶ The United Nations Special Procedures unit, via a letter from the Special Rapporteurs, had warned back in April 2020 that ‘Emergency declarations based on the COVID-19 outbreak should not be used as a basis to target particular groups, minorities, or individuals...[And that these] should not function as a cover for repressive action under the guise of protecting health nor should it be used to silence the work of human rights defenders’.¹⁷

1.1 Purpose of the Report

This report examines the positive and negative impacts of the decrees, laws and other government policies on environmental rights that were either enacted in response to COVID-19 or passed during the pandemic. This rapid assessment covers the implications of these new rules and laws for Southeast Asian countries’ environmental protection measures and for EHRDs. The eleven Southeast Asian countries included in this assessment are Brunei, Cambodia, Indonesia, Lao PDR,¹⁸ Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste, and Viet Nam.

Environmental degradation and biodiversity loss create the conditions for an increase in the type of animal-to-human zoonosis that can result in epidemics. Environmental degradation resulting in pollution contributes to impacts on human health which can also exacerbate the effects of viral exposures.¹⁹ Indeed, studies and statements note that the COVID-19 virus origin may be linked to environmental degradation and the illegal wildlife trade,²⁰ with deforestation also identified as a potential contributing factor to the emergence of novel diseases.²¹ Despite the importance of water, sanitation and hygiene (WASH) to preventing COVID-19’s spread, and reinvigorated calls for the dismantling of the

illegal wildlife trade, government actions—whether collectively or individually—to enhance environmental protection in the region has not featured prominently in the region’s response to COVID-19.

Moreover, EHRDs in Southeast Asia face an overarching risk from the potential convergence of the impacts of global economic downturn and the loss of income from key sectors like tourism along with significant democratic backsliding that enables emergency and post-COVID-19 laws and policies. Although meant for social stability and rapid economic recovery, they can adversely impact civic freedoms and prioritize the unsustainable extraction of natural resources. Overall, the report finds that environmental governance and EHRDs in Southeast Asia have suffered in varying degrees during the pandemic. This is particularly pronounced in Cambodia, Indonesia, Myanmar, and the Philippines.

1.2 Structure of the Report

Following the Introduction (Section 1), this report proceeds in six parts. Section 2 describes the methods used in the study. Section 3 maps the regional and political trends during the COVID-19 pandemic, including changes to legislation and their impacts on EHRDs, followed by an analysis of the impacts of those changes on projects with high environmental costs. Section 4 summarizes the report’s key findings and offers positive examples of how environmental justice and governance can be improved in Southeast Asia. Section 5 outlines the report’s policy recommendations based on these findings. Section 6 provides a more in-depth account of the EHRD situation in eleven Southeast Asian countries, including country-level analyses of major issues and COVID-related developments.

¹⁶Menton, M., Milanez, F., Souza, J. M. A., & Cruz, F. S. M. (2021). The COVID-19 pandemic intensified resource conflicts and indigenous resistance in Brazil. *World Development*, 138, 105222. <https://doi.org/10.1016/j.worlddev.2020.105222>

¹⁷UNOHCHR, 2020, ‘COVID-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs’ Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E> Accessed: 10th December 2020.

¹⁸Hereafter, Laos.

¹⁹Quote from OHCHR-UNEP “Key Messages on Human Rights, the Environment and COVID-19” (2020), available at: <https://www.ohchr.org/Documents/Issues/ClimateChange/HR-environment-COVID19.pdf>

²⁰Aguirre, A.A., Catherina, R., Frye, H. and Shelley, L., 2020. Illicit wildlife trade, wet markets, and COVID-19: preventing future pandemics. *World Medical & Health Policy*, 12(3), pp.256-265. UNEP. 2020. Preventing the next pandemic – Zoonotic diseases and how to break the chain of transmission. Available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/32316/ZP.pdf?sequence=1&isAllowed=y>

²¹Wolfe, N.D., Daszak, P., Kilpatrick, A.M. and Burke, D.S., 2005. Bushmeat hunting, deforestation, and prediction of zoonotic disease. *Emerging*

2. Methodology

This report draws on qualitative and quantitative data to undertake a multi-country and regional analysis of how EHRDs and the natural environment have been affected by the COVID-19 pandemic in Southeast Asia. To ensure the accuracy of the empirical data, we triangulated the source materials using primary (e.g., interviews, government statements) and secondary (e.g., academic journal articles, media reports) sources.

2.1. Desk Research and Media Mapping

Preparatory desk research was conducted to inform the study's design, background context and objectives. This was followed by a rapid review of the existing literature including policy reports, academic papers and official statements produced by governments, non-governmental organizations, think tanks and universities, and international organizations. Due to the ongoing COVID-19 pandemic and restricted access to information in certain countries, this review was supplemented by materials from other sources. To corroborate and ensure the veracity of the report's key findings, the research team also conducted a legal and policy review across the eleven Southeast Asian countries, as well as stakeholder interviews (discussed below) and an open-source media mapping exercise.

For Section 4 on 'Country Trends and Analysis', a legal and policy review was undertaken to take stock of key legislation and emergency measures passed and/or which came into effect in the eleven countries during the pandemic and their implications for environmental governance and EHRDs within the region. Media mapping helped identify major trends in 2020 in the target countries and across the Southeast Asian region more broadly. Targeted word-string searches were conducted in English, Bahasa Indonesian,

Lao, Tetum, and Thai, covering the words 'environment*',²² OR 'environmental human rights defenders' OR 'legislative changes' AND ('COVID-19' OR 'attacks' OR 'disappearances' OR 'killings' OR 'land rights' OR 'forest' OR 'deforestation' OR 'timber' OR 'hydropower' OR 'agribusiness' OR 'palm oil' OR 'mining' OR 'concessions' OR 'special economic zone'). Similar searches were also conducted for specific COVID-19 emergency laws and regulations mentioned in the report (e.g., Cambodia's State of Emergency Law).

2.2. Semi-structured Interviews and Digital Ethnography

The research team conducted 30 semi-structured interviews with key informants across the eleven focus countries. Due to COVID-19 travel restrictions and social distancing requirements, these interviews were conducted remotely by phone or through secure online channels. Data from these interviews are used throughout the report to provide context to the 'lived experiences' of local stakeholders in each of the Southeast Asian countries discussed and to inform the case studies. Interviewees included EHRDs, representatives of NGOs and international organizations, environmental lawyers, and experts.²³

Interviews were semi-structured and based on a list of stock questions developed as per the results of the initial desk research to ensure the comparability of the primary data collected. Most interviews were conducted in English by the team members. For interviews in the local language, an interpreter was contracted to assist with the translation. Due to the sensitive nature of the topics covered, all interviews have been anonymized to protect respondents and their ongoing work. A copy of the questionnaire is available in the Annex of this report. As stated earlier, information collected from these interviews is not taken at face value and has been triangulated, where possible, with

²²The * in the search 'environment*' returns all results with words starting with environment (environmental, environmentalist, etc.).

²³Government officials were not interviewed. However, government resources, official statements and reports were widely consulted.



REUTERS/WILLY KURNIAWAN

Papuan protesters confront police officers in personal protective equipment (PPE) during a rally outside the U.S. Embassy in Jakarta, September 30, 2021.

secondary sources.

Given the impossibility of conducting fieldwork during this period, the report's regional analysis of the impacts of COVID-19 measures also uses digital ethnographic tools to derive relevant observations. Members of the research team participated in online and closed-door conferences, 'retreats' and webinars that were related to the research topic, or which featured EHRDs as participants to gather additional, 'on the ground' information (for closed-door events, the team sought the consent of event organizers beforehand).

2.3. Caveats

It is noteworthy that the data and analysis presented here are current as of 1 February 2021, when Myanmar detained its leaders and declared a state emergency amidst a military

coup that holds profound implications for the situation of EHRDs going forward.²⁴ As such, while several other cases and issues discussed in this report are still unfolding at the time of writing, the overarching trends and themes identified by the report are expected to remain relevant in the long term.

Furthermore, over the course of the study, there was a lack of publicly available data on the implications of the pandemic for EHRDs and environmental governance in the following three countries: Brunei, Singapore and Timor-Leste. Gaining access to relevant stakeholders in these countries for interviews also proved more challenging than in other countries included here. The report broadened the contextual scope of the word-string searches and media mapping exercise to address the data limitations for these countries to consider how the pandemic has potentially impacted pre-existing issues and

²⁴<https://edition.cnn.com/2021/01/31/world/myanmar-aung-san-suu-kyi-detained-intl/index.html>

3. Regional Political and Legislative Trends during COVID-19

3.1. Overall Trends

The right to a ‘safe, clean, healthy and sustainable’ environment, which encompasses the rights to clean air, safe water and thriving ecosystems, among others, affords both constitutional and legislative protection in several Southeast Asian countries, including Indonesia, the Philippines, Thailand, and Viet Nam. This right is also recognized within the 2012 ASEAN Human Rights Declaration and further developed in the blueprints for the ‘ASEAN Community 2025’ as an essential precondition to human rights and well-being.²⁵ The COVID-19 pandemic further underscores the linkages between social and environmental rights. At a time when Southeast Asia’s climate, forests and biodiversity continue to be threatened by ecologically destructive commercial projects, pollution (e.g. smoke from forest fires, cyanide contamination in local waterways)²⁶ and illegal activities (e.g. wildlife trafficking), it is imperative that the region’s governments uphold environmental rights and the environmental rule of law to ensure that any legislative and political changes implemented during the pandemic do not negatively affect peoples’ pursuit of their right to a safe, clean, healthy and sustainable environment.²⁷

Before the pandemic’s onset, regional trends reveal how civic space (see Figure 2) and environmental rights have been subject to growing restrictions and pressures.²⁸ This is reflected in an increase in documented cases of harassment, intimidation and acts

of violence against EHRDs, including the killings of environmental and land defenders. In 2019, one environmental defender in Cambodia and three in Indonesia were killed.²⁹ In the Philippines, 43 people were killed in 2019 as a direct result of their efforts to protect forests, land and water—the second-highest number globally and fifth-highest per capita.²⁹ The criminalization of EHRDs, acts of physical violence and threats against them, and restrictions on the freedom of expression have been occurring more frequently. For every one person killed, 20 to 100 others are harassed, sued or arrested.³⁰

Throughout 2020, COVID-19 travel bans and restrictions on various freedoms, including expression, assembly and association, have impeded community organizing across the region, with the adverse impacts of these measures also amplified by the ‘digital divide’. For instance, reflecting the country’s strict laws on public assembly, Singapore’s COVID-19 lockdown measures resulted in the Speakers’ Corner at Hong Lim Park—the only park in the city where public members can participate in assemblies without a permit—being temporarily closed. In Thailand, a series of major youth-led protests demanding political reform and other counter protests in Bangkok not only heightened political sensitivities and raised infection concerns but also resulted in repeated extensions of the country’s COVID-19 state of emergency.³¹

Rural and indigenous peoples, who in many cases do not have access to telecommunication devices, the internet or stable phone connections, have been constrained in their ability to participate in meetings and monitor changes affecting their communities and local territories.

²⁵ASEAN Secretariat, 2015, ‘ASEAN 2025: Forging ahead together’, Available at: <https://www.asean.org/storage/2015/12/ASEAN-2025-Forging-Ahead-Together-final.pdf>, Accessed: 31st January 2021

²⁶ASEAN Secretariat, 2017, ‘Fifth ASEAN State of the Environment Report’, Available at: <http://environment.asean.org/wp-content/uploads/2018/01/SOER5.pdf>, Accessed: 31st January 2021

²⁷Knox, J.H., 2017, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Biodiversity Report. United Nations Human Rights Council, A/HRC/34/49.

²⁸Asia Foundation, 2020, ‘Civil society in Southeast Asia during COVID-19: Responding and evolving under pressure’, Available at: <https://asiafoundation.org/wp-content/uploads/2020/09/GovAsia-1.1-Civil-society-in-Southeast-Asia-during-the-COVID-19-pandemic.pdf>, Accessed: 31st January 2021

²⁹Global Witness, 2020, Defending tomorrow: the climate crisis and threats against land and environmental defenders. Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/> Accessed: 1 February 2021

³⁰UNEP, 2019, Issue Brief SDG16, Available at: <https://wedocs.unep.org/handle/20.500.11822/28446> Accessed: 1 February 2021

³¹Reuters, 2020, ‘Thailand to extend emergency decree until end of August’, Available at: <https://www.reuters.com/article/us-health-coronavirus-thailand-idUSKCN24N0KI>, Accessed: 31st January 2021

Interviewees commented on how difficult it was to find out what was going on in remote areas, as well as to offer and access external assistance such as legal aid.³² This proved especially challenging in Indonesia, where prolonged travel restrictions between provinces impacted indigenous communities living in rural and remote areas. In Myanmar, restrictions imposed on journalists and news media organizations, together with an ongoing internet blackout, have severely impeded the flow of information on the domestic situation. In conflict-affected areas, such as the Chin, Karen and Rakhine States, this has presented a particular cause for concern, considering the spike in civilian casualties in north-west Myanmar.³³ As the COVID-19 situation becomes less severe, these barriers to information access need to be addressed and restrictions to peoples' freedoms lifted.

Environmental human rights defenders and NGOs play a pivotal role in stewarding the environment. Throughout the pandemic, many have supported government efforts to deliver efficient local responses to COVID-19 and provide aid to some of the region's poorest and most marginalized and vulnerable communities. For example, in Viet Nam, the international NGO Thrive Networks has collaborated with the Vietnamese Women's Union to deliver thousands of handwashing facilities and soaps to 173 vulnerable communes across the country.³⁴

In addition to the impacts of COVID-19 on the situation of EHRDs, the pandemic and resulting legislative changes for development and commercial projects may have high environmental risks and costs. The global economic downturn prompted the regional

governments to turn to natural resource extraction to make up for lost income from tourism³⁵ and other sectors,³⁶ this will increase pressure on mineral resources, forests and land. In Indonesia Law No. 11 of 2020 (the Job Creation Law) known as the Omnibus Law has been passed to raise foreign and domestic investment. The Omnibus Law has raised concerns amongst local environmental groups, international organizations such as the International Monetary Fund and foreign enterprises because it brings changes to licensing and approval processes, opening up the possibility of weakened environmental standards for commercial activities.³⁷ Specifically, the Omnibus Law has weakened Indonesia's environmental impact assessment process known as Analisis Manajemen Dampak Lingkungan or AMDAL. Under the new legislation, AMDAL assessment teams would no longer involve the public such as environmental experts and advocates, unless they are members of directly affected communities, which limits public participation in the review process.³⁸

Across Southeast Asia, a range of other domestic sociopolitical and environmental events have either converged with or, in some instances, shifted public and policy attention away from the pandemic. Viet Nam's (and Cambodia's) devastating floods, which displaced thousands and left at least 102 people dead or missing, is one example.³⁹ The floods sparked public criticism of the growing scale of deforestation across the country, which rendered southern Viet Nam's landscape more vulnerable to flash floods, and added additional pressure to stretched government resources.⁴⁰

3.2. Political and Legislative Changes during COVID-19: Implications for

³²Interview 1, 7th November 2020, Palanga Raya City, Indonesia; Interview 2, 12th November 2020, Jakarta, Indonesia; Interview 3, 6th November 2020, Jakarta, Indonesia; Interview 16, November 2020, Preah Vihear, Cambodia; Interview 5, 10th November 2020, Bangkok, Thailand

³³UN News, 2020, 'UN rights experts 'gravely' concerned at spike in civilian casualties in north-west Myanmar following internet shutdown' Available at: <https://news.un.org/en/story/2020/02/1057651>, Accessed: 31st January 2021

³⁴Water for Women, 2020, 'Women's initiatives in Vietnam ensuring no one is left behind in the fight against COVID-19', Available at: <https://www.waterforwomenfund.org/en/news/women-s-initiatives-in-vietnam-ensuring-no-one-is-left-behind-in-the-fight-against-covid-19.aspx>, Accessed: 31st January 2021

³⁵Chan, JKL & King, VT., 2020, 'Covid-19 and tourism in Southeast Asia', Institute of Asian Studies Working Paper

³⁶IMF, 2020, 'Regional Economic Outlook: Asia and Pacific: Navigating the pandemic: a multi-speed recovery in Asia' Available at: <https://www.imf.org/en/Publications/REO/Issues/2020/10/30/Regional-Economic-Outlook-October-2020-Asia-and-Pacific-Navigating-the-Pandemic-A-Multispeed-49794>, Accessed: 31st January 2021

³⁷Jong, H. N., 2020, 'Indonesia's omnibus law a 'major problem' for environmental protection', Mongabay, Available at: <https://news.mongabay.com/2020/11/indonesia-omnibus-law-global-investor-letter/>, Accessed: 20th December 2020

³⁸Jong, H. N., 2020, 'Indonesia's omnibus law a 'major problem' for environmental protection', Mongabay, Available at: <https://news.mongabay.com/2020/11/indonesia-omnibus-law-global-investor-letter/>, Accessed: 20th December 2020; Indonesian Centre for Environmental Law, 2020, 'Degradation of environmental protection and management instruments under draft bill on job creation', Available at: <https://icel.or.id/en/publications-policy-paper/>, Accessed: 31st January 2021; Heroepoetri, A. Ilyas, M. Jusuf, N. Pasimio, J. and Margi, N., 2016, 'In our bones: Stories from women defending land, community, human rights & the environment in Indonesia & the Philippines', Urgent Action Fund For Women's Human Rights, Available at: <https://urgentactionfund.org/in-our-bones/>, Accessed: 31st January 2021

³⁹Shelton, T., and Bahaman, N., 2020, 'Catastrophic floods hit Vietnam and Cambodia, killing at least 132 people' Available at: <https://www.abc.net.au/news/2020-10-21/five-million-hit-by-catastrophic-floods-in-vietnam-cambodia/12796996>, Accessed: 31st January 2021

⁴⁰Interview 6, 30th October 2020, California

Figure 2. Civic space 2020. Viet Nam and Laos have closed civic space (red); in Thailand, Myanmar, Cambodia, Philippines and Brunei civic space is repressed (orange); and in Timor-Leste, Singapore, Indonesia, and Malaysia civic space is obstructed (yellow).



Environmental Human Rights Defenders

In 2020, reporting on environmental degradation and human rights violations in Southeast Asia has featured prominently in global and local media, as well as in academic literature.⁴¹ Further, a review of new legislation and regulatory measures enacted between late 2019 and early 2021 reveals that democratic regression has taken place in almost all Southeast Asian countries,⁴² with highly restrictive laws and regulations being passed.

Anti-terrorism and emergency laws are blurring the lines of what is considered seditious, terrorist or criminal activity, in effect amplifying the threat of criminalization faced by EHRDs. As

remarked by the UN Special Rapporteur on Cambodia's human rights situation, "Emergency measures must be necessary and proportionate to the crisis they seek to address".⁴³ The threat of criminalization is further exacerbated by lockdown and quarantine measures that restrict the freedom of movement, peaceful assembly and association. For much of 2020, most countries in Southeast Asia did not permit interstate travel and imposed restrictions on intrastate travel as well. These measures were supplemented by strict screening for COVID-19 among incoming international travelers, along with a mandatory two-week quarantine.

These measures have proved effective overall in curtailing the spread of the pandemic in the region; however, quarantine requirements, travel bans and bans on gatherings have also

⁴¹See, for example, <https://www.bbc.co.uk/news/av/world-55412080>; <https://www.theguardian.com/world/2020/nov/26/cambodia-mass-trial-begins-of-130-government-critics-charged-with-treason>; <https://www.theguardian.com/world/2021/jan/06/vietnam-journalists-who-criticised-government-jailed-for-spreading-propaganda>; <https://www.theguardian.com/world/2020/dec/27/un-thailand-protesters-royal-insult-law-lese-majesty>; <https://www.theguardian.com/world/2020/oct/07/indonesia-police-use-water-cannon-and-teargas-to-disperse-labour-law-protests>; Wiratraman, H.P., 2020. Does Indonesian COVID-19 Emergency Law Secure Rule of Law and Human Rights?. *JSEHR*, 4, p.306; Joaquin, J.J.B. and Biana, H.T., 2020. Philippine crimes of dissent: Free speech in the time of COVID-19. *Crime, Media, Culture*, p.1741659020946181; Grundy-Warr, C. and Lin, S., 2020. COVID-19 geopolitics: silence and erasure in Cambodia and Myanmar in times of pandemic. *Eurasian Geography and Economics*, 61(4-5), pp.493-510.

⁴²Parameswaran, P. 2020. Democracy in Southeast Asia: Between Discontent and Hope https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/2020-07%20Democracy%20in%20Southeast%20Asia_Parameswaran.pdf; Diamond, L. 2021. Democratic regression in comparative perspective. *Democratization*. <https://www.tandfonline.com/doi/epub/10.1080/13510347.2020.1807517?needAccess=true>

⁴³Quoted in <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25801&LangID=E>

circumscribed the ability of communities and environmental groups to mobilize, organize and conduct their work. As discussed in the next section, nationwide lockdowns have imposed additional restrictions on EHRDs' freedom to manoeuvre, particularly in settings where such freedoms were already constrained. In the Philippines, travel restrictions resulted in the criminalization of volunteers providing aid to communities with no access to food during the pandemic.⁴⁴ At the same time, a 'digital divide' has emerged as some EHRDs and civil society organizations (CSOs) are less able to move their work online due to some communities' limited access to telecommunication devices and the Internet.

Despite limitations placed on rights of assembly and movement during the pandemic, EHRDs and members of the public have remained committed to advocating for environmental protection and sustainable development, leveraging alternative methods of sharing information. In some cases, the pandemic has also enabled defenders to deepen solidarity with communities and other organizations locally and globally. The Bersih 2.0 movement in Malaysia launched the '#MakanKongsi' as a humanitarian initiative to provide small grants to local NGOs and individuals to provide meals to vulnerable communities, including migrant workers, under the 'Movement Control Order' (MCO).⁴⁵ Protestors in the Philippines held socially distanced demonstrations against the Anti-Terrorism Bill in mid-2020.⁴⁶ Regionally, various online initiatives and outreach events have been organized by environmental NGOs that see them engaging in new virtual ways with grassroots EHRDs and broadcasting the latter's message to a broader global audience.⁴⁷ Anecdotal evidence suggests the pandemic may have helped to shift more (non-profit) funding to defenders who are already locally based and furnish them with greater agency to do work in their respective communities.⁴⁸

What follows is a discussion of the repercussions of political and legislative changes during COVID-19 on EHRDs across four domains:

- Civic space.
- Freedom of expression and information. Livelihoods and resilience.
- The social and environmental rights of indigenous peoples and women.

3.2.1. Impacts on Civic Space

As COVID-19 transformed into a global pandemic, Southeast Asian countries employed different strategies to reduce the spread of COVID-19. In some cases, the state of emergency has intensified the silencing of political dissent and the consolidation of state power by enacting measures that constrict civic space. This builds on a documented regional trend towards authoritarianism.⁴⁹ Analyses of the Republic Act No. 11479 (also known as the Anti-Terrorism Act of 2020)⁵⁰ in the Philippines and the Law on National Administration in the State of Emergency (known also as the State of Emergency Law) in Cambodia has raised concerns due to the vague language on threats to national security that may be broadly applied.⁵¹

Regional trends show that law enforcement during the pandemic has been applied strictly and, at times, with disproportionate force. In Malaysia, those who violated the MCO were reportedly jailed in close proximity with other detainees during remand and brought to court to be charged in handcuffs (a measure usually reserved for dangerous criminals).⁵² Since late March 2020 reports have surfaced of individuals who violate movement control orders, including children, being sentenced to prison terms of between one month and one year in Myanmar.⁵³ In Thailand, emergency powers granted to the state have likewise allowed the government to strictly control public gatherings. However, during the student-led protests in 2020, disproportionate force was reportedly

⁴⁴Conde, M., 2020, Rappler, 21st April 2020, 'Ex-Anakpawis congressman, relief drive volunteers charged with sedition', Available at: <https://www.rappler.com/nation/ex-anakpawis-congressman-relief-drive-volunteers-charged-sedition-april-2020>, Accessed: 10th December 2020

⁴⁵See <https://www.bersih.org/makankongsi/>

⁴⁶Interview 7, 14th October 2020, Manila, Philippines. See also <https://www.msn.com/en-ph/news/national/antiterror-bill-protesters-observe-social-distancing/ar-BB155mFK?li=BBR8Mkn>

⁴⁷Authors' insights from virtual field observations.

