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## Introduction

This study is conducted as applied research for the human rights organization, Asian Federation Against Involuntary Disappearances (AFAD), in cooperation with a student team from Windesheim University of Applied Sciences in the Netherlands. The aim is to investigate shrinking civic space and how that affects AFADs and its member organizations. The term civic space refers to “the set of conditions that allow civil society and individuals to organize and participate and communicate freely and without discrimination” (Keutgen & Dodsworth, 2020). On the contrary, shrinking civic space refers to these rights being violated; the rights that seem to be most clearly at stake are freedom of association, the freedom of assembly, and the freedom of expression (Buyse, 2018). Shrinking civic space seems to be a global challenge, according to Civicus (2023) 158 of the 197 assessed countries do not have an open civic space which refers to a state which enables and safeguards the enjoyment of civic space for all people. Shrinking civic space can have severe consequences on civil society organizations (CSOs). Therefore, it is important to gain a deeper understanding of shrinking civic space to support AFAD, so they are able to continue their work.

This study is carried out by a research team which consists of five researchers, Dayenne Deumer Fay Goedbloed, Elisa Haaijman, Frédérique Hoogland, and Marie Joost, who are all third-year students studying the program Global Project and Change Management. The students all conducted an individual research connected to the topic shrinking civic space. They choose these

topics based on feedback from AFAD, their project coach and after reading literature. This paper will contain a background, a literature review, a research design, an analysis, a discussion and conclusion.

## Background

### Stakeholder analysis

After having briefly explained the project's core idea, it is worth presenting the clients of this project. The main contact persons for the project team are Daphne Navelino, AFAD project coordinator and research officer, and Xerxes (Tet) Arcenal who is the program manager for the organization. However, the team is considered complete after the introduction of Jose Marie (Joey) Faustino and Christopher J. (Amats) Salgado. Joey is AFAD's secretary general and Amats is the admin officer of AFAD. Since they all hold high power and high influence on the project, the project team maintains regular contact with the clients by having regular online meetings, giving weekly updates, and exchanging feedback via the chosen platform *Signal*. During the stay in the Philippines, the project team works regularly in the office of AFAD to generate close interaction with the clients.

Nevertheless, member organizations also hold high relevance in this project. As the WIDEN concept, created by AFAD, reveals, member organizations (MOs) face similar challenges in the context of shrinking civic space which gives those organizations a high potential for high influence on the project. Yet, it must be considered that the content of the project and information about AFAD need to be dealt with confidentiality, especially when approaching stakeholders. Therefore, stakeholders can only be engaged when the client(s) confirmed the contact. This means the stakeholder map is an evolving document that needs to be approved by the client(s). Next to the AFAD, respondents of the individual interviews represent a crucial part of the stakeholder list. The list of interviewees who has been approved by the client can be found in

Table 1. Next to the name of the stakeholder, the table (table 1) reveals the context, such as the organization the person works for or its expertise and the specific role in this project.

**Table 1:**

*Stakeholder List*

<b>Pseudonym</b>	<b>Name</b>	<b>Organization</b>	<b>Context</b>	<b>Role in the project</b>
	Xerxes Arcenal	AFAD	n/a	Client, Program Manager
	Daphne Navelino	AFAD	n/a	Project Coordinator and Research Officer
	Jose Marie Faustino	AFAD	n/a	Secretary General
	Christopher J. Salgado	AFAD	n/a	Admin Officer
		KontraS	Member Organization	Interviewee
		DHRPK	Member Organization	Interviewee
		Odhikar	Member Organization	Interviewee
		PAHRA	Researcher and Consultant	Interviewee
		FOD	Member Organization	Interviewee
		Advocacy Forum	Member Organization	Interviewee
		n/a	Professor at university	Interviewee
		n/a	Professor at university	Interviewee

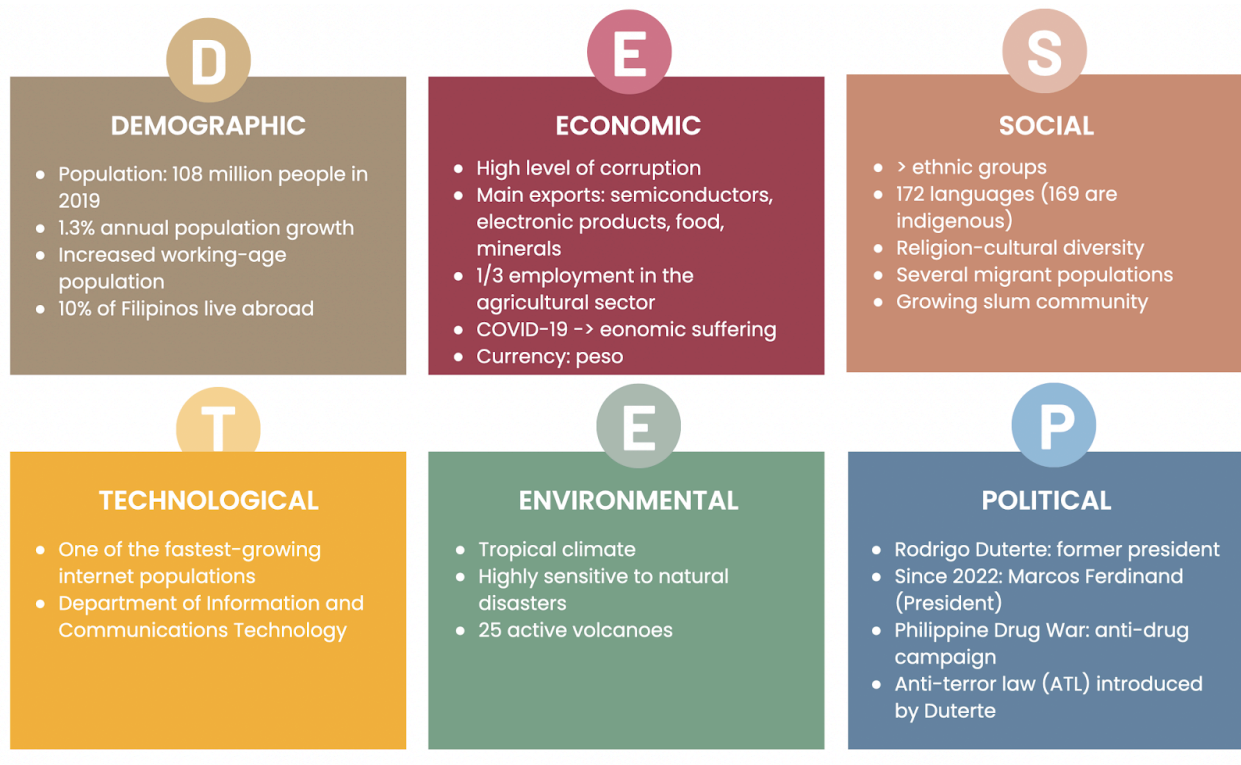
		n/a	Filipino psychology expert	Interviewee
		Donor organization	n/a	Interviewee
		Donor organization	n/a	Interviewee
		Donor organization	n/a	Interviewee
		United Nations	Special Rights Rapporteur	Interviewee

**DESTEP**

The team chose to conduct a DESTEP analysis (Figure 2) to gain a better understanding of the external factors that influence the activity of an organization. Therewith, the team intends to identify opportunities and threats for AFAD since the causes of shrinking civic space may be found in several domains. Moreover, the term civic space specifically refers to the political, legislative, social, and economic environment (Solidar, 2021). Therefore, looking at the demographic, economic, social, technological, environmental, and political factors seemed to be helpful in order to gain a holistic view of the issues that impact AFAD.

**Figure 2**

*DESTEP Analysis*



## Demographic

With 108 million people in 2019 (Population Dynamics, 2021), the Philippines counts as one of the most populated countries in the Asia Pacific (Statista, 2023). However, the Philippines has reached its lowest population growth since 1947 (Hannes Seidel Stiftung, 2022). In fact, the annual population growth rate in 2023 is about 1.3% which, in perspective to the previous years, represents a further decline (Philippines Population 2023 (Live), n.d.). Next to that, the Philippines population is among the youngest worldwide, considering that 52% of the total population is below 24 years old which results in an increased working-age population (Population Dynamics, 2021). Nevertheless, there is a trend to leave the country which has created a culture of emigration. In this context, it can be stated that 10% of Filipinos live abroad (Asis, 2017).

## Economic

Despite legitimate economic growth the Philippines never became one of the Asian tiger economies as a result of government corruption. Some economists contend that the country could be labelled as an Asian tiger cub economy instead. The main exports consist of semiconductors and electronic products along with some food and minerals. One third of the population is employed in the

agricultural sector, rice being the dominant crop. The nation also established the fourth largest shipbuilding industry in the world. The mining sector remains a big industry (Asis, 2017). With an English-speaking population and low labour costs the Philippines became the call centre capital, even exceeding India (Geodiode , 2021). Alike most countries around the world, the Philippines suffered economically from the Covid-19 pandemic. Economic growth decreased and recovering since 2021 (Worldbank, 2022). Finally, the national currency is the Philippine Peso.

## **Social**

More than 70 ethnic groups can be found on the islands. Besides the emigration culture, there are, namely, several migrant populations such as the Chinese, Indian, Spanish, and American (Castro, 2015). Despite the resulting high religion-cultural diversity (AFAD, 2012), Christianity counts as the main religion (Miller, n.d.), and due to colonialization, the Christian groups are associated with more political power. Whereas there are 172 languages used in the Philippines, 169 are indigenous to the country (Castro, 2015). However, the rapid population growth in combination with ethnic and religious conflicts results in many sociocultural challenges (Castro, 2015). Moreover, the regions of Calabarzon and the National Capital Region indicate the highest number of inhabitants nationwide which, in this case, results in an increased income disparity.

