

Impacts of the COVID-19 Pandemic on Criminal Justice Systems and Gender-based Violence in Southeast Asia

Evidence and Solutions from
Thailand, The Philippines, Indonesia and Malaysia

Authors

Karminn C.D.D. Yangot

Mareike Wiederhold

Christine Weber

Agency

United Nations Office on Drugs and Crime (UNODC)

Mentors

Marion Ehalt

Naoki Sugano

Dai Tanaka

Peer+

Alice Uhl

Table of Contents

1.	Introduction	3
2.	Methodology	4
2.1.	Desk Research	4
2.2.	Quantitative Analysis	5
2.2.1.	Data Sources and Descriptive Statistics	5
2.2.2.	Empirical Strategy	6
2.2.3.	Limitations	6
3.	Theoretical Background	7
4.	Findings per country	7
4.1.	Indonesia	7
4.1.1.	Prison System	8
4.1.2.	Gender Based Violence	8
4.1.3.	Information and Communications Technology (ICT)	8
4.2.	Malaysia	10
4.2.1.	Prison System	10
4.2.2.	Gender Based Violence	10
4.2.3.	Information and Communications Technology (ICT)	11
4.3.	Thailand	12
4.3.1.	Prison System	12
4.3.2.	Gender Based Violence	14
4.3.3.	Information and Communications Technology (ICT)	15
4.4.	The Philippines	16
4.4.1.	Prison System	16
4.4.2.	Gender Based Violence	17
4.4.3.	Information and Communications Technology (ICT)	17
5.	Conclusion	18
6.	References	20

1. Introduction

The pandemic is a magnifying glass. It showed us the problems of society - which we already knew existed - on an enhanced scale. To date, there are five major infectious diseases that have afflicted the global population: the plague, smallpox, cholera, influenza, and HIV (Paul and Pal, 2020). COVID-19 makes the sixth. Pandemics have always served as double-edged swords: on one end they erased societies and destroyed social progress (Brodeur, et al, 2020), and on another, they became an avenue for innovation and discovery (Huremovic, 2019). COVID-19 has proven that the public health crisis is not solely an isolated domestic or regional issue, but also an issue requiring international cooperation (United Nations, 2020a). In the same manner, the pandemic further highlighted the divides between and among states on all fronts: sociocultural, economic, political, and digital. These fronts crossover with each other as the need for more cooperation arises. At this time, one of the common threads that binds countries together is digital technology. UN Secretary-General Antonio Guterres (2020) posited that digital technology is critical to “almost every aspect of the response to the pandemic, from vaccine research to online learning models, e-commerce and tools that are enabling hundreds of millions of people to work and study from home.”

The criminal justice system (CJS) is not exempt from the changes being forced upon everyone in this health crisis (Lazaro-Javier, 2020). The novel coronavirus is both a boon and bane to CJS. It is a boon in the sense that it became a catalyst (Hakmeh, 2021) for digital reforms in the CJS of states which would have “otherwise taken a longer time to take place” if not for the exigency (Marquez, 2020). It is a bane in that it exposed the inadequacies of present CJS in addressing a variety of issues (Report - UNODC, 2021) from transnational crime, prison congestion, corruption to human rights violations, gender-based violence, among others. What is putative is that the COVID-19 is a force multiplier.

Over 40 million of some 209 million officially recorded cases of COVID-19 globally are from Southeast Asia (WHO, 2021) as of this writing. The Southeast Asian countries with the most cases are, in order, Indonesia (highest), the Philippines, Malaysia and Thailand. They are also countries whose governments implemented lockdown or movement restrictions as primary interventions for breaking the chain of virus transmission (Fauzi and Paiman, 2021). Lockdowns are stay-at-home orders which, when coupled with economic and social stresses, have the capacity to increase or breed gender-based violence (GBV) (UNSDG, 2021; CCPCJ, 2021; Bradbury-Jones, 2020). Literature suggests that in general, violence increases during pandemics (UNFPA, 2020a; Bradbury-Jones and Isham, 2020; Mittal and Singh, 2020; Davies and Bennet, 2016). The rise in the incidence of gender-based violence during pandemic is attributed to various factors, including government responses like quarantine impositions, curfew or movement control orders, and lockdown orders (Bradbury-Jones and Isham, 2020; Kelly and Morgan, 2020). They directly result in unemployment on one end and work-from-home set-ups on the other. Either way, they give more freedom and opportunities to abusers (ibid). Indirectly, they engender mental health issues (such as depression and anxiety) (Zhang et. al, 2020) and encourage alcoholism and drug abuse. These are all factors that enhance the risk of gender-based violence.

The aforementioned affect criminal justice systems all over the world, albeit in varying ways. For instance, it was reported that in India, the rise in domestic violence simultaneously increased police apathy towards complaints of women because the former were “busy” enforcing lockdown orders (Chandra, 2020). In Trento, Italy, the Public Prosecutor issued a Directive which instructed the police “to monitor domestic violence with particular attention, given the situation of prolonged cohabitation

due to COVID-19 emergency” (ENVR, n.d.). The same Directive provides for the “removal” of the offender from the home. Also in Tivoli, Italy, victims of domestic violence can now reach the authorities through telephone and Skype, following the announcement of their Public Prosecutor (ibid). In other states, laws were modified to accommodate changes that the pandemic brought. To cite, the Australian government made amendments to their laws to “allow courts to impose electronic monitoring requirements for bail and conditionally suspend imprisonment orders” as well as to allow the filing of restraining orders online (Guedes, Peterman, Deligiordis, 2020). These instances show that Information and Communications Technology (ICT) may be instrumental in addressing issues in CJS brought about by COVID-19.

What this study seeks to examine is the impact of the COVID-19 pandemic on criminal justice systems and gender-based violence in Southeast Asia, using evidence from four Southeast Asian countries with the highest recorded COVID-19 incidences. The main focus of this research paper will be laid on three main aspects, the impact of COVID-19 in regard to gender based violence, Information and Communications Technology (ICT) and the prison system, which will be closely investigated and discussed in detail. It also attempts to look into how each state responded and continues to respond to the challenges posed by the pandemic. The aim of this study is to give recommendations to support future projects and research in these fields. As the subject discussed is fairly new, this study adopts an exploratory approach, which will be discussed in the following chapter.

2. Methodology

A major problem concerning the application of qualitative methodologies, such as interviews, is the continuous surge of COVID-19-cases and the generally difficult situation in prisons in the countries discussed. Concerning GBV, it is equally difficult to conduct qualitative research methods as it is a rather sensitive topic. Therefore, the research methods consist of two aspects, a review of the existing literature as well as quantitative data analyses to ensure a comprehensive study.

2.1 Desk Research

To begin with, desk research and document analysis constitute a substantial part of the study. Due to the current relevance of the topic, there is a high number of recent studies on the impact of COVID-19 on prisons as well as GBV, of which the most important aspects are summarized in this paper. These studies include (a) official documents deriving from the state, (b) documents from non-government organizations, (c) virtual documents or those that appear on the internet, (d) mass media, and others.

The aim of reviewing the existing literature is to provide a summary of the current state of the art in prisons and GBV in the four countries studied, analyse the impact of COVID-19 on these areas and answer to what extent ICT is being used to respond to the pandemic

. To be more precise, the following questions are aimed to be answered by revising the available desk literature:

- What was the situation in prisons in SEA before COVID-19, how did COVID-19 impact the situation in prisons there and in what way did the countries respond?
- To what extent are females in SEA affected by COVID-19 in terms of gender-based violence?
- How can information and communications technologies (ICT) mitigate the negative effects of COVID-19 in prisons and on gender-based violence?

2.2 Quantitative Analysis

Since the research aims to provide an additional contribution to the already conducted research and shed light from a different angle, the following subsection presents the sources of utilized data, provides some descriptive statistics, explains the applied empirical strategy and also discusses some limitations this study brings along with it.

2.2.1 Data Sources and Descriptive Statistics

The relevant data is obtained from the following sources:

- The World Prison Brief, a unique database that provides free access to information about prison systems throughout the world. The country information is updated on a monthly basis, using data largely derived from governmental or other official sources.
- The Johns Hopkins Coronavirus Resource Center (CRC), which is a continuously updated source of COVID-19 data and expert guidance. They collect and analyze the best data available on cases, deaths, tests, hospitalizations and vaccines to help the public, policymakers and healthcare professionals worldwide respond to the pandemic.