⁴⁸Authors' insights from personal communications with stakeholders in the not-for-profit sectors. https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf

⁴⁹Republic Act No. 11479, or The Anti-Terrorism Act of 2020, was signed into law on 3rd July by the Philippine President

⁵⁰Palatino, M., 2020, 'How Duterte's Anti-Terror Law Unleashed Public Outrage Against His Leadership', Available at: <https://thediplomat.com/2020/07/how-dutertes-anti-terror-law-unleashed-public-outrage-against-his-leadership/>, Accessed: 31st January 2020

⁵¹Malaysiakini, 2020, 'MCO violators should not be treated like criminals: Proham', Available at: <https://www.malaysiakini.com/news/518281>, Accessed: 31st January 2020

used against protesters, resulting in calls for reform.⁵⁴ Threats to use disproportionate force was also seen in the Philippines when, on 1 April 2020, warnings were issued to quarantine violators or “troublemakers” that the police and military could shoot those who “offer resistance and violence during a confrontation” during the ‘Enhanced Community Quarantine’ (ECQ) period.⁵⁵ In the first 20 days of the ECQ, over 17,000 people were arrested for violating curfew and lockdown measures. Following the expiration of the Republic Act No. 11469 (known also as the Bayanihan Act) in June 2020, Bayanihan 2 was signed into law on 11 September 2020, initially extending the President’s special powers until 19 December 2020⁵⁶ and then again until 30 June 2021.⁵⁷

2020 also witnessed an escalation in the persecution of EHRDs across the region, exacerbating the precarity and risks of their situations, and accelerating the recession of civic space. Examples of such persecution include the arrests of political commentators and EHRDs who had criticized government policy on social media in Cambodia,⁵⁸ as well as the killings of left-wing party leader Randall Echanis and woman EHRD Zara Alvarez, who had raised awareness over the human rights abuses and deaths of farmers, lawyers and activists on Negros Island.⁵⁹ Another example is taken from Viet Nam when, in January 2021, Dinh Thi Thu Thuy—a well-known woman EHRD who had advocated against a controversial bill on Special Economic Zones (SEZs)⁶⁰—was sentenced to seven years’ imprisonment for “propaganda against the state” under Article 117 of the Criminal Code.⁶¹ In Myanmar, the COVID-19 pandemic, combined with the ongoing conflict in the country’s ethnic regions and the nationwide internet and media black-out, gave

“**The Anti-terror Law can be seen as an act of terror. The definition of what constitutes an act of terrorism is so vague.**”

Indigenous environmental activist,
Manila, the Philippines

rise to repressive conditions that saw dozens of students being charged and four sentenced to over six years’ imprisonment, after they had called for an end to the conflicts in northern Rakhine and Chin States, the reinstatement of mobile and internet services, and the release of other detained students.⁶²

3.2.2. Impacts on Freedom of Expression and Information

In a bid to curb misinformation on COVID-19, the region’s governments have either enacted new decrees or enforced existing legislation to more closely monitor and tightened control of the information flow during the pandemic.⁶³ For example, in Thailand, the Emergency Decree on Public Administration in Emergency Situation not only served to extend powers to control information on the pandemic but also curtailed the publication or broadcasting of any news or information that might incite public fear.⁶⁴ Indeed, this pattern of increased information control can be seen across the region, which may have aggravated the situation for EHRDs as they face more frequent and large-scale crackdowns on their freedom of expression and information.

In 2020, crackdowns also targeted those broadly critical of the government, whether concerning

⁵³Human Rights Watch, 2020, ‘Myanmar: Hundreds Jailed for Covid-19 Violations’, Available at: <https://www.hrw.org/news/2020/05/28/myanmar-hundreds-jailed-covid-19-violations>, Accessed: 31st January 2020

⁵⁴<https://www.bangkokpost.com/thailand/politics/2002603/twenty-protesters-arrested-planned-thursday-rally-prohibited>; <https://www.bbc.com/news/world-asia-54641775>

⁵⁵<https://www.pna.gov.ph/articles/1098811>

⁵⁶Ranada, P., 2020, ‘Duterte signs Bayanihan 2 law that extends his special powers’, Rappler, Available at: <https://www.rappler.com/nation/duterte-signs-bayanihan-2-law-extending-his-special-powers>, Accessed: 30th January 2021

⁵⁷Cervantes, F. M., 2020, ‘House panel OKs extension of Bayanihan 2 validity till June 2021’, Philippine News Agency, Available at: <https://www.pna.gov.ph/articles/1124509>, Accessed: 31st January 2021.

⁵⁸<https://de.reuters.com/article/uk-health-coronavirus-cambodia-idUKKBN21B0JL>

⁵⁹<https://www.lowyinstitute.org/the-interpreter/killings-philippines-grow-more-brazen>; <https://www.rappler.com/newsbreak/in-depth/honoring-zara-alvarez-selfless-relentless-human-rights-work-negros-island>

⁶⁰<https://chinadialogue.net/en/business/11154-public-criticism-pressures-vietnam-to-back-down-on-new-economic-zones/>

⁶¹<https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-%C4%91inh-th%E1%BB%8B-thu-th%E1%BB%A7y-charged-and-sentenced>; <https://www.vietnamhumanrightsdefenders.net/2021/01/20/female-activist-dinh-thi-thu-thuy-convicted-of-conducting-anti-state-propaganda-sentenced-to-seven-years-in-prison/>

⁶²United Nations News, 2020, ‘Serious concerns’ over rights situation in Myanmar ahead of next month’s elections’, UN, Available at: <https://news.un.org/en/story/2020/10/1076262>, Accessed: 31st January 2021

⁶³Interview 6, 30th October 2020, Viet Nam; Interview 7, 14th October 2020, Manila, Philippines.

the latter's handling of the pandemic or other sociopolitical issues. Here, the criminalization of journalists has grown in frequency, especially during the pandemic, with notable cases documented in Cambodia, Viet Nam, Myanmar, and the Philippines. In Myanmar, the government's decision in 2020 to block access to 221 websites, under Section 77 of the country's 2013 Telecommunications Law,⁶⁵ for allegedly spreading 'fake news' has caused concern.⁶⁶ Although the majority were reportedly 'clickbait', gambling or child pornography websites, several were also linked to the Arakan Army, contained content critical of the government, or were ethnic news media websites.⁶⁷ Access to the website of NGO Justice for Myanmar, which has released reports that are critical of the Tatmadaw, has also been blocked.⁶⁸ Likewise, in Viet Nam, the first quarter of 2020 saw 654 Facebook users summoned to police stations for interrogation for their online criticism of the government's actions in response to the pandemic.⁶⁹ In July 2020, a Ho Chi Minh City court convicted eight activists on charges of "disturbing security".⁷⁰ One of the convicted was Ngo Van Dung, a journalist and member of a Vietnamese press freedom collective called Hien Phap (Constitution) Group, which had been calling on the government to safeguard freedom of the press under the country's constitution.⁷¹ In January 2021, three journalists—including Pham Chi Dung who had founded the Independent Journalists Association of Vietnam—have been convicted in a one-day trial for "propaganda against the state". The sentences for these convictions are lengthy, with the three journalists facing between 11-15 years of imprisonment.

In addition to these examples, there has also been a reported rise in online attacks against EHRDs in 2020 in the form of 'trolling', 'Zoom bombing', intrusive calls following online discussions,⁷² and account hacking (e.g. on WhatsApp) to monitor, intimidate, and even frame EHRDs.⁷³ This, again, highlights the precarious conditions under which many EHRDs operate in both the real and cyber worlds. Still, the region's EHRDs have continued to make use of online technologies to virtually gather, discuss and raise their voices within a receding civic space. Many utilize encrypted platforms as well as new forms of digital participation and engagement to secure and broaden the impact of their communications.⁷⁴ For example, the Philippines' Youth Advocates for Climate Action (YACA), was able to shift much of its work online⁷⁵ and many conferences and discussions took place on online platforms.

3.2.3. Impacts on Livelihoods and Resilience

The COVID-19 pandemic has had profound repercussions on peoples' livelihoods across Southeast Asia, highlighting the need for improved social protection, healthcare and environmental management. Vulnerable and marginalized groups, such as women, people with disabilities, the urban poor, migrant workers, and those whose livelihoods were already precarious before the pandemic have been disproportionately impacted. In local and remote communities, cross-border travel restrictions hampered indigenous

⁶⁴Bangkok Post, 2020, 'Coronavirus and democracy in Southeast Asia', Available at: <https://www.bangkokpost.com/opinion/opinion/1890655/coronavirus-and-democracy-in-southeast-asia>, Accessed: 31st January 2021

⁶⁵The provision authorises the suspension of communication during 'emergencies'.

⁶⁶Human Rights Watch, 2020, 'Myanmar: Editor Wrongfully Charged' Available at: <https://www.hrw.org/news/2020/04/02/myanmar-editor-wrongfully-charged>, Accessed: 31st January 2021

⁶⁷At the time of writing, the list of blocked websites has still not been made public. See Article-19, 2020, 'Freedom of Expression Concerns Relating to Myanmar's COVID-19 Response', Available at: <https://www.article19.org/wp-content/uploads/2020/08/2020.08.31-COVID-19-briefing-paper-Myanmar.pdf>, Accessed: 31st January 2021

⁶⁸<https://www.reuters.com/article/myanmar-politics-idUSL4N2FY2S1>

⁶⁹<https://tuoitre.vn/hon-654-nguoi-bi-xu-ly-vi-dang-tin-that-thiet-ve-covid-19-20200315095026411.htm>; see also, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25920>; reference to OHCHR High Commissioner's statement on 3 June 2020; <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26661&LangID=E>; Defend the Defenders, April 6, 2020, 'Vietnam Authorities Seek to Imprison Facebookers to Tighten Information Control amid Increasing Threat of Coronavirus Pandemic' Available at: <https://www.vietnamhumanrightsdefenders.net/2020/04/06/vietnam-authorities-seek-to-imprison-facebookers-to-tighten-information-control-amid-increasing-threat-of-coronavirus-pandemic/> Accessed: 14th December 2020

⁷⁰<https://www.rfa.org/english/news/vietnam/prison-07312020155555.html>

⁷¹Humphrey, C., 2020, 'Vietnam arrests prominent journalist as state cracks down on free speech online', The Guardian, Available at: <https://www.theguardian.com/global-development/2020/oct/08/vietnam-arrests-prominent-journalist-as-state-cracks-down-on-free-speech-online>, Accessed: 31st January 2021

⁷²Amnesty International, 2020, 'End Wave of Digital Attacks on Students, Journalists, Activists', Available at: <https://www.amnesty.id/end-wave-of-digital-attacks-on-students-journalists-activists/>, Accessed: 1st February 2021

⁷³Interview 15, 26th November 2020, Metro Manila, Philippines

⁷⁴Observations derived from closed-door, human rights training workshop attended in December 2020.

⁷⁵YACA 2020 Annual Report.

Figure 2. Press Freedom Index 2020, Viet Nam, Singapore and Laos have the most restricted press freedom (**black**), Thailand, Myanmar, Cambodia, Indonesia, Philippines and Brunei have poor press freedom (**red**), Timor-Leste and Malaysia have limited press freedom (**orange**).

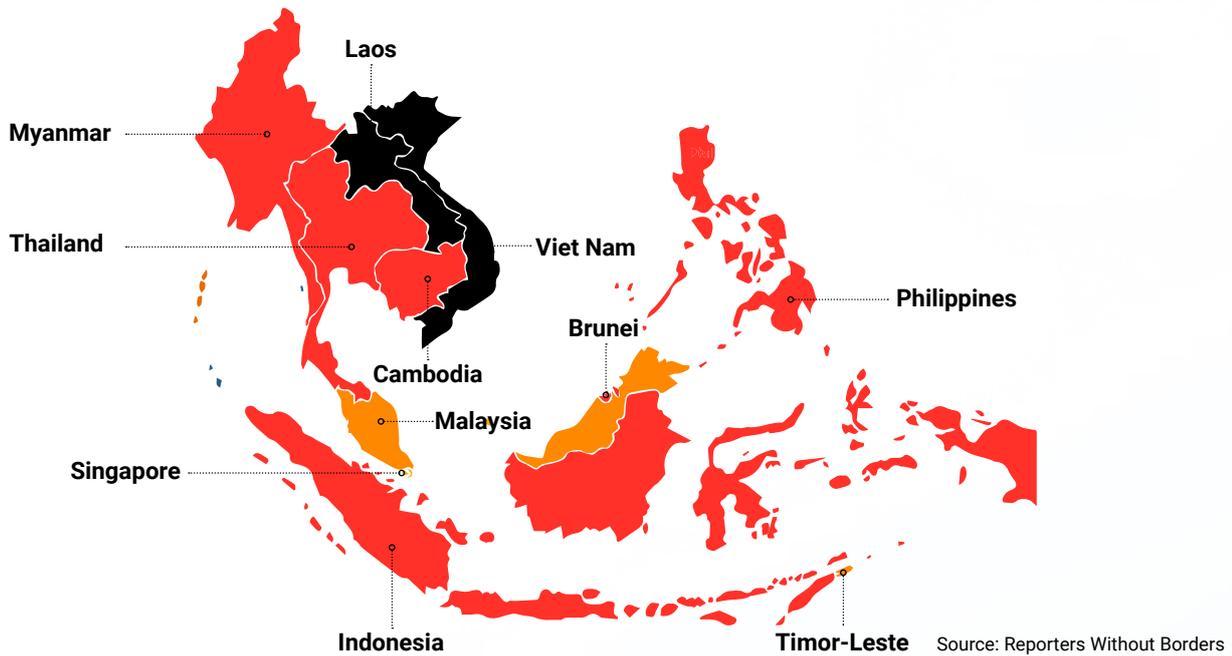
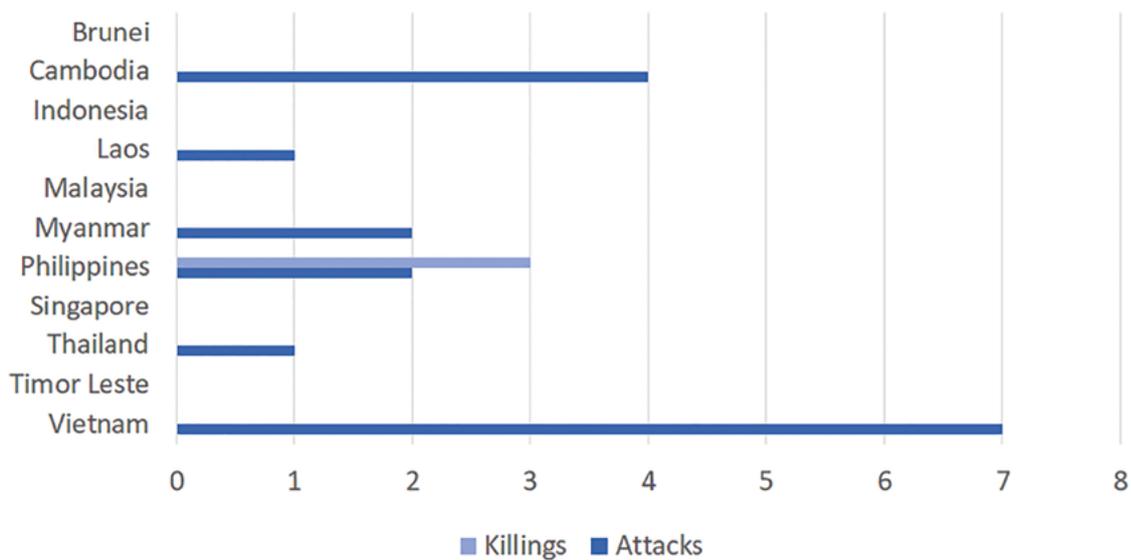


Figure 3. Killings and criminalization of journalists in Southeast Asia. The Philippines is the only country in Southeast Asia where journalists are known to be killed in 2020 (yellow bar); Viet Nam and Cambodia show the highest number of journalists in prison, 7 and 4 respectively (orange bars). Source: Reporters Without Borders⁷⁶

Attacks on Journalists, Southeast Asia 2020



⁷⁶Reporters Without Borders, 2020, 'Violations of Press Freedom Barometer', Available at: https://rsf.org/en/barometer?year=2020&type_id=235#list-barometre, Accessed: 15th December 2020.

peoples, fisherfolk, and farmers movements to gather or sell their produce. In countries such as Indonesia, COVID-19 has generated severe supply chain impacts. Local women in Indonesia have been unable to collect raw materials from the forest or wash rattan—economic activities that are central to their household income. Loss of these sources of income have resulted in food insecurity for families and forced livelihood changes (e.g. shifting from rattan washing to harvesting rice).⁷⁷ The enhanced community quarantine in the Philippines, which prohibits mass gatherings and imposes strict social distancing protocols, among other requirements, has similarly had a radiating effect on indigenous peoples, whose ability to access essential natural resources, engage in economic activities, and communicate with other communities in need of assistance has been considerably restricted, as they are placed under lockdown.⁷⁸

Environmental hazards and natural disasters such as droughts and floods have the potential to exacerbate the livelihood loss and food insecurity caused by COVID-19. With In Cambodia, job losses, particularly in the garment and tourism sectors, have reduced domestic remittances and forced workers to return to their homes in rural areas. With the compounded effects of an increasingly variable climate and a “drying” Tonle Sap,⁷⁹ rural Cambodians are increasingly facing heightened competition to secure scarce natural resources upon which food security depends. This, in turn, increases pressure on already stressed local fish stocks while also fanning preexisting tensions between different social and ethnic fisher groups.⁸⁰ EHRDs—especially grassroots defenders who do not have a stable source of income have been facing greater financial pressure, livelihood and food insecurity which in turn reduce the time and resources to spend on advocacy work.

Examples of complex impacts of COVID-19 on environmentally sensitive and vulnerable

groups can also be found in other Southeast Asian countries. In Viet Nam, the pandemic has added socio-economic pressure on households that are the worst affected by severe droughts and saltwater intrusion into the Mekong Delta. These hazards threaten livelihoods, food security and health as a result of expected freshwater shortages, lower agricultural production and other hygiene issues.⁸¹

3.2.4. Impacts on Indigenous and Women's Rights

Indigenous peoples and women play critical roles in stewarding the natural environment. In Indonesia, for example, most indigenous customary lands are within or near the country's forests. In Laos, women are often responsible for harvesting forest and riverine products. In the Philippines, indigenous communities have contributed to reducing the transmission of the disease by setting up roadblocks to limit the number of outsiders entering the community or having village elders promote health measures.

However, indigenous peoples and women are among those most disproportionately affected by the COVID-19 pandemic. Women defenders working on water governance have raised concerns that the ‘triple burden of leadership’—that is, to act as their families’ caretakers, provide social services to their communities, and protect the environment—was now weighing more heavily than before due to the pandemic, thus constraining their capacity to shoulder greater social and environmental leadership.⁸²

The pandemic reports demonstrate the continued persecution and killings of indigenous peoples in Southeast Asia. The human rights situation has deteriorated for indigenous EHRDs in the Philippines and Myanmar. In the Philippines, Executive Order No. 70, which was controversially passed

⁷⁷Personal communication, 9 June 2020.

⁷⁸AIPP, 2020, ‘Philippines: Indigenous Peoples will die of hunger not with COVID-19, govt urged for urgent action to deliver socio-economic relief’, Available at: <https://aippnet.org/philippines-indigenous-peoples-will-die-hunger-covid-19-govt-urged-urgent-action-deliver-socio-economic-relief/>, Accessed: 31st January 2021

⁷⁹<https://www.nationalgeographic.com/science/2020/08/cambodia-tonle-sap-lake-running-dry-taking-flooded-forest-fish/>

⁸⁰See <https://www.aljazeera.com/news/2019/12/13/beautifying-phnom-penh-muslim-cham-face- eviction-in-cambodia>; <https://www.voacambodia.com/a/5551008.html>

⁸¹See International Federation of Red Cross and Red Crescent Societies (2020), ‘Final Report: Viet Nam: Drought and saltwater intrusion’, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/MDRVN019fr.pdf>

on 12 December 2018, has reportedly been used during the pandemic to silence and criminalize indigenous EHRDs through 'red-tagging'.⁸³ On 30 December 2020, the extrajudicial killings of nine indigenous leaders allegedly took place alongside the arrest and detention of 17 leaders and members of TUMANDUK⁸⁴—an alliance of 17 indigenous communities in Tapaz and Jamindan towns in Iloilo city which was involved in campaigning against the Jalaur dam construction on Panay Island.⁸⁵ Out of those arrested and detained, six were reportedly indigenous women who are active members of the Panay Island-based, indigenous CSO Anggoy.⁸⁶

In Myanmar, the civilian government has been largely responsible for coordinating the public COVID-19 response; however, the Tatmadaw (Burmese Army) positioned itself as the focal point for COVID-19 crisis management in the initial months of the pandemic. While the government leveraged its position to legitimize their increased presence in ethnic areas, it also blocked internet

access and reportedly destroyed COVID-19 medical checkpoints set up by ethnic health organizations (which are linked to ethnic armed organizations), including in Kachin and Shan States.⁸⁷ In Karen State, the Myaingkalay and Hpa-an police had also attempted to arrest an EHRD under Penal Code 505(b) following his participation in a traditional prayer ceremony outside of a cement factory that was polluting local waterways.⁸⁸

3.3. Political and Legislative Changes during COVID-19: Implications for Projects with High Environmental Costs

Apart from the disruption caused by the COVID-19 pandemic to global and regional supply chains, work and negotiations on major development and commercial projects have also been stalled—or may face cancellation. Both the construction and energy sectors have been heavily impacted by significant delays and budget cuts, as the region's governments seek to reallocate funds to COVID-19 response.⁸⁹ Consequentially, it has raised questions over the viability of large infrastructure schemes, including hydropower

Criminalization of an Anti-mining Activist

Gloria Tomalon, a Manobo Indigenous activist and opponent of mining projects, was arrested in the Surigao del Sur region of Mindanao Philippines on 19 March 2020. As the founder of KATRIBUMMU and a council member of the National Anti-Poverty Commission (NAPC), Tomalon is a prominent leader in the Indigenous Manobo's struggle against mining projects. She was vocal in opposing attempts by five mining companies to operate in the Andap Valley complex.

Tomalon was one of 468 people accused of being a New People's Army member, a widely disputed charge. Mindanao's environmental human rights defenders, especially Indigenous

opponents of mining and agriculture projects, are often labelled as communists—referred to as 'red-tagging'. In Negros, where police and military forces have arrested and killed members of farmers groups and land rights activists, associates of one group have reported receiving frequent 'visits' from the military during the island-wide lockdown.

A colleague of Gloria Tomalon stated that the authorities 'chose to illegally arrest [Gloria Tomalon] as the country grapples against the horror of this COVID-19 pandemic.' And added that they should stop the attacks against minorities and 'respect our right to self-determination instead.'

⁸²See <https://www.womenandrivers.com/blog/why-womens-leadership-matters-to-river-governance-in-the-mekong-region>; See Delfau and Yeophantong (2020), 'State of Knowledge: Women and Rivers in the Mekong Region', <https://3waryu2g9363hdvii1ci666p-wpengine.netdna-ssl.com/wp-content/uploads/sites/86/2020/07/Full-Report-SOK-Women-and-Rivers.pdf>

⁸³<https://www.officialgazette.gov.ph/2018/12/04/executive-order-no-70-s-2018/>

⁸⁴In full, Tumanduk nga Mangunguma nga Nagapangapin sa Duta kag Kabuhi.

