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EROSION OF CIVIC SPACE IN ASIA

A REGIONAL OVERVIEW



- 3** GOOD HEALTH AND WELL-BEING 
- 4** QUALITY EDUCATION 
- 8** DECENT WORK AND ECONOMIC GROWTH 
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Aerial view of Hong Kong Downtown, Republic of China. Financial district and business centers in smart city in Asia. Shutterstock.com

1. BACKGROUND

A spatial political economy is one of the approaches we use to analyze the space we live in, and to identify the factors that shape our economic and political situation. It is to understand the relationship between social forces. Using this lens in analyzing how Asia is understood as a mediation between State-civil society relation, we consider the need of supporting civil society organizations in the region to have counter-spatial imaginations to reclaim their spaces and improve the civic conditions. We asked the following question to grassroots organizations: what are the struggles that have occurred in response to the shrinking or closing civic spaces in the past few years.

This report is a brief overview of the shrinking and closing civic space phenomenon in several countries in Asia, especially in China, Myanmar, Thailand, the Philippines, Pakistan and Cambodia where we have been able to conduct monitoring and reporting on economic and social rights.

2. SHRINKING AND CLOSING OF CIVIC SPACE IN ASIA

We refer to civic space as the respect of civic freedoms, that are freedom of association, freedom of peaceful assembly and freedom of expression. Civic space is the political, legislative, social, and economic environment which enables citizens to come together, share their interests and concerns and act individually and or collectively to influence and shape their societies. Civic space enables people to pursue multiple, at times competing, points of view.¹

Civic space conditions are declining globally. Several reports show that civic spaces have been eroded and a deeply worrying phenomenon can be observed in many parts of the world. In 2020, 43.4 per cent of people are living in countries rated as having repressed civic space, while the percentage of people living in countries with obstructed civic space increased from 15.8 per cent to 18.3 per cent. The number of people living in countries with serious restrictions has increased as 87 per cent of the world's population lives in countries rated as closed, repressed, or obstructed. Only 3.4 percent of the world's population lives in an open civic space.²

In Asia, respect for labor rights has been declining in many places, and the decline in civic space conditions in Asia remains a cause of concern. Systematic violation of labor rights has been occurring at an accelerated pace, as shown in the Global Rights Index (see Table 1) compiled by a global trade union body, where the region is observed as the second worst in the world for workers' rights, with an increase in its average rating, falling between systematic violations of rights and no guarantee of rights.³

Murders of union activists continue to rise in countries like the Philippines and Myanmar. Shrinking or even closing civic spaces have occurred in the form of willful reduction of political and human rights, as well as civil liberties. Militarization in various forms has been in place in the region (Myanmar, Thailand, Indonesia), which has reduced or closed the spaces and function of civil society. Civil society organizations (CSOs) in Asia have been curtailed by governments that use restrictive laws and criminalize actors of social movements who speak out in defense of their basic rights. This shrinking or closing civic space has impacted CSOs in their role of holding government to account, advocating for democratic reform, fighting corruption, protecting human rights, advocating marginalized people, fostering democratic participation, among others.