	Indonesia	Malaysia	The Philippines	Thailand
Prison population in total	226 259 ^{31.08.2021}	69 507 ^{25.08.2021}	165 583 ^{31.05.2021}	68 603 ^{10.10..2021}
Prison population rate (per 100,000 of national population)	97 ^{31.08.2021}	212 ^{25.08.2021}	151 ^{31.05.2021}	0.0212% ^{10.10..2021}
Female prisoners (percentage of prison population)	4.9% ^{31.08.2021}	4.5 % ^{25.08.2021}	10.3% ^{31.05.2021}	11.6% ^{10.10..2021}
Number of prisons / jails	464 ²⁰¹⁶	52 ²⁰¹⁹	440 ^{31.05.2021}	143 ²⁰¹⁹
Occupancy level (based on official capacity)	196.4% ^{31.08.2021}	113.5% ^{25.08.2021}	362.0% ^{31.05.2021}	339.1% ^{01.12..2018}
Confirmed COVID-19 cases (all time)	4 256 409	2 632 782	2 832 734	2 115 872
Cases per million	15 882	84 384	27 004	30 488

Sources: The data concerning prisons (row 1-4) is retrieved from the World Prison Brief, row 5 and 6 on COVID-19 is retrieved from the Center for Strategic & International Studies and corresponds to the numbers on the 1st of December 2021.

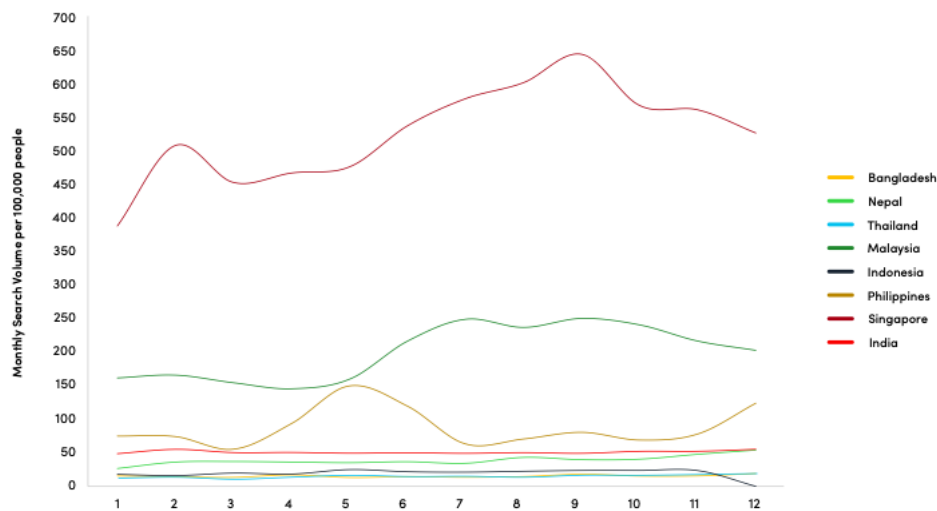
In terms of percentage of total population, Malaysia ranks highest in SEA concerning confirmed COVID-19 cases, followed by Thailand, The Philippines and last, Indonesia (Johns Hopkins, WHO, 2021).

Surprisingly, these four countries also have prison systems which are included in the world's 30 largest prison population in total as Thailand is ranked 7th, Indonesia 8th, The Philippines 11th and Malaysia 27th (World Prison Brief, 2021).

Taking GBV into consideration, it is not easy to find accurate data as it naturally is a sensitive topic to investigate. However, it is of urgent relevance and importance to take into account that

especially women and underage girls in SEA are faced with domestic violence / intimate partner violence, trafficking and sexual exploitation, child marriage and female genital mutilation these days. Furthermore, the figure below indicates a rise of GBV as the search volume for violence against women and children increased in many countries, among them some of our four investigated ones, with the onset of the pandemic (around month 5 to 6). Further analysis of the search volume shows that help-seeking searches have increased since COVID-19 meaning that victims of GBV or those close to victims are actively searching for information when facing abuse and/or want to help victims. In terms of numbers, Malaysia had the highest increase (70%) followed by Thailand (29%) (UN Women & UNFPA, 2021).

Monthly search volume for VAWG-related searches per 100,000 people, October 2019 to September 2020.



Note: Because of different rates of internet penetration and use across countries, higher numbers of monthly searches do not necessarily imply that the prevalence of VAWG is higher in a particular country as compared to others. In other words, the findings should not be compared across countries.

2.2.2 Empirical Strategy

Since there are not enough reliable data points from the countries studied and the COVID-19 pandemic has only affected the past two years, it is not possible to produce valuable results applying econometric analyses. Therefore, data from the four countries is compared to each other and other regions in the world to detect outstanding characteristics and correlations among them. The data analysed basically include variables on prisons, GBV, COVID-19 and ICT, and more precisely the access to COVID-19 tools and to video conference devices in high security prisons. Furthermore, it will be evaluated how ICT affected GBV and whether the numbers of reported cases increased or decreased in the respective countries.

2.2.3 Limitations

Due to the quantitative nature of the study, there are some limitations arising. Not being able to conduct qualitative research methods, such as observations or semi-structured interviews, leaves the study with a gap in research. Therefore, it is highly recommended for future studies in this field to conduct qualitative and field research to detect further opportunities in counteracting negative COVID-19 impacts in criminal justice settings and on GBV.

3. Theoretical Background

The theoretical background of this research lies in the concepts of (a) non-custodial measures and (b) prison reform. The former is best defined by the United Nations Standard Minimum Rules for Non-custodial Measures (also known as the *Tokyo Rules* - adopted in 1990), whose fundamental purpose is “to promote the use of noncustodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.” Non-custodial measures, then, refer to “any decision made by a competent authority to submit a person suspected of, accused of or sentenced for an offence to certain conditions and obligations that do not include imprisonment; such decision can be made at any stage of the administration of criminal justice” (OHCHR, 2003). This concept is particularly helpful in this research because it encourages looking into other ways of restoring social order, especially in the context of COVID-19. These times require maintaining equilibrium between the rights of individual offenders, the rights of the victims, and the concern of society (UNODC Handbook, 2007) and the right to health. Prisons are potential venues for COVID-19 outbreaks. As long as imprisonment remains the main state response to crime, prison overcrowding and infection will continue to be a problem.

Prison reform, which is connected to the concept of non-custodial measures, targets both overcrowding and the health crisis (UNODC, 2007, n.d.). It is argued that the adoption of non-custodial measures as alternatives to incarceration is a vital element of prison reform (UNODC, n.d.). Reform, in this sense, means transformation that “take[s] into account the needs relating to the reform of the criminal justice system as a whole and employ[s] an integrated, multi-disciplinary strategy to achieve sustainable impact.” It is relevant to this research because of its specific emphasis on an integrated approach and on community involvement in the management of criminal justice systems (*Tokyo Rules*, 1990). It fits well in the context of using ICT to ensure the continuous operation of the justice system despite the pandemic and in addressing social problems which lead to imprisonment (among which is gender-based violence).

4. Findings per country

The following subsections present a brief overview about the countries chosen for this research, the current state of the art in terms of the COVID-19 pandemic and its impact on the situation in prisons, GBV and the usage of ICT within this context. It is important to mention that the four countries already faced issues in the criminal justice systems as well as GBV before the outbreak of COVID-19. However, the pandemic has exacerbated their extent.

4.1 Indonesia

As of December 2021, Indonesia has the highest number of COVID-19 cases and the highest fatality rate in SEA. In July 2021, the country even reported the highest number of new COVID-19 cases worldwide, according to the WHO. Therefore, the following paragraphs aim to give an overview on how ICT helped to counteract COVID-19, the situation in prisons and GBV in Indonesia.