⁸⁵<https://thedi diplomat.com/2021/01/9-indigenous-leaders-killed-by-philippine-police-in-massacre/>

⁸⁶<https://iwgia.org/en/philippines/3958-iwgia-aipp-panay-massacre-2020.html>

⁸⁷<https://www.bnionline.net/en/news/destroying-medical-checkpoints-hinders-disease-prevention-rcssssa-says>; <https://asiafoundation.org/2020/09/02/covid-and-conflict-in-myanmars-borderlands-a-view-from-the-field/>; <https://khr.org/2020/06/20-37-d1/mu-traw-district-short-update-destruction-knpf-covid-19-screening-checkpoints>

⁸⁸Civicus, 2020, 'Myanmar authorities prosecuting activists and critics despite the COVID-19 pandemic', Available at: <https://monitor.civicus.org/updates/2020/04/28/myanmar-authorities-prosecuting-activists-and-critics-despite-covid-19-pandemic/>, Accessed: 30th January 2021



COVID-19 must not be used as an excuse to weaken environmental protection. In light of the global environmental crisis that predates COVID-19, these actions are irrational, irresponsible, and jeopardize the rights of vulnerable people. ”

David Boyd, UN Special Rapporteur on Human Rights and the Environment.

dam projects with high environmental costs planned for the Mekong River and its tributaries.⁹⁰

Despite these delays and suspensions to existing and planned projects, there are concerns that the government might push through certain projects during the pandemic and recovery phase without sufficient environmental safeguards, due diligence or licensing restrictions. As one Vietnamese EHRD observed, “the pandemic could provide the perfect cover for the approval [of large development projects]”.⁹¹ Some countries in the region have witnessed attempts at ‘land-grabbing’ and forest land clearance: for example, in Papua, Indonesia, the Auyu tribe have demanded that the operations of palm oil company PT Indo Asiana Lestari be halted as their licenses overlap with indigenous and local communities’ ancestral lands.⁹²

With COVID-related emergency regulations restricting the ability of EHRDs and environmental agencies to carry out their work and putting a strain on public funds and resources, this has prompted further questions about how projects with high environmental costs may be approved for ‘fast-track’ economic recovery. Stimulus packages aimed at mitigating

the economic slowdown and COVID-related restrictions may open up the possibility for the targeted allocation of funds. In Thailand, the Prime Minister has the power to make decisions on a US\$58 billion stimulus program in response to the economic slowdown and travel restrictions through cash handouts and targeted subsidies⁹³—and in the Philippines, there have been allegations of corruption.⁹⁴ In Indonesia, the Omnibus Law has introduced a provision that removes Article 16 of the 2014 Plantation Act and would allow for ‘landbanking’ (i.e. where vast tracts of land are stockpiled) by large companies, particularly pailoil companies, at the potential expense of local and indigenous customary land rights.⁹⁵ An automatic extension for up to 20 years has also been granted to coal mining concessions in the country from May 2020 onwards.⁹⁶

3.3.1. Opening up Areas to Development

Across the region, there is evidence of large development projects proceeding, with minimal scrutiny or accountability, under COVID-19 emergency conditions.⁹⁷ In July 2020, as part of a COVID-19 stimulus package, the government of Viet Nam approved multinational company Vingroup’s 600-hectare coastal resort project.⁹⁸ Initially announced in 2000, the US\$9.3 billion project had experienced years of delays due to strong objections to the transboundary environmental implications, which could reach as far as Ho Chi Minh City and the Mekong Delta, mainly as a result of the land reclamation that would be required for the project.⁹⁹ The reclamation work is expected to require 138 cubic meters of sand—enough to fill 36,600 Olympic-size swimming pools—taken from the Mekong Delta’s riverbeds.¹⁰⁰

Examples of such controversial projects are also found elsewhere in Southeast Asia. In Thailand,

⁸⁹<https://www.argusmedia.com/en/news/2120865-future-of-se-asia-infrastructure-projects-uncertain>

⁹⁰<https://www.channelnewsasia.com/news/asia/southeast-asia-hydropower-boom-covid-19-coronavirus-12652202>

⁹¹Regalado, F., 2020, ‘Asia risks missing ‘green’ economic reset after coronavirus’, Nikkei Asia, Available at: <https://asia.nikkei.com/Spotlight/Asia-Insight/Asia-risks-missing-green-economic-reset-after-coronavirus>, Accessed: 31st January 2021

⁹²Nicholas, H., 2021, ‘Papua tribe moves to block clearing of its ancestral forest for palm oil’ Available at: <https://news.mongabay.com/2021/01/papua-tribe-moves-to-block-clearing-of-its-ancestral-forest-for-palm-oil/>, Accessed: 31st January 2021

⁹³<https://www.benarnews.org/english/news/thai/covid-spending-04072020170657.html>

⁹⁴See <https://www.channelnewsasia.com/news/asia/covid-19-stimulus-package-philippines-duterte-13104128>; <https://www.scmp.com/week-asia/politics/article/3119677/philippines-corruption-rating-under-duterte-holds-same-level-bad>

⁹⁵<https://news.mongabay.com/2020/05/new-bill-could-legalize-land-banking-by-indonesian-plantation-firms/>; Suwastoyo, B., 2020, ‘Omnibus Law Opens the Door to Legalization of Various Concessions in Forests’, The Forest Scribe, Available at: <https://theforestscribe.id/omnibus-law-opens-the-door-to-legalization-of-various-concessions-in-forests/>, Accessed: 30th January 2021

⁹⁶Jong, H. N., 2020, ‘With new law, Indonesia gives miners more power and fewer obligations’ Available at: <https://news.mongabay.com/2020/05/indonesia-mining-law-minerba-environment-pollution-coal/#:~:text=Indonesia's%20parliament%20has%20passed%20a,extensions%20up%20to%2020%20years>, Accessed: 31st January 2021

despite requests from communities to halt the Water Diversion Project in Mae Hong Son province, the Royal Irrigation Department (RID) has continued with plans to develop it which could affect more than 36 indigenous and ethnic minority communities in three provinces. The RID invited Omkoi communities in Chiang Mai to attend a public consultation on the project. However, these communities were not able to participate due to COVID-19 travel and social distancing requirements. There were also reports of indigenous EHRDs being threatened through phone calls and armed intimidation.¹⁰¹ The same communities have also been involved in advocating against another project that has been underway since 2000—that is, the Omkoi Coal Mining project. Advocacy continued during the COVID-19 pandemic amid allegations of human and environmental rights violations, and raised various problems with the transparency of the EIA and public consultation processes.¹⁰² In the Philippines, the Kaliwa Dam Project has similarly faced substantial opposition from local indigenous communities due to its environmental and cultural impacts. Despite its anticipated flooding of indigenous lands, the dam project did not follow procedures for FPIC and also violated the Indigenous Peoples Rights Act of 1997 (RA 8371).¹⁰³ While protests had initially contributed to blocking the project's progress in 2019, it was ultimately approved during the pandemic in 2020. In another example that concerns Canadian-Australian OceanaGold's mining operation in the Didipio region, its Financial and Technical Assistance Agreement (FTAA) had expired in 2019, yet it still continues its operations. At the behest of the provincial government of Nueva Vizcaya, two blockades were erected by members of the Ifugao-Tuwali tribe to prevent access to the project site in April 2020. The blockade was violently dispersed by around 100 police officers,

with several indigenous leaders charged for violating the enhanced community quarantine in the process.¹⁰⁴ The Philippine Court of Appeals dismissed, two months later, the company's appeal to seek a continuation of its operations. At the time of writing, it is unclear if the government will officially reject the pending renewal of OceanaGold's FTAA.¹⁰⁵

3.3.2. Deforestation and Illegal Logging

Reports of increasing deforestation and illegal logging during the pandemic have emerged from countries in South Asia. This situation can be due to a confluence of factors: for instance, a lack of law enforcement and an influx of newly unemployed urban residents into rural forested areas.¹⁰⁸ Data on annual deforestation rates are not yet available for 2020, but Global Analysis and Discovery (GLAD) Deforestation Alerts, which indicate areas where deforestation is taking place, have shown unusually high rates in some countries, particularly in Singapore as illustrated in (Figure 4). Other countries that have experienced deforestation, but not included in Figure 4, include Brunei, where alerts peaked between February and April; Cambodia in February and April, Laos in May; Myanmar from March to May, the Philippines from March to April; Singapore in July; Thailand from April to May and again from November to December; Timor-Leste from September to December; and Viet Nam, which showed higher than normal rates for much of the year with a peak in July.

In Myanmar, despite the government's expectation that illegal logging would stall during the COVID-19 lockdown, data from the International Tropical Timber Organization (ITTO) indicate that 1,400 tonnes of illegal timber were seized in the first five months of 2020.¹⁰⁹ Likewise, in Malaysia, a logging

⁹⁷Multiple interviews, December 2020.

⁹⁸Onishi, T., 2020, 'Vietnam speeds up big projects to heal economy from pandemic', Nikkei Asia, Available at: <https://asia.nikkei.com/Economy/Vietnam-speeds-up-big-projects-to-heal-economy-from-pandemic>, Accessed: 31st January 2021

¹⁰⁰Liu, V. D., 2020, 'Vingroup's \$9.3bn tourist resort project gets Gov't approval for 4.7 times expansion', NhipCauDauTu, Available at: <https://e.nhipcaudautu.vn/real-estate/vingroups-93bln-tourist-resort-project-gets-govt-approval-for-47-times-expansion-3335564/>, Accessed: 31st January 2021; See also: <https://www.ft.com/content/5b731e70-7741-450c-82d2-950161883888>

¹⁰¹Thank you to an OHCHR reviewer for providing additional insights into this case; see also <https://www.bangkokpost.com/thailand/general/1894695/yuam-river-dam-diverts-more-than-just-flow>

¹⁰²Thank you to an OHCHR reviewer for providing additional insights into this case; see also <https://www.bangkokpost.com/thailand/general/1952000/rights-violations-found-in-coal-project>

¹⁰³Mayuga, J., 2020, 'All eyes on the Kaliwa Dam project: Will its benefits outweigh the costs?' Available at: <https://businessmirror.com.ph/2020/05/28/all-eyes-on-the-kaliwa-dam-project-will-its-benefits-outweigh-the-costs/>, Accessed: 31st January 2021

¹⁰⁴Indigenous Peoples Movement for Self-Determination and Liberation, 2020, 'Repression amid the pandemic: Attacks on people's barricade against OceanaGold', Available at: <https://www.ipmsdl.org/statement/repression-amid-the-pandemic-attacks-on-peoples-barricade-against-oceanagold/>, Accessed: 31st January 2021

¹⁰⁵<https://news.mongabay.com/2020/07/philippine-court-rejects-oceanagolds-bid-to-keep-mining-on-expired-permit/>

Indonesia's Omnibus Law

Indonesia's Omnibus Law includes changes to 79 laws that will collectively impact environmental protection and labour rights. One of the affected laws is Law Number 32 of 2009 on Environmental Protection and Management (UU 32/2009). The Omnibus Law restricts the public's ability to consult on or challenge projects that may cause environmental and social harm. This has given rise to concerns that provisions in the Law can open a backdoor to increased deforestation, a major driver of Indonesia's greenhouse gas emissions. The Omnibus Law could also result

in legal challenges stemming from companies not observing the principle of Free Prior and Informed Consent (FPIC). It also includes a raft of incentives for the coal industry, deregulates mining, diminishes penalties for environmental violations, reduces requirements for AMDAL—that is, the country's Environmental Impact Assessment (EIA) process—and limits the involvement of local communities and indigenous peoples in decision-making processes. In this way, the Law risks attracting foreign investors into Indonesia that have little regard for environmental protection or human rights standards.¹⁰⁶



This narrative of nature having been given a break during Covid, it's not entirely accurate. It's accurate in cities and peri-urban areas...But unfortunately in the rural areas, the situation is almost the inverse. ”

Sebastien Toeng, Conservation International¹⁰⁷

concession in the ancestral land of the Kenyah Jamok was approved in April 2020 during the Movement Control Order (MCO). Despite the MCO's temporary shut-down of non-essential businesses, the approval was granted, as the logging industry was deemed 'essential'. However, this explicitly violates the FPIC principle as well as the country's Timber Certification Scheme, which covers Kenyah Jamok, Sarawak, and Borneo.¹¹⁰ Its implications are also potentially far-reaching. Not only do the logging companies risk introducing the novel coronavirus into vulnerable communities, but also constrains their ability to contest any questionable practices of these companies due

to the MCO during this period.¹¹¹

Illegal logging activities, ranging from the clandestine removal of timber from Cambodian forests to the approval of logging concessions on indigenous land in Malaysia without FPIC (which was difficult to enforce under COVID-related restrictions), have also been documented during the pandemic.¹¹² A spike in deforestation in forests including Prey Preah Roka Wildlife Sanctuary, Prey Lang Wildlife Sanctuary, Seima Protected Forest, and the Cardamom Mountains in Cambodia has been reported.¹¹³ As a result of news coverage and monitoring being impeded during the pandemic, it may have helped increase illegal activity, especially at the end of the dry season. Satellite imagery from the University of Maryland reveals recent deforestation in the Southern Cardamom National Park near its border with Central Cardamom National Park, most likely the result of land clearances for agriculture by companies and local people.¹¹⁴

There are, nevertheless, some promising developments. In February 2020, the Indonesian

¹⁰⁶ Jong, H. N., 2020, 'Indonesia's omnibus law a 'major problem' for environmental protection', Mongabay, Available at: <https://news.mongabay.com/2020/11/indonesia-omnibus-law-global-investor-letter/>, Accessed: 20th December 2020; Indonesian Centre for Environmental Law, 2020, 'Degradation of environmental protection and management instruments under draft bill on job creation', Available at: <https://icel.or.id/en/publications-policy-paper/>, Accessed: 31st January 2021

¹⁰⁷ Quoted in: <https://www.bbc.com/future/article/20200518-why-lockdown-is-harming-the-amazon-rainforest>

¹⁰⁸ Brown, K., 2020, 'The hidden toll of lockdown on rainforests', BBC, Available at: <https://www.bbc.com/future/article/20200518-why-lockdown-is-harming-the-amazon-rainforest>, Accessed: 31st January 2021; Fair, J., 2020, 'COVID-19 lockdown precipitates deforestation across Asia and South America', Mongabay, Available at: <https://news.mongabay.com/2020/07/covid-19-lockdown-precipitates-deforestation-across-asia-and-south-america/>, Accessed: 31st January 2021

¹⁰⁹ ITO. 2020. Tropical Timber Market Report, 16-31 May 2020. <https://www.ito.int/mis/id=6443> Accessed 20 December 2020.

¹¹⁰ McAlpine, F., 2020, 'Logging concession in Malaysian Borneo lacks consent of Indigenous communities (commentary)' Available at: <https://news.mongabay.com/2020/07/malaysias-tropical-timber-certification-scheme-leaves-indigenous-rights-at-risk-commentary/> Accessed: 30th January 2021

¹¹¹ <https://www.earthisland.org/journal/index.php/articles/entry/coronavirus-pandemic-indigenous-lands-borneo-at-risk/>

Ministry of Trade had issued new requirements for timber exports, which was widely criticized by civil society, environmentalists, and experts as an attempt to weaken the country's Timber Legality Verification System (SVLK). Initially set to take effect from 27 May, Regulation No 15/2020 intended to streamline Indonesia's regulatory procedures and create a more attractive environment for foreign investors. However, opposition to the new regulation from the Indonesian public and the Ministry of Environment (which was not consulted), and mounting fears of illegal timber flooding the market, led the Ministry of Trade to revoke the regulation on 11 May.¹¹⁵

In Singapore, the country's recently amended Wildlife Act,¹¹⁶ which came into force on 1 June 2020, empowers the National Parks Board to issue wildlife-related requirements to developers and also enables it to take law enforcement action against developers that fail to comply with the required EIA measures.¹¹⁷ Further, amendments to the Environmental Impact Assessment framework has introduced new biodiversity impact assessment guidelines that allow for greater transparency (environmental study reports are now to be published online by developers) and

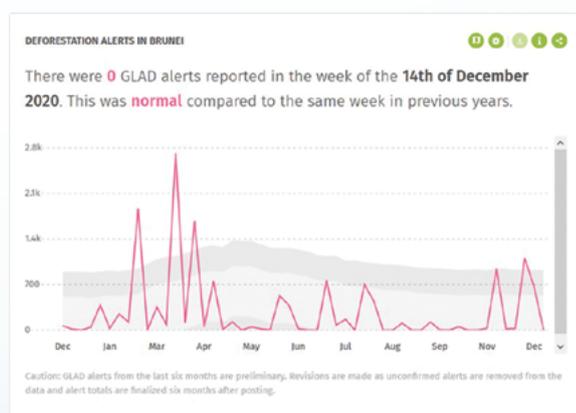
entail earlier engagement with nature groups in the planning and development processes.¹¹⁸

3.3.3. Land Acquisition Conflicts

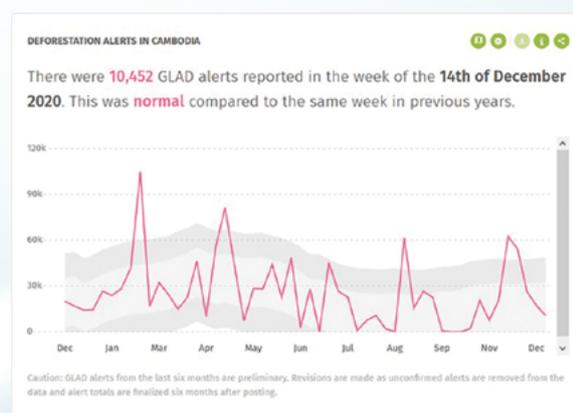
In Southeast Asia, a renewed focus on natural resource extraction and development as a potential source of post-COVID economic recovery has resulted in allegations of land-grabbing and conflict over land. In Myanmar, the situation for land rights activists over the last decade has been one of severe repression, according to human rights organizations.¹¹⁹ Civilians have suffered from escalating fighting between the ethnic Arakan Army and the Myanmar military in Rakhine and the Chin States, with approximately 500 civilians killed in 2020.¹²⁰ Clashes between Myanmar troops and the Kachin Independence Army and Shan State Army have led to a humanitarian crisis in northern parts of Kachin and Shan States. In Myanmar, over 2,000 acres of land from 100 farmers were confiscated by the Myanmar military in Hsihseng Township, located in the Pa-Oh Self-Administered Region in Southern Shan State. On 30 May 2020, 70 farmers were charged with trespassing under article 447 of the Penal Code for cultivating on the land the military had seized.¹²¹ In response to the intersection of conflict and environmental

Figure 4. GLAD deforestation alerts for SE Asian countries in 2020. The light gray bars in the graph represent 1 standard deviation from the average number of alerts for that time of year, while dark gray bars represent 1-2 standard deviations from the average.

Brunei



Cambodia



¹¹²Save Rivers Network, 2020, 'Certification without compliance: Flawed timber certification process violates indigenous rights', Available at: <https://saverivers.org/2020/06/23/certification-without-compliance-flawed-timber-certification-process-violates-indigenous-rights/>, Accessed: 30th January 2021

¹¹³Fair, J., 2020, 'COVID-19 lockdown precipitates deforestation across Asia and South America', Mongabay, Available at: <https://news.mongabay.com/2020/07/covid-19-lockdown-precipitates-deforestation-across-asia-and-south-america/>, Accessed: 31st January 2021

¹¹⁴Humphrey, C., 2020, 'Alleged gov't-linked land grabs threaten Cambodia's Cardamom Mountains', Mongabay, Available at: <https://news.mongabay.com/2020/12/alleged-government-linked-land-grabs-threaten-cambodias-cardamom-mountains/>, Accessed: 30th January 2021

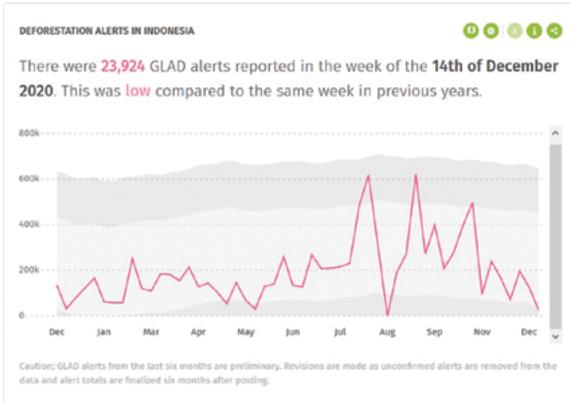
¹¹⁵<https://www.timbertradeportal.com/action/news/item/18/indonesia-revoked-problematic-timber-export-regulation/>

¹¹⁶<https://sso.agc.gov.sg/Act/WA1965>

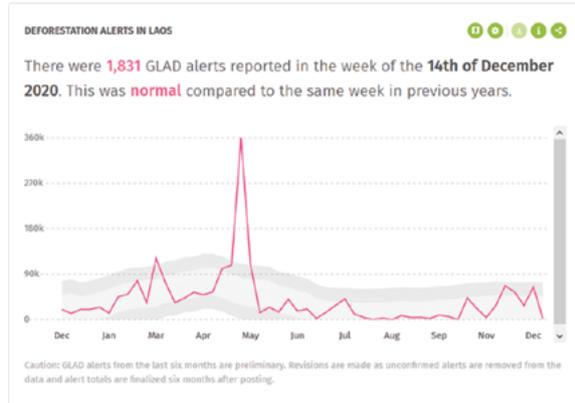
¹¹⁷Tan, A., 2020, The Straits Times, 'Development works in Singapore to be more sensitive to wildlife under changes to EIA framework' Available at: <https://www.straitstimes.com/singapore/environment/development-works-in-singapore-to-be-more-sensitive-to-wildlife-under-changes> Accessed: 17th December 2020

¹¹⁸Tan, A., 2020, The Straits Times, 'New biodiversity impact assessment guidelines introduced as part of EIA review', Available at: <https://www.straitstimes.com/singapore/environment/new-biodiversity-impact-assessment-guidelines-introduced-as-part-of-eia-review> Accessed: 17th December 2020

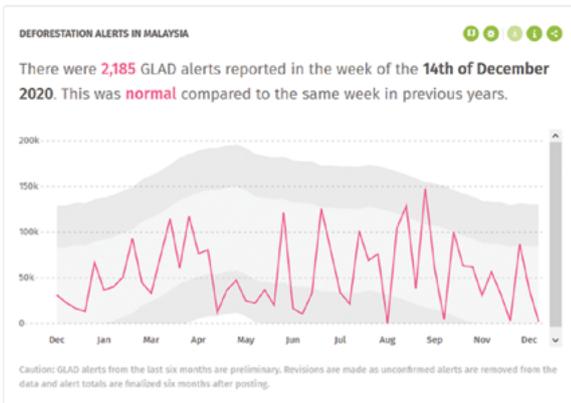
Indonesia



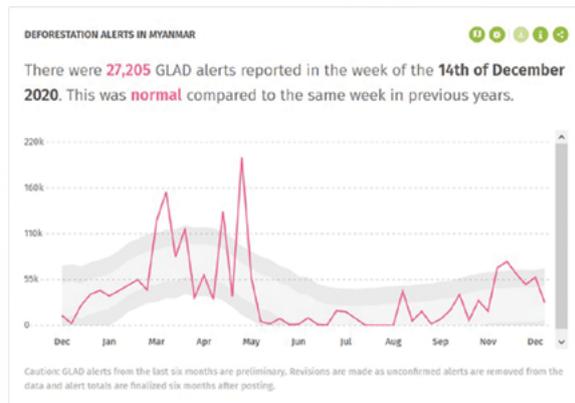
Laos



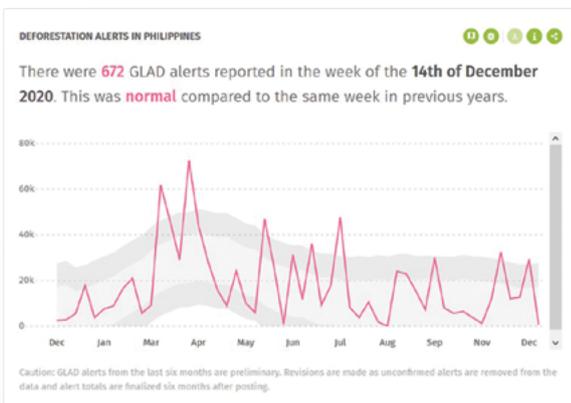
Malaysia



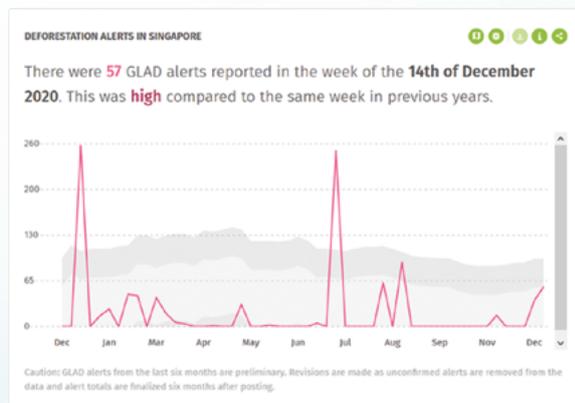
Myanmar



Philippines



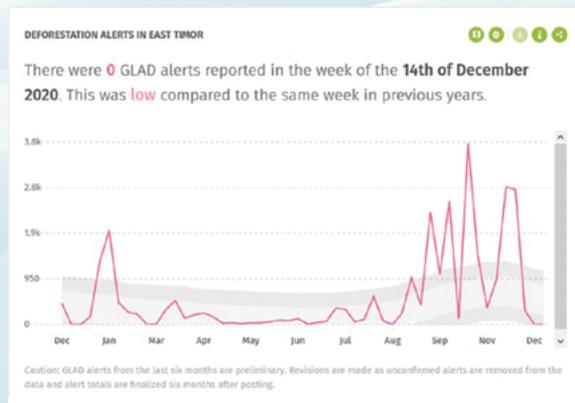
Singapore



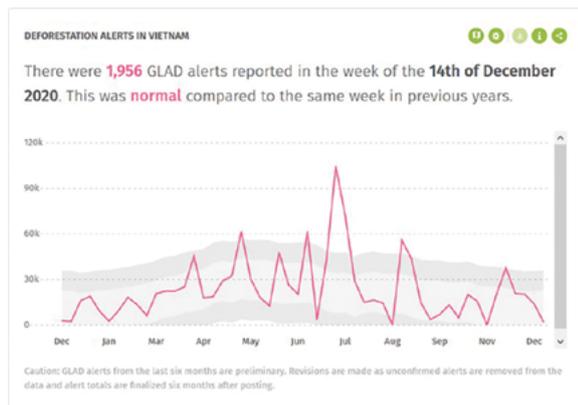
Thailand



Timor-Leste



Viet Nam



(Source: Global Forest Watch/Glad Alerts, University of Maryland)



We outlined our plans for a City in Nature earlier this year, and recognize that our planning processes must be enhanced in tandem to support this vision.”