¹ <https://civicspacewatch.eu/what-is-civic-space/>

² <https://findings2020.monitor.civicus.org/downward-spiral.html>

³ <https://www.globalrightsindex.org/en/2021/regions/asia-pacific>


TABLE 1: RECENT SYSTEMATIC VIOLATION OF WORKERS' RIGHTS IN ASIA PACIFIC⁴

Nº.	Violation	Countries involved in Asia Pacific region	Recent prominent case
1	Right to strike: prosecution of union leaders for participating in strikes	87%	Indonesia: workers went on strikes against Omnibus Law enacted on 5 October 2020. The strikes were met with violence and arbitrary arrests; hundreds were detained.
2	Right to strike: prosecution of union leaders for participating in strikes	87%	Hong Kong: Professor Benny Tai fired from the University of Hong Kong in relation to his role in the pro-democracy protest.
3	Right to collective bargaining	91%	South Korea: Samsung failed to engage in collective bargaining in good faith. Samsung denied the workers union that it represents and has unilaterally determined wage rates. Malaysia: Malaysia Airlines has long refused to extend collective bargaining to crew supervisors, arguing that as management, they are ineligible for union representation.
4	Right to establish and join a trade union	87%	Workers excluded from labor protections. In Japan firefighters and prison staff are still denied the right to freedom of association.
5	Union busting	87%	Bangladesh: 3,000 garment workers were dismissed as part of a union-busting exercise from three factories owned by the same company: Saybolt Tex, Tanaz Fashion and Windy Wet & Dry Process factories. Cambodia: Eleven workers at Greenfield Industry elected as union officials of Coalition of Cambodian Apparel Workers Democratic Union (C.CAWDU). Three days later, the management summoned them and informed them that their employment was terminated.
6	Right to justice	74%	Hong Kong: China's top legislature unanimously passed a new National Security Law for Hong Kong on 30 June 2020. At least 97 Hong Kong rights activists have been arrested under the new law, eight of them being prosecuted. They faced spurious charges, such as money laundering, fraud and publishing seditious words. Another 10,200 people – 40% of them students – have been arrested in relation to the 2019 anti-extradition bill protests.

⁴ <https://www.globalrightsindex.org/en/2021/regions/asia-pacific>



7	Rights to civil liberties: workers were arrested and detained	83%	Thailand: 13 union leaders of the State Railway Workers' Union (SRUT) had a 3-year prison term imposed on them on 21 October 2020 as a consequence of their national rail safety campaign following a fatal train derailment in 2009. Since November 2018, the monthly salaries of seven SRUT leaders have been deducted to pay fines of 24 million Baht (US\$726,116) to SRT based on the decision of the Supreme Labor Court in 2017.
8	Violent attacks on workers	35%	Bangladesh: police in Dhaka violently attacked garment workers from Viyellatex and Shofi Tex who were protesting unpaid wages and allowances. Police used disproportionate force to suppress the protest, using batons, gunshots, tear gas and sound grenades against workers. Twelve workers were severely injured. Indonesia: Khamid Istakhori, general secretary of Federasi SERBUK, was physically assaulted during a peaceful protest against the Omnibus Bill for Job Creation. The peaceful workers' protest became violent when company management personnel began to brutally disperse the workers.
9	Right to trade union activities, union registration is impeded	91%	Afghanistan: the authorities have relentlessly targeted the National Union of Afghanistan Workers and Employees (NUAWE) since 2018, effectively preventing the union from operating. In many countries, workers in the gig economy have been denied the right to establish, register and join labor union.
10	Right to free speech and assembly	61%	Myanmar: Since the February 2021 military coup the violent suppression of popular dissent has escalated, hundreds of people were arrested and detained without any due process. The military junta continued its descent into authoritarianism with its planned cyber law to block any content, placing the entire population under surveillance and eliminating freedom of speech and assembly.
11	Murder	-	Workers were murdered in the Philippines and Myanmar: <ul style="list-style-type: none"> State violence against trade unionist in the Philippines is endemic. Extrajudicial killing has been in place for many years with state impunity. During the military coup in Myanmar on 1 February 2021), many have been killed in weeks of unrest. At least 550 people were killed, while hundreds more have been wounded and over 2,700 have been arrested, charged, or sentenced.

Source: ITUC's Global Rights Index 2021.



In 2021, Myanmar, Cambodia and Hong Kong descended into violence with the suppression of workers' protests and the prosecution of prominent labor union leaders. The Philippines saw an escalation of violence against workers and their representatives. Several countries in Asia adopted regressive laws which severely violated civil liberties and workers' labor protections (see Table 2). Governments cracked down on civil society, media, and undermined democratic institutions by silencing dissent and tolerating corruption has been a norm.

