

A light gray map of Southeast Asia is the background. A dark red circular highlight is centered over the Indonesian archipelago and the Philippines. The bottom of the page features a dark blue gradient background.

# HANDOUT:

## 2023 REPORT OF THE PRESS FREEDOM MONITORING IN SOUTHEAST ASIA COALITION

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Southeast Asia

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Since the COVID-19 pandemic, civil society organizations have observed how regimes in Southeast Asia have used the threat of the coronavirus and the moral panic over “fake news” — now called misinformation and disinformation and, more recently, influence operations and information manipulation — to restrict media reporting and legitimate critique of their policies.

Under the guise of concepts like national security, public safety and societal harmony, governments have enacted laws and implemented policies that, on the surface, are meant to encourage responsible and ethical journalism but are often overbroad and vague that they can be used to silence dissent and criticism.

Consolidation of power in some regimes and consolidation of media ownership in others have led to a stifling of press freedom and of civil liberties in a region where democracy has been challenged in general.

As governments seem to be taking their cues from each other on tactics and policies that will ensure the primacy of the official narrative, several press freedom and journalists’ organizations are cooperating towards a more comprehensive database of attacks and threats towards the media to paint a fuller picture of press freedom in the region and as a starting point for collaboration towards a freer media and for human rights in general.

## **Trends in threats to press freedom**

In 2023, Press Freedom Monitoring in Southeast Asia coalition recorded a total of 203 cases of attacks against journalists in the region.

Based on their data, these cases affected at least 329 media workers and media companies in six different countries in Southeast Asia. Of course, an attack on a media worker affects not just the victim but their newsrooms and colleagues as well as the public that they serve.

In all of the cases monitored, the coalition identified that at least 46% of the individuals responsible for these attacks are considered to be state actors and state agents; this includes the police, military officers, government officials as well as public institutions.

Based on the data, physical attacks remain the biggest threat in the region, representing 61.1% of the recorded incidents, while digital attacks are second at 20%.

Followed closely behind are legal attacks — or using the law to threaten and silence media workers — at about 19.2%.

In the face of these attacks, there have been moves meant to help protect journalists, including the creation of press or media councils and task forces on media security.

While these government initiatives are welcome, journalist groups have mainly had to rely on themselves and on each other on attacks on their colleagues.

Although there are many laws and regulations on media and on media work, states have not seemed to be as eager to legislate protections for journalists or implement existing laws and policies to ensure the freedom of the press in their jurisdictions.

The database and monitoring, then, is meant to be a starting point for coordinated campaigns to call attention to and demand government action on individual attacks in each country as well as for engagement with international bodies, including the Association of Southeast Asian Nations and United Nations mechanisms and special procedures related to press freedom, freedom of expression and to human rights in general.

### **Cambodia: Government fights ‘fake news’, restricts independent media**

The media community in Cambodia “continues to face harassment as they attempt to report on sensitive issues and events occurring in the country,” according to the Cambodian Journalists Alliance Association (CamboJA), which has documented newsroom closures and the revocation of media licenses of five media outlets.

Apart from the English language Phnom Penh Post, which has announced it will end operations in March 2024 due to financial constraints, Khmer-language Rasmei Kampuchea Daily shut down in December 2023 citing financial challenges.

The Voice of Democracy was also arbitrarily ordered to shut down after it published an article critical of Hun Manet, then Prime Minister Hun Sen’s son.

“The loss of VOD is a major blow to democracy as citizens’ access to independent information is severely affected,” CamboJA said in its annual monitoring report for 2023.

“Dozens of journalists who used to work at the media outlet as staffers and stringers have also lost opportunities to practice their independent reporting,” it also said.

The journalists group also reported in December 2023 that it had monitored “a significant increase in reports of legal intimidation” in the last quarter of that year, with journalists finding themselves arrested, jailed and sued in relation to their work.

Among them is Kim Den, publisher of online news outlet DN Peace News in Stung Treng Province, who had been reporting about illegal logging in the province and who was arrested in December 2023 for a 2015 case of allegedly illegally encroaching on and clearing state-owned forest land.