## **Technological**

The country has one of the fastest growing internet populations in the Asia Pacific region due to improved internet infrastructures. Filipino internet users also log on for the longest periods of time, 10 hours or more on an average day. It is predicted that in 2028, 77,81 percent of Filipinos will have internet access (Statista, 2023). Moreover, the policy of Duterte believed that increasing business sector of ICT would create better wealth for Filipinos. In May 2018, Duterte signed the Ease of Doing Business and Efficient Government Service Delivery Act (RA 11032) to improve the business climate and support its digital transformation initiatives. In order to demonstrate its steadfast support for the ICT sector, the Philippine government established its own Department of Information and Communications Technology (RA 10844) in 2016. The country's growing middle class and young people are the main drivers of IT demand. The Marcos administration intends to continue the previous Duterte Administration's digital transformation program (Giray, 2022).



## **Environmental**

The Philippines enjoy a tropical climate whereas the highlands in Luzon are slightly dryer compared to the Visayas and the South. It sadly means that the country is also highly sensitive to natural disasters. The country has been dealing with yearly earthquakes and typhoons. An average of 20 typhoons are hitting the islands every year, with the eastern Visayas being the most vulnerable. Furthermore, the country counts 25 active volcanoes to this present day (Geodiode , 2021). Disaster response mainly consists of mitigation strategies that are dependent on early-warning systems that usually only government and accredited NGOs have access to (Mina, 2021).

## **Political**

The executive of the unitary state is led by the president which is chosen by the population for a six-year term, having an upper house of 24 senators and a lower house of 304 representatives that represent individual districts across the country (which are elected for a 3-year term). The supreme court consists of 14 justices appointed by the president from lists nominated by a council. Unique to the Philippines are the Barangay's being the smallest unit of administration with over 40,000 in the country. They can be compared to small municipality houses (Geodiode , 2021). Rodrigo Duterte was the former president, since 2022 Marcos Ferdinand took over. Duterte is known for starting the Philippine drug war: the intensified anti-drug campaign of his administration. A complementation on this campaign is the anti-terror law (ATL) that puts harsher penalties for even 'suspected' terrorists, this being an obstacle to freedom of speech, for example. The law was introduced by Duterte in 2020. The war on drugs has led to, among others, a ridiculously high rate of forced disappearances, unjustified killings and government corruption. One can conclude that the country is dealing with political instability and a human rights crisis. It comes not as a surprise that according to the CIVICUS monitor and many other resources the Philippines are a repressed country (CIVICUS, 2022).

## **The general focus area of this MPGW project**

This project aims to execute extensive research that is focused on finding potential responses for AFAD to combat shrinking civic space. Human rights are inextricably linked to shrinking civic space because it undermines the ability of individuals and civil society organizations to advocate for and

defend these rights. Individuals and groups find it more difficult to speak out against human rights violations, advocate for justice and accountability, or participate in decision-making processes that directly affect their lives when civic space is restricted due to restrictive laws or policies, harassment, intimidation, or violence by state or non-state actors. This can lead to a cycle of repression and violations in which individuals or groups remain silent while abuses of power occur. Human rights organizations strive to ensure Human rights organizations work hard to ensure that human rights are respected, protected, and fulfilled. Civil and political rights, economic, social, and cultural rights, women's rights, children's rights, refugee and migrant rights, and minority rights are all areas in which human rights organizations can work. They may engage in activities such as research, documentation, advocacy, litigation, and capacity building to promote and protect these rights.

## Individual research focus areas

For the individual research, we have determined five topics to complement the understanding of the main project. To create a thorough and in-depth understanding of the project, several dimensions of civic space will be examined and connected to the foundational pillars of civic space and human rights.

Firstly, typologies and elements of shrinking civic space will be discovered by examining the norms and values of the Filipino culture. The perception on civic space can therefore be explored from a national perspective, and provide an overview of complexity per region, which accommodates a variation of civic space contractions and its impact. In addition, the impact of Covid-19 will be studied to explore the connection between shrinking civic space and governmental restrictions which create hostile environments and undermine democratic principles.

Since shrinking civic space is perceived as a global trend, another approach will be focused on shrinking civic space in a global context. This individual research will explore the Asian trends which drive shrinking civic space to shrink further and elaborate on the causes. To enhance the identification of trends, international relations which harm and/or benefit civic space will be examined by exploring and comparing former, as well as current, laws in Asia.

In addition, due to shrinking civic space being a global trend, many organizations have been forced to develop strategies to deal with this phenomenon. It is of value to collect best practises for protecting existing civic space and necessary to understand civil society responses. One of the research areas will therefore be the investigation of best practices incorporated by civil society organizations, in which the political and cultural situation will be considered to ensure a suitable response.

Lastly, a more detailed look will be provided on effective donor responses. CSOs are currently highly reliant on funding, whilst restrictive measures obstruct access to financial resources. This research will therefore focus on providing systematic guidance to support an enabling environment for donors and organizations.

## Introduction

This paper was created for AFAD to help understand the topic of shrinking civic space better. Shrinking civic space is a global problem since 158 of the 197 assessed countries do not have an open civic space, which refers to a state which enables and safeguards the enjoyment of civic space for all people (Civicus, 2023). Civic space is defined by Bhatia (2019), as the practical room for action and maneuver for citizens and civil society organizations (CSOs). While shrinking civic space refers to this room being shrunk. The rights most clearly at stake are freedom of expression, freedom of association, and freedom of assembly Buyse (2018). However, even though there is research done on the situation of the civic space in each country in Asia by Civicus for example. It is not clear if there is a distinct pattern or what the commonalities are between these countries. This could impact AFAD and member organizations that are located within 10 different countries in Asia: Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, South Korea (which represents North Korea), Sri Lanka Thailand, and Timor Leste. However, due to time constants, this paper only investigated one aspect of the shrinking civic space, restrictive laws. Since, legal constrains are one of the most common forms of shrinking civic space (Busye, 2018). These laws can have dire consequences for civil society and CSOs work. So, before looking into the laws the overall situation and a bit of the political state will be examined in a literature review, after that the conceptual framework for this paper is discussed, then the research objective and questions are shown, after which the research design is explained, following an analysis and discussion, and ending with a conclusion.

# Literature Review

## Introduction

This literature review aimed to find out the current situation in each of the countries in which AFAD and the MOs operate. This section will first discuss what civic space is, then it will broadly look at shrinking civic space, after that it will look into all the 10 countries and their respective situation, ending with a conclusion.

## Civic space

In order to understand civic space, it is crucial to first grasp the concept of civil society organizations. CSOs in accordance with the Council of Europe Committee of Ministers' Recommendation 14 (2007), civil society organizations are defined as "voluntary self-governing bodies or organizations established to pursue the essentially non-profit-making objectives of their founders or members. They do not include political parties. These bodies and organizations are part of a concept called civic space, which is defined as the practical room for action and maneuvering for citizens and CSOs (Bhatia, 2019). Which as mentioned in the introduction, enables civil society to practice the rights of freedom of association, peaceful assembly, and expression. Civil society is valuable as it can function as an advocate and defender of human rights and vulnerable groups. In addition, the voices of citizens and communities can be of key importance for the survival of liberal and democratic norms (Mercer, 2002). However, there are several methods to shrink these rights which determine the extent of civic space, and these will be discussed in the section below.

## Shrinking civic space

This paper will use the definition of shrinking civic space of Buyse (2018) the rights most clearly at stake are the freedom of association, the freedom of assembly, and the freedom of expression. Yet the way shrinking civic space manifests varies greatly per country. According to the Civicus rating of 2022, none of the countries in which AFAD operates in has an open or even narrowed civic space. To be more precise four of these countries were rated as obstructed, Indonesia, Nepal, Sri Lanka, and Timor Leste. While five were assessed as repressed Bangladesh, India, Pakistan, the Philippines, and Thailand. Finally, North Korea was rated closed due to its continued oppression of

civil society. In the sections below the current political situation of each country will be mentioned and some rights hindering civil society will be discussed.

## Bangladesh

Since Bangladesh became independent from Pakistan in 1971, its democracy has remained unconsolidated, characterized by dictatorial and authoritarian power through politically manipulated elections (Mostofa and Subedi, 2021). Furthermore, Bangladesh has a history of military coups and corrupt political parties (Moniruzzaman, 2009). Following the shrinking of civil society due to authoritarian policies (Hasan, 2019). Moreover, the work of Mostofa and Subedi (2021) suggest that a political party Bangladesh Awami League (BAL) has undermined political oppositions, and which could lead to a one-party system in the future. Bal has extended their power by changing the 16<sup>th</sup> amendment which distorted the separation of power and allowed them to remove the chief of justice if he or she posed a direct threat to the government policies (Udin, 2018). Furthermore, civil society is endangered by the new Digital Security Act of 2018 which provides unlimited power to security forces (Hasan, 2018)

## India

India gained independence from the British Empire and became a democratic republic in 1947. In the constitution which was created two articles have had a been used extensively that shrink civic space. The first is Article 356 which allows the central government to take over individual states and rule from the center. The second Article 352 provided the government with the emergency power in times of crisis, which can be used if the integrity of the state is questioned. Which for example happened in a period of Emergency rule between 1975 and 1997 (Sajal 2009). Furthermore Civicus (2022) noted on the misuse of the draconian Unlawful Activities (Prevention) Act (UAPA). In addition, in 2022 an Amendment Bill was adopted, the Indian Foreign Contribution (Regulation) (FCRA), to limited foreign investments.

## Indonesia

The Republic of Indonesia adopted a new constitution in 1945 that strived to protect the Indonesian nation and its people, promote public welfare, provide education, and participate in the implementation of a world order based on freedom, eternal peace and social justice (Komalasari, 2019). However, despite these goals, there is an emergence of oligarchy, clientelism, and regional fanaticism (Watra, 2019). Consequently, several laws are in place which harm the civic space including a recently passed criminal code that has an immense impact on the freedom of expression by banning consensual sex outside of marriage. This violates the rights of women, religious minorities, and LGBT people (Civicus 2022).

