

A PANDEMIC OF SILENCE:

IMPACT OF AUTHORITARIAN COVID-19 POLICIES ON FREEDOM OF EXPRESSION IN THE INDO-PACIFIC

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I. Introduction

The COVID-19 pandemic has shown how a public health crisis can be used as an opportunity by governments to expand their authority and consolidate power. Since the outbreak of the pandemic in early 2020, there has been a growing trend of governments crafting their pandemic response measures with a two-fold objective. While the stated aim of government responses has been to safeguard public health, many responses have also had disguised political motivations. The severity of the COVID-19 pandemic encouraged governments to invoke extraordinary powers, typically only invoked during an emergency. These powers have had a severe impact on freedom and democratic values. In addition to the immeasurable cost of human lives, the degradation of freedom of speech and expression has been a major human rights casualty during the pandemic.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) entitles every individual to a right to free speech and expression. Aside from being a basic human right itself, free expression also enables the realization of other human rights, such as the right to health, as recognized by the Committee on Economic, Social and Cultural Rights. During a public health crisis like COVID-19, the right to free expression is crucial for accessing information, enabling people to form opinions and hold their government accountable for policies that may negatively impact them. However, during the pandemic, the right to free speech and expression was severely impacted and curtailed by government COVID-19 response measures.

ICNL, along with ECNL and its global partners, has been monitoring the impact of the pandemic on civic space through its COVID-19 Civic Freedom Tracker, including instances of civic freedom violations in the Asia-Pacific region. This briefer explores data in the tracker around violations of freedom of speech and expression – specifically, policies implemented by governments in the Indo-Pacific impacting free expression, as well as the primary targets of such repression.

II. Measures of Repression

In order to stifle criticism and curb dissent, governments often introduced new legislation or relied on existing laws under which those criticizing the government's COVID-19 response could be arrested. These laws used vague grounds like “instigating fear and harm” to justify the criminalisation of content considered ‘harmful’ by the government without any thorough examination of its real-world impact. At least 19 governments in the Indo-Pacific cracked down on speech and dissent through “fake news” or disinformation measures, which served as a valid pretext for governments to silence critics without accountability. Such legislation not only led to numerous arrests of those who criticized the government, but to a widespread environment of self-censorship.

CENSORSHIP THROUGH CRIMINALISATION

Various Indo-Pacific governments either introduced new legislation or used existing legislation to censor digital and print media from reporting on COVID-19. These laws often justified censorship of information on vague grounds related to ‘instigating fear’ or ‘causing harm’ to the country. In Bangladesh, for instance, the government frequently resorted to the much-criticized Digital Security Act (DSA) to repress free speech and expression. The Act penalizes a person for sharing information through digital media which, for instance, instigates a campaign against the “liberation war of Bangladesh” – a ground not defined under the Act, among other vague grounds restricting the sharing of information. In 2020, 457 people, including 75 journalists, were charged under the DSA.

Similar legal measures have been used to censor information in other countries. The Vietnamese government passed a new law imposing penalties on anyone sharing information “harmful to the country.” In Thailand, the Government passed Regulation No. 29 pursuant to the Emergency Decree, forbidding the sharing of news and information that could instigate ‘public fear.’ In Singapore, the government used the Protection from Online Falsehoods and Manipulation Act to censor online material related to COVID-19 policies, while also blocking user access to the websites of media organizations. In Cambodia, the

CENSORSHIP OF COVID-19 REPORTING



Bangladesh

Digital Security Act: Penalizes sharing of information through digital media which instigates a campaign against the liberation war of Bangladesh.



Vietnam

Decree for provisions on penalties for administrative violations in press activities, publication activities, 2020: Penalizes sharing of information harmful to country.



Thailand

Regulation No. 29: Forbids sharing of news and information that may instigate ‘public fear’.

Ministry of Information announced that only state media, invited by the government, could report from red zones, or areas with a high risk of COVID-19 transmission.

India has also witnessed a surge in cases of police and judicial harassment of journalists reporting on COVID-19. These include charges of “disturbing public order,” “vicious propaganda,” and sedition, as well as lengthy interrogations and intimidation by security forces – in almost all cases, for simple objective reporting on COVID-19 impact, sharing of citizen journalist videos, or raising of questions around government response. Activists and pro-democracy leaders viewed these measures as a warning for media organizations to refrain from criticizing the government through their coverage.