4.1.1 Prison System

As of August 2021, Indonesian prisons and detention facilities have the capacity to hold 135 561 prisoners. However, the total prison population in Indonesia, including pre-trial detainees and

prisoners on remand, amounted to nearly the doubled amount – an occupancy rate of 196.4%. This massive overcrowding leads to regular mass break-outs, riots and violence against both guards and inmates as well as radicalization, such as terrorism or militancy. Due to Indonesia's tough drug laws, around 70 percent of convicted inmates are drug offenders (World Prison Brief, 2021). As COVID-19 cases reached prisons in early 2020, the Justice and Human Rights Ministry has allowed the release of prisoners to avoid mass infections, temporarily reducing the prison population to 176% of the total capacity. However, this only provided minimal help and many humanitarian organisations have demanded a change in policy and alternatives to detention for criminal punishment (HRW, 2020).

4.1.2 Gender Based Violence

Regarding GBV, a nationwide study in Indonesia reports that one in three Indonesian women have experienced physical or sexual violence in their lifetime with domestic violence accounting for 71% of the cases violence (UNDP, 2017). Another survey in Indonesia reported that 83% of respondents faced increased Intimate Partner Violence in their communities due to COVID-19. However, since most incidents of domestic violence are not reported, the scope of the problem is most likely even greater. Food insecurity was detected as the strongest predictor for GBV and access to jobs for females as strongest protection against GBV in Indonesia (World Bank, 2020).

4.1.3 Information and Communications Technology (ICT)

ICT can in both settings, prisons and GBV in Indonesia, help to mitigate the negative effects posed by COVID-19.

Regarding the prison settings in Indonesia, there are two main pillars affected by lockdowns: a) long distance learning and online education and b) hybrid trials and online court cases.

Concerning the first aspect, Indonesia in general reacted fast to distance learning and putting education online. However, the majority of incarcerated students are cut off from the internet and the options for distance learning are limited. Furthermore, a lack of proper control offers room for abuse by security services and violates the right to privacy. The only way prisoners are currently allowed to use ICT on a regular basis is for online video calls as visits in prisons were prohibited to limit the risk of contagion. There are some prisons that started offering online learning programs during COVID-19 to ensure access to education. ICT used for education plays an important role as incarcerated students are able to connect with teachers from outside the prison (Rosmilawati, 2020). It has been argued that the digital divide between prisoners and the community will only widen if correctional departments do not invest in ICT. Furthermore, computers, internet, email and videoconferencing have become an integral part nowadays and providing prisoners with such technologies better equips them for after release (Kerr & Willis, 2018).

With regards to shifting trials online, Indonesia has reacted fast as the Indonesian Supreme Court has issued a Circular Letter in March 2020 encouraging the utilization of their recently launched e-litigation application system. This was followed by a Memorandum of Understanding (MOU) by the Supreme Court, the Attorney General's Office and the Ministry of Law and Human Rights with the intention to optimize and ensure safety in holding criminal trials via teleconference (Indartono, 2020). This resulted in around 25 000 cases being held online between 25th March and 17th April 2020. The policies imply that the judges and prosecutors are physically present at the courtroom, while the defendant is in a dedicated room of his detention facility. The prosecution will then question the defendant via video link. However, a variety of technical issues, such as poor video and audio quality or unstable internet connection have disrupted the online trials. Therefore, the

Supreme Court of Indonesia started a pilot project in partnership with the Australian Government that delivered new mobile courtroom technology equipment to Indonesia's criminal courts benchmarking the new equipment against existing technology deployed in the courts (Australian Embassy Indonesia, 2020). Moreover, trials are usually publicly accessible, but the virtual trials are not, which has been heavily criticised as it restricts transparency. The Constitutional Court has already been using video conferencing facilities before the emergence of COVID-19 and also live streamed hearings on its website. Another reported problem relates to the issue that cameras focused on the defendant's face making it difficult for judges and prosecutors to determine whether or not the defendant was intimidated or manipulated while giving his statements. Therefore, the Indonesian Legal Aid and Human Rights Association (PBHI) strongly advises the provision of transparency of trials and a standardization of the videoconferencing technology to maintain the quality of the hearings to guarantee fair rulings (The Jakarta Post, 2020).

There are numerous ways ICT can be used to end GBV and promote gender equality, including the use of ICT as violence prevention, peer and listener, virtual safe space for exchange in social networks, psychosocial support, support guide and service provision. The Legal Aid Foundation of Indonesian Women's Association for Justice in Jakarta, which provides legal aid for women and children who are victims of violence, is faced with an increase of over 50% reported GBV cases due to the pandemic. With the onset of the pandemic, they immediately moved all legal consultations online to continue helping violence survivors, support them in online trials and organize online discussions. They also started new projects helping women in their local communities build food security through farming. Another example supporting the effective use of ICT in the fight against GBV increases due to COVID-19 is Yayasan Pulih, a foundation providing psychological services and support for survivors of violence. They also moved all counselling, training and public outreach online, started to provide GBV-related services for free and offer immediate help for clients via WhatsApp (UNFPA, 2020).

Some of the apps proven to be effective are:

- **WeLearn by UN Woman** (<http://welearn.unwomen.org>): a website in Indonesian promoting women's economic empowerment as COVID-19 response and recovery by linking private sector companies with Women's Empowerment Principles increasing access to markets and finance and providing free access to information, skills and alternative funding.
- **Primero**: an open source tool designed to help GBV and Child Protection service providers securely and safely collect, store, manage and share data on case management and incident monitoring. One of its modules, Gender-Based Violence Information Management Systems (**GBVIMS+**), manages cases of survivors in a secured and anonymized framework ensuring that survivor data is collected safely and ethically.

To successfully make use of ICTs, their existence has to be further promoted in rural Indonesian areas and to adolescents. Furthermore, Indonesian experts on this matter have recommended community-based approaches as they proved to be more effective, which is why there is a strong recommendation to start community-based online support. To eventually end GBV, existing beliefs, such as strong patriarchal norms or religious values, also need to change. To do so, there is some existing research on the fact that e-learning courses, videos and online games can empower female bargaining power within a household and therefore, also reduce the risk of GBV. On the other hand, ICT usage by females also has a shadow side as it often leads to online violence, such as

physical threats, sexual harassment, bullying, stalking, sex trolling and exploitation. Therefore, there is an urgent need to address this and use the power of ICT as a force for good.

Last but not least, Indonesia consists of 17,504 islands with regional disparities and inequalities, which make it naturally difficult to provide access to ICT networks. Furthermore, Indonesia ranks low in Southeast Asian countries in terms of fibre optic internet connection speeds as this mainly depends on gaps in various factors, such as infrastructure, low information literacy, expensive broadband service, cybercrime and unconnected government networks. Therefore, the Ministry of Communication And Information Technology has issued a ‘National Longterm Development Plan 2005-2025’ that aims to strengthen the implementation of ICT (Ministry of Communication and Information Technology, 2015). Currently, Indonesia has the largest and fastest-growing ICT market in SEA, working on the improvement of internet and mobile data service provision across the country and a dynamic digital services ecosystem (Oxford Business Group, 2020), which is of importance to guarantee effective use in the fields of criminal justice systems and GBV.

4.2 Malaysia

At the onset of the Coronavirus outbreak in March 2020, the Malaysian government enacted a series of Movement Control Orders (MCO) to contain the transmission by restricting the mobility of its citizens (Aw, et al. 2021). The MCO put a halt to the operations of offices and businesses, with the exception of essential services such as medical and food supply (ibid). Among those affected was the judiciary. Trials were postponed as courts were physically closed for the duration of the MCO. Unlike the case in New Zealand (Ministry of Justice, 2021), and Australia (Family Court, 2021) where legal and judicial services are categorized as essential regardless of movement status, in Malaysia, they are considered non-essential under the the Prevention and Control of Infectious Diseases Act of 1988 (Ali, 2020; Gan and Lee, 2020). To ensure the proper administration of justice despite the health crisis, the Malaysian judiciary set out a set of protocols for the transition to electronic court service.