## Nepal

Until the creation of the new constitution in 2015 Nepal has struggled for democracy for over 70 years. In 2020 and 2021 the parliament was dissolved twice and needs to be restored by the Supreme Court (Varshney, 2022). Furthermore, Brechenmacher and Carothers (2019) mentioned several struggles for CSOs like stigmatization, repression, increasing use of surveillance tools, and disinformation spread through social media. The organization International Center for Not-for-profit Law (ICNL) mentioned the Social Welfare Act of 1992, as a barrier for CSOs to receive foreign funding.

## North Korea

The Kim family has ruled North Korea for almost three generations since the beginning of the partition of Korea after World War two. North Korea is considered one of the most secretive totalitarian states in the world. Due to its secretive nature, it is hard to study the extent of human right violation present in the country. However, despite of the criminal laws against crossing the border, over 28,000 North Korean Refugees have escaped to South Korea and were able to share their experiences (Lessing, 2023). The research of Zadeh-Cummings and Harris (2020) mentioned that North Korean civil society is non-existent, which is as mentioned above a vital component of civic space. North Korea maintains a societal classification system and its people are divided into three sections: the core class, the wavering, and the hostile class (Freeman, 2014). Where the core class contains the people

closest to the Kim family, and the hostile class includes descendants and relatives of people who collaborated with Japan or people who oppose the state (Eckert, 2012). Therefore, the civic space is nonexistent, since there are limited to no rights of assembly, association, or expression.

## Pakistan

Pakistan is facing some challenges regarding the realms of politics and economics due to the political unstable conditions. The country has experienced recurring coups and destabilization of democratic governments. Further, the war on terrorism is affecting the internal and external relations within and outside of the state (Memon, et al, 2011). In addition, Civicus (2022) identified the Prevention of Electronic Crimes Act (PECA) and the Unlawful Activities (Prevention) Act to be used to stifle dissent from activists and civil society organizations.

## Sri Lanka

Since Sri Lanka became independent in 1948, they have adopted a democratic, republic and a unitary state which is governed by a semi-presidential system. However, during the regime of President Mahinda Rajapaksa from 2004 to 2015, and with the Yahapalanaya regime led by President Maithripala Sirisena, from 2015 until 2019 and again from 2019 to 2022 with President Gotabaya Rajapaksa, the civic space shrank several times. The governments used their power to undermine democracy, for example in 2020 President Gotabaya Rajapaksa dissolved the parliament which enabled the Sri Lanka Podujana Party to win a two-thirds majority in the parliament. This gave him the opportunity to call for martial law and use Section 12 of the Public Security Ordinance (PSO) (Satkunanathan, 2019). In addition, the country struggled to prioritize the rights of ethno-religious minorities being against both the Tamil and Muslim communities. According to this paper several laws were used to shrink the civic space and discriminate against the Tamil and Muslim communities. Using the Prevention of Terrorism Act (PTA), the International Covenant on Civil and Political Rights (ICCPR) Act 2007, and the Emergency Regulation 32A which prevents Muslims from wearing the niqab (Margolis, 2019).



## Thailand

Thailand has undergone much political turmoil while undergoing several military coups after changing into a constitutional monarchy in 1932. Currently, the Thai regime is characterized as a military-palace-led autocracy that uses several tactics to repress civil society, in order to prevent effective anti-regime mobilization (Goldstein et al. 2020). The laws include Article 112 of the Criminal Code on offense against the monarchy; Article 116 of the Criminal Code on sedition; Criminal Code, Section 326 to 333 on defamation; Computer-Related Crime Act and Emergency Decree (Sombatpoonsiri, 2020). Other tactics include online surveillance and disinformation campaigns (Goldstein et al. 2020).

## Timor Leste

Timor Leste has been colonized by the Portuguese from 1515 onwards and became independent in 1975 for nine days. After which it was invaded by Indonesia and was occupied for 24 years until 1999 (Simpson, 2005). After they gained independence, the new constitution adopted all basic and fundamental human rights conventions and declarations (RDTL, 2016). Further, it established a parliamentary republic system which follows the separation of powers and interdependence. However, the key problems of poverty and unemployment have not been addressed, with over 42% of the country living below the national poverty line (Khoo, 2022). In addition, there is one law in place which affected the right of protest, Article 5 of the Law No. 1/2006 prohibits demonstrations within 100 meters of public buildings. This law has led to unnecessary use of force against protesters and arrests, which harms civic space. Furthermore, Civicus (2020) reported the threat of three potential laws which were discussed in 2020 which were the Criminal Defamation Law, Cyber Crime Law, and Data Privacy and Protection Law which could restrict freedom of expression, both online and offline.

## The Philippines

The Philippines has a political history of turbulence (West, 2018). Particularly during the authoritarian regime of Ferdinand Marcos from 1972 to 1986 (David, 2001). Consequently, many human rights violations occurred, and martial law was implemented several times, which impacted the civic space.

During the rule of Joseph Estrada in 2001, the People Power protested his corruption which led to the military withdrawing its support, which led to Estrada's downfall (Case, 2015). After this Estrada was impeached and Gloria Macapagal-Arroyo was elected to serve as president.

From 2001 until 2010 Gloria Macapagal-Arroyo and initially was supported by CSOs, but when she interfered in the 2004 elections, she undermined democratic institutions (Croissant & Haynes, 2021). After holding the presidential position for 9 years Macapagal was barred from seeking reelection.

After this Rodrigo Duterte ascended to power by exposing the hypocrisies of the powerful institutions, by giving voice to the citizens' deep-seated injuries, and setting the tone necessary for his style of governance (Curato, 2016). Duterte's rule experienced many human rights violations, especially during the bloody "war on drugs". Duterte encouraged police attacks against human rights groups and advocates. Furthermore, Duterte engaged in red-tagging and issued Memorandum Circular 15 to categorize the CSOs as "low", "medium", or "high-risk" regarding the affinity to terrorism (Luci-Atienze, 2020).

During the election process in 2022 of Bong Bong Marcos, the son of Ferdinand Marcos, much misinformation and disinformation was spread (Philipps, 2022) enabling Marcos' rise to power. Currently, Civicus (2023) rates the Philippines as repressed due to the continued red-tagging, arbitrary arrest, and prosecution of human rights defenders and activists.

## Conclusion

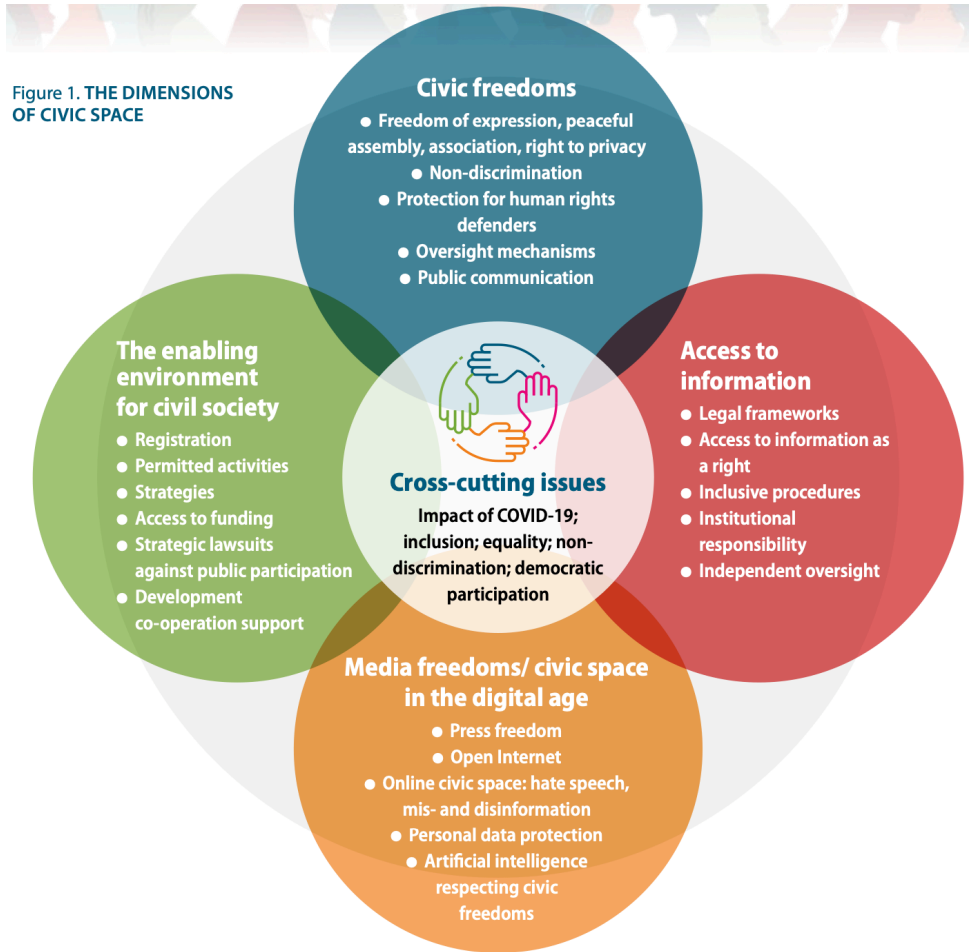
Civic space is increasingly threatened all over the world (Civicus, 2022) and has severe impacts on the rights of association, peaceful assembly, and expression. Several of AFADs member organizations struggle with similarly draconian laws and governments with authoritarian traits. Yet there has been limited research done on if there are any patterns or commonalities between these restrictive laws. Therefore, this paper will try to identify the policies restricting civic space in the 9 countries where AFAD operates and their implications on the work of CSOs. However, this paper will not investigate the situation of North Korea since it is the only country with a closed civic space and is therefore unique from the other nations.