According to Den’s wife, he had been invited to attend an officer’s promotion ceremony at a hotel, but “was instead brought to a provincial military police office, and immediately sent to jail.”

In November, in the same province, Ean Kimheoun of Hang Meas TV was told by the provincial Environmental Department to refrain from reporting on environmental issues “that affect the image of authorities.”

He was also asked to remove articles related to authorities’ failure to arrest illegal loggers.

“Freedom of the press is the cornerstone of every democracy,” CamboJA stresses in its report.

“Independent media outlets and journalists act as watchdogs — holding those in power accountable, promoting transparency, and encouraging the free flow of information from diverse perspectives. Freedom of the press empowers citizens by providing them with accurate and reliable information,” it also says.

Intimidation and harassment can also threaten physical safety, as in the case of Im Hach, who was assaulted and tied up while he was reporting on transportation of wood in Kampong Cham Province.

He was later brought to the police station, interrogated and made to agree to mediation proceedings with the four people who had assaulted him.

“This is an egregious example of violence against journalists, and represents the serious dangers that journalists face when reporting in Cambodia,” CamboJA writes of the incident.

“Assaults should never happen for any reason. However, this is the unfortunate reality for journalists here.”

The Cambodian Ministry of Information has also announced the creation of a multi-agency body to monitor “fake news” — a label now commonly used against news reports that are critical of or are unflattering to authorities — and to “fight back on fake news that intends to attack government ministries and institutions.”

In the same month, Prime Minister Hun Manet recommended that journalists “continue to prevent fake news that pollutes society and may have an effect on political stability, social movements, and could cause social disorder.”

Cambodia’s journalists were also urged to “avoid news that makes the country lose face and lose trust from the public.”

### **Indonesia: Difficult media environment despite press freedom index rise**

With a rank of 108 on the 2023 World Press Freedom Index of Reporters Without Borders, Indonesia has among the most free media landscapes in the region.

However, monitoring, as well as analysis by Aliansi Jurnalis Independen shows that the press in Indonesia are still also under threat.

These threats include physical harm as well as the legal threats posed by government regulation that can curtail access to coverage and to broadcasting and publishing reports.

In its 2023 report, AJI points out that, based on the indicators used in the World Press Freedom Index, Indonesia's media environment is still in the "difficult" category.

The Press Law guarantees protection of journalism and journalists and commits the government to providing legal protections to journalists while they are performing their duties.

This protection includes protection from violence and censorship as well as protection for when they are covering conflict areas and similar special assignments.

However, AJI points out that several aspects of protection, such as prosecuting parties who threaten or attack media to address the culture of impunity around attacks on the press and on press freedom have yet to be addressed by the Press Council or by authorities in general.

Although the Press Council has issued guidelines on how authorities should handle incidents of violence against journalists, AJI points out that these need to be updated to address new forms of threat like online harassment as well as gender-based violence.

Meanwhile, journalists are still under physical threat, with AJI noting that most attacks happen while on coverage.

In January 2024, for example, a Tribun Ambon journalist was beaten after covering a road accident involving a truck transporting rice despite identifying himself as a journalist.

Indonesia's journalists are also facing threats from existing laws, including the Electronic Information and Transactions Law, which was originally meant to protect citizens online.

As with similar legislation such as the Cybercrime Prevention Act in the Philippines, the law can and has been used against legitimate expressions of freedom of expression and of the press.

Despite an amendment in December 2023, AJI noted that the law still has "problematic articles that undermine freedom of expression and freedom of the press."

The Criminal Code passed in 2022, which the Press Council warned would curtail press freedom and criminalize journalistic work, bans "insults" to the president and vice president and to national institutions and also criminalizes "fake", "incomplete" or "exaggerated" reports that can lead to unrest.

## **Malaysia: Physical safety less of an issue, but judicial harassment and surveillance remain a concern**

Malaysia, 73rd on the 2023 World Press Freedom Index, has moved closer to the establishment of a Media Council, a development that the Center for Independent Journalism in Kuala Lumpur says would be “critical in moving ahead with an independent, multi-stakeholder mechanism to self-regulate media and set a higher standard of reporting.”