National Development Minister
Desmond Lee, Singapore, speaking to
The Strait Times, 25 October 2020.

destruction, a Karen environmental human rights defender, Paul Sein Twa, developed a cross-border, 1.35 million-acre protected area, a 'peace park' in Karen and Burmese territories. He was awarded the 2020 Goldman Environmental Prize Winner for Asia.¹²²

Reports have also surfaced of multinational corporations operating under COVID-19 conditions encroaching on indigenous lands, further contributing to deforestation and other socio-environmental harm. A case in point is Vietnamese rubber company Hoang Anh Gia Lai (HAGL)'s failure to abide by a 2015 mediated agreement to return sacred lands to indigenous communities in Ratanakiri province. During March 2020, as the government placed communities under COVID-19 lockdown, the company cleared lands that were supposed to be returned to

communities. This resulted in the bulldozing of two spirit mountains, wetlands, among other important cultural and livelihood sites.¹²³

In July 2020, state-owned enterprises in Indonesia were instructed to develop 900,000 hectares of new rice fields across Central Kalimantan in Indonesia.¹²⁴ Much of the proposed development area overlaps with the traditional agricultural lands of indigenous peoples and local communities in the as well as important peatlands. This proposed government program will likely cause more agrarian conflicts and land grabbing if not done for and by the people. It will also likely have consequences for Indonesia's Nationally Determined Contribution under the Paris Agreement. As of April 2020, during the pandemic, 37 new agrarian conflicts have been recorded, with at least 39 farmers, indigenous peoples, and fishermen arrested and two people dead.¹²⁵

¹¹⁹Human Rights Watch, 2015, 'Burma: Land Rights Activists Are Newest Political Prisoners', Available at: <https://www.hrw.org/news/2015/08/15/burma-land-rights-activists-are-newest-political-prisoners>, Accessed: 31st January 2021

¹²⁰Human Rights Watch, 2021, 'Myanmar: Events of 2020' Available at: <https://www.hrw.org/world-report/2021/country-chapters/myanmar-burma#>, Accessed: 31st January 2021

¹²¹Progressive Voice Myanmar, 2020, 'Forced Displacement – Myanmar's Failed Land Laws', Available at: <https://progressivevoicemyanmar.org/2020/06/15/stealing-the-land-punishing-the-owners-myanmars-failed-land-laws/>, Accessed: 31st January 2021

¹²²Goldman Environmental Prize, 2020, 'Introducing the 2020 Goldman Environmental Prize Winners' Available at: <https://www.goldmanprize.org/blog/2020-goldman-environmental-prize-winners/>, Accessed: 31st January 2021

¹²³<https://www.inclusivedevelopment.net/cambodia/vietnamese-agribusiness-giant-hagl-destroys-indigenous-lands/>

¹²⁴<https://www.aseantoday.com/2020/10/indonesia-says-military-will-develop-millions-of-hectares-for-national-agriculture-push/>

¹²⁵<https://news.mongabay.com/2020/04/land-conflicts-escalate-with-spread-of-covid-19-in-indonesia/>



REUTERS/WILLY KURNIAWAN

Papuan protesters confront police officers in personal protective equipment (PPE) during a rally outside the U.S. Embassy in Jakarta, September 30, 2021.

Land Rights and Youth Protests in Cambodia

On 31 July 2020, Cambodian authorities arrested Rong Chhun, president of the independent Cambodian Confederation of Unions, without an arrest warrant at his home in Phnom Penh, alleging he was committing an in flagrante delicto (caught in the act) offense.

On 1 August, the Phnom Penh municipal court charged him with 'incitement to commit a felony' under articles 494 and 495 of Cambodia's penal code and sent him to pretrial detention at Phnom Penh's Correctional Center

1. The charges against Rong Chhun appear to be linked to his recent advocacy for the land rights of villagers living near Cambodia's border with Viet Nam. The jailing of Rong Chhun sparked youth protests in the capital, calling for justice in his case. Members of Khmer Thavarak, and Khmer Student Intelligent League Association, two youth environmental and social justice groups that took part in the protests, were arrested and charged with incitement to commit a felony.

4. Conclusions

The impacts of the COVID-19 pandemic on EHRDs and the environment have been complex and wide-ranging in Southeast Asia. Overall trends show an increase in the regression of civic space, with measures passed during the pandemic that facilitate the approval of environmentally damaging development projects. Some countries and groups of EHRDs are more heavily impacted than others; however, indigenous and women EHRDs, for instance, have been disproportionately affected by the negative and multilayered repercussions of the pandemic.

Nevertheless, there are some positive examples of actions taken by EHRDs to reduce these adverse impacts and adapt to the new realities of living and working amidst a pandemic. As noted by other observers, EHRDs and civil society organizations are ‘harnessing their cultural idioms and social capital’ to mitigate the impacts of COVID-19 by ‘fostering a collective safety culture’ and navigating new technologies, and acting as contributors to the public good.¹²⁶ EHRDs, alongside grassroots, civil society and other non-governmental organizations, can—and should—be regarded as allies in the ongoing fight against COVID-19. In Viet Nam, for example, community organizations have worked productively with government and international agencies to enhance local awareness of and access to clean water and sanitation in response to the pandemic. Other examples abound in the region of EHRDs and civil society groups assisting with the provision of healthcare, aid and relief distribution, and access to credible information during the pandemic.¹²⁷

In light of this, EHRDs also emerge as important ‘development partners’ and allies, especially to the region’s governments. They can contribute to the formulation of more effective environmental regulations and support governments in observing their commitments to human and environmental rights and achieving the UN Sustainable Development Goals. As one

interviewee remarks, ‘[when EHRDs are involved] not only are [affected local groups] consulted but [they are] part of the whole drafting process. From there, we would ensure it serves their interests and would benefit them—not just a way to mask interests of certain groups’.¹²⁸

The transparency that comes with the involvement of EHRDs in the drafting of legislation and consultation with communities is key to safeguarding against rights violations, conflict, and violence. Moreover, their involvement is critical to building trust between government, corporate and local stakeholders. In Cambodia, civil society organizations were initially consulted in designing a significant piece of environmental legislation, the Environment Code. Although the law is yet to be passed, the process behind it serves as a promising example of how EHRDs can constructively contribute to government processes.¹²⁹

Speaking to the important function of EHRDs as ‘stewards’ of the environmental and social public good, the Cambodian government suspended the plans for the construction of environmentally damaging hydropower dams at Sambor and Stung Treng in August 2020 in light of the evidence-based concerns raised by affected communities and civil society organizations of the projects’ negative social and ecological ramifications.¹³⁰

In this way, the actions of environmental defenders can also hold broader implications that extend beyond environmental protection. For example, Paul Sein Twa, an indigenous EHRD from Myanmar, was awarded the Goldman Environmental Prize for his work in establishing the Salween Peace Park in Karen indigenous ancestral lands along the Thai-Burmese border.¹³¹ Peace parks can foster the joint objectives of peacebuilding as well as environmental conservation. It is, thus, imperative that the environmental and social contributions of defenders to the public good in Southeast Asia, especially in times of complex emergencies such as the COVID-19 pandemic, are respected, valued, and celebrated.

¹²⁶Sciortino R, Saini F, 2020, ‘Towards a comprehensive narrative and response to COVID-19 in Southeast Asia’, *Social Sciences and Humanities Open*, Available at: <https://www.sciencedirect.com/science/article/pii/S2590291120300474> Accessed: 31st January 2021

¹²⁷Interview 16, 26th November 2020, Manila, Philippines; Nixon, N., 2020, ‘Adapting and responding to the pandemic: civic spaces in Southeast Asia’, *Development Policy Centre*, Available at: <https://devpolicy.org/adapting-and-responding-to-the-pandemic-civic-spaces-in-southeast-asia-20200928/>, Accessed: 31st January 2021

¹²⁸Interviewee 15, 26 November 2020, Philippines

¹²⁹Nachemson, A., 2020, ‘In Cambodia, a sweeping new environment code languishes in legal limbo’, *Mongabay*, Available at: <https://news.mongabay.com/2020/08/in-cambodia-a-sweeping-new-environment-code-languishes-in-legal-limbo/>, Accessed: 31st January 2021

¹³⁰Ratcliffe, R., 2020, ‘Cambodia scraps plans for Mekong hydropower dams’, *The Guardian*, Available at: <https://www.theguardian.com/world/2020/mar/20/cambodia-scraps-plans-for-mekong-hydropower-dams> Accessed: 30th January 2021

¹³¹Goldman Prize, 2020, ‘Paul Sein Twa’, Available at: <https://www.goldmanprize.org/recipient/paul-sein-twa/>

5. Policy Recommendations

5.1. For Southeast Asian governments

Short-term/COVID-response:

- Ensure a 'sunset clause' on all emergency measures and restrictions passed during the COVID-19 pandemic. Ensure that measures currently in place respect EHRDs and human rights.

EHRD recommendations: the cancellation of Indonesia's Omnibus Law.¹³²

- Ensure that FPIC is followed, in adherence with the ASEAN Guidelines on Promoting Responsible Investment in Food, Agriculture and Forestry (2018), and expand consultation to apply FPIC to other sectors. Meaningful consultation with communities using safety measures (social distancing, masks) is possible and must not be bypassed.

EHRD recommendations: Develop guidance on consultations under COVID that instructs on socially distanced participation – the blanket lockdown has needlessly hindered participation¹³³; A government policy for the involvement of vulnerable people (including indigenous people and people living with disabilities) – connect with key stakeholders in order to map what is isn't acceptable for all communities¹³⁴; The pandemic must not be used as an excuse to limit public participation in decision making processes.¹³⁵

- Begin to rebuild trust with civil society by ceasing police and military violence and arbitrary arrests.

EHRD recommendations: Stop using laws to silence and harass EHRDs - allow them to continue their peaceful conservation and human rights work.¹³⁶

- Develop a sustainable and rights-based economic recovery plan to reduce the risk of future suffering and loss of life through climate and ecological breakdown, and provide sustainable and alternative livelihoods.

Medium- to Long-term / Post-COVID:

- Practices of 'red-tagging' and criminalization of EHRDs violates their human rights and puts them in danger. These practices must be ended.

EHRD recommendations: Repeal the anti-terror laws.¹³⁷ Build stronger provisions to protect EHRDs¹³⁸. A bill that protects EHRDs must be better implemented than those unsuccessfully implemented to date.¹³⁹

- Immediately and thoroughly investigate all threats, violence, and murders of EHRDs, establish independent investigations with external experts as needed, and bring perpetrators to justice.

EHRD recommendations: Carry out thorough investigations of the shootings. Governments should be dedicated to protecting their people¹⁴⁰

- Rebuild trust with civil society by holding meaningful consultations on draft legislation and establishing national funds and protection programmes for at-risk EHRDs.

EHRD recommendations: Recognize human rights and indigenous peoples' rights and invest in measures that protect EHRDs. Elected officials need to focus more on helping the people,¹⁴¹ Conservation Law needs to give power to environmentally orientated organizations to represent the case against those who are violating the environment;¹⁴² The government should focus on improving laws and including public participation.¹⁴³

¹³²Interview 1, 7th November 2020, Indonesia

¹³³Interview 14, 19th November 2020 Myanmar

¹³⁴Interview 14, 19th November 2020 Myanmar

¹³⁵Interview 16, November 2020, Cambodia

¹³⁶Interview 4 9th November 2020, Cambodia

¹³⁷Interview 13, 1st December 2020, Philippines

¹³⁸Interview 15, 26th November 2020, Philippines

¹³⁹Interview 13, 1st December 2020, Philippines

¹⁴⁰Interview 5 10th November 2020, Thailand

¹⁴¹Interview 3, 6th November 2020, Indonesia

¹⁴²Interview 12, 2nd December 2020 Myanmar

¹⁴³ibid

- Develop a regional agreement equivalent to the Escazu Agreement of Latin America and pass national laws to protect EHRDs.¹⁴⁴

EHRD recommendations: Support freedom of association. Viet Nam signed the EVFDA and signed the ILO conventions – this gives hope people will be free to form associations and work together.¹⁴⁵

- Appoint independent forest monitors to assist in implementing forest and land regulations and inform government task force/teams to address illegal logging.

EHRD recommendations: Stop blocking the activities of CSOs and EHRDs.¹⁴⁶ These measures to repress them increase natural resource crime; EHRDs are not the enemy – they are potential development partners.¹⁴⁷

- Ensure that international standards are ratified and implemented. As needed, conduct a national workshop to synchronize national legislation with international law.

EHRD recommendations: A lot of the repressive laws that were adopted in recent years, viz NGO Law, State of Emergency Law need to be substantively amended or appealed in order to be human rights compliant;¹⁴⁸ COVID laws with relation to the environment need to consider the human rights of EHRDs;¹⁴⁹ There are ongoing criminal prosecutions against land and environmental defenders - especially for trespassing cases. These should be put on hold. Stop the prosecutions and focus on addressing the land conflict in the long term by setting up a committee with representatives from the community, civil society and the government¹⁵⁰.

5.2. For UN agencies, foundations, and other international organizations

Short-term/COVID-response:

- Support research to fill current knowledge gaps/help develop best-practices (e.g., how access to health services impacts EHRDs, or how to sustain environmental best practices in public emergencies).
- Immediately send UN staff for human rights monitoring to attend sites of conflict (e.g., at sites of protest/road blocks; visit organizations that are targeted/“red-tagged”).
- Coordinate between UN agencies to create a strong joint message to governments and companies that violate human rights.

Medium- to Long-term / Post-COVID:

- Emergency support for EHRDs experiencing threats and criminalization, mainly focusing on increasing access to existing resources, translating information to Southeast Asian languages, including minority languages; fund staff for organizations that offer emergency funding to focus on Southeast Asia.
- Fund initiatives that facilitate EHRD-to-EHRD collective support networks and support collaborative and holistic approaches to security.
- Demand adherence to environmental legislation and protection of EHRDs for all international businesses operating in SE Asia or who purchase products from national companies complicit in HR violations.
- Create a secure database of EHRDs at-risk that EHRDs can volunteer to include themselves and their data in, with references, next of kin contact, and information on their work and threats faced to fast-track emergency response for those at-risk. The digital security of such a list is paramount.

¹⁴⁴<https://www.cepal.org/en/escazuagreement>

¹⁴⁵Interview 6, 30th October 2020, Viet Nam

¹⁴⁶Interview 18, November 2020, Cambodia

¹⁴⁷Interview 4, 9th November 2020, Cambodia

¹⁴⁸Interview 4, 9th November 2020, Cambodia

¹⁴⁹Interview 12, 2nd December 2020 Myanmar

¹⁵⁰Interview 5 10th November 2020, Thailand



SOPA IMAGE VIA REUTERS CONNECT/WATCHARAWIT PHUDORK

Protesters from Karen ethnic group marching with a banner expressing their opinion during the demonstration on Mar 7, 2021.

5.3. For media and newsgroups

Media and newsgroups have a key role in upholding human rights, access to information and environmental monitoring, disseminating news, and progress toward Sustainable Development Goals. Media and news companies and organizations are often at the forefront of challenging repressive legislation, communicating sensitive and vital information, and voicing dissent. Throughout the pandemic, these organizations may have been targeted or manipulated to smear, denigrate or criminalize EHRDs.

Short-term/COVID-response:

- Beware of fake news and misinformation from all actors, including politicians and government representatives, and increase staff / technological capacity to apply labels to warn of misinformation as appropriate;
- Increase coverage of environmental issues and the efforts of EHRDs;
- Social media companies should establish a fast-track mechanism for individuals to report hacking of their accounts or fake accounts that incriminate targeted individuals; IP addresses linked to Government servers should not be able to access personal social media accounts;
- Media umbrella organizations, international outlets, wires, and national news companies should equip their staff

and freelancers with end-to-end encrypted messaging and email functionality, risk assessment training, and, where needed, emergency relocation support.

Medium- to Long-term / Post-COVID:

- Social media companies, including Facebook, must hire and train local staff to monitor content and prevent trolling, misinformation, and identity theft, ensuring adequate numbers of staff fluent in local languages;
- Media organizations and companies should offer training/workshops to journalists on keeping sources safe, ensuring consent is given when collecting information, and the risks of exposure to EHRDs.

5.4. For companies and investors

Businesses, especially agribusiness, mining and extractives, energy, and other companies involved in development and resource extraction, have a crucial role in establishing and adhering to international human rights standards, and supporting the development and implementation of voluntary standards, certificates, and norms of practice. It is not acceptable to exploit repressive laws or weak law enforcement to override FPIC or human rights concerns, and ultimately, this is not a sustainable way of doing business. The UN Guiding Principles on Business and Human Rights should be followed in all instances.¹⁵¹

¹⁵¹<https://www.ohchr.org/Documents/Issues/ClimateChange/materials/KMBusiness.pdf>

6. Country Trends and Analysis

This section provides further details on the impacts of COVID-19 on EHRDs and environmental legislation in the individual Southeast Asian countries. Overall, negative trends vis-à-vis the persecution of EHRDs, environmental protection, and democratic regression have been on the rise during 2020 and are observable across the entire region, with EHRDs facing especially challenging conditions in Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, and Viet Nam. To date, however, limited information is available regarding the situation of EHRDs in Brunei, Laos, Timor-Leste, and Singapore.

6.1. Brunei Darussalam

Brunei closed its borders at the onset of the COVID-19 pandemic but did not opt for other major domestic lockdowns as seen in other Southeast Asian countries. The Ministry of Health (MoH) has maintained as much transparency as possible, providing daily COVID-19 updates to the people of Brunei.¹⁵² However, some measures have been adopted by the government citing the COVID-19 pandemic. For instance, on 15 May 2020, the MoH introduced the BruHealth mobile app to track people gathering outside. As of 29 June, around 405,034 people had registered with the app. The government removed the restriction on business, and gatherings of up to 200 people have been allowed since August 2020.

Environmental Change

The \$1.4 billion Temburong bridge opened in March, ahead of schedule, and shortly after Brunei closed its borders to contain the COVID-19 pandemic.¹⁵³ At just over 26 kilometers in length, it is the longest oversea bridge in Southeast Asia. It has prompted concerns about the impact on the environment,

including people 'throwing rubbish into the Brunei Bay and Labu Mangrove Forest Reserve'¹⁵⁴, and an influx of tourists.¹⁵⁵ However, in terms of construction of the bridge, the project is reported to have followed stringent standards, including training workers and keeping noise levels low so as not to disturb monkeys and other wildlife.

Financial Support

On 21 March, the Ministry of Finance and Economy (MOFE) announced tax, utility, and social security deductions/deferments to assist hardest-hit households and firms affected by COVID-19; and deployed an interim fiscal package (for six months effective from 1 April) to support small and medium-sized enterprises. On 30 March, it announced financial support measures amounting to an estimated total of BND250 million (US\$188 million). For six months from 1 April onwards, the government will provide 30 percent discount on rental rates of government buildings for Micro, Small, and Medium Enterprises (MSMEs).¹⁵⁶ These financial relief measures may have reduced pressure on natural resources; in some other countries, financial hardship and debt have led to increased illegal logging and poaching during the pandemic.

6.2. Cambodia

In response to the pandemic, the Royal Government of Cambodia brought in a new State of Emergency law, passed on 31 March 2020. As of end of 2020, the law had not yet entered into force, as the level of COVID-19 in Cambodia was very low until December 2020.¹⁵⁷ However, there is concern that the law presents sweeping powers that severely restrict freedom of assembly and freedom of expression, and that it could be implemented in a range of scenarios, not only to control the pandemic.¹⁵⁸ Concern has mainly been expressed over the provisions that allow unlimited government surveillance of telecommunications and control of the media, as

¹⁵²<http://www.moh.gov.bn/SitePages/pressreleaseCOVID-19.aspx>

¹⁵³Rasidah Hj Abu Bakar, 2020, 'Temburong bridge opens to traffic today' The Scoop, Available at: <https://thescoop.co/2020/03/17/temburong-bridge-opens-to-traffic-today/>, Accessed: 28th January 2020

¹⁵⁴Pg Rusli, 2019, 'Impact of Temburong Bridge on Surrounding Natural Environment' Borneo Bulletin, Available at: <https://borneobulletin.com.bn/impact-temburong-bridge-surrounding-natural-environment/>, Accessed: 28th January 2021

¹⁵⁵Springer, K., 2020, 'Connecting Brunei with... Brunei, will this bridge change the Sultanate forever?' CNN, Available at: <https://edition.cnn.com/travel/article/brunei-bridge-rainforest-eco/index.html> Accessed: 28th January 2021

¹⁵⁶https://www.unescap.org/sites/default/files/Brunei_Darussalam_COVID%20Country%20profile%20041120.pdf

¹⁵⁷It has been suggested that there is underreporting of cases. See Grundy-Law & Lin, 2020, COVID-19 geopolitics: silence and erasure in Cambodia and Myanmar in times of pandemic, Eurasian Geography and Economics, Available at: <https://doi.org/10.1080/15387216.2020.1780928>

¹⁵⁸Interview 18, November 2020, Phnom Penh, Cambodia

well as its vague indication of further extension. Rebecca Ratcliffe, writing in the Guardian, highlighted that ‘a catch-all clause would authorize “other measures that are deemed appropriate and necessary in response to the state of emergency.”’¹⁵⁹ Commentators say that the state of emergency law could be activated at the time of elections or protests to suppress mass dissent. Article 4 of the law provides that conditions for the proclamation of a state of emergency include ‘tumultuous chaos in national security and public order.’