# Conceptual framework

The conceptual framework of an OECD report (2022) discussing the protection and promotion of civic space Figure 3 was created to understand the dimensions of civic space and the impacts of Covid-19. Even though this paper does not necessarily focus on Covid-19 the rest of the figure is still applicable to the main topic of policies restricting civic space. Therefore, this paper will use the categories of civic freedoms, access to information, media freedom/ civic space in the digital age, and the enabling environment of civil society to help identify restrictive policies. Furthermore, it will help guide the interview questions and coding process.

**Figure 3**

*The dimensions of civic space*



## Research Objective

The purpose of this study was to identify policies restricting civic space in the 9 countries where AFAD operates and its implications for the work of civil society organizations. In the following section, the main research question and sub-questions are discussed.

### Main research question

What are policies restricting civic space in the 9 countries where AFAD operates and its implications on the work of civil society organizations?

### Sub questions

1. What are policies that restrict civic space in the countries Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Timor Leste?
2. How do policies that restrict civic space affect the work of civil society organizations in the countries Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Timor Leste?
3. What are the parallels or commonalities between these countries?
4. What are opportunities for CSOs to open the civic space?

## Research design

In this section, the research design is discussed which includes the research approach, the research method, the sampling methods, the data collection methods, and the data analysis methods.

### Study design

This research applies an interpretive research design based on the recommendations of the client. Since this paper looked into a social issue and was trying to understand a situation subjectively.

### Study population

For this paper interviews were conducted to not just learn more about the harmful laws in the other countries which are implemented but specifically if there are any patterns. In order to gain that knowledge, open-ended structured interviews were conducted (see the interview guides below). Consequently, there were several criteria to determine who was suitable for the interviews. First, the participant needed to be informed on the topic of shrinking civic space. Furthermore, the interviewee had knowledge of one of the countries of interest and their political history. The gender and age were not important as long as the participant was over the age of 18 and was therefore considered an adult. The researcher needed to gain some knowledge of the political situation and restrictive laws of the 9 countries AFAD was operating in. So, for the sampling method, the judgment method was most suitable since most interviews were obtained through AFADs network. Since there were only 7 questions the interviews were approximately one hour.

In total 7 interviews were conducted on a preferred platform of the interviewee to make them the most comfortable. All Participants received the questions and the consent form beforehand to prepare them for the interview. All participants allowed for the recording of the interview, and this enabled the researcher to code and analyze the interview afterward. However, due to technical issues, two of the interviews' recordings and transcripts were not usable, so instead, the notes of the meeting were analyzed. In total 7 participants were asked about a country's specific experiences of CSOs in Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, and Sri Lanka. Due to time concerns, the researcher was unable to interview someone from Timor Leste and Thailand. Therefore, the

researcher has less knowledge of CSOs' experiences in these countries. So, more secondary sources were used to investigate the situation of the civic space within these countries.

## Interview guide

Hello, thank you so much again for agreeing to meet with me to talk about shrinking civic space in (country). Maybe I can start by introducing myself. My name is Fay, and I am currently studying global project and change management in the Netherlands. As you know I am conducting this research for the Asian Federation Against Involuntary Disappearances to help them gain a deeper understanding of the topic of shrinking civic space. However, unfortunately shrinking civic space is not just happening in the Philippines but it happens all over the world. One of the ways the space is shrunk is by-laws. I am trying to figure out how these laws affect CSOs and if there are any patterns or commonalities between them. That is also what I would like to talk about with you. Since this topic can be triggering, you can let me know if you get uncomfortable or need a break at any point.

I would like to ask you two more questions before we officially start: start am I allowed to record this meeting so I can transcribe and code it later. If not, that is of course totally understandable, I can take notes instead. And my second question is if there are any questions or comments from your side before, we start.

### **Interview questions:**

1. Can you introduce yourself?
2. How would you define civic space? How would you define shrinking civic space?
3. How did the civic space develop in (country A) in the past 50 years?
4. What are some policies and laws which are currently hindering CSOs in (country A)?
5. How are you trying to work around these challenges?
6. Are there any trends in Asia that you think might be connected to this and if yes/ no why?
7. Why do you think shrinking civic space is increasing on a global scale?

Alright, thank you so much again so much for your time. You really gave me some valuable insights. If you have any other materials or things that you think might be relevant to me, please feel free to

contact me. Is it alright if I contact you again if anything else comes up from my side? Thank you so much again. Have a great day!

## Data collection

In order to analyze the data all interviews were recorded so they could be coded and investigated after. All interviewees were asked for consent before the recording starts due to privacy reasons. For the coding, the mixed method was used to ensure all areas of interest were investigated. Some themes were based on the theoretical framework which is displayed in Figure 3 and the others were inspired by the interviews. During the coding, some of the codes of the conceptual framework were not used and therefore crossed off the list like the following: ~~example~~. Were as others were added after coding some of the interviews to prevent tunnel vision and potentially missing out on new themes and codes. The two codes which were added are solutions and trends since some participants discussed best practices and trends which they saw in Asia.

### Code themes:

- Freedom of expression
- Freedom of peaceful assembly
- Freedom of association + registration
- Right to privacy + person data protection
- Non-discrimination
- Protection for human rights defenders
- ~~Oversight mechanisms~~
- Public communication
- Legal frameworks
- Access to information
- Inclusive procedures
- Institutional responsibility
- ~~Independent oversight~~
- Press freedom
- Open internet



- Online civic space (hate speech, mis- and disinformation)
- ~~— Artificial intelligence respecting civic freedoms~~
- Permitted activities
- Strategies
- Access to funding
- Strategic lawsuits against public participation
- ~~— Development co-operation support~~

Instead, the following codes were added:

- Trends
- Solutions

In addition, all interviewees were referred to as a number to protect their identity see appendix 1 for an overview of the research participants. Furthermore, the interview questions were included in the interview guide so other researchers can check the reliability of this research.

## Study Site

Due to AFADs involvement in this research, all interviewees were obtained through their network. This could impact the results of this research since there are only people from a certain 'bubble' Furthermore, the interviews were conducted on online platforms like Microsoft Teams and Zoom since most experts interviewed lived in different countries. In addition, the online tools allowed the researcher to record the meetings (if the interviewee gave consent) to improve the quality of the data analysis.

## Ethics

Since this topic discussed repressive regimes and could be connected to traumatic experiences it is important to consider ethics. A member of AFAD asked us to consider four aspects of ethics (Arcenal, X. personal communication, 10-05-2023) protecting the participants from harm, informed consent, control over personal information, and justice. In order to protect the participants from harm before the interview it was stressed that the participants could stop the interview at any

time. Furthermore, after the interview was conducted, the research participants still had the right to withdraw from the research before was published. To provide the informed consent a consent form was set up to specify the research information (see appendix 2). In addition, to provide confidentiality no personal information of the research participants was mentioned in the report except for the country they discussed. The participants were assigned to a number to leave out their names and other personal information. Finally, since the research participants volunteer their time, the client was asked for feedback on the research content and questions to enhance the quality of the interview.

# Results

The data is selected and split to answer each sub-question, so first there is a table that describes what laws were found, either during the interviews or while writing the literature review (see Table 2). Then all interviews are summarized to see what policies restricted CSOs the most and what other problems they encountered. After the third research question is discussed to see if there are any patterns or commonalities between the laws and countries. Finally, the main ways to combat this issue are mentioned which were stated in the interviews.

## Sub-question 1

**What are policies that restrict civic space in the countries Indonesia, Pakistan, Nepal, India, Thailand, Timor Leste, Bangladesh, Sri Lanka and the Philippines?**

**Table 2**

*Policies which restrict civic space*

Legenda	Restrictions on Expression	Restrictions on assembly	Freedom of association	Funding restrictions
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Country	Draconian Laws
Bangladesh	<ol style="list-style-type: none"> <li>1. Digital security act of 2018</li> <li>2. The information and communication act of 2016</li> <li>3. Anti-terrorism Act 2009</li> <li>4. The Press Council act 1974</li> <li>5. The Special Powers act of 1974</li> <li>6. Sedation section 124A (Penal Code) 1860</li> </ol>

	<ol style="list-style-type: none"> <li>7. Foreign Donations (Voluntary Activities) Regulation Act 2016</li> <li>8. Circular on Working Procedure for Foreign and Foreign-Assisted Bangladeshi Non-Governmental Organizations Working in Bangladesh 2012</li> </ol>
<b>India</b>	<ol style="list-style-type: none"> <li>1. Unlawful Activities Prevention Act of 1967</li> <li>2. Anti-Blasphemy Law (Indian Penal Code 295A) 1933</li> <li>3. Sedition Law (Indian Penal Code 124) 1870</li> <li>4. Criminal Defamation Law (Indian Penal Code 499) 1860</li> </ol>
	<ol style="list-style-type: none"> <li>5. The Foreign Contribution Regulation Act of 2020</li> </ol>
<b>Indonesia</b>	<ol style="list-style-type: none"> <li>1. Criminal Code 2022</li> <li>2. The State Intelligence Law, 2011</li> <li>3. Hate Speech Law-Articles 27 and 28 of the Law on Information and Electronic Transactions (IET), 2008</li> <li>4. Anti-Terrorism Law 2003</li> <li>5. UU PNPS No. 1/1965 on Blasphemy</li> <li>6. Defamation Law: Articles 207 and 310 to 321 of the Penal Code.</li> </ol>
	<ol style="list-style-type: none"> <li>7. The Law on Freedom to Express an Opinion in Public, 1998</li> </ol>
	<ol style="list-style-type: none"> <li>8. Law on Mass organizations 2013</li> <li>9. Prevention and Suppression of Terrorist Financing Law 9/2013</li> <li>10. Anti-Money Laundering Law 8/2010</li> <li>11. Regulation 38 regarding acceptance and granting of social/ charity organizations assistance form and to a foreign party (Art. 6, 7, 10, 11) 2008</li> </ol>
<b>Nepal</b>	<ol style="list-style-type: none"> <li>1. Online Media Operation Directives 2073, 2016</li> <li>2. Electronic Transaction Act (ETA) 2006</li> </ol>
	<ol style="list-style-type: none"> <li>3. Social Welfare act (1992)</li> </ol>
<b>Pakistan</b>	<ol style="list-style-type: none"> <li>1. Prevention of Electronic Crimes Act (PECA) 2016</li> <li>2. Pakistan Army Act of 1952</li> <li>3. Anti-Blasphemy Law 1860</li> </ol>