CIJ says an independent and transparent self-regulatory mechanism for the media sector will help ensure more responsible and inclusive reporting and help curb political and commercial influence on reporting.

As things stand, and without the media having a self-regulatory body, the media in Malaysia has been subject to the use of restrictive laws to intimidate and silence it.

Among the laws that CIJ is concerned is Section 233 of the Communications and Multimedia Act 1998 which prohibits the posting of “offensive content online with the intent to annoy, abuse, threaten or harass”, a category that is broad and “extremely subjective.”

The Sedition Act 1948 also penalizes content of a “seditious tendency”, including those that may be seen to be critical of authorities and of government policies.

“What is ‘seditious’ is extremely vague and open to subjective interpretation of words such as ‘hatred’, ‘contempt’ and ‘discontent’,” CIJ notes.

On top of existing restrictions and regulations, the government announced in February that the Information Department can cancel media accreditation cards over questions on media ethics.

These laws allow authorities, including the police, to summon journalists and media organizations either as subjects or as witnesses in investigations over their work.

“CIJ considers such actions as harassment and intimidation tactics that are aimed to silence and cause fear among journalists, hence hindering them from carrying out their duty of reporting the news,” the group says.

While journalists’ physical safety is not as threatened as in other countries in Southeast Asia, Reporters Without Borders notes that media workers have been subject to judicial harassment and to smear campaigns — CIJ points out that women are particularly targeted by moral policing and similar methods of social control.

There have also been concerns raised about digital surveillance as well the possibility of authorities interfering with coverage — like, for example, being picked up for questioning while covering a protest.

“Although Malaysian media are not surveilled by authorities as is its neighbors in the Philippines and Indonesia, journalists are still aware of such possibilities as means to report safely without being compromised,” CIJ notes, adding private data could be easily tracked on ride-share and delivery apps.

“Recent threats to journalism have included prosecutions forcing the victims to incur huge legal expenses, police searches of media outlets, violations of the confidentiality of journalists’ sources, and expulsions of foreign reporters or whistleblowers,” RSF writes in its country note on Malaysia.

CIJ says strategic lawsuits against public participation (SLAPP) have also been filed against journalists and newsrooms — including by corporate entities — “to exert pressure, intimidate or deplete the resources and exhaust the morale of journalists, thereby preventing them from carrying out their work or leading to self-censorship.”

Dominant party United Malays National Organisation, for example, issued letters of demand to Malaysiakini and Astro Awani in 2022 over what it said were defamatory reports against the party. Apart from the demands for retractions and written apologies, the party said each media organization must pay RM25 million in compensation.

Also in 2022, Ahmad Azam Mohd Aris — former editor-in-chief of The Edge — was charged with two counts of criminal defamation by a businessman and business firms over reports in 2020 and 2021 on alleged stock manipulation.

This judicial harassment poses what CIJ calls an “alarming challenge” to the independence of media, which is already under threat from concentration of media ownership and from strict government control over the issuance of media licenses.

### **Timor-Leste: High on press freedom index, but threats also seen**

The young democracy of Timor-Leste leads Southeast Asia on Reporters Without Borders’ World Press Freedom Index at 10th place, with the existence of a Press Council and guarantees on press freedom and on freedom of expression in the Constitution.

RSF notes that no journalist has been imprisoned in Timor-Leste in relation to their work since the country regained independence in 2002.

Association Journalist Timor Leste, which has been documenting the press freedom situation in the country, points out, however, that there remain factors — including the occasional misunderstanding by authorities of the role of the press in a democracy — that keep Timor-Leste’s journalists from doing their jobs without fear of retaliation.

Although libel has been decriminalized, Article 285 of the Penal Code, which penalizes “slandorous denunciations” has been used to get back at journalists for their reports.

AJTL notes that Article 285 has been “a huge threat to the country’s media and journalists as government officials and the public use this article to take journalists and media to court.”