4.2.1 Prison System

The Malaysian prison system is suffering from poor sanitation and congestion this pandemic, on top of its already existing facility issues (HRW, 2020). Calls for the Malaysian government to stop jailing violators of COVID-19 protocols in order to abate outbreaks in prisons have been forwarded as early as April 2020 (HRW, 2020). As of September 2021, the Malaysian government has taken steps to reduce prison congestion, as the number of incarcerated individuals has exceeded the country’s prison capacity by 13.5% (CNA, 2021).The Prison Department has relocated inmates and opened smaller satellite prisons to meet the spatial demands of this growing number. Likewise, community programs were also put in place to accommodate inmates who were considered eligible corrective programs (CNA, 2021).

4.2.2 Gender Based Violence

The use of remote means has alleviated the caseload of the courts and has likewise facilitated the release of inmates (ICRC, 2020; Tan Sri Mohamed, 2020). While these are gains in terms of getting the wheels of justice running, there are other concerns looming over the criminal justice system during this pandemic. Those who practice family law have argued that they are expecting a surge in cases related to family issues (Chong, 2020) or domestic violence, as a result of movement restriction

protocols and stay-at-home orders. In fact, media have reported a rise in cases of violence against women in Malaysia (UNESCAP, 2020). Nonetheless, the above-mentioned initiatives which were already in place prior to the COVID-19 outbreak became safety nets for the Malaysian citizens' access to justice.

4.2.3 Information and Communications Technology (ICT)

It is, however, important to note that prior to the 2020 pandemic, the Malaysian judiciary already had several initiatives on bringing access to justice closer to its citizens. Among them is the creation of a *mobile court system* which operates in two ways: the first is by conversion of vehicles to staffed mobile courtrooms and the second one is for magistrates and court staff to travel to remote areas (Ali, 2019). This has been especially vital to the exercise of the fundamental rights of urban poor and rural communities (Chua, 2020; Dayak Daily, 2020). Another initiative is the adoption of Information and Communications Technology (ICT) in the criminal justice system. As early as 1995, the use of ICT became part of the Malaysian justice system through the Multimedia Super Corridor (Saman and Haider, 2013). It was a flagship initiative of the government to propel Malaysia into “the age of IT” (Bhatt, 2005:203). In an effort to deal with the mounding backlog of cases and to dispose of cases in a more timely manner, courts adopted an Integrated Court System (ICS) (Hamin and Mohamad, 2010). The ICS is a program that covers ‘*applications for electronic filing, queue management system, case management system; court recording and transcription, e-case list, e-monitoring, audio and video conference system, community and advocates portal and court advocate resource engagement system*’ (ibid:161; see Appendix B). Part of the use of ICT in facilitating court processes are the e-filing system and the e-Review system (Saman and Haider, 2013; Bhatt, 2005). The former was introduced in 2011 in courts located at the city center (Tan Sri Mohamed, 2020) and is now used in 271 courts in the country. Essentially, it is the electronic filing of documents to the Court’s Management System. The latter, which was first introduced in 2018, is “akin to an instant messaging platform” for the court and other parties involved to manage case hearings (ibid).

On March 26, 2020, the Chief Registrar of the Malaysian Federal Court issued a circular detailing options for the resolution of cases online: video conferencing, email, or via the e-Review system (Poon, 2020; Tan Sri Mohamed, 2020). In its guidelines for the conduct of remote hearings, the judiciary identified Skype for Business and MS Teams as the official platforms to be used for video conferencing (Mey and Rajandran, 2020; Tan Sri, 2020). Online hearings for civil and criminal cases were first allowed for the Federal Court and Court of Appeal of Sabah and Sarawak in June 2020 (Gan and Lee, 2020). This was a welcome development in Sabah and Sarawak because it removed the hurdle of inter-state and inter-island travel to the mainland - which was not allowed because of the MCO - and the burden of additional expenses on the end of the accused and the litigants (Ali, 2020).

Thus, despite the declaration of a Movement Control Order which rendered physical operations of non-essential services paralyzed, access to justice was not curtailed. Court operations continued to process cases through the two electronic systems stated above. The *e-Filing* system enabled litigants and counsels to file documents during the lockdown, while the e-Review system was used to handle case management hearings (Tan Sri Mohamed, 2020; Mey and Rajandran, 2020). The Malaysian Federal Court Chief Registrar Office announced that proceedings of civil and criminal courts can now be conducted via electronic communication (Lim 2020). From June 2020, most courts resumed full operation, with strict compliance to health standards, the conduct of remote hearing, as well as court management issues (Ali, 2020). To further enable online case resolution, the Malaysian legislature

introduced the Courts Judicature Act 2020, which amended Courts of Judicature Act 1964. In Section 15A of the CJA 2020, it is stated that the High Court, Court of Appeal, and Federal Court may conduct civil or criminal proceedings using *remote communication technology*, in the interest of justice (CJA, 2020). Remote communication technology was defined as a live video link, a TV link, or any electronic means of communication.

4.3 Thailand

After COVID-19 became a pandemic, crime increased in several countries and affected the prison systems there. Thailand's prisons are overcrowded, with convicts far outnumbering their real capacity. The Global Jail Trends 2021 report, produced by the Thailand Institute of Justice (TIJ) and Penal Reform International (PRI), illustrates how prison overpopulation has afflicted 118 countries (Bangkokpost, 2021).

4.3.1 Prison System

Thailand pushed for the resolution "Strengthening criminal justice systems during and after the coronavirus disease" during this year's CCPCJ session, which took place in the middle of May. This resolution, which was drafted by Thailand's Ministry of Justice, Ministry of Foreign Affairs, and the TIJ, aims to allow country members to learn from their experiences during the pandemic and improve their criminal justice systems. Collaboration between health and prison authorities for the provision of efficient health care for inmates, the creation of punishment policies based on the principle of proportionality, and non-custodial methods can all help to strengthen efforts. Thailand also highlighted the integration of sport into young crime prevention and criminal justice methods at this international gathering (Bangkokpost, 2021).

Regarding the impact of COVID-19 on the prison system, infectious disease epicentres can be found in jails. They provide ideal circumstances for the transmission of a contagious virus. It was apparent when the epidemic was announced that many prison systems are missing adequate standards. Substantial numbers of infections were seen in jails around the world. In Thailand, prisoners described tremendous congestion, with cells holding up to 200 people (Heard 2020, 849). Some convicts have only half a metre of room in their cells due to the mentioned overcrowding. Several thousands of people have tested positive inside prisons, where inmates living in close quarters are encouraged to keep their masks on even when sleeping. In recent days, authorities have discussed plans to release convicts with underlying medical issues early and offered financing for additional testing and medical care. In recent weeks, officials have screened over 36,000 detainees and begun distributing COVID-19 vaccinations to inmates and prison employees. People have been looking into ways to allow prisoners with underlying medical issues early parole, maybe through a royal pardon. Even if the proposal is implemented, inmates will be required to complete a quarantine period before coming home. Authorities need to consider strategies to lower the number of detainees (AFP, 2021). Furthermore, inadequate medical treatment is predominant, with too few doctors to deal with even routine health issues. According to current World Prison Brief occupancy data, most nations were operating their prison systems far above official capacity before the epidemic, with particularly severe levels of overcrowding in Thailand (145%) (Heard 2020, 850).

The Centers for Disease Control and Prevention and the Ministry of Public Health have confirmed that inmates and staff in jails and correctional institutions around the country would be vaccinated, according to the Department of Corrections. COVID- Immunizations are now being given to inmates at Min Buri Remand Prison and Phuket Provincial Prison. Despite this, the vaccination

campaign will continue in accordance with the Department of Corrections' and the Centers for Disease Control and Prevention's policy of prioritizing convicts in imminent danger of death, such as those with underlying medical issues and those over 60 years old. Vaccination will be emphasized in correctional facilities where there are no outbreaks or where the population density is large (Thailand's Department of Corrections, 2021).