	<ol style="list-style-type: none"> <li>4. Policy for Regulation of Organizations Receiving Foreign Contributions (2013)</li> </ol>
<b>The Philippines</b>	<ol style="list-style-type: none"> <li>1. The antiterrorism act of 2020</li> <li>2. The Cybercrime Prevention Act of 2012</li> <li>3. The Human Security Act of 2007</li> <li>4. Republic Act 10973 also known as the Local Government Code 1991</li> <li>5. Defamation laws- Articles 353 – 359 of the 1930 Philippines Penal Code</li> </ol>
	<ol style="list-style-type: none"> <li>6. The terrorism financing prevention and suppression act of 2012</li> <li>7. The anti-money laundering act of 2001</li> </ol>
<b>Sri Lanka</b>	<ol style="list-style-type: none"> <li>1. Prevention of Terrorism Act 1979</li> <li>2. Public Security Ordinance (PSO) 1947</li> </ol>
	<ol style="list-style-type: none"> <li>3. Inland Revenue Act 2006</li> <li>4. Amendments to Voluntary Social Service Organizations (regulation and supervision) Act 1998</li> </ol>
<b>Thailand</b>	<ol style="list-style-type: none"> <li>1. The Computer Crime Act 2017</li> <li>2. Article 116 of the Criminal Code on sedition 1956</li> <li>3. The lese-majeste provision (Article 112) in the Criminal Code 1956</li> </ol>
	<ol style="list-style-type: none"> <li>4. Rule of the Ministry of Labor and Social Welfare on the Entry of Foreign Private Organizations to Operate in Thailand (art. 9.) 1998</li> </ol>
<b>Timor Leste</b>	<ol style="list-style-type: none"> <li>1. Article 5 No. 1/2006 prohibits demonstrations within 100 meters of public buildings</li> </ol>

**Sub-question 2**

**How do policies that restrict civic space affect the work of civil society organizations in the countries Indonesia, Pakistan, Nepal, India, Thailand, Timor Leste, Bangladesh, Sri Lanka, and the Philippines?**

**Participant one: the Philippines**

In the Philippines several laws were identified which harm the civic space particularly three laws were mentioned causing harm. The antiterrorism act of 2020, the terrorism financing prevention and suppression act of 2012, and the anti-money laundering act of 2001. "These laws which were established to counter-terrorism are now utilized to counter criticism" participant one, personal communication, 10-05-2023). In addition, these laws seem to be used to spread fear amongst CSOs and cause a 'chilling effect' among those who are critical of the government. Furthermore, critics fear arbitrary arrest since these governments can use the law to stifle dissent. For example, a senator of the Philippines called Leila de Lima was arrested for alleged trumped-up drug charges. She had been highly critical of Duterte and his mayorship of Davao where allegedly an estimated 1000 drug suspects were extra-judicial killed. After Duterte became president and Lima continued to criticize the war on drugs she was arrested, she has been in prison for over 7 years without a trial. A related method frequently used by the Duterte administration that ties into the chilling effects is called 'red tagging' which brands someone as a communist. If you are connected to someone who is seen as a communist there is a possibility you are red tagged as well. Which could create a fear of association, alienating CSOs and human rights defenders. Furthermore, during the interview of participant one it was mentioned that the Philippines adopted several laws against torture, enforced disappearances, and remuneration to the Marcos victims during martial law. However, the anti-enforced disappearance law and the anti-torture law are rarely used despite cases being reported. This implies that the government picks and chooses which laws to enforce. It was also mentioned in the interview with participant one that in Asia authoritarian regimes are on the rise which can have dire consequences for the civic space.

### **Participant two: Indonesia**

Participant two discussed the development of the shrinking civic space in Indonesia. It was mentioned that the civic space in Indonesia was severely repressed under the Suharto regime a few decades ago. After Suharto was forced to step down Indonesia made some improvements and adopted several laws to enhance the democracy. However, there have been signs of democratic backsliding due to the adoption of some harmful laws. Including Law, no 11 of 2008 Information and Electronic Transactions (UU ITE) which has impacted many CSOs. Furthermore, violence was used by the police to stifle dissent with at least 50 extrajudicial killings. Of these 18 died due to torture, and

32 due to shootings which were used to disperse mass action or demonstrations (Kontras, 2022).

Civil society is hesitant to support human rights organizations because of stigmatization. However, when the issue is severe, civil society does protest which can positively influence the civic space.

CSOs continue to push democracy on the agenda and try to lobby for participation despite the current challenges.

### **Participant three: Bangladesh**

Participant number three discussed the shrinking civic space in Bangladesh. From 1971 until 2000 the government was relatively productive, but things took a turn for the worse during the state of emergency from 2006 until 2008. According to participant three Bangladesh is currently severely repressed under the authoritarian rule of the political party Awami League. Which has been in power since the elections of 2009, which were completely fabricated, just like the elections of 2014 and 2018. Therefore, participant three and civil society worry about the coming election, with tens of thousands of people demanding new elections in 2022, but their calls fell on deaf ears. The Awami League crushed the opposition and can almost be considered an one-party system. After the caretaker government was removed in 2011 the Awami League had the chance to grow their power and ensure their continued grip on Bangladesh. Currently, the main opposing party is leading protests and demanding free and fair elections. However, the government cracks down on protesters injuring and killing people in the process. As for the treatment of CSOs, the situation differs on their political views. According to participant three, the CSOs are politically divided and are handled by the government accordingly. On one side there are CSOs that are funded by the government for expressing their support, on the other side are CSOs that actively speak out against the government. These CSOs are facing, prosecution, and surveillance, and their registration is potentially canceled or withheld, resulting in frozen funds making it nearly impossible to operate. Other CSOs are afraid of speaking out due to this threatening situation, creating a chilling effect. The CSOs whose funds are out of reach can only operate through their regional or international networks. The only other option is to try to stay on the government's good side to keep access to funds. Participant three confirmed that the civic space is shrinking all over Asia, which CSOs try to address by reporting human rights violations to international organizations. For example, in Bangladesh, there are two laws being drafted that could have an immense impact on the civic space. The laws are the data protection act and the telecommunication act, and with the help

of international organizations, CSOs are trying to get these laws to be adapted to be less harmful. Current laws which hinder CSOs are the Digital security act of 2018, the information and communication act of 2016, the press council act, and the special powers act of 1974. The reason for the growing problem of shrinking civic space participant three gave was power. The governments in power want to keep it by whatever means necessary. In Bangladesh for example, the government was not chosen by the people and therefore the government fears civil society, which poses a threat to its authority.

#### **Participant four: Pakistan**

Participant four discussed the big role the military has in politics and the power they have over civil society. Pakistan, just like other countries in Asia still has a relatively young constitution since it became 1974. Since then, the country has seen mostly military dictatorships, which contributed to the shrinking civic space and the freedom of the people in Pakistan. Even though, the country currently has a 'democratic' government the military holds the power in the background. For example, when a democratic party comes into power, the opposition which is supported by the military will make a false case to oust Prime Ministers. Further, it can be seen in the financing of the military, with 70% of the total budget going to the military. Even last year when the country was flooded badly, the effects of Covid still impacted the economy. Now Pakistan faces an economic crisis with growing inequalities between the rich and the poor. Participant four described Pakistan as a political war zone with some CSOs divided. The journalists for example were described as very biased leading to distorted facts. Whereas journalists that speak out against the government can face prosecution. Tying into this is the fact that civil society is not allowed to write or speak out against to government or the military on social media. However, participant four mentioned that Pakistani youth dares to continue to speak up regardless of the consequences. Currently, some other laws which threaten civil society are the Pakistan Army Act of 1952 and the Official Secret Act which enable the army to trial civilians under military laws in military courts. Currently, the military can pick up anyone anywhere and trial civil society in certain provinces.

#### **Participant five: The Philippines, Sri Lanka and India**



With participant five first, the shrinking civic space in India was discussed and the links between The Philippines, Sri Lanka, and India were considered. Participant five talked about the influence of COVID in India during which the safeguarding of freedom of peaceful assembly was very difficult and there were laws in place limiting public gatherings. The CSOs were not consulted when these rules were drafted and therefore the laws tended to be vague, which allows for the power of interpretation. Consequently, the Unlawful Activities Prevention Act of 1967, and the Foreign Contribution Regulation Act of 2020 were both used extensively to repress CSOs. Furthermore, the request for the renewal of licenses was rejected by over 6000 organizations. In addition, CSOs face Pegasus spyware which has been used against activists, cyber harassment, threats, smears, defamation, all the way to killings. In India specifically the region of Jammu and Kashmir, Muslim Indians have been particularly vulnerable. Further, just like in other countries in the region of Asia, the state tries to vilify CSOs and specifically activists, to crack down on the dissent of civil society. Globally, there is increasing misuse of anti-terror and national security legislation to prosecute those who speak out against the government. In Sri Lanka, the Prevention of Terrorism Act (PTA) has been used for over 50 years now, in particular against Tamils and Muslims. Just like the laws in India, it allows detention without the possibility of bail. Even though, Sri Lanka made a commitment to repeal PTA the new proposed Ant-Terrorism Act still would grant the government excessive power. In addition, the Counterterrorism Investigation Division has spread fear amongst CSOs by routinely visiting across the country to demand information regarding funding programs. Many organizations have complied and do not share details publicly due to the fear of reprisal. In the Philippines, participant five confirmed the information of participant one and mentioned the Anti-Terrorism Act, the Terrorism Financing Prevention and Suppression Act of 2012, and red-tagging as laws that were used against civil society. The reasons that were mentioned for the increase of shrinking civic space were the rise of nationalism and majoritarianism. Furthermore, participant five mentioned that since 9/11, there has been an increase in the use of restrictive laws under the pretense of terrorism legislation which is used and abused. However, this cannot be mentioned as the main cause since there were restrictive laws before 9/11.