Hun Sen in Cambodia has banned political opposition and jailed its leaders. Prayut in Thailand rejected restoring democratic civilian rule. Military and police under Duterte in the Philippines, and Aung San Suu Kyi in Myanmar are involved in allegedly serious crimes. Vietnam, Lao PDR, Malaysia, and Singapore remain restrict rights to freedom of expression and peaceful assembly. Under Jokowi, Indonesia joined the race to the bottom with a series of new restrictive laws, arrest and intimidation of activists, such as during the recent people's opposition against environmentally destructive developmental projects .⁵



⁵ <https://lokataru.id/shrinking-civic-space-in-asean-indonesia-and-thailand/>

TABLE 2: RESTRICTIVE LAWS IN SOUTHEAST ASIA⁶

Country	Restrictive laws
Indonesia	<ol style="list-style-type: none"> 1. Defamation law: Articles 207 and 310 to 321 of the Indonesian Penal Code. 2. Hate Speech law -Articles 27 and 28 of the Law on Information and Electronic Transactions (IET), 2008. 3. UU PNPS No. 1/1965 on Blasphemy (Blasphemy law) 4. Treason or Sedition Law. 5. The State Intelligence Law, 2011. 6. The Law on Freedom to Express an Opinion in Public, 1998.
Thailand	<ol style="list-style-type: none"> 1. The Head of the National Council for Peace and Order (NCPO) Order 3/2015. 2. Article 116 of the Criminal Code on Sedition. 3. The Computer Crime Act. 4. The lèse-majesté provision (Article 112) in the Criminal Code. 5. Martial Law.
Cambodia	<ol style="list-style-type: none"> 1. Law on Associations and Non-Governmental Organizations, or LANGO. 2. Law on Trade Unions. 3. Telecoms Law. 4. The Press Law 1995.
Myanmar	<ol style="list-style-type: none"> 1. The Printing and Publishing Enterprise Law, 2014. 2. The Telecommunications Law, 2013. 3. The Peaceful Assembly and Procession Law, 2011. 4. Article 505(b) and (c) of the Penal Code.
Philippines	<ol style="list-style-type: none"> 1. The Human Security Act of 2007. 2. Defamation laws -Articles 353- 359 of the 1930 Philippines Penal Code. 3. The Cybercrime Prevention Act of 2012. 4. Republic Act 10973 on March 1, amending the Republic Act. 6975 (also known as the Local Government Code).
Malaysia	<ol style="list-style-type: none"> 1. The Sedition Act, 1948, amended 2015. 2. The Security Offences (Special Measures) Act (SOSMA) 2021. 3. The Prevention of Terrorism Act 2015 (POTA). 4. The National Security Council Act, 2016. 5. The Syariah Criminal Offenses Act 1997. 6. The Peaceful Assembly Act.
Singapore	<ol style="list-style-type: none"> 1. The Public Order Act (Additional Temporary Measures) or PO-ATM Act. 2. The Internal Security Act (ISA). 3. The Criminal Law (Temporary Provisions) Act (CLTPA). 4. Undesirable Publications Act 1967, most recently revised in 1998 5. The Public Entertainment and Meetings Act (PEMA).
Vietnam	<ol style="list-style-type: none"> 1. Cybersecurity Law (passed into law in June 2018). 2. Vietnam Penal Code (enacted in 2018).
Lao PDR	<ol style="list-style-type: none"> 1. The Decree on Information Management on the Internet, 2014 Or Cybercrime Law 2. The Decree on Religious Practice 2002 3. The Decree on Associations, 2017 4. The Decree on International Non-Governmental Organizations, 2010 5. The Trade Union Law, 2007

Source: Lokataru 2021.