National and international human rights organizations have renewed their requests for the Ministry of Justice to take immediate action to address the country's continued prison overcrowding and the COVID-19 situation. The pandemic's possibly disastrous impact on Thailand's jail population and prison staff is of significant concern. COVID-19 instances increased in Thailand's jail system as a result of a fresh wave of virus transmissions that began in April 2021 and spread across the country. The Department of Corrections said on May 12, 2021, that 1,795 of the 3,274 inmates at Bangkok Remand Prison (72%) and 1,040 of the 4,475 inmates in Bangkok's Central Women's Correctional Institution (30%) have tested positive for the virus that causes COVID-19. The seriousness of the COVID-19 crisis in Thailand's jail system was only revealed after numerous notable pro-democracy activists imprisoned in these facilities tested positive for the virus during their pre-trial detention or shortly after being released on bail. COVID-19 infected 38,019 detainees in Thailand's jails between May 12 and July 15, 2021. This figure equates to around 12% of the overall jail population. Overcrowding in prisons and the spread of COVID-19 are inextricably linked, and both must be addressed promptly to prevent future deterioration of conditions in penal facilities. Despite claims about the provisional release of specific inmates to help decongest prisons, Thailand's prison population has not declined considerably since the third COVID-19 wave began. According to Department of Corrections figures, the total prison population declined by 0.2 percent from April to July 2021, from 307,910 to 307,007 (International Federation for Human Rights, 2021).

Immediate and necessary steps are needed as soon as possible, including policy changes, to address the increasing jail overpopulation. The Ministry decided to reform narcotics legislation in a way that will allow people detained for minor drug offenses to be released. Certain types of convicts currently held for non-serious and/or non-violent offenses have been recommended for conditional release. Prisoners over the age of 60, sick prisoners, particularly those with underlying medical conditions, prisoners awaiting trial, prisoners sentenced to terms of up to two years, prisoners with one year or less to serve, prisoners detained for immigration offenses, pregnant women, and those detained without a legal basis are among them. In line with the Standard Minimum Rules for Non-custodial Measures, those who have been released may be subjected to appropriate non-custodial measures. Many prisoners testing positive for COVID-19 continue to be reported, raising concerns about the critically poor confinement facilities, prevention measures, and medical care provided throughout the rising COVID-19 outbreaks. Since the recent rise in COVID-19 infections in prisons, the Department of Corrections has implemented a number of urgent measures, including testing, quarantines, and the transfer of certain infected inmates to medical facilities outside of prisons, as well as testing and a 14-day quarantine requirement for released prisoners (International Federation for Human Rights, 2021).

However, these efforts are insufficient to prevent new COVID-19 outbreaks in penal facilities. Authorities should speed up the COVID-19 vaccination deployment across all jails because they are at such a high risk of infection. Inmates who test positive for the virus must get the same level of medical care and treatment as the broader public, without discrimination or excessive delay (International Federation for Human Rights, 2021).

4.3.2 Gender Based Violence

COVID-19 poses a number of contextual challenges for Thailand, which will have a larger effect on the most vulnerable, aggravating inequalities, such as employees, significant numbers of disadvantaged individuals such as indigenous and ethnic minorities, refugees and internally displaced people, migrants, slum areas, and people working in the informal sector. In all crises, women and children are disproportionately affected, significantly in relation to economic empowerment, decision-making, involvement, accessibility to resources and services (such as health and education), and protection of human rights (Open Development Mekong, 2020).

Reduced pay and poor industrial working circumstances put women at risk of contracting COVID-19 in Thailand, where social distance may not be achievable on the factory floor and employers may not be applying sufficient health and safety procedures. (ASEAN, 2020).

The influence of COVID-19 on the mental health of women living in Mekong countries is still being studied, but preliminary research from Thailand suggests that mental health concerns are becoming more prevalent as a result of economic hardship. According to rapid impact questionnaires, more women than men in Thailand said that the pandemic had harmed their mental health. Gender disparities in the incidence of common mental diseases such as depression, anxiety, and somatic symptoms are particularly noticeable. These disorders, which primarily affect women, affect one out of every three people in the community and are a severe public health issue (The Diplomat, 2020).

Fear of contracting COVID-19 is the most prominent concern and source of stress among Thai employees. The greatest source of stress among housewives and married women was found to be concerns for family well-being. Those who are pregnant or have small children were particularly concerned about COVID-19's risk to their children. Male respondents, on the other hand, were more concerned about work-related difficulties and rarely cited household issues (Raks Thai, 2020).

Financial downturns in the Mekong area have historically led to an upsurge in spousal violence. For example, following the Asian Financial Crisis of 1997/98, Thailand saw an upsurge in domestic violence as a result of increased economic stressors within households and throughout communities (Ruth & Sweetman, 2011). Furthermore, where women are largely responsible for obtaining and cooking food for the household, heightened food insecurity as a result of the crises has been shown to put them at greater risk of intimate relationship and family violence (Inter-Agency Standing Committee, 2015).

Women with disabilities and migratory background, for example, have many intersecting disadvantages and are at a higher risk of GBV during the COVID-19 epidemic. Due to their economic dependency, lower ability to negotiate safe sex, and lack of access to support services, migrant women in Thailand, for example, are more likely to tolerate assault. Migrant women are more likely to be abused, particularly sexually, and to contract infectious diseases like HIV as a result of the epidemic. LGBTIQ+ activists and organizations across the Mekong region have raised concerns about domestic abuse, which is exacerbated in countries where LGBTIQ+ persons are not legally protected (Raks Thai Foundation, 2020).

Furthermore, the COVID-19 pandemic in the region is surfacing amid persisting gender inequalities, owing to structural inequalities and discriminatory gender norms, as well as existing inequalities in health access and insufficient health infrastructure. Thailand is also vulnerable to hydrometeorological disasters such as flooding, tropical storms, and droughts. As the epidemic

developed in early 2020, Thailand had its worst drought in forty years, prompting the country to declare a state of emergency (UN Women, 2020).

Additionally, the international community needs to pay further attention to the gender-specific needs of female inmates. The legal system and its actors are crucial in ensuring transparency and regulation and the rights of individuals who have been "left behind" throughout this crisis. Enhancing independent internal and external oversight and accountability mechanisms, using strategic litigation to address discrimination in access to services, ensuring free legal aid for those disproportionately impacted by emergency regulations or practices are all examples of the response surface (Heard 2020, 850).

4.3.3 Information and Communications Technology (ICT)

Due to the COVID-19 scenario, the Department of Corrections has implemented COVID-19 prevention and control measures in prisons and correctional institutions to protect the safety of our employees, inmates, and visitors, as well as the effective running of our facilities. These restrictions will remain in place until further notice (Thailand's Department of Corrections, 2021).

Social visitation is currently prohibited in all jails and penal institutions. The following are some alternatives to visiting and contacting prisoners: All educational and research visits to prison have been halted. Professional visits (i.e., for inquiry officers, probation officials, and lawyers) shall be assessed on a case-by-case basis and administered in strict conformity with the Ministry of Public Health's disease prevention standards prior to entering the prison/correctional institutions. Individuals can join by visiting the website. Any statement or anything that violates the law, morality, or social norms is strictly forbidden. Taking photos or recording videos during an online visit is illegal and will result in the online visit being terminated immediately and your online visiting rights being permanently revoked. The DOC staff maintains the right to act as they see fit to ensure order and security during the visit at any time and without notice (Thailand's Department of Corrections, 2021).

The Ministry of Information and Communication Technology (MICT) is now executing the Thai government's digital economy policy, which was announced in a policy statement to parliament in 2014. The Ministry of Information and Communication Technology (MICT) has been instrumental in the implementation of Thailand's Information and Communication Technology (ICT) Policy Framework (2011-2020). The framework is divided into five strategic areas: e-Government, e-Industry, e-Commerce, e-Education, and e-Society, with the goal of improving Thai people's economic and living conditions and guiding Thailand toward a knowledge-based economy and society. The Electronic Transactions Development Agency (ETDA), a MICT agency (public organization), has been tasked with the majority of this job. ETDA is the lead agency for developing, promoting, and supporting electronic transactions, ensuring that they are secure and accessible to all. Although this growth has benefited and facilitated the lives of all Thais and the country as a whole, it has also resulted in computer-related crimes that have caused significant damage (Divisional Public Prosecutor, 2020).