#### **Participant six: Nepal**

In the interview with participant six the long fight against the monarchy, and the current situation were discussed. From 1996 until 2006 the Maoist fought against the monarch for independence. During the 10 years of war, there was very limited access to resources and limited freedom of expression. However, after the second people's movement, the people made it clear that they did not want to be ruled by a king but by the people. Since then, Nepal has established democracy and currently has a former Maoist Chief as prime minister. Participant six said that Nepal's vibrant civil society is very active and proactive, which resulted in a more open civic space compared to other countries where AFAD and the Mos operate in. However, there are still hindrances that CSOs face also during the Covid pandemic. Participant six (personal communication, 19-05-2023) said "Freedom of expression, assembly, mobility, the right to work, and certain rights were very much restricted."

#### **Participant seven: Sri Lanka**

During the interview with participant seven much of Sri Lanka's political history was discussed. The impacts are still felt of the war that took place until 2009 between the Tamils and the government. Furthermore, the Prevention of Terrorism Act (PTA) was mainly used against the Tamil community and an extreme amount of force was used against them. The PTA was used to imprison many Tamils without bail or trial. The discrimination against the Tamils was encouraged by politicians for their own political gain and many human rights organizations were divided. Even now the North and the South are alienated by the bad blood between them. Presently, there is much political unrest since Gotabaya Rajapaksa was forced to flee the country after many anti-government demonstrations. Rajapaksa appointed Ranil Wickremesinghe as the new president, which CSOs call illegitimate and unethical. Furthermore, the presidency of Wickremesinghe was met with dissent and protests, which he cracked down upon. Currently, protesting is not allowed with the excuse being the economic crisis of the country. The army and the police are used to stifle dissent and use force against those who speak out. The international community asked for the repeal of the PTA which the government committed to. However, another concern of CSOs is the drafted anti-terrorism act (ATA) which would grant the government more power.

### Sub-question 3

#### **What are the parallels or commonalities between these countries?**

Overall, several laws hinder CSOs from doing their work and there are many laws to restrict the freedom of expression. These laws are often forbidding hate speech and use national security as an excuse to stifle dissent. Like the defamation, Anti-Blasphemy, and Sedation laws in Bangladesh, India, Indonesia, Pakistan, the Philippines, and Thailand. Or these laws are connected to the digital space like the Digital Security Act of Bangladesh, the State Intelligence Law of Indonesia, the Electronic Transaction Act and the Online Media Operation Directives 2073 of Nepal, the Prevention of Electronic Crimes in Pakistan, the Cyber Crime Prevention Act of the Philippines, and the Computer Crime Act of Thailand. The laws which restrict digital freedom also allow spreading misinformation, disinformation, and misinformation to stigmatize CSOs and civil society who speak out against the government, to break down support from society.

Furthermore, there are many laws related to terrorism with the word terrorist being very vaguely defined in Bangladesh, India, Indonesia, the Philippines, and Sri Lanka. Leaving much room for interpretation to those who are in power. In addition, many of the laws are used to crack down on activists and protesters which can create a fear to speak out.

Besides that, for all countries except Timor-Leste laws that restrict funding were identified. Many of the laws restricting funding are related to mandatory reporting and documenting, which could be problematic if the activities you fund speak out against the government (Baldus, 2019). In addition, many CSOs need permission to accept foreign funding which could be easily denied.

Next to that, there is the threat of more harmful laws in Sri Lanka and Nepal, which could impact the shrinking civic space. Like the Special Service Bill in Nepal and the Anti-Terrorism Act in Sri Lanka. If implemented these laws could push the civic space status of Civicus (2023) of narrowed to repressed.

In addition, there are several laws within the countries that could be considered draconic and harsh. In Bangladesh, the Digital Security Act (DSA) allowed for authorities to arrest people without a

warrant on mere suspicion that a crime was committed using digital media. With at least 2,244 individuals were accused of violating the DSA between 2020 and 2022 Siddiki (2022). Further, it allows for the removal or blocking of content enabling them to push a certain government image. In India, the Unlawful Activities Prevention Act can imprison people for five years up to imprisonment for life. Between 2014 and 2020, 10,552 people were arrested, even though only 253 people were convicted in the end, this law spreads fear Doshi (2021). In Indonesia, the new criminal code will violate the rights of women, religious minorities, and LGBT people. Furthermore, the distribution of information on contraception to children and providing information about abortions to anyone is forbidden. The law also bans insulting the president, vice president, and state institutions (Human Rights Watch, 2022). In Pakistan, the Anti-Terrorist Act allows authorities to detain suspects for up to three months without trial. Since 2000 hundreds of people have gone missing and this law is believed to contribute to these disappearances (Asian Human Rights Commission, 2013). According to Amnesty (2020), the Philippines Anti-Terrorism Act punishes offenses with 12 years' imprisonment and allows suspects to be detained without a judicial warrant for 14 days which can be extended by 10, and places people under surveillance for 60 days. In Thailand, the example of the *lèse-majesté* law can be given, where comments about the king, queen, or regent are punishable by three to 15 years (Chachavalpongpun, 2016). All of these laws have in common that the freedom of expression is limited and punished if what you have to say is not something authorities want to hear.

Something else these countries have in common is that they all have a relatively young constitutional with 7 of them (Bangladesh, India, Indonesia, Pakistan, the Philippines, Sri Lanka, and Timor Leste) becoming independent around 1945 and two changing into democracy after the abdication of the monarch (Nepal and Thailand). However, there does not seem to be a pattern in when these laws get adopted since some of them were created in the first constitution and others recently.

Finally, in some countries, the military plays a strong role in the government and politics which breaks the rules from *trias politica* impacting the shrinking civic space. Especially, in Thailand and Pakistan the military holds immense power which can be compared to other countries in Asia like

Myanmar and Cambodia. However, this research was not a specific focus on the role of the military, so this could be a focus for future research.

## Sub-question 4

### **What are opportunities for CSOs to open the civic space?**

Every participant mentioned the importance of local, regional, and international networks. “Since there is strength in numbers” (participant 5, personal communication, 18-05-2023). However, specifically, it is important to include lawyers, local policymakers, and embassies (participant 1, participant 4, and participant 5, personal communication, 2023). Lawyers can teach CSOs about these harmful laws well so they can move with them and prevent unintended violations. While Participant five (personal communication, 18-05-2023) gave the advice to reach out to embassies in the region when CSOs face particularly challenging situations. Many embassies are willing to open their doors to human rights defenders and have programs to support CSOs. Furthermore, if CSOs are endorsed by other states or international organizations it can provide protection. Consequently, building a network with local, international human rights organizations and lawyers, can help strengthen your position in case you are arbitrarily arrested (participant 1, personal communication, 10-05-2023). Furthermore, it is important to document the human rights violations present in a country so the international community can offer support (participant 2, participant 3, and participant 5, personal communication, 2023)

## Discussion

Table 2 is probably still lacking many laws and much information due to time limitations and limited knowledge. I was relying on the information provided by the interviewees and in some conversations, it was challenging to put the focus on hindering laws for CSOs. For example, there would be laws identified that hinder civil society but then later it would be mentioned that these laws were not used against CSOs. So, it could be beneficial to create a more comprehensive overview by interviewing more CSOs who work within the countries in question. Therefore, I also find it difficult to draw any hard conclusions or define any patterns since there is probably still a lot of information missing. However, the main patterns were that in all countries except for Timor-Leste there were laws established to shrink online civic space and within 6 countries there were laws used to stifle dissent by using defamation, anti-blasphemy, and sedation laws. Furthermore, many of the laws use vague wording to create more room for interpretation. As for funding within all countries except for Timor-Leste, laws were identified related to funding that can hinder CSOs' work. Next to that, all countries have relatively young constitutions which perhaps also influences the laws which are created. Finally, the in. In Thailand and Pakistan, the military plays a major role and has immense power in the country. For the final sub-question, much of the advice which was given on how to open the civic space was similar. The main takeaway was to build local, regional, and international networks.

## Conceptual framework

If I were to conduct this research again, I would use a different conceptual framework that would be more focused on the aspects of shrinking civic space. For example, stigmatization and intimidation were discussed in almost every interview in one way or another. Either with the red tagging in the Philippines or the force used against protesters to scare them away. Every country seems to be dealing with some form of silencing CSOs and civil society by spreading fear. Which was not something I found in the conceptual framework. In addition, I was not 100 percent confident about what each concept meant like independent oversight for example. Which made me hesitant to use some of the themes. Furthermore, since I was looking at trends in the area or explanations of why the space is shrinking, I also had a slightly different focus which was not included in the conceptual

framework. Since this was the first time for me to select a conceptual framework, I did not realize how important it was to choose the right one. Next time, more time needs to be allocated to select a fitting conceptual framework.