⁶ <https://lokataru.id/shrinking-civic-space-in-asean-indonesia-and-thailand/>



Through the reports on the economic and social rights monitor (ESRM) in five Asian countries (China, Thailand, Myanmar, Pakistan, Cambodia and the Philippines), we identified some aspects of civic spaces that are eroded, and strategies towards reclaiming such spaces. In these countries, civil society organizations experienced curtails to fundamental freedoms including freedom of expression and association, with the political environment causing challenges for civil society organizations to operate in. In the area of decent work, although many of the countries had ratified several of the ILO Conventions and passed labor laws to protect the rights of workers, they continue to blatantly ignore their obligations and enforcement of these laws has been a problem. Working conditions in these countries are abhorrent. Moreover, the environment for civil society organizations and activists is also deteriorating.

2.1. Shrinking civic space per country

In **China**, we observed the increasingly dire situation for human rights activists and lawyers, with many disappeared, persecuted, and questioned for their work advocating or defending labor rights, women's rights, or religious freedoms. In Hong Kong, the independent Hong Kong Confederation of Trade Union (HKCTU) was forced to disband under unprecedented pressure from the Chinese authorities.⁷ The key leaders of HKCTU imprisoned and facing multiple charges. Furthermore, the passing of the Foreign NGO law in 2016, witnessed the complete closure of 'spaces' for civil society to operate and function.⁸

The political turmoil in **Myanmar** after the military seized power has affected the livelihoods of workers. Unions and workers were arrested as the military seeks to punish those who had participated in the civil disobedience movement protesting the coup. Hundreds of people, including children, have been killed as the military has fired live bullets

⁷ <https://www.jacobinmag.com/2021/10/hong-kong-confederation-trade-union-hkctu-dissolved>

⁸ <https://www.theguardian.com/world/2016/apr/28/china-passes-law-imposing-security-controls-on-foreign-ngos>



15 November 2013, Tacloban, Philippines. Typhoon Haiyan, known as Super Typhoon Yolanda in the Philippines, was one of the strongest tropical cyclones ever recorded. Shutterstock.com

at protesters while thousands have been arrested with reports of torture and sexual assault. Hundreds of families of railway workers were evicted from government-issued housing for being involved in strikes and protests in April 2021 when nearly all of Myanmar Railway's 20,000 workers were on strike. Workers who do not return to their jobs are being laid off without severance pay. The military regime has also imposed strict curfews, technological surveillance, and regular internet and telephone shutdowns.⁹

The **Philippines'** civic condition has shifted from being obstructed to repressed, due to the vilification of activists and targeting of human rights defenders and journalists. In the Philippines, there has been the extra-judicial killings and murder of activists. In 2018 the government issued Memorandum Circular No.15 Series of 2018 which imposes stricter guidelines on civil society organizations and their funding sources. While regulation of activities of CSOs can be considered an ordinary function of the state, in the context of an increasingly hostile treatment of government critics, the policy which is also part of the Duterte government's anti-terrorism campaign, can easily be

used to blacklist and prevent CSOs from operating, while effectively curtailing their rights to freedom of speech. In 2020, in the middle of the pandemic, the government enacted the Anti-Terror law (ATL) which imposes harsher penalties even for suspected terrorists.

The ATL is also seen as an obstacle not only to freedom of speech but also to freedom of association. Civic spaces and Human Rights Defenders' (HRDs) have been clearly under attack in the Philippines. Different tactics are used to reduce and to close the space for CSOs, trade unions and HRDs to act and operate safely. The government's main tactics are: (1) red tagging – a tactic whereby individuals are labelled as communists or terrorists – often without substantial proof. This has not only created a false accusation towards activists and trade unionists, but also risked the lives of these people; (2) illegal arrests and detention unionists and activists, that intimidate workers into joining unions and protest activities.¹⁰ There has been a rise in illegal detention especially since the pandemic started; (3) extra-judicial killings and murders of activists, intensified following the enactment of the Anti-Terror Law; (4) online smear campaign

⁹ <https://www.ituc-csi.org/myanmar-strike-fund>
¹⁰ <https://humanrightsp.org/anti-terror-law>



against activists, unionists, and government opposition. Moreover, the government was recently flagged for hiring online ‘trolls’ to shape online discourse about the government.