Further, the proposed legislation and draft Law on Public Order will enable the government to expand control over the lives of Cambodians. It will also impact vulnerable groups such as the poor by effectively criminalizing homelessness and begging. With livelihoods already affected by Covid-19, the approval of the law could potentially have severe impacts on their right to an adequate standard of living.¹⁶⁰

Deforestation

An increase in deforestation and illegal logging was recorded in Prey Lang Wildlife Sanctuary, Prey Preah Roka Wildlife Sanctuary, and Mondulkiri during the first months of the COVID-19 pandemic.¹⁶¹ This follows the Ministry of Environment prohibiting patrols by the Prey Lang Community Network (PLCN) and Prey Preah Roka Network as well as civil society monitors. The limitation on community participation in forest protection started in February 2020 with Ministry of Environment rangers refusing to allow PLCN to hold their annual forest blessing ceremony.¹⁶² In March, renowned forest defender Ouch Leng and two members of PLCN were

detained at the Think Biotech concession in Prey Lang.¹⁶³ One of the PLCN members was physically assaulted by a security guard, and the three were taken into custody by the police. They were not charged and were finally released around 48 hours later, after questioning. This is just one incident in a series of obstructions against Ouch Leng and his organization.¹⁶⁴

Media reporting and Freedom of Expression

Since April 2020, Cambodia has seen several attacks on freedom of expression linked to the COVID-19 crisis. In May, police arrested local radio station owner Sok Oudom in Kampong Chhnang province. They charged him with incitement to commit a felony under Articles 494 and 495 of the criminal code.¹⁶⁵ Oudom regularly reported on land disputes between local farming communities and powerful district officials. The day before Oudom’s arrest, the Ministry of Information revoked the media license of his radio station and its website.¹⁶⁶ This incident follows the arrest of popular journalist Sovann Rithy in early April for quoting a public speech by Prime Minister Hun Sen on the government’s response to the global COVID-19 pandemic. A third incident on 25 June was the arrest of Ros Sokhet, publisher of Cheat Khmer (Khmer Nation) newspaper, following posts on his personal Facebook page criticizing Hun Sen. He was also charged with incitement to commit a felony. In a joint statement, NGOs reported that at least a dozen journalists have been held and questioned from January to May 2020 due to their work.¹⁶⁷

Land rights

Land in Rattanakiri Province negotiated for return to community members by the

¹⁵⁹Ratcliffe, R., 2020, The Guardian, 10th April 2020, ‘Fears as Cambodia grants PM vast powers under Covid-19 pretext’. Available at: <https://www.theguardian.com/world/2020/apr/10/fears-as-cambodia-grants-hun-sen-vast-power-under-covid-19-pretext> Accessed: 3rd December 2020

¹⁶⁰Amnesty International, 2020, ‘Cambodia: Repressive draft public order law targets the most vulnerable in society’, Available at: <https://www.amnesty.org/en/latest/news/2020/08/cambodia-repressive-draft-public-order-law-targets-the-most-vulnerable-in-society/>, Accessed: 31st January 2021

¹⁶¹Fair, J., 2020, Mongabay, 3rd July 2020, ‘COVID-19 lockdown precipitates deforestation across Asia and South America’, Available at: <https://news.mongabay.com/2020/07/covid-19-lockdown-precipitates-deforestation-across-asia-and-south-america/> Accessed: 3rd December 2020; Prey Preah Roka deforestation video report, Not1More, Available at: https://www.facebook.com/553856478127521/videos/1083060508727374/?__so__=channel_tab&__rv__=all_videos_card Accessed: 3rd December 2020

¹⁶²Joint Statement, 2020, ‘Authorities’ Obstruction of Grassroots Activism Hurts Prey Lang Conservation’, LICADHO, Available at: <https://www.licadho-cambodia.org/pressrelease.php?perm=448>, Accessed: 30th January 2021

¹⁶³Cambodian Human Rights and Development Association. 2020. Joint Statement on the Detention of Mr. Ouch Leng, Head of Cambodian Human Rights Task Force, and Three Other Environmental Activists. <https://www.adhoccambodia.org/joint-statement-on-the-detention-of-mr-ouch-leng-head-of-cambodian-human-rights-task-force-and-three-other-environmental-activists/> Accessed: 1 February 2021

¹⁶⁴Ouch, L., 2020, Unpublished report, 18th May 2020

¹⁶⁵The charge incitement to commit a felony, under Articles 494 and 495 of the criminal code, carries a maximum two-year jail sentence, Cambodian Criminal Code. Available at: https://sherloc.unodc.org/res/cld/document/khm/criminal_code_of_the_kingdom_of_cambodia_html/Cambodia_Criminal-Code-of-the-Kingdom-of-Cambodia-30-Nov-2009-Eng.pdf Accessed: 3rd December 2020.

¹⁶⁶Rithysen Radio Station, FM 99.75, run by Sok Oudom, had its broadcast license revoked on 12th May 2020 according to reporting by Voice of America. This was apparently in response to reporting on a local land dispute that included ‘exaggerated information’ and ‘incitement to violence... and chaos’. Available at: <https://www.voacambodia.com/a/kampong-chhnang-radio-owner-charged-for-incitement/5421115.html> Accessed: 3rd December 2020

¹⁶⁷Joint Organisations, 18 May 2020, ‘Release Imprisoned Journalists and End Media Crackdown’, LICADHO, Available at: <https://www.licadho-cambodia.org/pressrelease.php?perm=452> Accessed: 3rd December 2020.

Vietnamese company Hoang Anh Gia Lai (HAGL) was bulldozed during the pandemic before being returned. Community members had lost their traditional forests, fields, and burial grounds to HAGL in 2009 and had spent over a decade calling for the return of their ancestral lands.¹⁶⁸

Sparking a series of protests, Union Leader Rong Chhun was arrested following his commentary on how families living on the Cambodian-Vietnamese border are losing farmland to Viet Nam. He was charged with incitement to commit a felony and jailed. During the subsequent protests organized by youth social and environmental justice groups in August and early September, 12 youth were jailed, and the majority were charged with incitement to commit a felony.¹⁶⁹ Three members of Mother Nature Cambodia, a youth environmental group, were arrested on 3 September 2020 when their office was raided by police, following the publication of a Facebook post announcing that the group would stage a 'one woman' march through Phnom Penh to raise awareness of the potential flooding, biodiversity and livelihood impacts of filling-in the city's Tamouk Lake.¹⁷⁰

Throughout 2020, former opposition party members and their families have been criminalized and attacked.¹⁷¹ Several peaceful protests were suppressed with excessive force.¹⁷² This context, along with the suppression of media and intimidation and criminalization of HRDs, has created a deepening human rights crisis.¹⁷³

6.3. Indonesia

During the COVID-19 pandemic, the

Indonesian Government passed the 'Omnibus Law' despite widespread opposition.¹⁷⁴

This law affects licensing of development projects such as mining and agribusiness, public participation in AMDAL (Environmental Impact Assessments or EIAs), and aims to attract foreign investment – many say at the cost of environmental regulation.¹⁷⁵

The Omnibus Law includes incentives for the coal industry and will likely increase deforestation because it removes restrictions that previously required regions to maintain 30% forest cover in the watersheds.¹⁷⁶ An investigation found key members of the Omnibus Law Task Force have ties to the mining and energy businesses in Indonesia, indicating undisclosed conflicts of interest.¹⁷⁷

A group of concerned investors who were not in favour of the Omnibus Law expressed concern that the impact on "environmental compliance monitoring, public consultation and sanctioning systems will have severe environmental, human rights and labor-related repercussions."¹⁷⁸ Resistance to the Omnibus Law was also widespread among the Indonesian public but as the law was pushed through quickly, and there were multiple, differing versions of the law in circulation, it was very difficult for civil society to comment on the proposed legislation.¹⁷⁹ Mass mobilization in opposition to the Omnibus Law faced police violence and extensive arrests.¹⁸⁰ Witnesses said, "Now we are contacting the Special Rapporteur about this situation...so many videos show the police brutality when handling the peaceful assembly."¹⁸¹ Attempts to inhibit freedom of assembly and expression have targeted workers, with the police "trying to

¹⁶⁸Sen, N. 2020, This Week in Asia, 29th May 2020 'Vietnamese firm with World Bank links accused of bulldozing indigenous Cambodian land', Available at: <https://www.scmp.com/week-asia/health-environment/article/3086758/vietnam-firm-world-bank-links-accused-bulldozing> Accessed: 3rd December 2020

¹⁶⁹Joint Organisations, 2020, 'Release Imprisoned Activists and End Crackdown Against Young Cambodians', LICADHO, Available at: <https://www.licadho-cambodia.org/pressrelease.php?perm=464>, Accessed: 30th January 2021

¹⁷⁰Human Rights Watch, 2020, 'Cambodia: Free Detained Youth, Environmental Activists', Available at: <https://www.hrw.org/news/2020/09/11/cambodia-free-detained-youth-environmental-activists>, Accessed: 20th December 2020

¹⁷¹Associated Press, 2020, 'Cambodia: mass trial begins of 130 government critics charged with treason', The Guardian, Available at: <https://www.theguardian.com/world/2020/nov/26/cambodia-mass-trial-begins-of-130-government-critics-charged-with-treason>, Accessed: 31st January 2021

¹⁷²Voice of Democracy, 2020, 'Six youth activists arrested hours after rally for unionist', Available at: <https://vodenglish.news/six-youth-activists-arrested-hours-after-rally-for-unionist/>, Accessed: 30th January 2021

¹⁷³Human Rights Watch, 2021, 'Cambodia: Escalating crackdown amid pandemic', Available at: <https://www.hrw.org/news/2021/01/13/cambodia-escalating-crackdown-amid-pandemic>, Accessed: 30th January 2021

¹⁷⁴The Omnibus Law was first proposed in 2019 but could not be passed due to public outcry. The turnaround time from proposal to passing and implementation of the law was extremely fast

¹⁷⁵Jong, H. N., 2020, Mongabay, 4th November 2020, 'Indonesia's omnibus law a 'major problem' for environmental protection' Available at: <https://news.mongabay.com/2020/11/indonesia-omnibus-law-global-investor-letter/>, Accessed: 3rd December 2020

¹⁷⁶Ibid.

¹⁷⁷Jatam, 2020, webpage, 9th November 2020, Available at: <https://www.jatam.org/omnibus-law-kitab-hukum-oligarki-2/> Accessed: 3rd December 2020

¹⁷⁸Quoted in: Jong, H. N., 2020, Mongabay, 4th November 2020, 'Indonesia's omnibus law a 'major problem' for environmental protection' Available at: <https://news.mongabay.com/2020/11/indonesia-omnibus-law-global-investor-letter/>, Accessed: 3rd December 2020

¹⁷⁹Interview 02, 12th November 2020, Jakarta, Indonesia

¹⁸⁰Firdaus, F., 2020, 'Indonesian police arrest hundreds during protests against labour law', The Guardian, Available at: <https://www.theguardian.com/world/2020/oct/07/indonesia-police-use-water-cannon-and-teargas-to-disperse-labour-law-protests>, Accessed: 31st January 2021

reduce the number of people who join mass mobilizations with metal barriers for labour groups... large numbers of police outside factories.”¹⁸² In early November 2020, the leaders of organizations that mobilized people to demonstrate against the Omnibus Law since 8th October were arrested by police for demonstrating and gathering in public places – and charged under the quarantine law.¹⁸³

In Papua province, deforestation increased in 2020 as COVID-19 travel restrictions reduced forest monitoring and law enforcement, while in some areas of the country, funding for forest patrols halved.¹⁸⁴ “The lockdown is impacting on forest protection efforts as field teams cannot get out to do their work,” said Arie Rompas, a forest campaigner at Greenpeace Indonesia, quoted in Thompson Reuters.¹⁸⁵ The Black Lives Matter movement, which reached across the globe following the extrajudicial killing of George Floyd, led to conversations in Indonesia about racism against Papuans, and to greater awareness, discussion, and opportunities for representation. However, this was coupled with targeted online attacks, including against Papuans who took part in an online event organized by Amnesty International.¹⁸⁶

Impacts on indigenous peoples and on women are of particular concern – indigenous peoples are often in remote areas with less access to technology, telephone signal, or internet, and thus had fewer communications options during the quarantine. Therefore, lawyers and members of NGOs reported less availability of information on what is happening in those communities, and that the lack of opportunities for communities to self-organize, as it would be done normally by meeting in person.¹⁸⁷ As in many countries, there is concern over increased domestic

violence during the quarantine period. In addition, some interviewees reported that women faced multiple pressures, including handling housework, childcare and children’s education, and also supporting men who are impacted.¹⁸⁸

Before the pandemic, the situation for EHRDs was one of access to the right to freedom of assembly, expression, and movement. “The right to speak, the right to fight on environment, human rights are actually protected by law, [although] the situation of environmental defenders still faces the contamination and even criminalization.”¹⁸⁹ These rights have all been increasingly impacted throughout the pandemic. “Before COVID, there were already a lot of cases against EHRDs - after COVID I think... it’s getting worse.”¹⁹⁰

Cybercrime has targeted EHRDs and other political activists, as activities and organizing have increasingly moved online. WhatsApp accounts have been hacked, causing EHRDs to lose access to their account. At the same time, inflammatory messages inciting violence are being sent out from their phone numbers. These messages are then used to criminalize the EHRDs. One environmental lawyer reported that five Twitter accounts of EHRDs in his network had been blocked.¹⁹¹

Other environmental laws promulgated during the pandemic are on Land Procurement for Public Interest Development Projects¹⁹² and a Customary Forest Recognition Regulation¹⁹³ – respectively making it easier for companies to grab land and harder to achieve customary forest recognition for communities.

6.4. Laos

To reduce the severity and spread of the

¹⁸¹Interview 03, 6th November 2020, Jakarta, Indonesia

¹⁸²Ibid.

¹⁸³“The quarantine law was not being used for this purpose outside of Jakarta.” Interview 03, 6th November 2020, Jakarta, Indonesia

¹⁸⁴Taufik, K., 2020, Borneo Bulletin, 16th November 2020, ‘Little smoke this haze season but fires rage on in Indonesia’. Available at: <https://borneobulletin.com.bn/2020/11/little-smoke-this-haze-season-but-fires-rage-on-in-indonesia/> Accessed: 3rd December 2020

¹⁸⁵Taylor, M., 2020, Thompson Reuters, 26 March 2020, ‘Deforestation risks rise as coronavirus hinders SE Asia protection’ Available at: <https://news.trust.org/item/20200326102213-ntsuv> Accessed: 16th December 2020

¹⁸⁶Amnesty International, 2020, ‘End Wave of Digital Attacks on Students, Journalists, Activists’, Available at: <https://www.amnesty.id/end-wave-of-digital-attacks-on-students-journalists-activists/>, Accessed: 1st February 2021

¹⁸⁷Interview 03, 6th November 2020, Jakarta, Indonesia

¹⁸⁸Interview 01, 7th November 2020, Palangka Raya City, Central Kalimantan, Indonesia

¹⁸⁹Ibid.

¹⁹⁰Interview 03, 6th November 2020, Jakarta, Indonesia

¹⁹¹Interview 03, 6th November 2020, Jakarta, Indonesia

¹⁹²Presidential Regulation (Perpres) No.66 2020, signed and enacted 19th May 2020

¹⁹³Regulation No.17 of 2020

COVID-19 outbreak in Laos, the government enacted a nationwide lockdown on 29 March 2020, including home quarantine for the population, a ban on travel between provinces, and restrictions on public gatherings.¹⁹⁴ This contributed to keeping the number of confirmed cases relatively low, up until December 2020, at only 41, with zero reported deaths related to COVID-19.¹⁹⁵

Although the country's public health sector was not strained given such low rates of infection, its economy has been severely affected due to the global economic downturn, local lockdown measures, and lack of tourism. Hence the government took measures to strengthen the recovery of overall national growth as much as possible. For example, on 10 April 2020, the Laos government issued tax relief, exception of loan schedules, and social security payments measures to counter the economic impacts of the COVID-19 outbreak.¹⁹⁶ However, despite the lockdown, large-scale development projects that impact the environment, such as mining, hydropower dam sites, and construction of infrastructure were allowed to continue.¹⁹⁷ In a positive move for the environment, seven shopping centers and two markets in Vientiane have agreed to reduce their reliance on single-use plastic as part of the 'Clean Vientiane' project.¹⁹⁸

In Laos, the situation for human rights defenders, including EHRDs, is extremely repressive. One interviewee stated, 'There is no one brave enough to declare that they are an environmental defender or human rights defender in Laos'.¹⁹⁹ In 2019, Houayheuang Xayabouly was arrested on defamation charges after condemning on Facebook the Lao government's slow response to severe flooding. She was later sentenced to

five years imprisonment. Laos activist Od Sayavong, a critic of the government's human rights record, was last seen in August 2019 and presumed disappeared. 2020 also marks eight years since the disappearance of EHRD Sombath Somphone.²⁰⁰

Freedom of Expression and Privacy
Freedom of expression is closely controlled, as circulating 'false information online' is criminalized in Decree No. 327 on Internet-Based Information Control/Management of 2014. In October 2020, Laos' Ministry of Information, Culture and Tourism (MICT) re-issued notices to online media sources warning that any entity publishing information to the public on social media without permission 'will face measures in line with the laws of Laos'.

Local national and international organizations operating in Laos have to follow government policy, which is highly restrictive. Importantly, all organizations need to be registered to operate. In this context, there are very few environmental and human rights groups: 'There are only a few organizations in Laos working on this but they still need permission from government in every activity before they implement [it]'.²⁰¹ Some EHRDs are working undercover without a public profile—investigating and sharing information with organizations outside the country that are able to publicize it. There are concerns that new government policy to capture information relating to efforts to curb the pandemic will have long-term implications on privacy and on the safety of those who necessarily hide their identities because of their environmental and human rights work.²⁰²

6.5. Malaysia

To control the spread of COVID-19, the

¹⁹⁴GardaWorld, 2020, 'Laos: Nationwide lockdown extended to May 3 /update 5' Available at: <https://www.garda.com/crisis24/news-alerts/332921/laos-nationwide-lockdown-extended-to-may-3-update-5>, Accessed: 28th January 2021

¹⁹⁵World Health Organisation, 2020, 'COVID-19 situation report for Lao PDR #19: 06 - 25 November 2020' Available at: <https://www.who.int/laos/internal-publications-detail/covid-19-situation-report-for-lao-pdr-19>, Accessed: 28th January 2021

¹⁹⁶https://www.unescap.org/sites/default/files/Lao%20PDR_COVID%20Country%20profile%20280820.pdf

¹⁹⁷Interview 19, 2 December 2020, Laos

¹⁹⁸Phayboune T., 2020, 'Vientiane Markets and Malls Move to Reduce Plastic', The Laotian Times, Available at: <https://laotiantimes.com/2020/11/17/vientiane-markets-and-malls-move-to-reduce-plastic/>, Accessed: 1st February 2021

¹⁹⁹Interview 19, 2 December 2020, Laos

²⁰⁰Civicus, 2020, 'Laos activist Od Sayavong still missing six months on, while critics continue to be silenced', Available at: <https://monitor.civicus.org/updates/2020/02/21/laos-activist-od-sayavong-still-missing-six-months-while-critics-continue-be-silenced/>, Accessed: 31st January 2021

²⁰¹Interview 19, 2 December 2020, Laos

²⁰²Ibid.

government of Malaysia announced the Movement Control Order (MCO) on 18 March 2020. This MCO was then modified several times since the announcement, with the latest Enhanced Movement Control Order (EMCO) extended to 31 March 2021.²⁰³ Under this EMCO, businesses and services can operate under strict Standard Operating Procedures.²⁰⁴ These restrictions have invariably impacted the country's most vulnerable and marginalized groups, including rice farmers, whose livelihoods were considerably disrupted following the EMCO that was implemented in two villages in Sabah. More than 50% of the villagers are paddy farmers who were unable to harvest their crops.²⁰⁵

Over 21,000 people, including EHRDs, have been charged with breaching the MCO and 15,000 fines issued, as of November 2020.²⁰⁶ In one case, five activists and members of the National Union of Workers in Hospital Support and Allied Services were charged in June 2020 with defying the then conditional MCO. They had gathered at a local hospital to protest for the rights of government hospital cleaners in response to earlier reports of cleaners being allegedly harassed and not adequately provided with personal protective equipment.²⁰⁷

Legislative Developments

Moreover, the government submitted a bill to Parliament on 26 August 2020 to create an "Independent Police Conduct Commission" (IPCC). Should this bill be passed, the police complaints commission would not possess powers to punish police officers for rights violations.²⁰⁸ Despite retaining the authority to summon witnesses and compel the

production of documents, the IPCC would not be allowed to conduct unannounced visits to police lockups and other detention facilities. It would have to provide 'early advance notice' of its intent to do so.²⁰⁹ As of 1 February 2020, the bill had not yet been decided upon.

Media and Freedom of Expression

Malaysia's new administration, the Perikatan Nasional coalition, has reportedly been cracking down in greater frequency on free speech. The coalition has prosecuted and charged individuals critical of the government or state authorities. Examples include a journalist reporting on immigration raids in an area under enhanced Covid-19 controls;²¹⁰ the founding director of the C4 Center called in for questioning after demanding for an investigation into alleged corruption in the government;²¹¹ the former Minister of Water, Land and Natural Resources for criticizing the government's decision to limit the recent sitting of Parliament to a speech by the King;²¹² and a businessman charged with violating section 233(1) of the Communications and Multimedia Act (CMA) and Section 505(b) of the Penal Code for social media comments criticizing the government for prosecuting individuals who violated COVID-19 movement restrictions.²¹³

These examples reflect the broader issue of how laws that can potentially stifle the freedom of expression are enforced. The broadly worded 1948 Sedition Act (Revised 1969), which the incumbent government had previously promised to repeal,²¹⁴ has been invoked at least 270 times in 2020, prompting investigations into cases where alleged offenders had expressed views deemed to be 'insulting' or 'offensive' to religion, the royalty

²⁰³<https://www.straitstimes.com/asia/se-asia/malaysia-extends-recovery-movement-control-order-to-mar-31>

²⁰⁴Prime Minister's Office of Malaysia, 2020, 'The Prime Minister's Special Message on COVID-19 – 16 March 2020' Available at: <https://www.pmo.gov.my/2020/03/perutusan-khas-yab-perdana-menteri-mengenai-covid-19-16-mac-2020/> Accessed: 28th January 2020; Flanders Investment and Trade, 2020, 'Corona Virus – The situation in Malaysia' Available at: <https://www.flandersinvestmentandtrade.com/export-nieuws/corona-virus-%E2%80%93-situation-malaysia> Accessed: 28th January 2021

²⁰⁵BruDirect.com, 2020, 'EMCO In Kampung Nahaba, Kampung Tegudon Disrupting Paddy Farmers Livelihood, Laments Kota Belud MP' Available at: <https://www.bruirect.com/news.php?id=106428> Accessed: 28th January 2021

²⁰⁶<https://codeblue.galencentre.org/2020/09/25/over-21000-people-charged-with-breaching-mco-15000-fines-issued/>

²⁰⁷<https://www.thestar.com.my/news/nation/2020/06/04/five-activists-charged-with-defying-mco-over-hospital-protest>

²⁰⁸<https://www.hrw.org/news/2020/08/28/malaysia-proposed-law-reverses-police-reforms>

²⁰⁹<https://www.hrw.org/news/2020/08/28/malaysia-proposed-law-reverses-police-reforms>

²¹⁰Alhadjri, A., 2020, 'Cops question journo over immigration raid tweets, says lawyer', Malaysiakini, Available at: <https://www.malaysiakini.com/news/524467>, Accessed: 30th January 2021

²¹¹Loose, S., 2020, 'C4 founder to be quizzed by police, activists flay use of oppressive laws', Malaysiakini, Available at: <https://www.malaysiakini.com/news/528923>, Accessed: 30th January 2021

²¹²Asyraf, F., 2020, 'Cops probe ex-minister over 'worthless, rubbish' remarks on Dewan Rakyat sitting', Available at: <https://www.malaysiakini.com/news/526650>, Accessed: 30th January 2021

²¹³Khairulrijal, R., 'Big Blue Taxi Services' Shamsubahrin charged with making offensive remarks', New Straits Times, Available at: <https://www.nst.com.my/news/crime-courts/2020/05/590825/big-blue-taxi-services-shamsubahrin-charged-making-offensive>, Accessed: 30th January 2021

²¹⁴<https://www.hrw.org/news/2019/07/17/malaysia-end-use-sedition-act>

or the government.²¹⁵ Notably, Malaysian authorities refused to renew the work visas of two Australian Al Jazeera journalists (and were investigating another five people) as a result of their work on a documentary about the government's treatment of migrants.²¹⁶ A Bangladeshi worker has also been arrested and deported for appearing in and censoring the government in the documentary.²¹⁷

That said, in a more positive development, a new legal support fund was established for human rights defenders based in Kuala Lumpur. Funded by a coalition of NGOs, it will cover legal fees for criminalized HRDs or those facing legal action for exercising their right to free speech. In addition to the fund, the CSO cluster has also called for laws that impact the freedom of expression to be reviewed or repealed.²¹⁸

Indigenous Rights and New Concessions

Indigenous groups have argued that projects that violate FPIC were passed during the pandemic. For example, logging concessions were approved during COVID-19 restrictions. It violates the international principle of FPIC, as well as the Malaysia Timber Certification Scheme^{219, 220} A second example is the degazetting of a peat forest for development in Kuala Langat North Forest Reserve. Indigenous communities and other actors objected to the degazetting. The consultation and FPIC processes were limited due to Covid-19 restrictions, resulting in the opening of the nature reserve for development against the wishes of Indigenous communities.²²¹

Illegal Logging

In January 2020, penalties for illegal logging were forecast to be toughened up by June 2020, one of the reasons being that Malaysia was among the six countries with the highest loss of forest area that year.²²² From 2001-2018, Malaysia lost about 7.7 million hectares of tree cover, equivalent to a 26% decrease since 2000.²²³ However, enforcement of this law has been limited during the pandemic. The Sarawak Forest Department seized a bulldozer, an excavator, and 46 logs in a raid.²²⁴ In Johor, police work with the state Forestry Department to tackle illegal logging.²²⁵ However, enforcement on a local level is varied. In the region of Kelantan, sixteen of the 37 permanent forest reserves had been encroached upon by illegal loggers. The department had detected 27 cases of illegal logging in the state from March until now, said state Forestry Department director Abdul Khalim Abu Samah.²²⁶