In addition to suppressing freedom of expression in the name of targeting disinformation, some governments in Asia also used criminal laws to arrest, investigate, and detain individuals for sharing information on vaguely defined grounds, such as causing incitement, turmoil, or chaos in public. For example, a journalist in Cambodia was arrested for incitement after quoting a speech of the Prime Minister Hun Sen in which Hun Sen advised motorbike drivers to sell their vehicles to alleviate their COVID-19-related financial distress. An opposition leader in Cambodia was arrested for criticizing the lockdown and expressing concern over the increased risk of starvation, as the comments were considered provocative.

REPRESSION IN THE NAME OF TARGETING “FAKE NEWS”

To control information about COVID-19, governments across the region criminalized the spread of so-called “fake news” with the stated purpose of maintaining public order. In China, the Ministry of Public Security announced that it had initiated criminal investigations against 5511 individuals for allegedly spreading false information (as of February 2020). In Vietnam, between January and April 2020, police took action against 654 cases of purported fake news and sanctioned 146 people. In Cambodia, around thirty activists and opposition members were detained on the charge of spreading “fake news” about COVID-19.

In India, the Ministry of Electronics and Information Technology (MeitY) requested social media platforms such as Twitter, Facebook, Instagram, and others to remove about 100 posts and content that it alleged was “unrelated, old and out of the context images or visuals, communally sensitive posts and misinformation about COVID-19 protocols.” However, reports indicate that tweets removed in compliance with the government’s requests by Twitter contained often valid information about COVID-19 or criticisms of the government’s response. One of the blocked tweets from a Member of Parliament stated:

“India recording over 2 [hundred thousand] cases every day, shortage of vaccines, shortage of medicines, increasing number of deaths... healthcare system is collapsing...!

#ModiMadeDisaster.”

Another withheld tweet by an opposition party leader stated: “India will never forgive PM @narendramodi for underplaying the corona situation in the country and letting so many people die due to mismanagement. At a time when India is going through a health crisis, PM chose to export millions of vaccine to other nations.”

The suppression of such speech limited public debate and propagated censorship across the region.

OTHER FORMS OF HARASSMENT

During the pandemic, governments came up with various measures specifically aimed at harassing actors who could challenge the government’s narrative around COVID-19 and pandemic response. Such harassment came in different forms. For example, four media organizations in Indonesia faced an increase in cyber-attacks following critical coverage of Covid-19 response. The International Federation of Journalists (IFJ) maintained that these attacks aimed to create an environment of self-censorship. Furthermore, while governmental authorities were called to investigate the source of these attacks, no such investigations were taken. In India, two big media houses, *Dainik Bhaskar* and *Bharat Samachar*, were targeted through investigations related to tax evasion, in which mobile phones and other employee devices were confiscated by authorities. While the Income Tax authorities continued to maintain that the investigation was related to tax evasion, media agencies maintain that these acts are retaliation for their critical coverage of the Covid-19 pandemic in India.

III. Targets of Government Repression

While the previous examples focus on journalists and media platforms as the primary targets of repressive government action on free expression, such measures also affected civil society activists and medical professionals sharing genuine grievances about the management of COVID-19. COVID-19 response measures also served as a valid justification to silence protesters, political opponents, and pro-democracy leaders in increasingly authoritarian regimes.

JOURNALISTS AND MEDIA PLATFORMS

Journalists and media platforms were primary targets of government crackdowns on free speech related to COVID-19. They were censored, harassed with baseless investigations, arrested, illegally detained, and even tortured for disseminating information related to COVID-19. In Malaysia, an investigation was launched against media platform Al Jazeera for reporting on the government’s treatment of undocumented migrants during COVID-19. In India, in response to complaints filed by supporters of the ruling party, two journalists were detained by police for 45 days for reporting that cow urine had no curative effects on COVID-19. In China, journalists went missing after being detained by police for their coverage of COVID-19. In Pakistan, two reporters were tortured for three days for reporting on the lack of basic facilities in quarantine centers.