## Research limitations

Even though many people were consulted to create the best research possible in the end it is carried out by a third-year student with limited experience as a researcher. This of course impacts the quality and reliability of this research. For example, after talking to some participants I realized that the military plays a big role in some country's politics. Even though I read about it during the desk review I did not include any questions about the interviews. Now I think it might have been beneficial because it impacts a country's decision-making process. Furthermore, there was not a colleague present during the interviews, and limited notes were taken. Therefore, the research was relying on the recording of the meeting and the transcript created by Otterai. However, this did not always go perfectly so some parts were unusable, and some information was lost. A perfect example of this was the interview with participant two from Indonesia. The audio was very unclear which had an impact on the quality of the transcript. Much of the interview information was lost and therefore not usable. So, the researcher used the limited parts of the interview which were clear, and the articles the participant send afterward. Another impact of not having another person present in the interview is that I could be focusing on the wrong information, and I did not have a second opinion on what was the most important data. So, if another person would look over my interview transcripts, they might focus on a different aspect. Furthermore, I did not have the opportunity to interview someone from Thailand or Timor Leste. Therefore, I had to rely on the overall analysis of participants eight, nine and the literature review. So, I could be drawing the wrong conclusions due to my limited knowledge of the particular situation in those countries. This brings me to my next limitation; I could probably have interviewed someone from Timor and Thailand if I would have had more time. I had to change my research topic up until week 10 gave me much less time than others to create the literature review and find appropriate research interviewees. Since time was limited, it was not possible for me to interview someone from each country but that is definitely necessary to draw better conclusions. In addition, I did not look into potential cultural differences which could be impacting the answers which were given by the research

participants. This could either make participants more hesitant to share or they could be sharing the wrong things due to my own representation and formulation of questions.

## Contribution to the work field

The overall contribution this paper provides is the idea that this should be studied. It is important to know if there are patterns and commonalities between these repressive laws, to help create responses. If it becomes apparent that these countries impact each other it can help CSOs prepare for the repression before it happens. Shrinking civic space is a global problem therefore it is vital for us to understand this phenomenon because you can only respond to something if you understand it. Therefore, I would recommend further research to look into why it is getting worse now. What makes this age different from before? Is it simply because we have better tracking systems so it's more visible? Or does social media contribute to the misinformation that enables so many repressive regimes to grab hold of power? I think that would help address the root of the problem rather than the symptoms.



## Conclusion

Civic space is shrinking all over the world and has dire effects on the work of civil society and CSOs. This paper tried to understand the phenomenon of shrinking civic space better, by examining what effect these weaponized laws have on the work of AFAD and their Mos. This was done by interviewing 7 people who work within the countries AFAD and the Mos work in Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, and Sri Lanka. However, due to time constraints, no one was interviewed from Timor-Leste and Thailand therefore this overview is not totally comprehensive. However, due to the extensive desk research, there were still several laws identified which hinder the work of civil society and CSOs within Thailand but not as many for Timor-Leste. Nevertheless, for a more complete overview, additional CSOs need to be interviewed to identify more laws that hinder their work. Still, some patterns were identified: all countries except Timor-Leste have laws that limit freedom of expression, both on and offline. Next to that, several Anti-Terrorist laws defined the word Terrorist vaguely giving more power to authorities to brand people as a terrorist. Furthermore, all countries except for Timor-Leste had laws related to funding to hinder CSOs' work. Another, concerning development is that in two of the four countries which were rated by Civicus as obstructed (2023), Nepal and Sri Lanka there are drafted laws that could have an immense impact on the civic space, potentially pushing these countries into the repressed category. Yet all CSOs mentioned that the main way to fight shrinking civic space is to create local, regional, and international networks. Specifically, it was mentioned to include lawyers, local policymakers, and foreign embassies. Further research, this research can be done more extensively to discover more differences and patterns. Further research could also investigate if there are patterns in the power of the military within the countries in Asia. Another suggestion would be to find out why the civic space is shrinking everywhere. What is the root of the problem? Is there a root and if so, is it the same in countries or is it different?

## Contribution to MPGW project

For the final product for AFAD, the team decided to create one report to give more insights into the elements and typologies of the shrinking civic space and to create a response to WIDEN. It uses the Philippines as a case study with a PESTLE analysis after we used the vulnerability formula to determine if the political situation in the Philippines is a crisis or not. Originally, our client asked us to rank all countries (Arcenal, X, personal communication 29-05-2023) which would have made my paper the basis for the report. However, due to time constraints, we could not analyze all countries and just use the Philippines as an example. So, AFAD can use my paper to help rank the other countries after we handed in the paper, so my main contribution comes in after the project is over. Nevertheless, this paper is still helpful because it investigates all countries AFAD and its Mos operate. Therefore, I can help with the ranking since I can compare it to other countries. Elisa mainly looked into the Philippines and Marie looked into Indonesia, Pakistan, and the Philippines due to this paper I can provide a more comprehensive overview.

# Appendices

## Appendix 1: Interviewee overview

Name	Country	Interview date	Consent form	Send questions beforehand	Platform used
Participant 1	Philippines	10.05.2023	X	X	In person
Participant 2	Indonesia	14.05.2023	X	X	Zoom
Participant 3	Bangladesh	17.05.2023	X	X	Jitsi
Participant 4	Pakistan	18.05.2023		X	Microsoft Teams
Participant 5	India, Philippines, Sri Lanka	18.05.2023	X	X	Zoom
Participant 6	Nepal	19.05.2023	X	X	Zoom
Participant 7	Sri Lanka	23.05.2023	X	X	Microsoft Teams

## Appendix 2: Informed consent form

Dear Sir/Madam

I am Fay Goedbloed who with my colleagues are doing a study on the shrinking civic space in Asia. This study is in fulfillment of my study program Global Project and Change Management by WHC for AFAD and it is to them that we will submit the results.

My main research question is: What are policies restricting civic space in the 9 countries where AFAD operates and what are its implications on the work of civil society organizations? I am trying to find out if there are any parallels or commonalities between the countries.

We request for your time and cooperation by consenting to be a key informant for an in-depth interview. The interview will focus on your views and experiences with the multisectoral alliance. We expect the interview to last between 45 minutes to 1 hour.

You may choose not to answer any question during the interview.

The interview will be conducted in a conversational style where no answer is wrong although follow up questions may be asked at certain points of the interview.

We assure you that your answers will not be linked to you personally or that you will not be identified vs a vs specific data; that all data files will be secured and kept confidential.

We will audio/video record the interview, with your consent, to ensure accuracy of data collection.

Transcriptions of the interview will be coded/anonymized.

Thank you very much.

Fay Goedbloed

Fay.goedbloed@windesheim.nl

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**Consent:**

I have understood the information provided to me by the researcher/s and I give my free consent to participate as a key informant.

Name and signature of respondent

Date:

Place:

## References

- Amnesty International. (2021). Philippines: Dangerous anti-terror law yet another setback for human rights. *Amnesty International*.  
<https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>
- Asian Human Rights Commission. (2013). *New draconian laws provide legal cover to disappearances, extrajudicial killings, torture, & unfair trial - Pakistan*.  
<https://reliefweb.int/report/pakistan/new-draconian-laws-provide-legal-cover-disappearances-extrajudicial-killings-torture>
- Asis, M.B. (2017). *The Philippines: Beyond Labor Migration, Toward Development and*.  
migrationpolicy.org. <https://www.migrationpolicy.org/article/philippines-beyond-labor-migration-toward-development-and-possibly-return>
- Baldus, J. (2019). *Legal Foreign Funding Restrictions on Civil Society Organizations (CSOs) Worldwide*, Peace Research Institute Frankfurt.  
[https://www.hsfk.de/fileadmin/HSEK/hsfk\\_downloads/prif137\\_table\\_Update2019.pdf](https://www.hsfk.de/fileadmin/HSEK/hsfk_downloads/prif137_table_Update2019.pdf)
- Bhatia, R. (2019). Shrinking room for hedging: system-unit dynamics and behavior of smaller powers. *International Relations of the Asia-Pacific*, 19(3), 419–452. <https://doi.org/10.1093/irap/lcz011>
- Brechenmacher, S. & Carothers, T. (2019), *Defending Civic Space: Is the International Community Stuck?*, Washington, DC: Carnegie Endowment for International Peace.
- Buyse, A. (2018). Squeezing civic space: restrictions on civil society organizations and the linkages with human rights. *The International Journal of Human Rights*, 22(8), 966–988. <https://doi.org/10.1080/13642987.2018.1492916>

Case, W. (2015). Routledge handbook of Southeast Asian democratization. *Choice Reviews Online*, 53(04), 53–1953. <https://doi.org/10.5860/choice.192974>

Castro, N. (2015). *The Socio-Cultural Situation in the Philippines*. [https://www.academia.edu/1304707/The\\_Socio\\_Cultural\\_Situation\\_in\\_the\\_Philippines](https://www.academia.edu/1304707/The_Socio_Cultural_Situation_in_the_Philippines)

Chachavalpongpun, P. (2016). How Thailand is using a draconian law to try to silence critics, including me. *Washington Post*.  
[https://www.washingtonpost.com/opinions/thailand-is-using-a-draconian-law-to-try-to-silence-critics-including-me/2016/03/09/da4d9d04-e325-11e5-846c-10191d1fc4ec\\_story.html](https://www.washingtonpost.com/opinions/thailand-is-using-a-draconian-law-to-try-to-silence-critics-including-me/2016/03/09/da4d9d04-e325-11e5-846c-10191d1fc4ec_story.html)

Civicus. (2023). *Facts - CIVICUS - Tracking conditions for citizen action*. <https://monitor.civicus.org/quickfacts/>

Croissant, A. & Haynes, J. (2021) Democratic regression in Asia: introduction, *Democratization*. *London Metropolitan University*, 28:1, 1-21, DOI: [10.1080/13510347.2020.1851203](https://doi.org/10.1080/13510347.2020.1851203)

Curato, N. (2016). Politics of anxiety, politics of hope: Penal populism and Duterte's rise to power. *Journal of Current Southeast Asian Affairs*, 35(3), 91–109. <https://doi.org/10.1177/186810341603500305>

David, R. (2001). Reflections on sociology and Philippine society. *Quezon City: University of the Philippines Press*.