6.6. Myanmar

Since March 2020 Myanmar national, state, and local authorities have announced several directives and restrictions aiming to reduce the spread of the coronavirus. Over 500 individuals were arrested for violating the COVID-19 rules under section 188 of the penal code, which carries a sentence of up to six months for "disobedience to an order duly promulgated by [a] public servant."²²⁷ The impact of lockdown rules on people in remote areas has been particularly severe:

²¹⁵<https://www.article19.org/resources/malaysia-call-for-solidarity-in-advancing-civil-liberties-and-human-rights/>

²¹⁶<https://www.sbs.com.au/news/deline/disturbing-and-disappointing-malaysia-authorities-block-australian-journo-visas>

²¹⁷<https://www.canberratimes.com.au/story/6890715/malaysia-deports-worker-who-spoke-out/>

²¹⁸ Ariff, I., 2020, 'Legal fund to protect freedom of expression of human rights defenders', Free Malaysia Today, Available at: <https://www.freemalaysiatoday.com/category/nation/2020/12/09/legal-fund-to-protect-freedom-of-expression-of-human-rights-defenders/>, Accessed: 30th January 2021

²¹⁹ Save Rivers Network, 2020, 'Certification without compliance: Flawed timber certification process violates indigenous rights', Available at: <https://saverivers.org/2020/06/23/certification-without-compliance-flawed-timber-certification-process-violates-indigenous-rights/>, Accessed: 30th January 2021

²²⁰ McAlpine, F., 2020, 'Logging concession in Malaysian Borneo lacks consent of Indigenous communities (commentary)' Available at: <https://news.mongabay.com/2020/07/malysias-tropical-timber-certification-scheme-leaves-indigenous-rights-at-risk-commentary/> Accessed: 30th January 2021

²²¹ Greenpeace, 2020, 'Kuala Langat North Forest Reserve (KLNFR) De-gazettement', Available at: <https://www.greenpeace.org/malaysia/press/3758/kuala-langat-north-forest-reserve-de-gazettement/>, Accessed: 30th January 2021

²²² Taylor, M., 2020, 'Malaysia plans tougher penalties for illegal loggers in forest law reform', Reuters, Available at: <https://www.reuters.com/article/us-malaysia-forests-lawmaking/malaysia-plans-tougher-penalties-for-illegal-loggers-in-forest-law-reform-idUSKBN1ZU1Y7>, Accessed: 30th January 2021

²²³ Global Forest Watch, 2020, 'Malaysia', Available at: <https://www.globalforestwatch.org/dashboards/country/MYS/>, Accessed: 30th January 2021

²²⁴ The Borneo Post, 2020, '46 illegally felled logs, heavy machinery seized', Available at: <https://www.theborneopost.com/2020/11/18/46-illegally-felled-logs-heavy-machinery-seized/#:~:text=KUCHING%3A%20An%20enforcement%20team%20from,various%20sizes%20in%20the%20raid,> Accessed: 30th January 2021

²²⁵ Tan, B., 2020, 'Johor police to work with state Forestry Department to tackle illegal logging activities' Malay Mail, Available at: <https://www.malaymail.com/news/malaysia/2020/11/24/johor-police-to-work-with-state-forestry-department-to-tackle-illegal-loggi/1925772> Accessed: 30th January 2021

²²⁶ MalayMail, 2020, 'Illegal logging detected in 16 Kelantan forest reserves' Available at: <https://www.malaymail.com/news/malaysia/2020/12/07/illegal-logging-detected-in-16-kelantan-forest-reserves/1929666>, Accessed: 30th January 2021

“civil society in remote areas [face] more restriction; some areas don't have internet and have technical issues. They aren't even familiar with it. So, it is really hard to have consultation or meeting or webinars.”¹¹² During the elections, an opposition indigenous leader from Chin state was imprisoned for violating COVID regulations, of which he had not been informed. As a result, the candidate missed the campaign affecting the election result.²²⁸

Media Reporting and Access to Information

The government continued its internet ban in nine townships in Rakhine and Chin states, in one of the world's longest internet shutdowns.²²⁹ This has raised concerns over the safety of civilians who need life-saving information amid the pandemic.²³⁰ In February 2020, nine student protesters were charged for participating in a peaceful protest that called for the end of the government-imposed internet shutdown in Rakhine and Chin States.²³¹

Journalists were also detained. In March, two reporters taking pictures of heavy machinery building a new casino in the Myawady border area were allegedly stopped by the Karen Border Guard Forces (BGF) and forced to cover their faces with black masks. One journalist claimed the men hit them several times and kicked his face until his nose bled while others tried to cut his long hair, and another held a bayonet near the journalist's neck.²³² The journalists were made to delete the photographs of the construction site and

were released the next day.²³³

On March 30, police arrested and charged Voice of Myanmar editor, Nay Myo Lin, under Myanmar's broad Counter-Terrorism Law²³⁴ for interviewing an Arakan Army spokesperson. He was later released on 9 April.²³⁵ The editor-in-chief of Narinjara was also charged under the Counter-Terrorism Law, according to the Democratic Voice of Burma, but was not arrested. Three other journalists were arrested and raids made on reporter's offices.²³⁶

Intersection with Conflict

In Myanmar the impact of the COVID-19 pandemic intersects with the impact of armed conflict and displacement. In January, the International Court of Justice instructed Myanmar to respect the requirements of the 1948 genocide convention, instituting emergency provisional measures to protect the Rohingya.²³⁷ The government then passed three Presidential Directives relating to preventing genocide and preserving evidence of crimes.²³⁸

Myanmar has one of the highest numbers of Internally Displaced Persons (IDPs) in the region. There is often limited access to running water in camps for displaced persons, and living quarters are often cramped. These conditions mean that the disease can spread rapidly, although as of December 2020, only 29 cases among IDPs had been reported.²³⁹ Conflict between minority ethnic groups and ethnic Burmese

²²⁷Human Rights Watch, 2020, 'Myanmar: Hundreds Jailed for Covid-19 Violations', Available at: <https://www.hrw.org/news/2020/05/28/myanmar-hundreds-jailed-covid-19-violations>, Accessed: 30th January 2021

²²⁸Interview 12, 2nd December 2020, Yangon, Myanmar

²²⁹Ooni, 2020, 'Myanmar blocks "fake news" websites amid COVID-19 pandemic'. Available at: <https://ooni.org/post/2020-myanmar-blocks-websites-amid-covid-19/>, Accessed: 30th January 2021; Human Rights Watch, 2020, 'Myanmar: End World's Longest Internet Shutdown', Available at: <https://www.hrw.org/news/2020/06/19/myanmar-end-worlds-longest-internet-shutdown>, Accessed: 30th January 2021

²³⁰Personal communication, Myanmar analyst, 13 November 2020

²³¹Mizzzima, 2020, 'Authorities arrest students over Rakhine internet shutdown protest', Available at: <http://mizzzima.com/article/authorities-arrest-students-over-rakhine-internet-shutdown-protest>, Accessed: 30th January 2021

²³²Civicus, 2020, 'Myanmar authorities prosecuting activists and critics despite the COVID-19 pandemic', Available at: <https://monitor.civicus.org/updates/2020/04/28/myanmar-authorities-prosecuting-activists-and-critics-despite-covid-19-pandemic/> Accessed: 27th January 2021

²³³Eleven Media Group, 2020, 'Yangon-based journalists arrested in Myawady released, beaten' Available at: <https://elevenmyanmar.com/news/yangon-based-journalists-arrested-in-myawady-released-beaten>, Accessed: 27th January 2021

²³⁴Government of Myanmar, 2014, Counter Terrorism Law, 'Pyidaungsu Hluttaw Law No.23', Available at: https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs25/2014-06-04-Counter-Terrorism_Law-en.pdf Accessed: 27th January 2021

²³⁵on Government of Myanmar, 2014, Counter Terrorism Law, 'Pyidaungsu Hluttaw Law No.23', Available at: https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs25/2014-06-04-Counter-Terrorism_Law-en.pdf Accessed: 27th January 2021

²³⁶Human Rights Watch, 2020, 'Myanmar: Editor Wrongfully Charged', Available at: <https://www.hrw.org/news/2020/04/02/myanmar-editor-wrongfully-charged#> Accessed: 27th January 2021

²³⁷Boycott, O. and Ratcliffe, R., 2020, 'UN top court orders Myanmar to protect Rohingya from genocide', Available at: <https://www.theguardian.com/world/2020/jan/23/international-court-to-rule-on-rohingya-genocide-safeguards>, Accessed: 30th January 2021

²³⁸Presidential Directive No. 1/2020 orders "all Ministries and all Regions and States Governments" to ensure its staff and others under its control "do not commit" acts defined in the Genocide Convention, Presidential Directive No. 2/2020 prohibits "all Ministries and the Rakhine State government" from destroying or removing evidence of genocide and the Presidential Directive 3/2020, directs hateful language publicly and to promote tolerance, non-discrimination and pluralism in speech by public officials and electoral candidates.

has led to severe cases of human rights violations and on-going armed conflict between the military and the Arakan Army.²⁴⁰

Criminalization of EHRDs

Saw Tha Phoe, a Karen environmental activist, was charged under section 505(b) of Myanmar's Penal Code for peacefully protesting a coal-fired cement factory in Myaing Kalay.²⁴¹ Karen communities are fighting against the pollution of water in villages around the factory. The authorities attempted to arrest Saw Tha Phoe at his home on 7 March 2020 but he was not there at the time. He has since been taken into custody. Matthew Burgher, Head of the Asia Programme at Article 19 commented that "Diligently and peacefully advocating for clean air and water is a public service, not a crime. The charges against Saw Tha Phoe are absurd. Rather than harassing environmental activists, the government should be listening to their concerns."²⁴²

2020 also saw several land rights activists and peaceful protestors jailed. Four EHRDs who protested a land grab in 2019 that threatened to demolish their homes were sentenced to a month in prison in January 2020. They were found guilty of protesting without authorization under Article 19 of the Peaceful Assembly and Peaceful Procession Law.¹¹¹

Local Consultation

With the government eager to ameliorate the economic slowdown brought on by the COVID-19 pandemic, consultation practices have been limited, and insufficient to prevent locally unpopular and environmentally damaging projects. For example, the

development of the Korea Myanmar Industrial Complex is at odds with the views and wishes of the local communities²⁴³. COVID-19 restrictions have reduced the opportunity for an in-person consultation, which has the effect of silencing stakeholders who are largely not digitally literate.²⁴⁴ Therefore, while projects like the Korea Myanmar Industrial Complex have developed a consultation process, these processes are not necessarily available to the local residents who need to access them.²⁴⁵

Bawdwin mining project in Northern Shan State managed to arrange a public consultation on site when there was a relaxation to the travel restrictions in August 2020. However, EHRDs stated that the consultation process did not allow adequate space to raise concerns.²⁴⁶ Despite the Environmental and Social Impact Assessment (ESIA) consultation report stating that the local communities are against the Bawdwin project, development of plans for village relocations are continuing.²⁴⁷

Emphasizing that COVID measures are not the only limiting factor in adequate consultation, it was reported that although second round consultations should legally be based on the published draft EIA report, this is rarely the case even when there are no COVID measures in place²⁴⁸. When face-to-face consultations were possible, they were often arranged last-minute and tightly controlled by the local authorities (General Administration Department).

Damaging un-licensed activities such as artisanal mining for gold and jade are less tightly governed than large mining and

²³⁹Human Rights Watch, 2020, 'Human Rights Watch Statement: Impacts of Covid-19 on Internally Displaced People in Myanmar', Available at: <https://www.hrw.org/news/2020/12/14/human-rights-watch-statement-impacts-covid-19-internally-displaced-people-myanmar>, Accessed: 30th January 2021

²⁴⁰IWGIA, 2020, 'While the world focuses on COVID-19, Indigenous Peoples in Myanmar are being killed', Available at: <https://www.iwgia.org/en/news-alerts/news-covid-19/3569-while-the-world-focuses-on-covid-19-indigenous-peoples-in-myanmar-are-being-killed.html>, Accessed: 30th January 2021

²⁴¹Civicus, 2020, 'Myanmar authorities prosecuting activists and critics despite the COVID-19 pandemic', Available at: <https://monitor.civicus.org/updates/2020/04/28/myanmar-authorities-prosecuting-activists-and-critics-despite-covid-19-pandemic/>, Accessed: 30th January 2021

²⁴²Civicus, 2020, 'Myanmar authorities prosecuting activists and critics despite the COVID-19 pandemic', Available at: <https://monitor.civicus.org/updates/2020/04/28/myanmar-authorities-prosecuting-activists-and-critics-despite-covid-19-pandemic/>, Accessed: 30th January 2021

²⁴³Personal communication, Myanmar analyst, 13 November 2020

²⁴⁴Ibid.

²⁴⁵MIGA World Bank Group, 2020, Korea Myanmar Industrial Complex, Available at: <https://www.miga.org/project/korea-myanmar-industrial-complex-0> Accessed: 27 January 2021 Accessed: 27 January 2021

²⁴⁶Personal communication, Myanmar analyst, 13 November 2020

²⁴⁷BJV, 2020, 'ESIA Public Consultation Meetings Q & A record for Bawdwin Project' Available at: https://www.bawdwinjv.com/images/Downloads/BJV_QA_Record_of_ESIA_Public_Consultation_Meetings_EN.pdf, Accessed: 27 January 2021

²⁴⁸Personal communication, Myanmar analyst, 13 November 2020

infrastructure projects. During the COVID-19 pandemic, there has been an increase in these artisanal mining activities due to the homeward migration of workers and lack of other employment opportunities. The environmental and human impact of these poorly regulated activities are well documented and widely reported, including landslides resulting in over 150 deaths in Hpakant jade mine in July 2020.²⁴⁹

6.7. The Philippines

The Philippines has enacted a highly



During the pandemic, the attacks never stopped but even got worse. In fact, in the three-month lockdown in the Philippines, we have recorded 16 incidents of threat, harassment, and intimidation to the students and parents, affecting 133 individuals... It's very challenging, firstly, as much as we want to go out and protest against these attacks, we can't. We are confined.

Rius Valle, an Indigenous EHRD in the Philippines²⁵⁰

militarized response to COVID-19, with strict community quarantines.²⁵¹ During the national emergency, even those bringing food aid were arrested.²⁵² During the pandemic, Senate Bill No. 1083 and 6875 were approved. On 24 March 2020, the two bills created the Republic Act 11479, or Anti-Terrorism Act of 2020.²⁵³ This act replaces the Human Security Act of 2007, which had already legalized warrantless

arrests. There are pending petitions with the Supreme Court questioning the constitutional legality of the Anti-Terror act.²⁵⁴

President Duterte consolidated his executive powers through the Republic Act No. 11469 (Bayanihan Act), which delegates legislative authority to the president during a national emergency.²⁵⁵ The president can now appropriate funds from other branches of government to fund stimulus packages and development projects.²⁵⁶ The revised Implementing Rules and Regulations of Republic Act No. 11332 of 2020 created guidelines for the ongoing Enhanced Community Quarantine (ECQ).²⁵⁷ Together, these two acts have been used to shape public freedoms and planning decisions made during the pandemic.

Killings and Attacks on EHRDs

The Philippines had the second-highest number of killings of EHRDs globally in 2019 (after Colombia) according to the latest report by Global Witness,²⁵⁸ and extrajudicial killings, particularly of drug users, have been high. According to UN Human Rights Council reports, repression of dissent is severe.²⁵⁹ There are also high numbers of enforced disappearances: 606 outstanding unresolved cases in 2020.²⁶⁰ In May 2020, five EHRDs were killed in a land conflict. The government accused them of being armed rebels.²⁶¹ In August, EHRD Zara Alvarez was murdered in Bacolod City. "What happened to Zara is really a message for us," said her colleague who received death threats on the same day Alvarez was killed. There are concerns over signs that death squads were involved in Alvarez's death.²⁶² Threatened EHRDs are particularly vulnerable during quarantine

²⁴⁹BBC, 2020, 'Myanmar jade mine landslide kills 160' Available at: <https://www.bbc.co.uk/news/world-asia-53260834>, Accessed: 27 January 2021

²⁵⁰Quoted in: Global Witness, 2020, 'Defending the Environment in the time of COVID-19: increasing threats, clampdowns on freedoms and tragic losses', Available at: <https://www.globalwitness.org/en/blog/defending-environment-time-covid-19-increasing-threats-clampdowns-freedoms-and-tragic-losses/>, Accessed: 30th January 2021

²⁵¹'Lockdown' is termed 'Community Quarantine' in the Philippines

²⁵²In April, a former congressman and six relief volunteers who were bringing food for those living in poverty, in Norzagaray, Bulacan, were charged with sedition, following their warrantless arrest. See Rappler, 21st April 2020, 'Ex-Anakpawis congressman, relief drive volunteers charged with sedition', Available at: <https://www.rappler.com/nation/ex-anakpawis-congressman-relief-drive-volunteers-charged-sedition-april-2020>, Accessed: 10th December 2020

²⁵³Zico Law, 2020, 'Alerts: Philippine New Anti-Terrorism Law Enacted' Available at: <https://www.zicolaw.com/resources/alerts/philippine-new-anti-terrorism-law-enacted/>, Accessed: 30th January 2021

²⁵⁴Interview 7, October 2020, Manila, Philippines

²⁵⁵Ranada, P., 2020, 'Duterte signs Bayanihan 2 law that extends his special powers', Rappler, Available at: <https://www.rappler.com/nation/duterte-signs-bayanihan-2-law-extending-his-special-powers>, Accessed: 30th January 2021

²⁵⁶Ibid.

²⁵⁷Government of the Philippines, 2020, 'The 2020 Revised Implementing Rules and Regulations of Republic Act No.11332', Available at: <https://doh.gov.ph/sites/default/files/health-update/revised-IRR-RA11332.pdf>, Accessed: 30th January 2021

²⁵⁸Global Witness, 2020, 'Defending Tomorrow' Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/> Accessed: 14th December 2020

²⁵⁹A/HRC/44/22

²⁶⁰A/HRC/45/13, Available at: <http://www.undocs.org/A/HRC/45/13> Accessed, 8th December 2020.

measures as the regulations have limited their movement and ability to flee to safe houses when facing danger.

Anti-Terror Legislation and 'Red-Tagging'

The Anti-Terror bill passed in July 2020 includes a vague definition of terrorism and focuses on the intent to commit an act. In particular, it defines terrorism as when an individual or group “engages in acts intended to cause death or serious bodily injury to any person, or endangers a person’s life,” or “causes extensive damage to public property,” to “create an atmosphere or spread a message of fear.”²⁶³ It has been criticized for facilitating the criminalization of dissent by focusing on the intention to commit an act. This charge that can be levied at anyone, as it does not depend on evidence that an act has been committed. Stakeholders state that the anti-terror law is an enabler for resource extraction, while impeding community resistance and acting as a serious threat to EHRDs, human rights advocates, analysts, and critics of the government.²⁶⁴

A primary concern facing EHRDs and local community members in the Philippines is ‘red-tagging’, i.e., labeling individuals and organizations as communist groups or supporters of communists. This is seen as the first step to being criminalized under accusations of being a terrorist or killed. EHRDs reported an increase in red-tagging during the pandemic, and those who have been red-tagged feel that this paves the way for the government to use the Anti-Terror law against them.²⁶⁵ The red-tagging of indigenous peoples increased after the Government identified some indigenous people as being linked to rebel groups.

In one case, a female human rights defender, Reina Mae Nasino, who was arrested and jailed in November 2019, was separated from her baby, River, born in custody in 2020. Less than two months after the separation, the infant died of pneumonia. Ms. Nasino was only allowed to attend the wake briefly, and the case prompted widespread censure.²⁶⁶ According to the UN Guidelines on the treatment of female prisoners, decisions on when a baby born in custody is separated from its mother should be based on the best interests of the child.²⁶⁷

Limiting the Freedom of Expression and Information

The Bayanihan Act penalizes ‘fake news’ under a general provision in the Act that is, however, open to misinterpretation and abuse due to its broad wording.²⁶⁸ In July 2020, the country’s leading broadcast network, ABS-CBN, was formally shut down by Philippine lawmakers, after having been forced off the air two months earlier. The network was previously accused by President Duterte of political bias, who had warned that he would not renew its franchise.²⁶⁹ In June 2020, high profile journalist and founder of Rappler, Maria Ressa, was convicted of libel, along with a fellow writer for Rappler. Both have been released on bail pending appeal but could face up to six years in prison.²⁷⁰ As of January 2021, Maria Ressa had 10 arrest warrants and three cyber libel cases against her, in what her lawyer claimed was an ‘increasingly transparent campaign to silence her’.²⁷¹

Development of Indigenous Lands

Throughout the pandemic, support for the economy has been the government priority.

²⁶²<https://www.vice.com/en/article/akz8ez/coronavirus-lockdowns-vigilantes-extrajudicial-killings-philippines>

²⁶³Human Rights Watch. 2020. Philippines: New Anti-Terrorism Act Endangers Rights <https://www.hrw.org/news/2020/06/05/philippines-new-anti-terrorism-act-endangers-rights> Accessed 1 February 2021.

²⁶⁴Interview 15, 26th November 2020, Metro Manila, Philippines

²⁶⁵*Ibid.*

²⁶⁶BBC, 2020, ‘Philippines: Anger over death of baby separated from jailed mother’, Available at: <https://www.bbc.co.uk/news/world-asia-54519788>, Accessed: 30th January 2021

²⁶⁷United Nations Office of Drugs and Crime, 2011, A/RES/65/229 ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders with their Commentary’, Available at: https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf, Accessed: 31st January 2021

²⁶⁸Philippine Centre for Investigative Journalism, 2020, ‘Journalists Struggle to Cover the Pandemic as Space for Media Freedom Shrinks’ Available at: <https://pcij.org/article/4046/journalists-struggle-to-cover-the-pandemic-as-space-for-media-freedom-shrinks>, Accessed: 31st January 2021

²⁶⁹<https://www.nytimes.com/2020/07/10/world/asia/philippines-congress-media-duterte-abs-cbn.html>; Civicus, 2020, ‘Civic freedoms and the COVID-19 pandemic: a snapshot of restrictions and attacks’, Available at: <https://monitor.civicus.org/COVID19/>, Accessed: 31st January 2021

²⁷⁰BBC, 2020, ‘Maria Ressa: Philippine journalist found guilty of cyber libel’, Available at: <https://www.bbc.co.uk/news/world-asia-53046052>, Accessed: 1st February 2021

²⁷¹Elemia, C., 2021, ‘International lawyers condemn 3rd cyber libel charge vs Maria Ressa’, Rappler, Available at: <https://www.rappler.com/nation/international-lawyers-condemn-third-cyber-libel-charge-maria-ressa>, Accessed: 1st February 2021

The president can now appropriate funds from other branches of government in order to fund stimulus packages and development projects.²⁷² The Philippines' Department of Agriculture (DA) and National Commission on Indigenous Peoples (NCIP) have released a joint proposal called "Plant Plant Plant" program (PPP) for increasing food production on so-called "idle" ancestral lands of Indigenous Peoples.²⁷³ The PPP has been denounced as a way of opening ancestral lands to industrial agriculture.²⁷⁴

In June 2020, the government passed House Bill No. 6815, Accelerated Recovery and Investments Stimulus for the Economy of the Philippines (ARISE Philippines),²⁷⁵ a US \$2.6 billion stimulus package. However, 50% of the funds are allocated towards infrastructure projects, making the Philippines' fiscal stimulus one of the smallest in the world. In September 2020, the government reinvigorated the Philippines Development Plan (PDP) 2017-2022 flagship "Build Build Build" program (BBB) in the context of COVID-19 to promote the "golden age" of infrastructure.²⁷⁶ President Duterte is using his executive powers under the Bayanihan Act (extended in Bayanihan 2) to divert funds from other branches of government, through the Senate Bill No. 1474, to infrastructure projects within Build Build Build (BBB).²⁷⁷ There are over 100 projects within the BBB, many of which target the ancestral territories of Indigenous Peoples and Local Communities (IPLCs) which contradicts the Republic Act no 8371, an act to recognize, protect and promote the rights of Indigenous cultural communities.²⁷⁸ More than 110,000 Indigenous Peoples from at least 106 villages could be affected by five proposed dam projects, with a further 230 approved mining

applications encroaching on at least 542,245 hectares of ancestral lands.²⁷⁹

The Philippines Commission on Human Rights will investigate claims made in September 2020 that three Indigenous people from the Aetas people in Zambales were detained and tortured by members of the Philippines Army, 7th Infantry Division, including being forced to eat human feces.²⁸⁰ The organization raising the allegations, Movement of Moro and Indigenous Peoples for Self-Determination (Sandugo), has also said that the area where Aetas used to live was bombed to pave the way for mining operations and that 659 Aeta families have already fled the area. These allegations were denied by 7th Infantry Division Public Affairs Office Chief Major Amado Gutierrez.²⁸¹

At the end of 2020, on 30 December, nine Tumandok Indigenous community leaders were killed in Panay Island, and 18 others were arrested in police and military operations.²⁸² Tumandok communities had been resisting the proposed Jalaur Mega Dam project (Phase 2), funded through loans from Korea's Economic Development Cooperation Fund, which would impact the communities' ancestral lands. Before the massacre of the EHRDs, 28 search warrants were issued. The police claimed that the Indigenous leaders fought back, an allegation that family members and human rights group Panay Alliance Karapatan denied.²⁸³ Lawmakers who filed a resolution urging an investigation noted that the family of one of the arrested suspects said that the police tortured her while in custody.²⁸⁴

6.8. Singapore

Singapore promulgated temporary measures

²⁷²<https://www.zicolaw.com/resources/alerts/philippine-new-anti-terrorism-law-enacted/>

²⁷³<https://www.da.gov.ph/da-eyes-idle-ancestral-lands-as-food-prodn-areas/>

²⁷⁴<http://ntucphl.org/2020/04/6-apr-2020-farmers-fff-urge-agriculture-department-to-regulate-imports-amid-plant-plant-plant-program/>

²⁷⁵<https://www.rappler.com/nation/house-3rd-reading-bill-economic-stimulus-package-coronavirus-pandemic>

²⁷⁶https://ppp.gov.ph/in_the_news/house-eyes-p650-billion-expanded-bbb-projects/

²⁷⁷https://thehaguepe.dfa.gov.ph/images/3_Infographics_Senate_and_House_Bills_Economic_Recovery_and_Stimulus_Packages.pdf

²⁷⁸<https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>

²⁷⁹<https://www.ohchr.org/Documents/Issues/Business/ForumSession9/AIPP.pdf>

²⁸⁰Gabriel Pabico Lalu, 2020, 'CHR to probe allegations Aetas forced by soldiers to eat human feces', Inquirer.net, Available at: <https://newsinfo.inquirer.net/1330343/chr-to-probe-allegations-aetas-forced-by-soldiers-to-eat-human-feces#ixzz6kriGN7> Accessed: 28th January 2021

²⁸¹Ibid.