Similarly, accusations of violations of freedom of speech and information have been made in Thailand, where the government's "fake news center" has resulted in censorship and arrests, and where citizens have been questioned, fined, and arrested over social media posts on COVID-19 (Reuters, 2020), and where Facebook has been pressured to restrict certain content (Human Rights Watch, 2020). Farm workers in Thailand, for example, had less access to information because they relied on their friends' cellphones to interact with their families and to receive COVID-19 updates. In contrast, the majority of male and female migrants working in the seafood processing industry

appeared to have a cell phone. It's possible that the idea that all migrants have access to digital gadgets, the internet, and social media is incorrect. Instead, information is obtained through a neighbor's cell phone. Because Thai law requires all mobile phone owners to present legal identification, undocumented female migrants may have limited access to COVID-19 information (CARE, 2020).

4.4 The Philippines

Plans to reform the Philippine criminal justice system have been underway even before COVID-19. The use of ICT in criminal, civil, and economic justice processes were laid out in the Philippine Development Plan 2017-2022 (NEDA, 2016). Some of the ICT initiatives to reform the justice system are, for law enforcement and prosecution: the e-subpoena system¹, e-reklamo system, and e-inquest; for courts: the e-filing system and online-video conferencing; and for corrections, the e-dalaw system. Yet, the digital reform was done piecemeal at a rather slow pace in comparison to other similarly situated countries (Narag, 2019). It was the pandemic which expedited the transition to a hybrid virtual justice system (Marquez, 2020).

Since March 16, 2020, the Philippines has been in community quarantine. It has never been lifted because of continuously rising COVID-19 cases (Hapal, 2021). Numerous arrests for violating COVID-19 restrictions (curfew violations, lockdown restrictions, non-wearing of face mask and face shields, quarantine flouting) (PCIJ, 2020; Hapal, 2021) became rampant and at one time, violators were given a shoot-to-kill order by the President himself (PCIJ, 2020). These have resulted in (further) overcrowding of police precincts and prisons, as well as clogging of courts.

4.4.2 Prison System

To abate the burdens of the criminal justice system without endangering public health, pillars of justice instituted programs adopting ICT. On the part of law enforcement, the Philippine National Police (2020) established an online complaint desk (*e-Reklamo*) that caters to issues of peace and order in the New Normal. It also constituted its own PNP One Network (PON) which connects all units of the National Headquarters, regional, provincial, city, and municipal police stations (PNP, *ibid*:51). The PON provides access to information from PNP systems including personnel discipline data, blotters, warrants, and crime statistics. Moreover, the PNP also enforced its own online visit system for Persons Under Police Custody (PUPC) who cannot be visited by their families because of prohibitions on mobility. Most of those in custody are persons in violation COVID-19 protocols (Hapal, 2021). For the same reasons, the Department of Justice issued a set of rules on the conduct of electronic or online inquest (*e-inquest*). The issuance gave prosecutors the option to carry out their inquest² online while the country was on lockdown (DOJ, 2020).

On the first wave of infections, reports showed that many Persons Deprived of Liberty (PDL) and staff in prisons tested positive for the virus (Alindogan, 2020). There were also issues on non-reported deaths due to COVID-19 (Kahambing, 2021). The congestion in prisons makes it impossible for inmates to observe minimum health protocols such as distancing(*ibid*). Thus, the Bureau of Corrections suspended visitation rights temporarily in order to prevent local transmission

¹ The e-subpoena was meant to ensure due process for the accused by making sure police officers named as witnesses in criminal cases receive the summons of the court and attend hearing (Cupin, 2014). It was launched in 2014 and is accessible at (<https://esubpoena.pnp.gov.ph/login.php>).

² An inquest is a summary procedure conducted by a prosecutor to ascertain whether or not a person subjected to warrantless arrest should be kept in custody and should be charged in court. The Department of Justice rules on inquest are available at: <https://abogado.com.ph/look-doj-rules-on-e-inquest/>

within corrections (CHR, 2020), with the exception of visits from doctors and lawyers (who are allowed on case-to-case basis). Families of PDLs are not allowed visitation, but may inquire about their status through SMS, Viber, e-mail, or *e-dalaw*. The E-dalaw service was instituted in 2011. It is an alternative to the conventional personal visitation between PDL and their families (BJMP, 2011). It was originally conceptualized for inmates whose families cannot afford to travel to jail either because of time or financial constraints, but in cases where visitation rights are suspended because of public health emergencies, all PDL may avail of this service (BJMP, n.d.). Under this program, PDL are entitled to a supervised 10-minute video call to their lawyers and families, at least once a month (depending on the number of inmates) (CHR, 2020). Though the e-dalaw provides temporary connectivity with families, there is a need for more computer units and facilities for its execution (Kahambing, 2021) because as the over-crowding stands, meeting the visitation privileges on equitable basis is difficult in this pandemic.

4.4.1 Gender Based Violence

Aside from the health crisis, the Philippines is also facing another pandemic that has placed society in disarray: gender-based violence. Before COVID-19, 1 in every 4 Filipinas were victims of violence against women (VAW). A study of the UN Populations Fund estimated that by the end of 2020, there would be around “839,000 women who are married or who have been married at least once in their lives who would experience GBV during this pandemic” (Gonzales, 2020a). Moreover, online child sexual exploitation reports surged by 264% in May 2020, according to the Department of Justice (Pulta, 2020). Over 4000 cases of violence against women and children were likewise reported to the police on the first four months of lockdown in 2020 (Berse, et al., 2020). The pandemic brought about challenges to the criminal justice system from the enforcement of the law to the facilitation of legal proceedings and the protection of the rights of PDL, women and children, and other members of the vulnerable sector - and it continues to do so. There is a need to continuously come up with solutions to make sure that access to justice is within arm's length of the people.

4.4.3 Information and Communications Technology (ICT)

Additionally, the nationwide lockdown mandated the physical closure of courts. This did not entail a paucity in the dispensation of justice. The Supreme Court (SC), in an administrative circular, allowed *e-filing* or the filing of a complaint or information and the posting of bail via electronic means (See Appendix A, List of Supreme Court Covid-19 Related Issuances) for the duration of the health emergency. On April 17, 2020, the SC had its first virtual en banc session to discuss the petition of several PDL for temporary release on grounds of equity and humanitarianism (CHR, 2020). This was the test case of the SC for the adoption of *Online Video Conferencing (OVC)*. After due deliberation, the petition was denied but trial courts were mandated to “conduct an inventory of cases involving PDLs who may be released on bail, recognizance or provisional dismissal” (San-Gaspar-Gito, 2020).

The OVC is an initiative that ensures the carriage of justice while protecting the health and wellness of the courts’ officers and employees, litigants, and PDL. On May 31, 2021, the conduct of fully remote video conferencing hearings in first and second level courts regardless of location was allowed. It was not a smooth transition, but it was a feasible solution to protect the peoples’ access to justice as well as the right to a fair trial (Marquez, 2020). As one judge noted, “*It was a solution fraught with so many challenges, ranging from lack of internet connection to slow connection, from*

lack of personnel to man the system to unfamiliarity with the applications and so on and so forth” (San Gaspar-Gito, 2020).

As a result of these efforts, there was a drop in the congestion of Philippine prisons (Bureau of Corrections, 2021). The total congestion rate in all prisons in March 2020 was at 319%, and dropped to 303% as of July 2021 (See Appendix B). Likewise, As of March 2021, over 170,000 virtual hearings were conducted and around 81,000 persons were processed (MPCT,2021).

6. Conclusion

Despite various attempts to fight the spread of COVID-19 in prisons as well as its impact on gender- based violence in Indonesia, The Philippines, Malaysia and Thailand, the issue prevails resulting in devastating consequences for the prisoners and the females affected. This paper reveals new opportunities for more powerful and innovative channels concerning future criminal justice systems, for example online procedures, hybrid trials, imprisonment alternatives, cooperation increases between justice and health sectors. It is further evaluated how the criminal justice systems in SEA respond to COVID-19 and which of the solutions provide the best practice to counteract the pandemic’s impacts in the fields studied.

This paper investigates various approaches through a combination of literature review and data analysis. The empirical strategy entails pluralism of methodologies to provide a holistic and comprehensive study and research findings. The aim of the study is to provide policy recommendations to the UNODC, which is substantial due to the ongoing effects of the pandemic stemming from the prisons’ overcrowding and missing health management sources. Furthermore, the United Nations Office on Drugs and Crime (UNODC) needs to be encouraged to exercise additional research into COVID-19’s effects on criminal justice systems in order to make recommendations on how to resolve future issues. Members of the United Nations Programme Network Institute (UN-PNI) need to think about judicial reform concerns in the COVID-19 era and include them into their plans in order to improve judicial efficiency.