Doshi, G. D. (2021). In seven years, 10,552 Indians have been arrested under UAPA – but only 253 convicted. *Scroll.in*.  
<https://scroll.in/article/1010530/in-seven-years-10552-indians-have-been-arrested-under-uapa-and-253-convicted>

Eckert, P. (2012). North Korea political caste system behind abuses: study. *Reuters*.  
<https://www.reuters.com/article/us-korea-north-caste-idUSBRE85505T20120606>

Freeman, C. (2014) Eight Reasons Why North Korea Should be Charged with Crimes Against Humanity, *THE TELEGRAPH*

<https://www.telegraph.co.uk/news/worldnews/asia/northkorea/11238975/Eight-reasons-why-North-Korea-should-be-charged-with-crimes-against-humanity.html>

Goldstein, A, J. Sinpeng, A. Bush, D. Ewald, R. and Jennifer, J. (2020). Cheerleading without Fans: A Low-Impact Domestic Information Operation by the Royal Thai Army. *Stanford Internet Observatory*, <https://stanford.app.box.com/v/202009-sio-thailand>

Hannes Seidel Stiftung (2022, January). *Bringing Social Concerns to Light Experts analyse the Philippine's declining population growth rate in RTD*. <https://southeastasia.hss.de/news/detail/experts-analyse-the-philippines-declining-population-growth-rate-in-rtd-news8418/>

Hasan, M. (2019). *Who suppressed free speech in Bangladesh? A typology of actors* In transnational othering- Global diversities: Nordicom, 155-170.

Hasan, R. (2018). Digital Security Bill passed. *The Daily Star*. <https://www.thedailystar.net/politics/bangladesh-jatiya-sangsad-passes-digital-security-bill-2018-amid-concerns-journalists-1636114>

Honstein, E. (2022). Nepal. *ICNL*. <https://www.icnl.org/resources/civic-freedom-monitor/nepal>

Human Rights Watch. (2022). Indonesia: New Criminal Code Disastrous for Rights. *Human Rights Watch*. <https://www.hrw.org/news/2022/12/08/indonesia-new-criminal-code-disastrous-rights>



- Kasuya, Y., & Calimbahin, C. A. (2022). Democratic backsliding in the Philippines: Are voters becoming illiberal? *Asian Journal of Comparative Politics*, <https://doi.org/10.1177/20578911221136263>
- Khoo, Y.H. (2022). What Is Peace and Human Rights for Timorese? Rethinking Human Rights and Peace in Post-Independence Timor-Leste Through Local Perspectives. *Palgrave Macmillan Studies on Human Rights in Asia*. Palgrave Macmillan, Singapore. [https://doi.org/10.1007/978-981-16-3779-7\\_1](https://doi.org/10.1007/978-981-16-3779-7_1)
- Komalasari, K. (2019). "Preface Proceedings of the 2nd Annual Civic Education Conference," *Atlantis Press*. <https://www.atlantis-press.com/proceedings/acec-19/preface>.
- Kontras (2022). *International Human Rights Report 2022. Human Rights in the Bondage of the Abuse of Power* <https://kontras.org/en/news/>
- Lessing, K. (2023). Starving for Power: Bringing the Uncooperative North Korean Regime to Justice for Crimes Against Humanity. *Creighton International and Comparative Law Journal*, 10(2), 1-25. <http://hdl.handle.net/10504/126868>
- Luci-Atienze, C. (2020). Makabayan bloc vows to block final passage of bill allowing foreigners to own public utilities in PH. *Manila Bulletin*. <https://mb.com.ph/2020/02/20/makabayan-bloc-vows-to-block-final-passage-of-bill-allowing-foreigners-to-own-public-utilities-in-ph/>
- Margolis, H. (2019), 'Sri Lanka's Face-Covering Ban a Wrongheaded Response to Easter Bombings.' *Human Rights Watch*. <https://www.hrw.org/news/2019/05/02/sri-lankas-face-covering-ban-wrongheaded-response-easter-bombings>.

Memon, A. P., Memon, K. S., Shaikh, S., & Memon, F. (2011). Political Instability: A case study of Pakistan. *Journal of Political Studies*, 18(1), 31.

<http://pu.edu.pk/images/journal/pols/pdf-files/political%20instability%20-%203.pdf>

Mercer, C. 2002. "NGO, Civil Society and Democratization: A Critical Review of The Literature." *Progress in Development Studies* 2 (1): 5–22. DOI:[10.1191/1464993402ps027ra](https://doi.org/10.1191/1464993402ps027ra)

Miller, J. (n.d.). *Religion in the Philippines*. Asia Society.

<https://asiasociety.org/education/religion-philippines>

Mina, R. (2021). *Philippines looks to improve disaster preparedness with geospatial tech*.

<https://news.mongabay.com/2021/03/philippines-looks-to-improve-disaster-preparedness-with-geospatial-tech/>

Minority Rights Group International. (2020). *Minorities and Shrinking Civic Space in South*

*Asia* [Video]. YouTube. <https://www.youtube.com/watch?v=yujLMn4Em60>

Moniruzzaman, M. (2009) *Parliamentary democracy in Bangladesh: an evaluation of the parliament during 1996-2009*. *Commonwealth and Comparative Politics*, 47 (1). pp. 100-126. ISSN 1466-2043

Mostofa, S. M., & Subedi, D. B. (2021). Rise of Competitive Authoritarianism in Bangladesh. *Politics and Religion*, 14(3), 431–459. <https://doi.org/10.1017/s1755048320000401>

OECD (2022) *The Protection and Promotion of Civic Space. Strengthening Alignment with International Standards and Guidance*

<https://www.oecd.org/gov/open-government/protecting-and-promoting-civic-space-highlights.pdf>

Philippines Population Live (2023). <https://worldpopulationreview.com/countries/philippines-population>

Philipps, B. (2022). What Happened in the Philippine Elections?

IDEA. <https://www.idea.int/news-media/news/what-happened-philippine-elections>

Population Dynamics. (2021). UNFPA

Philippines. <https://philippines.unfpa.org/en/topics/population-dynamics-5>

RDTL. (2016). *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Human Rights Council. Working Group on the Universal Periodic Review. Twenty-sixth session. 31 October–11 November 2016. Symbol: A/HRC/WG.6/26/TLS/1. <https://digitallibrary.un.org/record/843424?ln=en>.

Riaz, A. (2019). Election Results: A Victory Too Big to Believe? In Voting in a Hybrid

Regime. *Springer*, 83–192. DOI:[10.1007/978-981-13-7956-7\\_8](https://doi.org/10.1007/978-981-13-7956-7_8)

Sajal, N. (2009). “Nehru and the Nagas: Minority Nationalism and the Post-Colonial State.” *Economic and Political Weekly* 44, no. 49 (2009): 58–5; DOI:[10.2307/25663861](https://doi.org/10.2307/25663861)

Satkunanathan, A. (2020). *Sri Lanka: Minority Rights within Shrinking Civic Space*. South Asia State of Minorities Report 2020.

<https://thesouthasiacollective.org/wp-content/uploads/2020/12/SASM2020-SriLanka.pdf>

Siddiki., Z. (2022). Digital authoritarianism in Bangladesh: Weaponising a draconian law to silence dissent in the pandemic era | *Association for Progressive Communications*

<https://www.apc.org/en/news/digital-authoritarianism-bangladesh-weaponising-draconian-law-silence-dissent-pandemic-era>

Sombatpoonsiri, J. (2020). *Civil Society Under Stress: Autocratic Repression and Divided Civic Spaces in Southeast Asia*. The Spectra of Authoritarianism in Southeast Asia ISBN: 978-616-443-422-6

Statista. (2023, January 31). *Demographics of the Philippines - statistics & facts*. <https://www.statista.com/topics/5799/demographics-in-the-philippines/>

Stiftung, H. (2022). *Bringing Social Concerns to Light Experts analyse the Philippine's declining population growth rate in RTD*. <https://southeastasia.hss.de/news/detail/experts-analyse-the-philippines-declining-population-growth-rate-in-rtd-news8418/>

Solidar . (2021). *EROSION OF CIVIC SPACE IN ASIA - A REGIONAL OVERVIEW*. <https://www.solidar.org/system/downloads/attachments/000/001/469/original/Solidar-Asia-2021-v5.pdf?1645624327>

Simpson, B. (2005). 'Illegally and beautifully': The United States, the Indonesian invasion of East Timor and the international community, 1974–76. *Cold War History*, 5(3), 281–315. <https://doi.org/10.1080/14682740500222028>

Udin, S. M. R. (2018). Bangladesh's Take on Restoring the Parliamentary Control over the Judiciary: New Course through the 16th Amendment to the Constitution. *Kathmandu School of Law Review*. <https://doi.org/10.46985/jms.v6i2.214>

United Nations. (n.d.). *Protect Human Rights | United Nations*. <https://www.un.org/en/our-work/protect-human-rights> 2363. <https://doi.org/10.3390/su9122363>

Watra, L, B. (2019), "Kuasa Berlebih Raja Kecil Otonomi Daerah," *Antara* <https://www.antaranews.com/berita/980054/kuasa-berlebih-raja-kecil-otonomi-daerah>.

West, J. (2018). Fixing Asia's Flawed Politics. In: Asian Century, on a Knife-edge. *Palgrave Macmillan, Singapore*. [https://doi.org/10.1007/978-981-10-7182-9\\_8](https://doi.org/10.1007/978-981-10-7182-9_8)

Zadeh-Cummings, N., & Harris, L. (2020). Humanitarian Aid in North Korea: Needs, Sanctions, and Future Challenges. *Centre for Humanitarian Leadership*, <https://centreforhumanitarianleadership.org/wp-content/uploads/2020/04/CHLNorth-Korea-Report-Final.pdf>.