²⁸²Aspinwall, N., 2021, '9 Indigenous Leaders Killed by Philippine Police in 'Massacre', Available at: <https://thediplomat.com/2021/01/9-indigenous-leaders-killed-by-philippine-police-in-massacre/>, Accessed: 15th January 2021

²⁸³Aspinwall, N., 2021, '9 Indigenous Leaders Killed by Philippine Police in 'Massacre', Available at: <https://thediplomat.com/2021/01/9-indigenous-leaders-killed-by-philippine-police-in-massacre/>, Accessed: 15th January 2021

²⁸⁴Patag, K. J., 2021, 'House probe into killings, arrest of Tumandok leaders sought', Available at: <https://www.philstar.com/headlines/2021/01/04/2068103/house-probe-killings-arrest-tumandok-leaders-sought>, Accessed: 15th January 2021

“

Their deaths add to the already long list of farmers extrajudicially killed under this administration.”

Philippines House of Representatives
Makabayan bloc²⁸⁵

to prevent and control COVID-19 via the COVID-19 (Temporary Measures) Act 2020.²⁸⁶ In terms of freedom of expression, during the pandemic, Singapore brought into effect the Protection from Online Falsehoods and Manipulation Act (POFMA). POFMA was implemented to tackle growing concerns over fake news and misinformation, communicated mainly through various online and social media platforms.²⁸⁷ However, there are also concerns about the limits on freedom of expression impacting environmental activism and human rights advocacy. In May, news outlet New Naratif was issued a ‘correction direction’ in response to a video entitled ‘How bad laws are created and abused in Singapore (A POFMA case study)’.

In March 2020, two Singaporean youths held a public climate protest that saw them post photos on social media protesting against the fossil fuel industry.²⁸⁸ The youths were subsequently questioned by police, their laptops and mobile phones seized, and ‘strongly advised’ to remove the offending content.²⁸⁹ It is not lawful to protest in Singapore without a permit, except in Hong Lim Park. Civil society organization, Civicus, has noted how ‘The Public Order Act has

been systematically used to clampdown even on solo peaceful protests’.²⁹⁰ It also deserves to note how some of Singapore’s high climate-impact development projects, such as oil terminals, land reclamation, and airport expansion, are built by foreign migrant workers. During the pandemic, the spread of COVID-19 among these workers had exposed their poor living conditions.²⁹¹ Besides the ensuing public outcry and a surge in transmission cases, this case also reveals the nuanced interconnections between the pandemic, labour rights, and the climate crisis.

Positive measures, however, have also been taken, with new Environmental Impact Assessment regulations on biodiversity monitoring²⁹² and a new City in Nature plan to increase protection of biodiversity and wild areas.²⁹³

6.9. Thailand

Thailand’s Emergency Decree on Public Administration in Emergency Situation (Emergency Decree) was introduced in 2005, initially to apply to the southern border provinces of Thailand in response to separatist activity in that area. Declaring an Emergency Decree gives the Thai authorities broad powers of censorship and to arrest people and detain them without charge – detainees are not guaranteed the right to legal counsel.²⁹⁴ In 2020, the Emergency Decree was extended and remains in force in response to the pandemic. Besides the Emergency Decree, the Public Assembly act is one of the legal tools being used to

²⁸⁵ Ibid.

²⁸⁶ Government of Singapore, 2020, COVID-19 (Temporary Measures) Act 2020, Available at: <https://sso.agc.gov.sg/Act/COVID19TMA2020>, Accessed: 15th January 2021

²⁸⁷ Government of Singapore, 2019, Protection from Online Falsehoods and Manipulation Regulations 2019, Available at: <https://sso.agc.gov.sg/SL-Supp/S662-2019/>, Accessed: 15th January 2021

²⁸⁸ CIVICUS, 2020, ‘Civic space restrictions continue unabated in Singapore despite COVID-19 pandemic, as election looms’, Available at: <https://monitor.civicus.org/updates/2020/06/24/civic-space-restrictions-continue-unabated-singapore-despite-covid-19-pandemic-election-looms/>, Accessed: 28th January 2021

²⁸⁹ Jean Iau, 2020, ‘Two Singaporeans being investigated for allegedly taking part in public assembly without a permit’ The Straits Times, Available at: <https://www.straitstimes.com/singapore/courts-crime/two-singaporeans-being-investigated-for-allegedly-taking-part-in-public>, Accessed: 28th January 2020

²⁹⁰ CIVICUS, 2020, ‘Civic space restrictions continue unabated in Singapore despite COVID-19 pandemic, as election looms’, Available at: <https://monitor.civicus.org/updates/2020/06/24/civic-space-restrictions-continue-unabated-singapore-despite-covid-19-pandemic-election-looms/>, Accessed: 28th January 2021

²⁹¹ Fangpi Liao, 2020, ‘Singapore’s COVID-19 Catastrophe: Authoritarian bungling, an infectious election, and an international humanitarian crisis’ The Asia Pacific Journal, Available at: <https://apjif.org/2020/15/Liao.html>, Accessed: 28th January 2021

²⁹² Tan, A. 2020. New biodiversity impact assessment guidelines introduced as part of EIA review. The Straits Times. <https://www.straitstimes.com/singapore/environment/new-biodiversity-impact-assessment-guidelines-introduced-as-part-of-eia-review> Accessed 1 February 2021

²⁹³ Heng, M. 2020. Parliament: More nature parks, park connectors as Singapore transforms into city in nature in next decade. The Straits Times. <https://www.straitstimes.com/politics/parliament-more-nature-parks-park-connectors-as-singapore-transforms-into-city-in-nature-in> Accessed 1 February 2021.

²⁹⁴ Human Rights Watch. 2020. Thailand: Emergency Decree Pretext for Crackdown <https://www.hrw.org/news/2020/10/15/thailand-emergency-decree-pretext-crackdown> Accessed 1 February 2021.

prevent people from protesting. Furthermore, the Computer Crimes Act approved in 2017, called 'cyber martial law' by internet freedom activists, has been used in digital/online cases, to crackdown on freedom of expression and dissent.²⁹⁵ Nevertheless, local governments have organized public hearings during the application of the COVID-19 emergency decree to approve development projects: for example, the public hearing on Chana industrial estate in Songkhla.²⁹⁶

Land Rights

In autumn 2020, villagers in Surat Thani province occupied land to which they had been promised title. Although the government has developed regulations for community land titles under multiple policy decisions since 2009, many of the intended beneficiaries of the policy find themselves being sued for trespass or are even murdered. Since 2010, four leaders of these communities have been killed trying to secure land. Community members claim that impunity impacts their land rights, "We worry about being attacked again, or being sued, but this is our land, and we are staying on to fight for it," said Ms Somruedee. "Many governments have said they would allocate land to the landless poor, but they didn't. So we decided to occupy unused land or where licenses had expired," said Pratheep Rakhanthong.²⁹⁷

Lertsak Kumkongsak, advisor to the Khao Lao Yai-Pha Jun Dai Forest Conservation group who successfully reclaimed their lands in Nongbua Lamphu Province, has been receiving death threats since August 2020 and has been approached by men with weapons.²⁹⁸

The Southern Peasant Federation of Thailand has suffered repeated harassment and killings throughout their land rights

activism. On 20 October 2020, a man believed to be working for a multinational mining company pointed a firearm at a leader of the SantiPattana community: a shot was fired, but no one was injured. The attacker has since turned himself in to the police.²⁹⁹

In a case of positive action on land rights, in October 2020, the Department of Marine and Coastal Resources (DMCR) signed an agreement with local administrations and civic groups to allocate coastal mangrove forest areas to landless sea gypsies. The deal will result in 15 rais of mangrove forest land being allocated to 484 villages in three coastal sea gypsy communities: the Sa Thon Pho in Phuket, Koh Lao in Ranong and Toh Baling in Krabi.³⁰⁰

Surveillance

In April 2020, a social media protest against potash mining in rural Thailand led to one of the protestors - Sunthron Duangnaron - being visited by the police and taken to the police station. Police confiscated her phone, took down the information of other local protestors, and detained her at the police station for six hours.³⁰¹

The role of social media companies is key to both surveillance and the criminalization of environmental and social commentators. In August 2020, Facebook blocked access to an online Facebook discussion group titled 'The Royalist Marketplace' at the request of Thai authorities, as the group was seen to be critical of the monarchy. This is seen against a backdrop of greater online censorship, including a Twitter user charged for posting content critical of the monarchy.³⁰² "Requests like this are severe, contravene international human rights law, and have a chilling effect on people's ability to express themselves," Facebook said in a statement, quoted in the

²⁹⁵Tanakasempipat, P. 2019. Thailand passes internet security law decried as 'cyber martial law'. Reuters <https://www.reuters.com/article/us-thailand-cyber-idUSKCN1QH10B> Accessed 1 February 2021.

²⁹⁶<https://www.nationthailand.com/news/30391077>

²⁹⁷Thompson Reuters Foundation, 2020, 'Farmers brave bullets, prison for community land titles', Bangkok Post, Available at: <https://www.bangkokpost.com/thailand/general/1997471/farmers-brave-bullets-prison-for-community-land-titles>, Accessed: 30th January 2021

²⁹⁸Frontline Defenders, 2020, 'Death threats against environment rights defender Lertsak Kumkongsak', Available at: <https://www.frontlinedefenders.org/en/case/death-threats-against-environment-rights-defender-lertsak-kumkongsak>, Accessed: 30th January 2021

²⁹⁹Protection International, 2020, 'Urgent Alert: Attempted murder of SPFT community member', Available at: <https://www.protectioninternational.org/en/news/thailand-urgent-alert-attempted-murder-spft-community-member>, Accessed: 30th January 2021

³⁰⁰Bangkok Post, 2020, 'Sea gypsies benefit from historic deal' Available at: <https://www.bangkokpost.com/thailand/general/2015483/sea-gypsies-benefit-from-historic-deal>, Accessed: 30th January 2021

³⁰¹Chia, J., 2020, 'The cost of opposing mines in Thailand's rural heartland', Thai Enquirer, Available at: <https://www.thaienquirer.com/12907/the-cost-of-opposing-mines-in-thailands-rural-heartland/>, Accessed: 30th January 2021

³⁰²Civicus Monitor, 2020, 'Ongoing use of repressive laws, Thai activist abducted, increased surveillance in the South', Available at: <https://monitor.civicus.org/updates/2020/07/22/ongoing-use-repressive-laws-thai-activist-abducted-increased-surveillance-south/>, Accessed: 30th January 2021

6.10. Timor-Leste

To respond to the COVID-19 pandemic in Timor-Leste, a state of emergency known as Lu-Olo, was declared on 28 March 2020. The state of emergency provides the constitutional basis for the government to take some restrictive measures, including the suspension of nonessential public activities, school activities, public gatherings, and public transport and closure of borders.³⁰⁴ Timor-Leste has been praised for its decisive action in the face of the COVID-19 crisis.³⁰⁵

In June 2020, Timor Leste granted environmental licenses to four mining companies for 'sand and quarry' activity.³⁰⁶ Mining has historically caused conflicts among companies and indigenous Peoples,³⁰⁷ however, the impact of these mines on local people is not yet clear. The government recently gained majority control of the Greater Sunrise gas field and is developing plans to build an on-shore processing center called the Tasi Mane project. However, opponents have argued that it is more important to save funds for future generations than to invest a large sum of public money in the project, and in 2020 the Tasi Mane project appears to have come to a halt.³⁰⁸

In June 2020, the Timor-Leste government proposed reintroducing highly restrictive defamation laws.³⁰⁹ It has already been alleged that "various forms of pressure are used to prevent journalists from working freely, including legal proceedings designed to intimidate, police violence and public denigration of media outlets by government officials or parliamentarians."³¹⁰

Through rapid border closures and efficient contact tracing, among other measures, Viet Nam is recognized for having implemented one of the more successful early responses to the pandemic.³¹¹ To prevent a third wave of local infections following reports of the country's first local transmission case, the Vietnamese government issued Urgent Document 1699/CD-TTG in December 2020 to tighten the country's COVID-19 prevention and response measures.

While the country has averted the need for COVID-19 lockdown measures, the enforcement of certain preexisting laws and regulations during the pandemic has negatively impacted civic space. A case in point is the 2018 Cybersecurity Law, which had come into effect 1 January 2019. In a move that international human rights NGOs have criticized as severely restricting the Vietnamese public's freedom of expression, the law has granted the Vietnamese government enhanced powers to, inter alia, monitor information and communications systems, criminalize 'propaganda against the Socialist Republic of Viet Nam', delete or block access to data, as well as obligate service providers to disclose user data to authorities without the authorities having to produce a court order.³¹² Viet Nam's Criminal Code complements this law and, in particular, Article 117, allows the government to more intensely monitor and imprison critics and dissidents for their online activities, especially on social media platforms like Facebook. The number of imprisoned political HRDs has reportedly increased from 97 individuals in 2018 to 128 in 2019, with nearly 10% comprising of individuals who

³⁰³Ratcliffe, R., 2020, 'Facebook blocks access to group criticising Thailand's monarchy', Available at: <https://www.theguardian.com/world/2020/aug/24/facebook-blocks-access-group-criticising-thailand-monarchy>, Accessed: 30th January 2021

³⁰⁴<https://thediplomat.com/2020/06/timor-lestes-covid-19-response/>

³⁰⁵Mulyanto, R., 2020, 'How tiny Timor-Leste kept the coronavirus at bay', Al Jazeera, Available at: <https://www.aljazeera.com/news/2020/12/29/how-tiny-timor-lestes-kept-the-coronavirus-at-bay>, Accessed: 30th January 2021

³⁰⁶Autoridade Nacional do Petróleo e Minerais Timor-Leste, 2020, 'Four Environmental Licenses for Mining Activities Issued', Available at: <http://www.anpm.tl/four-environmental-licenses-for-mining-activities-issued/>, Accessed: 30th January 2021

³⁰⁷Environmental Justice Atlas, 2019, 'Marble Mining in Indigenous Mollo Territory in West Timor, Indonesia', Available at: <https://www.ejatl.org/conflict/marble-mining-in-indigenous-mollo-territory-in-west-timor-indonesia>, Accessed: 30th January 2021

³⁰⁸Hutt, D., 2020, 'Timor-Leste's Costly Oil and Gas Ambitions Grind to a Halt', The Diplomat, Available at: <https://thediplomat.com/2020/10/timor-lestes-costly-oil-and-gas-ambitions-grind-to-a-halt/>, Accessed: 30th January 2021

³⁰⁹Nolan, J., 2020, 'Will Timor-Leste be the region's latest press freedom casualty?', The Interpreter, Available at: <https://www.lowyinstitute.org/the-interpreter/will-timor-lestes-be-region-s-latest-press-freedom-casualty>, Accessed: 30th January 2021

³¹⁰Reporters Without Borders, 2020, 'Timor-Leste', Available at: <https://rsf.org/en/timor-lestes>, Accessed: 30th January 2021

³¹¹<https://news.un.org/en/story/2020/08/1070852>

³¹²<https://www.hrw.org/news/2018/12/20/vietnam-big-brother-watching-everyone>

had posted anti-state comments on social media.³¹³ Throughout 2020, these trends have continued largely unabated, with the International Center for Journalists (ICFJ) alleging that at least 25 activists and 29 land petitioners have been put under arrest thus far.

In January 2020, a land defender and resident of Dong Tam village was shot dead, along with three police officers. They were involved in a long-standing land dispute relating to the construction of a military airport. An article in Global Voices documented how thousands of police had entered the village at night, with their 'first stop' being 'the home of Lê Đình Kinh...a respected 84-year-old village member who long led a local protest movement against corruption'.³¹⁴ He was killed in front of his wife, shot multiple times, in the head, heart and foot.³¹⁵ According to the South China Morning Post, 30 residents were arrested, with the People's Court of Hanoi having since announced its verdict against 29 of the Dong Tam land petitioners: six were convicted of 'murder' (Lê Đình Kinh's sons were sentenced to death and his grandson to life imprisonment, whereas the other three face imprisonment terms of between 12 and 16 years), while the remaining 23 were convicted of 'resisting on-duty state officials' with sentences ranging from 15 months' probation to six years imprisonment.³¹⁶

In October, prominent EHRD Pham Doan Trang was arrested and charged for publishing 'anti-state propaganda'. She mainly covered the Dong Tam massacre, land and environmental rights topics, LGBTQ+ issues, and China's maritime claims in the South China Sea. Several other commentators who wrote social media posts about the Dong Tam massacre were also arrested.³¹⁷

While COVID-19 and related measures are not the direct cause of this repression of EHRDs, the emergency context has facilitated a high level of control over public statements of concern or dissent. In addition to arrests of journalists, Human Rights Watch reported in April that social media is increasingly restricted.

“

Facebook has bowed to pressure by the government of Viet Nam and agreed to restrict posts by dissidents, setting a bad precedent for both human rights and its global policies.”

Human Rights Watch, Asia Division

³¹³Vietnam intensifies crackdown on online dissent – Amnesty report', Reuters (13 May 2019), <https://uk.reuters.com/article/uk-vietnam-security-rights-idUKKCN1SJ0EO>

³¹⁴Chris Lê and Kiên Trinh, 2020, Global Voices / Loa, 'What happened during the deadly land dispute clash in Dong Tam, Vietnam?', Available at: <https://globalvoices.org/2020/02/06/what-happened-during-the-deadly-land-dispute-clash-in-dong-tam-vietnam/>, Accessed: 13 January 2021

³¹⁵Chris Lê and Kiên Trinh, 2020, Global Voices / Loa, 'What happened during the deadly land dispute clash in Dong Tam, Vietnam?', Available at: <https://globalvoices.org/2020/02/06/what-happened-during-the-deadly-land-dispute-clash-in-dong-tam-vietnam/>, Accessed: 13 January 2021

³¹⁶South China Morning Post, 2020, 'At Vietnam's 'Dong Tam Massacre', activists claim government attacked its own citizens', Available at: <https://www.scmp.com/news/asia/southeast-asia/article/3046192/vietnams-dong-tam-massacre-activists-claim-government>, Accessed 13 January 2021; <https://www.vietnamhumanrightsdefenders.net/2020/09/21/vietnam-human-rights-defenders-weekly-report-for-september-14-20-2020-vietnam-meets-strong-protest-after-sentencing-two-dong-tam-land-petitioners-to-death/>

³¹⁷The 88 Project, 2020, 'Vietnamese Authorities Arrest Six People in a Single Day During Already Tense Year for Journalists, Activists, and Online Commentators', Available at: <https://the88project.org/vietnamese-authorities-arrest-six-people-in-a-single-day-during-already-tense-year-for-journalists-activists-and-online-commentators/>, Accessed: 13 January 2021

7. Annexes

Annex A. Press Freedom Index 2020

Figure 1. Press Freedom Index 2020, high score indicates restricted press freedom. Source: Reporters Without Borders

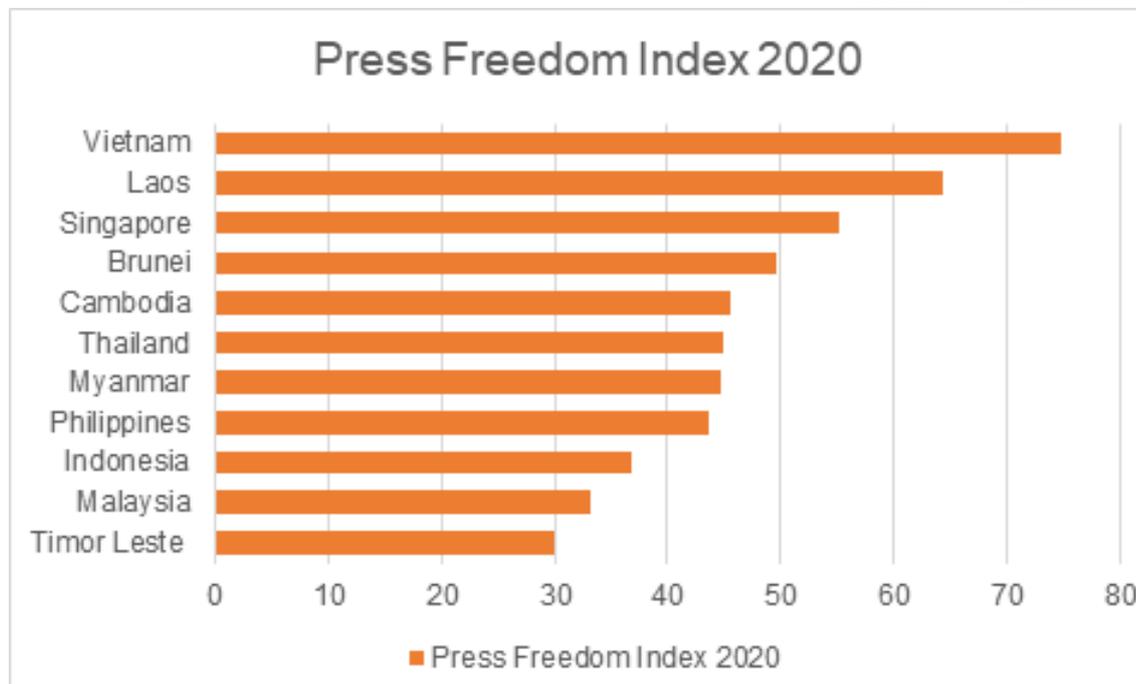


Table 1. Press Freedom Index 2020, high index score indicates restricted press freedom; ranking is global ranking from 1 (greatest press freedom) to 180 (least press freedom); number of journalists killed, imprisoned and citizen journalists imprisoned. Source: Reporters Without Borders

COUNTRY	PRESS FREEDOM RANKING	PRESS FREEDOM INDEX	JOURNALISTS KILLED	JOURNALISTS IMPRISONED	CITIZEN JOURNALISTS IMPRISONED
Timor-Leste	78	29.9	0	0	0
Malaysia	101	33.12	0	0	0
Indonesia	119	36.82	0	0	0
Philippines	136	43.54	3	2	0
Myanmar	139	44.77	0	2	0
Thailand	140	44.94	0	1	2
Cambodia	144	45.46	0	4	3
Brunei	152	49.65	0	0	0
Singapore	158	55.23	0	0	0
Laos	172	64.28	0	1	2
Viet Nam	175	74.71	0	7	22



REUTERS

People show the three-finger salute outside the Chinese Embassy as they protest against the military coup and demand the release of elected leader Aung San Suu Kyi, in Yangon, Myanmar, February 11, 2021.