Journalists have also been subject to police summons as well as to public harassment over their reporting.

Journalists with Independente Daily were summoned by the police over stories on law enforcement reforms published in October 2022.

The police declared the reports “fake news” — a common tactic used by governments in the region — and requested the deletion of the reports.

“This type of case is to restrict and threaten freedom of the press in the context of news coverage and revelation of the truth regarding acts of corruption, which involves the Government officials,” AJTL said in its quarterly report in late 2022.

Journalists in Timor-Leste have also been subject to harassment, as in February 2023, when the wife of a defendant in a sexual violence case “impeded and threatened [public broadcaster Radio e Televisão de Timor-Leste] reporters at the Dili District Court when trying to film the situation of the trial process.”

Journalists with news site Diligente were also subject to harassment over reports on alleged abuse at a Catholic seminary, which held a press conference to denounce the reports.

“The Diligente media became the subject of bullying, so that the journalists' families were also intimidated, because, according to the seminary, the news brought down the Catholic Church,” AJTL wrote of the incident.

Apart from harassment, AJTL has also documented attempts to curtail coverage, like regulation by the Public Prosecution Office regulating access to its building and limiting coverage to outside the main entrance.

“This poses a major threat to media workers and journalists who carry out investigative and critical reports, to be brought into the legal arena,” AJTL said.

To address these issues, AJTL has held press conferences, has participated in televised debates and issued press statements to explain to civil and church authorities that the reports in question were done according to journalism ethics.

Despite the existence of a Press Law that penalizes interfering with media work, Timor-Leste authorities “preferred using power to threaten and restrict freedom of depress and freedom of expression Timor-Leste,” AJTL said, adding authorities may not be familiar with the Press Law and with journalism’s function in a democracy.

“They tried to limit and restrict the media and journalists from uncovering the truth in relation to good governance and human right violations in Timor-Leste,” AJTL said in its annual report for 2023, where they also commit to continuing to engage civic institutions and to fight for press freedom.

As AJTL and Timor-Leste’s press community continues to engage with authorities on media issues, RSF notes that the country’s journalists will also have to learn to balance a culture of deference and respect for social hierarchy and the influence of the Catholic Church, cultural factors that could hamper the profession of public interest journalism.

**Thailand: Lèse-Majesté, lawfare remain a threat; physical harm also a possibility**



Media in Thailand, 106th on the World Press Freedom Index, have to contend with the threat of lèse-majesté charges as well as cases penalized under defamation and cybercrime laws that can contribute to a chilling effect on media — a phenomenon that has been observed across the region.

According to monitoring by the coalition, a Prachatai journalist is facing a defamation charge filed by an administration senator while another is facing a defamation suit filed by an energy company.

As in other countries in the region, media monitors note the use of Strategic Lawsuits Against Public Participation against journalists and activists.

Journalists in Thailand also have to be careful to not seem to be endangering national security and peace and order which forces media workers to tread a fine line when reporting on social issues as well as on protests and rallies.

News agency Lanner, for example, has been accused by the military of sedition for posting a livestream of a protest in Chiang Mai province.

A journalist for Prachatai and a freelance photographer were also arrested for their coverage of a graffiti incident in 2022, which authorities said was an act of “aiding” the vandalism.

“Both men have denied the allegation and insisted that they were merely performing their journalistic duties,” the incident report read.

The two were still charged, arrested and denied bail.

RSF notes that journalists in Thailand “need to be aware that any criticism of the government could cause a draconian response made possible by a judicial system that does the government’s bidding.”

Although notable in severity, punishing media for reporting on protests and dissenters, and for endangering “national unity” and “national security” is not unique to Thailand and has also been practiced by other governments in Southeast Asia.

Threats are not confined to the courts as journalists have also reportedly been beaten while covering pro-democracy protests in the kingdom.

In September 2023, a police colonel told a reporter for Amarin TV who was asking him questions about his alleged role in a murder in Nakhon Pathom province to stop questioning him to avoid being shot dead.