Even before the COVID-19 pandemic, millions of women and girls had been mistreated in their personal relationships in the previous years. As a result of lockdown measures, governments around the world have seen a worrisome spike in allegations of violence against women, particularly domestic abuse. On a daily basis, violence is one of the main concerns that women are dealing with as shadow pandemic. Because to COVID-19’s lockdown and travel restrictions, many women have been forced to stay at home with their abusers. Furthermore, because of harmful gender norms in their host nations, the COVID-19 pandemic’s aftermath is expected to disproportionately affect migratory women.

Some solutions concerning the exacerbated impact of COVID-19 on GBV that were found in the course of this research are that the increase in GBV often stems from food insecurity and economic distress. Further important factors also include gender and cultural norms, education, lack of reporting mechanisms, ineffective responses from the criminal justice system, etc. Therefore, it is crucial to tackle these issues in order to prevent and eventually end GBV. In cases of GBV, ICT can play a significant role as it acts as a means to raise awareness, spread resources and advice from experts on how to address GBV and give local referral information and service details. Furthermore, there are various apps, open source tools, videos and online games that counteract GBV. To effectively use them, the digital gender gap needs to be closed, internet speed and connection need to be improved and female online harassment needs to be monitored and minimized.

Concerning the context of criminal justice and COVID-19 in SEA, there are multiple options on how ICT can act as a remedy. First, it can provide important social contact to the inmates' families via online video calls as visitors are not allowed anymore in prisons and detention centers. Furthermore, ICT plays a crucial role when it comes to education as it can easily connect prisoners with teachers, psychologists and lawyers from outside. Hybrid trials were an effective way to continue with court sessions and convictions. However, to ensure fair trials, transparency, access to well functioning ICT equipment and fast internet connection are vital.

The paper offers prospective approaches, solutions and policy recommendations, especially for the UNODC, that they might implement the stated suggestions and provide support for the prisoners and women and girls concerned. Policymakers and researchers have to further explore the role of ICT in prison settings and GBV to create policies most effective in reducing the current issues in context. Further studies are recommended to investigate the topics in a qualitative way, conduct randomized evaluation trials with baseline and endline surveys and as accurate data points as possible in these settings to examine the most effective options to improve the prison settings and eventually end GBV.

7. References

- Adawiyah, R. and Rozah, U. (2020). Indonesia's Criminal Justice System with Pancasila Perspective as an Open Justice System. in *Law Reform*, 16(2), 2020, 149-162 Master of Law, Faculty of Law, Universitas Diponegoro 149
- AFP (2021). *Coronavirus sweeps through Thailand's overcrowded prisons*. Available at: <https://www.france24.com/en/live-news/20210529-coronavirus-sweeps-through-thailand-s-overcrowded-prisons>
- Ali, Z. (2020). *The Malaysian Court's Accessibility to Justice in the Time of COVID-19*. Available at: <https://www.unodc.org/dohadeclaration/en/news/2020/10/malaysian-courts-accessibility-to-justice-in-the-time-of-covid19.html>
- Alindogan J. Philippine jails: many inmates, staff test positive for COVID-19. Aljazeera. https://www.aljazeera.com/news/2020/04/philippines-jails-inmates-staff-test-positive-covid-19-200421103114943.html?utm_source=website&utm_medium=article_page&utm_campaign=read_more_links (7 December 2020, date last accessed).
- Allen-Ebrahimiyan, B. (2020). 'China's Domestic Violence Epidemic.' in *Axios*. 07 March 2020. Retrieved from: <https://www.axios.com/china-domestic-violencecoronavirusquarantine-7b00c3ba-35bc-4d16-afdd-b76ecfb28882.html>
- Anwar, N. (2021). *Solving the Prison Dilemma of COVID-19*. 05 Feb 2021. Available at: <https://www.project-syndicate.org/commentary/reforming-malaysian-prisons-to-combat-covid19-by-nurul-izzah-anwar-2021-02>
- ASEAN Parliamentarians for Human Rights (2021). *Thailand: Joint Letter on Prison Conditions and Covid-19*. Available at: <https://www.fidh.org/en/region/asia/thailand/joint-letter-on-prison-conditions-and-covid-19>
- ASEAN Secretariat, 'ASEAN Policy Brief - Economic Impact of COVID-19 Outbreak on ASEAN', www.asean.org/storage/2020/04/ASEAN-Policy-Brief-April-2020_FINAL.pdf, April 2020, accessed 3 May 2020.
- Asia Development Bank, 'Tourism Sector Assessment, Strategy and Road Map For Cambodia, Lao People's Democratic Republic, Myanmar and Vietnam, 2016-2018', www.adb.org/sites/default/files/institutional-document/227186/clmv-tourism-sector-assessment.pdf, 2017, accessed 6 May 2020.
- Australian Embassy. 2020. Piloting Online Trials in Criminal Courts. https://indonesia.embassy.gov.au/jakt/MR20_011.html, accessed 01 December 2021
- Aw, S.B.; Teh, B.T.; Ling, G.H.T.; Leng, P.C.; Chan, W.H.; Ahmad, M.H. (2021). 'The COVID-19 Pandemic Situation in Malaysia: Lessons Learned from the Perspective of Population Density' in *Int. J. Environ. Res. Public Health* 2021, 18, 6566. <https://doi.org/10.3390/ijerph>
- Bangkok Post (2021). *Thailand pushes for "Strengthening of Criminal Justice Systems"*. Available at: <https://www.bangkokpost.com/thailand/pr/2160507/thailand-pushes-for-strengthening-of-criminal-justice-systems-in-response-to-covid-19-at-un-forum>
- Bhatt, J., et al. (2005). 'Role of information technology in the Malaysian judicial system: Issues and current trends' in *International Review of Law Computers & Technology*. 19(2):199-208. Available at: https://www.researchgate.net/publication/232873576_Role_of_information_technology_in_the_Malaysian_judicial_system_Issues_and_current_trends
- Bradbury-Jones C. and Isham, L. (2020). The pandemic paradox: The consequences of COVID-19 on domestic violence. *J Clin Nurs*. (2020) 29:2047–49. doi: 10.1111/jocn.15296
- Brodeur, A., D. Gray, A. Islam, S. Bhuiyan. (2020). A Literature Review of the Economics of COVID-19. DISCUSSION PAPER SERIES ISSN: 2365-9793 IZA DP No. 13411. IZA Institute of Labor Economics.
- Bureau of Jail Management and Penology (n.d.) *E-Dalaw Program*. Available at: <https://www.bjamp.gov.ph/index.php/about-us/programs>
- Caballero-Anthony, M. (2010). Non-traditional security challenges, regional governance, and the ASEAN political-security community (APSC). *Asia Security Initiative Policy Series*, 7, 1-14.
- Caballero–Anthony, M. (2017). From Comprehensive Security to Regional Resilience: Coping with Nontraditional Security Challenges. *Building ASEAN Community*, 123.

Chandra, J. (2020). 'COVID 19 Lockdown Rise in Domestic Violence, Police Apathy: NCW'. in *The Hindu*. 02 April 2020. Retrieved from: www.thehindu.com/news/national/COVID-19-lockdown-spike-in-domestic-violence-says-ncw/article31238659.ece

Channel News Asia. (2021). More than 51,000 COVID-19 cases in Malaysia's prisons; overcrowding is an issue: Deputy minister. Available at <https://www.channelnewsasia.com/asia/malaysia-covid-19-cases-prisons-overcrowding-2207646> 28 September 2021.