In **Cambodia**, the government has become more repressive towards labor unions who backed and helped mobilize support for the opposition party (Cambodia National Rescue Party) in the 2013 general elections. Recently, more than two dozen current and former workers of NagaWorld have been detained amid a strike protesting mass lay-off. The police raided the office of the labor union and detained nine union members, besides ransacking the office.¹¹ The union has been protesting since April 2021 against the unfair dismissal of more than 1300 workers by the company.¹² The company used the pandemic as an excuse to fire the workers including more than 800 union members. The union, LRSU, has been on industrial action and peacefully protesting to demand the reinstatement of 365 workers. The NagaWorld case epitomizes the continued brutal repression of workers’ attempts to organize peacefully in Cambodia and resonates with the situation in most parts of Asia.

In **Thailand**, the civic condition is also critical. It has been exacerbated by the pandemic and its negative impact on the freedom of association and assembly. Thailand was under an emergency decree which put restrictions on gatherings, with a curfew being enforced and gatherings limited to no more than five people. Many believe that the coronavirus situation has been used as an excuse to quell anti-government protests. Activists face many threats such as physical violence, police harassment, and most commonly, legal intimidation in the form of strategic lawsuits against public participation (SLAPPs) and more.

¹¹ <https://vodenglish.news/breaking-nagaworld-unionists-arrested-from-union-office-on-new-years-eve/>

¹² <https://www.scmp.com/week-asia/people/article/3162210/cambodian-police-crack-down-casi-no-workers-after-lay-negotiations>

The Thai Lawyers for Human Rights exposes that 1,636 people in 896 cases have faced lawsuits for political participation and expression between July 2020 and October 2021, including 258 youth under 18 years old. This constant threat of arrest and prosecution has obvious implications for the work of human rights defenders and civil society organizations in the country.¹³

In **Pakistan**, those who attempt to uphold fundamental rights are described as enemies of the state from hostile countries. Attacks have been made on social activists, from journalists to feminist activists. The government has engaged in various actions to target dissent such as muzzling the media, use of sedition laws, enforced disappearances and attacking critical thought in academic institutions. Journalists and other human rights defenders are forcefully disappeared, and these cases are used as a deterrent to stop other activists from doing their work. An example is the case of Ahmed Norani, a prominent investigative journalist who was stabbed by masked men while he was investigating the business of a powerful retired military general.¹⁴ Moreover, the government enacted the Cyber Crime Act to threaten human rights defenders. Activists who write pieces critical of the government or the military are threatened with charges under the Cyber Crime Act.

¹³ <https://www.facebook.com/thr2014/posts>

¹⁴ <https://www.journalismpakistan.com/journalist-ahmed-noorani-attacked-in-islamabad-suffers-injuries>



Leaders and Activists of Pakistan Democratic Movement (PDM) are holding protest rally against price hiking and unemployment, on October 22, 2021 in Lahore. Shutterstock.com



3. RESPONSES AND STRATEGIES TO PROTECT CIVIC SPACES

A recent interesting study presents the relationship between the number of people's protests (as a response) and civic spaces (as a condition). Analyzing the rank of countries' civic space (obligation of states to protect civil society, freedom of association, freedom of peaceful assembly, and freedom of expression) and classifying countries into five categories ([1] open/freer; [2] narrowed; [3] obstructed; [4] repressed, and [5] closed societies), the trendline in the study shows a tendency towards more protest when civic conditions are freer. The study convincingly illustrates with solid facts about a tendency towards more protests and collective actions when civic conditions are freer, and when civic spaces are open. On the other hand, repression works well and intensified in countries where civic space is repressed or closed; thus, protests and collective actions are fewer.¹⁵

The study also shows that, in the past decades, large numbers of people rebelled in many parts of the world against democratic failure, demanding change. With this, we should recognize that the current conditions of shrinking and closing civic spaces are subject to change and modification, and even reversal through a series of pedagogic works, training, new experiences, and collective resistances.