In June 2023, three improvised explosives were thrown at an editor of business paper Thunhoon Newspaper. The attack came less than 24 hours after another editor of the paper reported receiving death threats.

### **Philippines: Heightening digital repression, surveillance and harassment continue**

In the 2023 World Press Freedom Index, RSF noted that there have been fewer violent attacks in the Philippines since President Ferdinand “Bongbong” Marcos Jr., took office in 2022,

however the media community in the country remains in a constant environment of terror-tagging as they suffer from the passage of laws that continue to constrict free expression, and even physical attacks.

In 2023, the Philippines reported 40 attacks against press freedom, according to monitoring of the coalition, with surveillance and harassment among the most commonly reported incidents throughout the year.

Persistent digital attacks in the form of Distributed Denial of Service Attacks (DDoS) against critical media and media organizations continue to be one of the main issues of independent alternative media in the country.

At the same time, journalists and even campus journalists were not spared by the harassment of state agents.

On March 2023, campus journalists from The Manila Collegian and the Philippine Collegian; both campus publications for the only national university in the country– the University of the Philippines, reported the harassment of the Philippine National Police (PNP) against their staff members while the students were covering an ongoing transportation strike in Metro Manila. A few days later, the publication reported that a member of the PNP even attempted to arrest a female student journalist during the International Working Women’s Day coverage.

State actors’ weaponization of the law to stifle critical media also remains one of the most common tactics against media in the country, particularly against hard-hitting community journalists.

According to the monitoring website, at least three Filipino journalists were arrested over violations of the Data Privacy Act, and cyber libel.

Journalists are also constantly subjected to terror-tagging either by state actors, or by unknown trolls online and offline. In May 2023, former Palace official Lorraine Badoy-Partosa and Jeffrey Celis publicly red-tagged multiple journalists in their broadcasting show ‘Laban Para sa Bayan.’

In one episode, program hosts used a group photo taken from a media event in Chiang Mai, Thailand, which showed members of different organizations and two journalists for Baguio Midland Courier. The hosts called the people in the photo as ‘regional urban party operators’ of the Communist Party of the Philippines (CPP), and even added that the international non-government organization event they attended in Thailand was just a front for a ‘syndicate fundraising’ of the CPP.

Despite RSF’s statement of fewer violent attacks, media workers in the Philippines continue to remain vigilant against physical attacks.

In July 2023, three journalists from San Juanico TV in the province of Leyte, Philippines were covering a land dispute when a woman, later identified as police officer Rhea Mae Baleos, stopped them and told them to go away.

In the video posted, Baleos was seen grabbing the journalist’s phone while the latter was taking videos, all while violently pushing him away. After a few minutes, gunshots were heard in the distance and the journalists said that they saw policemen in uniform firing the shots. After the

incident, six journalists from the same media outfit reported how suspicious men were tailing them to their houses.

In November 2023, a radio broadcaster was shot dead by unknown assailants while he was airing his program on Facebook. The shooting was caught on a livestream of his show.

## **Synthesis and recommendations**

The alarming trend in the countries in the Southeast Asian region poses a severe challenge that could threaten the region's media landscape.

Governments in the region have taken to weaponizing and misusing laws and government policies to keep the press in line. Restrictive legislations, intimidations, arrests, and murder of southeast asian journalists continue to tarnish the freedom of expression in the regions.

The similar emerging trends among the countries show the underlying factor that there is an existing solidarity among the authoritarian regimes in the region, and the further implementation of these draconian laws and policies have stifled the freedom of expression of its citizens.

Because of this, the existing solidarity among civil societies and journalists, as well as media organizations is important in fighting against these oppressive regimes.

A bigger and broader collaboration between press freedom advocates in the region will help in amplifying the calls for a better democratic space in Southeast Asia.

There is also a need to sustain the monitoring platform of the coalition since it can serve as evidence against attacks and threats against journalists and media workers across the region. If sustained, even more data can be gathered from the countries which will make way for better analysis on the state of press freedom in Southeast Asia.