PRO-DEMOCRACY LEADERS AND ACTIVISTS

Various countries also utilized COVID-19 measures as an instrument to curb pro-democracy protests. In Myanmar, shortly after the 2021 coup, the military junta charged pro-democracy leader U Win Myint under Section 25 of Natural Disaster Management Law for allegedly waving to a passing convoy, a “violation of COVID-19 prevention rules.” In Thailand, several pro-democracy activists who protested against absolute monarchy and demanded legal reform were arrested under Thailand’s COVID-19 emergency decrees. In China, human rights activists who criticized the government’s response to the virus reportedly went missing after being detained by police.

POLITICAL OPPONENTS

COVID-19 was also used as an excuse by the ruling establishment to silence or harass political opponents. In Cambodia, political opponents belonging to the Cambodian National Rescue Party (CNRP) were arrested on charges of spreading “COVID-19 related fake news.” A member of the same party was arrested for criticizing the vaccine. In India, COVID-19 was used as a convenient excuse to silence the political opposition with regard to the passage of various laws. The Parliament of India met for only 33 days in 2020 and for 59 days in 2021, resulting in the fast-tracking of many bills without sufficient debate. During this time period, 20 bills were passed without being discussed in even a single parliamentary session, with 14 of those bills passed in under 10 minutes.

PROTESTERS

Pandemic response measures were also used as a means to curb protesters expressing discontent or demanding rights from the government. In Sri Lanka, student leaders, union leaders, teachers and academics were arbitrarily arrested for protesting education policies, under the guise of violating COVID-19 norms. In Thailand, police fired rubber bullets and water cannons and used tear gas against protesters, which led to the arrest of 20 people and left 33 people injured. Those arrested were charged with violating the emergency decree on Covid-19 prevention. Similarly, Black Lives Matter protesters were fined and arrested in Australia for violating social distancing protocols. In Indonesia, 300 students were arrested for participating in May Day protests for ‘violating health protocols.’ In India, months-long protests against the Citizenship Amendment Act were dispersed by authorities under the guise of movement restrictions undertaken to prevent the spread of COVID-19.

MEDICAL PROFESSIONALS

The severely burdened health care sector also dealt with harsh crackdowns on the right to free expression. Various governments silenced healthcare professionals from speaking about dire conditions and heavy work pressure during the pandemic, and persecuted them for sharing negative opinions about the handling of the pandemic. In China, medical experts were harassed for sharing early warnings on the virus and the possibility of its spread, and for sharing their views if the same were not aligned

with the government’s approach towards the pandemic. In India, a doctor who complained of faulty medical equipment was suspended for “medical negligence.” In another instance in India, police launched criminal proceedings against a hospital that publicly reported an oxygen shortage.

GOVERNMENT CRITICS

Governments responded to criticism with a disproportionately heavy hand. In China, the government sentenced one individual critical of the government to 18 years of imprisonment on “corruption charges.” In Malaysia, a person was harassed by state authorities for a tweet questioning the use of data from MySejahtera, a contact tracing application, in law enforcement. In India, 25 people were arrested for publishing posters that criticized the government’s vaccination policy. During the acute oxygen shortage in India, instead of focusing on the issue at hand, government efforts sought to silence news about the shortage. Uttar Pradesh police filed a criminal case against a man for allegedly “circulating a rumour with the intent to cause fear,” after the man used Twitter to appeal for oxygen cylinders for his grandfather who was suffering from COVID-19. The government in one state of India also ordered the police to “take action” against hospitals that complained about oxygen shortages to the media.

IV. Conclusion

As ICNL notes in its Asia COVID-19 governance page, governments across Asia have used repressive measures to address COVID-19, creating a chilling effect on free expression and speech. These measures and their arbitrary applications have resulted in limited space for civic discourse. Pandemic management has been characterized by an expansion of autocratic rule globally as governments use these repressive measures to justify their political aims and suppress critical information, shutting down public discussion and evading accountability for their actions. Governments must reverse these patterns of suppressing free expression and information, and recognize that protecting rights is not only paramount during a pandemic, but critical for stability and better outcomes.

REASONS FOR HARASSMENT OF MEDICAL PROFESSIONALS



China

Expressing negative opinions about the government’s handling of COVID-19



China

Sharing early warning signals about the spread of COVID-19



India

Complaining about faulty medical equipment provided by the government for management of pandemic



India

Complaining about the shortage of oxygen for COVID-19 patients