¹⁵ <https://library.oapen.org/bitstream/handle/20.500.12657/51476/9783030885137.pdf?sequence=1>

Challenges are obviously difficult, but people struggle to reclaim their civic freedoms has been encouraging. Many groups at the grassroots realized that civic space is not something given or fixed in advance by authorities. Rather, it is a dynamic - a politically charged space that have been shaped by political contestation. Civil society play a role in constructing the civic spaces that are alternatives to state hegemony, in which they reclaim their social and civic spaces.

An interesting example is the continued protests of precarious workers in the gig economy/ride-hailing sector in Indonesia.¹⁶ Workers build new practices of collectivity among them, which offers invaluable lessons and insights into the development of a new strategy of labor solidarity, relevant for the broader labor movement. Workers normalize their mobility and movement and consider the globe as a common space; they create their own space to challenge government and business despite of restrictive environment. Civic spaces have been transformed because of a series of social and political struggles. Worker's mobility (in ride-hailing sector) and workers' meeting in dormitories (in special economic zones in Thailand)¹⁷ have entailed a spatial concentration and mobilization of workers, providing a space for labor socialization that developed among them through bonds of friendship, mutual aid, and certain cooperative forms of everyday resistance. Another example is workers continued strikes in NagaWorld corporation in Cambodia against unfair dismissal and harsh repression from the authority and the company. Solidarity and support from labor groups in different countries have been emerged to support of the workers' struggle.

Civic spaces that are opening or closing are the results of political contestations. People's struggles and social movement have forced government and business to restructure policies. As Hardt and Negri's *Commonwealth*¹⁸ emphasizes, that "workers' struggles force capital to restructure; capitalist restructuring destroys the old conditions for worker organization and poses new ones; new worker revolts force capital to restructure again; and so forth". Capital is reactive; that is, it responds to the demands of labor rather than the other way around. Every spatial tactic of labor has created new spaces for labor agency to emerge over time, forcing the state and capital to respond.



Taunggyi, Myanmar - 25 Feb 2021: Myanmar people took to the streets to protest against the military coup
Shutterstock.com

16 <https://www.tandfonline.com/doi/abs/10.1080/14747731.2021.1884789>
17 <https://www.cornellpress.cornell.edu/book/97815017111107/border-capitalism-disrupted/#bookTabs=1>
18 <https://www.hup.harvard.edu/catalog.php?isbn=9780674060289>

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. Conclusions

Despite the shrinking civic space in Asia, human rights activists and civil society have continued their efforts to push for fundamental improvements to their rights and freedoms. Sharing experiences and strategies among rights-based groups in Asia and building networks within the region remains paramount as was seen when pro-democracy activists in Thailand, Myanmar, and Hong Kong shared protest tactics.

From workers to feminist activists to journalists, many are facing similar struggles in fighting for their rights as they experience repression and crackdowns from the state. More importantly, we must continue to express solidarity and amplify the voices of those of the most marginalized, both nationally and internationally and to continue to hold states accountable for rights abuses and curtails to fundamental freedoms within their country.

4.2. Recommendations

- The European Union (EU) should include stronger language on human rights and labor rights obligations in free trade agreements and establish a strong monitoring and accountability mechanism for rights violations.
- Build the capacity of CSOs in the region, especially grassroots NGOs, to ensure they have access to adequate trainings and funding.
- Highlight the most pressing human rights concerns and their obligations under international treaties during dialogues with states in the region.
- Offer protections to human rights activists and defenders who are at risk of state violence.
- Establish channels for CSOs in the region and those working on the ground to have dialogues with the EU to shed light on the most pressing rights issues.



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