Annex B. Outstanding Cases of Enforced and Involuntary Disappearances, Southeast Asia

Table 2. Outstanding Cases of Enforced Disappearances, Southeast Asia, 2019 and 2020.³¹⁸

COUNTRY	OUTSTANDING CASES OF ENFORCED DISAPPEARANCES, 2019	OUTSTANDING CASES OF ENFORCED DISAPPEARANCES, 2020
Philippines	625	606
Timor-Leste	428	428
Indonesia	164	164
Thailand	79	75
Malaysia	2	3
Myanmar	3	3
Laos	2	2
Viet Nam	1	1
Cambodia	1	1
Brunei	0	0
Singapore	0	0

Source: Reports of the Working Group on Enforced or Involuntary Disappearances, 30 July 2019 and 7 August 2020

³¹⁸A/HRC/45/13, Available at: <http://www.undocs.org/A/HRC/45/13> Accessed, 8th December 2020; A/HRC/42/40, Available at: <https://undocs.org/A/HRC/42/40> Accessed, 14th December 2020

Annex C. Emergency Funding for Environmental Human Rights Defenders

Organization	Who?	Limitations / Focus	Web link
Agir ensemble pour les droits humains	Human rights defenders		https://agir-ensemble-droits-humains.org/notre-fonds-urgence/
Asian Forum for Human Rights and Development (FORUM-ASIA)	Human rights defenders	HRDs at risk in Asia	https://www.forum-asia.org/?p=7302
Civil Rights Defenders	Human rights defenders	Up to a maximum of €7,000 euros	https://crd.org/emergency-fund
Committee to Protect Journalists (CPJ)	Journalists and media support workers	Support to frontline journalists	https://cpj.org/emergency-response/
Freedom House/Lifeline	Human rights defenders	Grants are for a maximum of 10,000 USD	https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/lifeline-embattled-cso-assistance-fund
Front Line Defenders (FLD)	Human rights defenders	Grants are for amounts up to a maximum of €7,500.	https://www.frontlinedefenders.org/en/programme/protection-grants
International Federation for Human Rights (FIDH)	Human rights defenders		https://www.fidh.org/en/issues/human-rights-defenders/financial-support/grant-application-for-human-rights-defenders-at-risk
ProtectDefenders.eu	Human rights defenders		https://protectdefenders.eu/en/supporting-defenders.html#apply-for-emergency-grant
Reporters without Borders (RSF)	Journalists and citizen journalists	Assistance to professional journalists and citizen-journalists who have been the victims of reprisals because of their reporting.	https://rsf.org/en/individual-support
The Digital Defenders Partnership (DDP)	Human rights defenders	The funding provided can be up to €10,000 euros to reduce the risk or impact of a digital attack.	https://www.digitaldefenders.org/funding/incident-emergency-funding/
Urgent Action Fund (UAF)	Women human rights defenders	Grants are for women, transgender, or gender non-conforming, activists and human rights defenders.	https://urgentactionfund.org/what-we-do/rapid-response-grantmaking/
World Organization Against Torture (OMCT)	Human rights defenders		https://www.omct.org/human-rights-defenders/financial-support/

Annex D. Risk Assessment Template

Figure 1. Risk Assessment template

RISK ASSESSMENT – Organization or Individual Name / Programme

Area	Potential Threat	Potential Vulnerability	Potential Capacity	Likelihood	Impact	Current Status (1-25 rank)	Specific mitigation action (person responsible initials)	Specific contingency action (person responsible initials)

- Threats are potential sources of harm outside yourself or your organization.
- Vulnerabilities are potential sources of weakness within yourself or your organization.
- Capacities are sources of strength or resources you have available within yourself or your organization.

*The template can be used along with the matrix below (Figure 2.) to assess and manage risk.

The process requires you to:

- Take the time to systematically look at your activities.
- Decide what hazards they present.
- Assess the risk of people being exposed to these hazards, and the level of risk.
- Find ways to either eliminate or control them. How likely is that harm will still happen? How severe might the harm be?
- Appoint individuals to mitigate the action (reduce the likelihood of harm occurring) and as contingency to plan a response if the harm does occur.



NURPHOTO VIA REUTERS CONNECT/MAMUNUR RASHID

Climate activists and supporters display placards during a global climate strike, part of the Fridays for Future, in Dhaka, Bangladesh, on September 24, 2021.

Figure 2. Risk Assessment Matrix. Likelihood (left column) x Consequence (top row) giving an indication of risk severity, low-high

RISK OUTCOME					
Low					
Moderate					
Significant					
High					
Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Catastrophic
	1	2	3	4	5
Almost Certain 5	5	10	15	20	25
Likely 4	4	8	12	16	20
Possible 3	3	6	9	12	15
Unlikely 2	2	4	6	8	10
Rare 1	1	2	3	4	5

Annex E. Self-Care Resources

Documents

Affirming Statements from Urgent Action Fund for Women, Latin America https://fondoaccionurgente.org.co/site/assets/files/11885/v2_-_ing_libro_defensoras_villa_de_leyva.pdf

Care at the Centre from Urgent Action Fund for Women, Latin America https://fondoaccionurgente.org.co/site/assets/files/1433/care_at_the_center_web.pdf

Tips for Good Mental Health, from TPO Cambodia <https://tpocambodia.org/tips-for-good-mental-health/>

Psychosocial Well-being for Human Rights Defenders in the Philippines, from Forum Asia, <https://www.forum-asia.org/?p=31931>

Emergency Kit, wellness and trauma recovery practices, from Capacitar

- English: <https://capacitar.org/wp-content/uploads/2020/06/English-EmKit.pdf>
- Vietnamese: <https://capacitar.org/wp-content/uploads/2020/06/Vietnamese-EmKit.pdf>
- Indonesian: <https://capacitar.org/wp-content/uploads/2020/06/Indonesian-EmKit.pdf>

Coping with Prison, website with tips and ideas for preparing for prison and wellness and coping mechanisms while in detention <https://coping-with-prison.org/prisoners>

What's the Point of Revolution if We Can't Dance? A book compiled from woman human rights defenders' experiences of self-care, trauma recovery and wellbeing, from Urgent Action Fund for Women's Human Rights, <https://urgentactionfund.org/resources/publications/> (scroll down to 2007)

Sustainable Activism and Self-Care, by Amnesty International, a document on the importance of sustainable activism and self-care and how to develop them, <https://www.amnesty.org.au/wp-content/uploads/2020/02/207-sustainable-activism-self-care.pdf>

Self-Care and Self-Defense Manual for Feminist Activists, from CREA, A feminist activist group based in Delhi, India, https://www.genderit.org/sites/default/files/self-care-brochure_0.pdf

organizations

Transcultural Psychosocial Organisation, Cambodia (TPO) <https://tpocambodia.org/> TPO offers discounted rates for counselling for at-risk human rights defenders

SilverCloud Digital Mental Health Platform, for organizations and end-users, <https://www.silvercloudhealth.com/uk/contactus> offers counselling such as Cognitive Behavioural Therapy and other types of support online.

Open Briefing -- offers guidance for human rights defenders on establishing tools for peer-to-peer support, security webinars in English, <https://www.openbriefing.org/support/referral/>, policies including ethics and safeguarding for human rights groups; security protocol including points on psychosocial wellbeing, available to download in languages including several Southeast Asia languages, <https://protocol.openbriefing.org/>.

Emergency and resilience funding for psychosocial wellbeing and self-care:

- Urgent Action Fund for Women's Human Rights Asia-Pacific, <https://urgentactionfund.org/what-we-do/rapid-response-grantmaking/>
- Frontline Defenders, www.frontlinedefenders.org/en/programme/protection-grants

Retreats and Fellowships

Shelter Cities, the Netherlands, run by the organization Justice and Peace, offer up to three month placements for human rights defenders at high risk in the Netherlands, including opportunities for advocacy and learning. Applicants have to have good English, so that they can communicate with hosts, and take advantage of learning opportunities.



Environmental activists rally to demand rights to clean air, near the Thai Government House in Bangkok, Thailand, as the country struggles to contain worsening air pollution January 23, 2020.

EcoDharma, Spain, www.ecodharma.com, offers retreats for environmental activists including mindfulness and meditation. Focus on sustainable living and being in nature, EcoDharma has a center in the Pyrenees.

University of York, Centre for Applied Human Rights (CAHR), UK, www.hrdhub.org, the Human Rights Defender Hub is a project of University of York's Centre for Applied Human Rights (CAHR) – an initiative to support human rights defenders with placements at University of York, for defenders at high risk. The participants have a wide range of workshops including therapies such as art therapy, security workshops and the opportunity to attend University lectures on human rights.

Apps for self-care and wellbeing

Headspace – offers mindfulness meditations, wellbeing programmes such as ‘Happiness’ or ‘Relationships’ and soundscapes for calming and getting to sleep.

Cost: Headspace is free for the first week, you can subscribe for \$9.99/month.

Shine -- daily motivational texts and a big selection of self-improvement audio (on topics including productivity, mindfulness, and improving sleep); you can set weekly intentions and focus meditations around that goal.

Cost: Monthly subscription \$14.99 or annual Subscription \$53.99 / \$49.99

Calm -- includes meditations, music and breathing exercises to reduce anxiety and stress.

Cost: You can try Calm for free for seven days, or \$12.99/month or \$59.99/year

Pacifica --- offers tools to cope with stress, anxiety, and depression, including meditation, mood tracking, deep breathing, and psychologist-designed cognitive behavioural therapy (CBT)

Cost: You can use Pacifica for free or for more features: \$8.99/month, \$53.99/year

Breathing Zone – A simple app with flower graphics for deep breathing, you can regulate your breathing for calm, anxiety reduction and physical health.

Cost: One off payment \$3.99

Annex F. Human rights violations data from Asia HRD Portal

Data was downloaded from the FORUM-ASIA Asia HRD Portal³¹⁹, showing the impact of COVID-19 regulations, and abuse of government power to target EHRDs, impinging on civic space, both online and offline. Figure 1. Below, shows the regional findings. From July to September 2020, there were a series of arrests of youth and EHRDs, documented in the main body of this report (see Section 4.2 Cambodia).³²⁰ Table 1. below, gives the descriptions of Cambodia's violations during this period.

Figure 1. 'Heat map' showing the number of violations in Southeast Asian countries, from high (dark red) to low (yellow). White indicates no data.



³¹⁹Data source: <https://asianhrds.forum-asia.org/en/library/map>

³²⁰<https://www.hrw.org/news/2020/09/11/cambodia-free-detained-youth-environmental-activists> [accessed 01.02.2021]

Table 1. Incidents recorded in the dataset relating to environmental rights in Cambodia

Rights Concerned	Violation	Perpetrator-State
Online Right to privacy Right to protect reputation	Online Attack and Harassment Intimidation and Threats ³²¹	Suspected state
Right to liberty and security Offline Freedom of assembly	Judicial Harassment (Arbitrary) ³²² Arrest and Detention	Judiciary
Offline Right to healthy and safe environment Freedom of movement	Intimidation and Threats ³²³	
Right to healthy and safe environment Right to information	Violence (physical) ³²⁴	
Freedom of assembly Offline Freedom of movement Right to liberty and security	(Arbitrary) Arrest and Detention Restrictions on Movement ³²⁵	Police
Offline Freedom of assembly	Administrative Harassment ³²⁶	Police
Right to healthy and safe environment Right to liberty and security Right to property	Judicial Harassment Raid ³²⁷	Judiciary Police
Offline Freedom of assembly Freedom of movement #COVID-19	Administrative Harassment Restrictions on Movement ³²⁸	Police
Right to healthy and safe environment Right to protect reputation	Online Attack and Harassment Vilification ³²⁹	Unknown

The full dataset gathered for monitoring purposes by FORUM-ASIA, Asian HRDs Portal can be filtered for targeted attacks on environmental defenders, shown below (Table 2.) all data on attacks against human rights defenders, 2019-2021 can be found on Asian HRDs Portal³³⁰. The sample below is the full selection of their findings on environmental human rights defenders for 2020-2021.

³²¹[VOD Hotnews](<https://vodenglish.news/mother-nature-claims-page-was-hijacked-after-police-arrested-activists/>) [accessed 01.02.2021]

³²²[LICADHO](https://www.licadho-cambodia.org/flashnews.php?perm=280&khmer%E1%9E%9F%E1%9E%80%E1%9E%98%E1%9F%92%E1%9E%98%E1%9E%87%E1%9E%93%E2%80%8B%E1%9E%94%E1%9E%9A%E1%9E%B7%E1%9E%9F%E1%9F%92%E1%9E%90%E1%9E%B6%E1%9E%93%E2%80%8B%E1%9E%94%E1%9E%B8%E1%9E%93%E1%9E%B6%E1%9E%80%E1%9F%8B&fbclid=IwAR1rla8cYR-GHXUIQFe0aDOoCx_U1kxjckuP7B8FTI2aNhKSeSK8o9rM2ko)

³²³[VOD Hotnews](<https://vodenglish.news/activist-dead-another-beaten-while-raising-alarm-over-alleged-logging/>) [accessed 01.02.2021]

³²⁴[VOD Hotnews](<https://vodenglish.news/activist-dead-another-beaten-while-raising-alarm-over-alleged-logging/>) [accessed 01.02.2021]

³²⁵[VoA Cambodia](<https://www.voacambodia.com/a/monks-youth-activists-blocked-from-commemorating-kem-ley-s-death-/5495771.html>) [accessed 01.02.2021]

³²⁶[CCHR](https://m.facebook.com/story.php?story_fbid=10163617251490431&id=206984670430) [accessed 01.02.2021]

³²⁷[VoA Cambodia](<https://www.voacambodia.com/a/siem-reap-court-investigating-activist-monk-luon-sovath-for-rape-/5460233.html>) [accessed 01.02.2021]

³²⁸[CCHR](https://www.cchrcambodia.org/index_old.php?title=CCHR-Fundamental-Freedoms-Alert-Phnom-Penh-03-June-2020-Koh-Kong-authorities-ban-an-environmental-cycling-group-from-their-cycling-campaign-to-save-Koh-Kong-Krao-Island&url=media/media.php&p=alert_detail.php&alid=78&id=5&lang=eng) | [Phnom Penh Post](<https://www.phnompenhpost.com/national/youth-cyclists-blocked-koh-kong-province>) [accessed 01.02.2021]

³²⁹[VoA Cambodia](<https://www.voacambodia.com/a/monk-council-expels-activist-monk-luon-sovath-for-alleged-intimate-relationship-/5448949.html>) [accessed 01.02.2021]

³³⁰<https://asianhrds.forum-asia.org/en/library/map>

	Title	Initial Date
#1	Thailand: local official fired a shot in the air to intimidate protesters	2021-01-12T00:00:00Z
#2	Viet Nam: jailed environmental and labour rights defender arbitrarily denied family visits (Update)	2020-11-24T00:00:00Z
#3	Myanmar: NGO worker and environmental HRD detained, charged on false accusations	2020-08-07T00:00:00Z
#4	Thailand: environmental defenders faces repeated death threats	2020-09-21T00:00:00Z
#5	Indonesia: indigenous leader arrested on fabricated charges	2020-08-26T00:00:00Z
#6	Indonesia: three community-based defenders attacked, arrested	2020-08-24T00:00:00Z
#7	Indonesia: three student journalists arrested while covering a protest	2020-09-12T00:00:00Z
#8	Cambodia: Facebook page of targeted NGO allegedly under online attack	2020-09-04T00:00:00Z
#9	Cambodia: three NGO workers charged over the weekend (Update)	2020-09-06T00:00:00Z
#10	Cambodia: two environmental defenders threatened while investigating illegal logging, one dies while escaping	2020-07-16T00:00:00Z
#11	Cambodia: environmental defender beaten after reporting illegal logging	2020-07-08T00:00:00Z
#12	Cambodia: group of EHRDs and monks prevented from commemorating Kem Ley's death, one temporary arrest	2020-07-08T00:00:00Z
#13	Cambodia: six environmental defenders prevented from staging a demonstration to raise awareness on protected areas	2020-06-22T00:00:00Z
#14	Cambodia: monk and environmental defender investigated under sexual misconduct allegations, police conduct house search (Update)	2020-06-12T00:00:00Z
#15	Cambodia: 18 environmental defenders prevented from staging an event by local authorities	2020-06-03T00:00:00Z
#16	Cambodia: award-winner monk and environmental defender victim of online harassment and false accusation via social media	2020-05-30T00:00:00Z

	Title	Initial Date
#17	Thailand: SOGI rights and community based defenders arrested after joining a demonstration	2020-04-28T00:00:00Z
#18	Thailand: environmental rights defender sued by industrial waste management company for complaining about its environmental impact	2020-04-28T00:00:00Z
#19	Philippines: indigenous coalition, its leaders and their family members targeted by online red-tagging campaign	2020-04-27T00:00:00Z
#20	Indonesia: indigenous rights defender dies in custody while under trial, after not receiving adequate healthcare (Update)	2020-04-26T00:00:00Z
#21	Cambodia: staff of an environmental NGO threatened to be arrested while documenting illegal logging	2020-04-22T00:00:00Z
#22	Thailand: environmental advocate monk shot dead by village chief for violating curfew, falsely alleging he was owning a firearm	2020-04-07T00:00:00Z
#23	Philippines: indigenous community members beaten by the police while protesting against mining-related activities, a leader arrested	2020-04-06T00:00:00Z
#24	Singapore: two young demonstrators under investigation for joining global youth campaign on climate change	2020-04-01T00:00:00Z
#25	Indonesia: two environmental defenders killed, two injured in long-term conflict with company	2020-03-21T00:00:00Z
#26	Philippines: community-based environmental HRD shot dead	2020-03-20T00:00:00Z
#27	Viet Nam: Armed Police Attack and Arrest Residents Blocking Entry to Waste Plant	2020-03-13T00:00:00Z
#28	Viet Nam: court in Hanoi postpones the appeal hearing of a jailed HRD without explanation (Update)	2020-03-14T00:00:00Z
#29	Cambodia: four environmental HRDs beaten, arrested and questioned	2020-03-13T00:00:00Z
#30	Myanmar: Environmental activist faces arrest	2020-03-07T00:00:00Z
#31	Cambodia: environmental and community-based defenders prevented from staging an event	2020-02-21T00:00:00Z

^[1] Data source: <https://asianhrds.forum-asia.org/en/library/map>

^[2] <https://www.hrw.org/news/2020/09/11/cambodia-free-detained-youth-environmental-activists> [accessed 01.02.2021]

^[3] [VOD Hotnews](<https://vodenglish.news/mother-nature-claims-page-was-hijacked-after-police-arrested-activists/>) [accessed 01.02.2021]

^[4] [LICADHO](https://www.licadho-cambodia.org/flashnews.php?perm=280&khmer%E1%9E%9F%E1%9E%80%E1%9E%98%E1%9F%92%E1%9E%98%E1%9E%87%E1%9E%93%E2%80%8B%E1%9E%94%E1%9E%9A%E1%9E%B7%E1%9E%9F%E1%9F%92%E1%9E%90%E1%9E%B6%E1%9E%93%E2%80%8B%E1%9E%94%E1%9E%B8%E1%9E%93%E1%9E%B6%E1%9E%80%E1%9F%8B&fbclid=IwAR1rla8cYR-GHXUIQFe0aDOoCx_U1kxjckuP7B8FTI2aNhKSeSK8o9rM2ko) [accessed 01.02.2021]

^[5] [VOD Hotnews](<https://vodenglish.news/activist-dead-another-beaten-while-raising-alarm-over-alleged-logging/>) [accessed 01.02.2021]

^[6] [VOD Hotnews](<https://vodenglish.news/activist-dead-another-beaten-while-raising-alarm-over-alleged-logging/>) [accessed 01.02.2021]

^[7] [VoA Cambodia](<https://www.voacambodia.com/a/monks-youth-activists-blocked-from-commemorating-kem-ley-s-death-/5495771.html>) [accessed 01.02.2021]

^[8] [CCHR](https://m.facebook.com/story.php?story_fbid=10163617251490431&id=206984670430) [accessed 01.02.2021]

^[9] [VoA Cambodia](<https://www.voacambodia.com/a/siem-reap-court-investigating-activist-monk-luon-sovath-for-rape/5460233.html>) [accessed 01.02.2021]

^[10] [CCHR](https://www.cchrcambodia.org/index_old.php?title=CCHR-Fundamental-Freedoms-Alert-Phnom-Penh-03-June-2020-Koh-Kong-authorities-ban-an-environmental-cycling-group-from-their-cycling-campaign-to-save-Koh-Kong-Krao-Island&url=media/media.php&p=alert_detail.php&lid=78&id=5&lang=eng) | [Phnom Penh Post](<https://www.phnompenhpost.com/national/youth-cyclists-blocked-koh-kong-province>) [accessed 01.02.2021]

^[11] [VoA Cambodia](<https://www.voacambodia.com/a/monk-council-expels-activist-monk-luon-sovath-for-alleged-intimate-relationship/5448949.html>) [accessed 01.02.2021]

^[12] <https://asianhrds.forum-asia.org/en/library/map>

Annexe G. Questionnaire

1. When did the COVID pandemic start to impact your country?
2. When were any regulations / new laws brought in?
3. If there was a lockdown, for what period was that in force?

ENVIRONMENTAL AND HUMAN RIGHTS DEFENDERS (EHRDs)

1. What is the status of environmental human rights defenders in your country (before COVID)?
2. Have any changes been observed in this status/what are difficulties faced by EHRDs related to COVID and particularly the way your government has responded to the pandemic (including livelihoods impacts; changes to law; etc)?
3. Has there been any impact on your freedom of peaceful assembly, movement or association?
4. How have the COVID regulations / changes to law been imposed? Has law enforcement been consistent / strict?
5. Which EHRD groups have been the most negatively affected by COVID responses?
6. Are there any differences in the impacts on women and men? How so?
7. Have the impacts been different for Indigenous peoples and how so?
8. Have you seen a change in participation in environmental protection as a result of the pandemic and the regulations?
9. Have you seen a change in government repression of individuals or organisations as a result of COVID? If so, in what areas (e.g. surveillance, criminalization, threats, etc.)?
10. Are there any other national dynamics / developments that have intersected with the COVID pandemic?
11. Overall, could you summarize the impact of COVID on EHRDs in your country?

ENVIRONMENTAL IMPACTS

1. Have there been changes in environmental regulations or laws that were made during the COVID pandemic?
2. Have there been changes in the licensing laws that allow extraction of natural resources or new developments?
3. Have you observed any change in the scale or volume of natural resource extraction?
4. Have you observed any change in the licensing of:
 - Mining operations
 - Agribusiness
 - Hydropower
 - Timber / Logging Industry
 - Other development projects(**Please indicate the geographic location of any specific cases mentioned: village, commune, district, country
5. Do you consider that changes in extraction are related to the impacts of COVID19 regulations on civil society / EHRDS?
6. Are there any other factors that would explain the changes in environmental extraction / licensing of new developments?
7. Anything else you would like to add on any of these areas?
8. How have COVID-related restrictions impacted the enforcement of environmental laws/ regulations in your community/country

POLICY RECOMMENDATIONS

1. In the post-COVID recovery phase, what policy changes would you recommend to ensure environmental protection and the protection of EHRDs?
2. How would you suggest the policy development process could be participatory for EHRDs and civil society as a whole?
3. Do you have any examples of effective civil society participation in environmental policy development?
4. Are you able to share any best practice examples seen during the pandemic?
5. Have there been any proactive ways that local communities have tried to limit the spread of COVID or reduce its effects themselves?

EXTRA QUESTIONS

1. Is there anyone in your contacts whom you think we should speak to on this subject? If yes, could you put us in touch with them?
2. Is there anything that we didn't cover or that you'd recommend we look into further?
3. Do you have any feedback on the way the interview was conducted, or other recommendations going forward?

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