Chua, S. (2020). Chief Justice: Mobile court programme to include reaching out to urban poor, not just rural areas. 16 Jan 2020. Available at: <https://www.theborneopost.com/2020/01/16/chief-justice-mobile-court-programme-to-include-reaching-out-to-urban-poor-not-just-rural-areas/>

Corpuz, M. (1997). The Role and Function of the Prosecution in the Philippine Criminal Justice System. In United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders https://www.unafei.or.jp/publications/pdf/RS_No53/No53_02Contents.pdf

CSIS (2021). Southeast Asia Covid-19 Tracker. Center for Strategic and International Studies. <https://www.csis.org/programs/southeast-asia-program/projects/southeast-asia-covid-19-tracker>

Cupin, B. (2014). Courts to use e-subpoena to make sure cops attend hearings. 20 Apr 2014. Available at: <https://www.rappler.com/nation/police-courts-upgrade-electronic-subpoena>

Davies, S.E, and Bennett, B.A. (2016). Gendered human rights analysis of Ebola and Zika: locating gender in global health emergencies. *Int Affairs*. 92:1041–60. doi: 10.1111/1468-2346.12704

Dayak Daily. (2020). *Chief Justice: mobile courts remain vital to provide justice for rural communities and urban poor*. 16 Jan 2020. Available at: <https://dayakdaily.com/chief-justice-mobile-courts-remain-vital-to-provide-justice-for-rural-communities-and-urban-poor/>

De Jesus, J.L. (2014). 'E-subpoena launched' in *The Philippine Daily Inquirer*. 20 Apr 2014. Available at: <https://newsinfo.inquirer.net/598335/e-subpoena-launched>

Djalante, R., et al. (2020). COVID-19 and ASEAN responses: Comparative policy analysis. *Progress in Disaster Science*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7577870/>

Family Court of Australia. (2021). *COVID-19 Update: Reminder that family law disputes impacted by the pandemic may be dealt with through the Courts' COVID-19*. 21 Aug 2021. Accessible at: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/reports-and-publications/media-releases/2021/mr200821>

Fauzi, M. and Norazha Paiman (2021). COVID-19 pandemic in Southeast Asia: intervention and mitigation efforts. In *Asian Education and Development Studies*. Vol. 10 No. 2, 2021 pp. 176-184 © Emerald Publishing Limited 2046-3162 DOI 10.1108/AEDS-04-2020-0064

Divisional Public Prosecutor, Executive Director's Office of Criminal Litigation 10, Office of the Attorney General, Thailand. Available at http://www.etcha.or.th/etcha_website/content/background-and-mission.html

Gan, K. A. and Lee, S.C. (2020). Malaysian judiciary embraces technology. Available at: <https://www.ibanet.org/article/0A587293-416A-4638-946E-B1A8D494EB45>

Gonzales, C. (2020). 'BJMP gets 40 computer units for 'e-Dalaw' to inmates' in *The Philippine Daily Inquirer*. 01 Jun 2020. Available at: <https://newsinfo.inquirer.net/1284341/bjmp-gets-40-computer-units-for-e-dalaw-to-inmates>

Gonzales, G. (2020a). Violence against women and girls: A pandemic we must end now. *UN Philippines*. 15 Dec 2020. <https://philippines.un.org/en/105122-violence-against-women-and-girls-pandemic-we-must-end-now>

Guedes, A., Peterman, A., and Deligiorgis, D. (2020). 'Five ways governments are responding to violence against women and children during COVID-19.' in *Unicef Connect*. 12 April 2020. <https://onlinelibrary.wiley.com/doi/10.1111/jocn.15296>

Guterres, A. (2020). Digital Divide 'a Matter of Life and Death' amid COVID-19 Crisis, Secretary-General Warns Virtual Meeting, Stressing Universal Connectivity Key for Health, Development. 11 Jun 2020. Available at: <https://www.un.org/press/en/2020/sgsm20118.doc.htm>

Hamin, Z. and Mohamad, A. (2010). 'ICT in the Judicial System: Promising Yet Challenging?' in *Journal of Media and Information Warfare*. Vol. 3, 159-172. Available at: <https://jmiw.uitm.edu.my/images/Journal/vol3chap8.pdf>

Handbook on Restorative Justice Programs. (2020). *UNODC Handbook on Restorative Justice Programs*. Second Edition. Available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf

Hassan, K.K. and Mokhtar, M.F. (2011). 'The E-Court System in Malaysia' in *2nd International Conference on Education and Management Technology IPEDR vol.13*. Available at: <http://www.ipedr.com/vol13/46-T10012.pdf>

Heard, Catherine. „Commentary: Assessing the Global Impact of the Covid-19 Pandemic on Prison Populations“, *Victims & Offenders*, (2020): 848-861.

Howe, R. (2018). Community-led sexual violence and prevention work: Utilising a Transformative Justice framework. *Social Work and Policy Studies: Social Justice, Practice and Theory*, 1(001).

Human Rights Watch, 'Vietnam Facebook, pressured, Censors Dissent', www.hrw.org/news/2020/04/23/vietnam-facebook-pressured-censors-dissent, 23 April 2020, accessed 6 May 2020.

Human Rights Watch, 'Cambodia COVID-19 Spurs Bogus Fake News Arrests', www.hrw.org/news/2020/04/29/cambodia-covid-19-spurs-bogus-fake-news-arrests, 29 April 2020, accessed 7 May 2020.

Human Rights Watch. (2020). Covid-19 Spreads in Indonesia's Overcrowded Prisons. Available at: <https://www.hrw.org/news/2020/08/26/covid-19-spreads-indonesias-overcrowded-prisons>

Human Rights Watch, 'Vietnam Facebook, pressured, Censors Dissent', www.hrw.org/news/2020/04/23/vietnam-facebook-pressured-censors-dissent, 23 April 2020, accessed 6 May 2020.

Human Rights Watch. (2020) Malaysia: Stop Jailing Covid-19 Lockdown Violators Reduce Prison Population to Limit Outbreak. Available at: <https://www.hrw.org/news/2020/04/26/malaysia-stop-jailing-covid-19-lockdown-violators> 26 April 2020.

Ibarrola, C. and Liz, R. (2012), "Analysis of ICT in the strategic modernisation programme of the Paraguayan Supreme Court", thesis, Stellenbosch University, Stellenbosch, available at: <http://scholar.sun.ac.za/handle/10019.1/20141>.

Indartono, Dimas. 2020. Indonesia Introduces Criminal Court Trials by Teleconference in Response to COVID-19. <https://www.ssek.com/blog/indonesia-introduces-criminal-court-trials-by-teleconference-in-response-to-covid-19> accessed 01 December 2021

Inquirer, 'ASEAN Leaders Urged - Provide Gender Based Measures Amid COVID19 Emergency', www.globalnation.inquirer.net/187065/asean-leaders-urged-provide-gender-based-measures-amid-covid-19-emergency, 22 April 2020, accessed 6 May 2020.

Inter-Agency Standing Committee, 'Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action', www.gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf, 2015, accessed 5 May 2020.

Kahambing, J.G. (2021), 'Philippine prisons and 'extreme vulnerability' during COVID-19' in *J Public Health (Oxf)*. 2021 Jan 18 : fdaa259. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7928820/>

Kelly, J. and Morgan, T. (2020). 'Coronavirus: Domestic Abuse Calls Up 25% Since Lockdown, Charity Says'. in *BBC NEWS*. Available online at: <https://www.bbc.com/news/uk-52157620>

Kerr, Aysha & Willis, Matthew. 2018. Prisoner use of information and communications technology. Accessible at: https://www.aic.gov.au/sites/default/files/2020-05/ti_560_021018.pdf

Kalyanasuta, K. and Suriyawong, A. (2002). THE CRIMINAL JUSTICE SYSTEM AND COMMUNITY-BASED TREATMENT OF OFFENDERS IN THAILAND. <https://data.opendevlopmentmekong.net/dataset/14bff9f0-9dda-4cba-810b-9416c78ec035/resource/bcb5862f-8177-4398-b774-e2ee84669246/download/criminal-justice-system-thailand.pdf>

Law Society Gazette. (2021). *Courts stay open as England plunged back into lockdown*. 05 Jan 2021. Accessible at: <https://www.lawgazette.co.uk/news/courts-stay-open-as-england-plunged-back-into-lockdown/5106888.article>

Lim, I. (2020). 'Amid Covid-19 pandemic, Federal Court trials hearings by video to ensure justice continues' in Malay Mail. 09 Nov 2020. Accessible at: <https://www.malaymail.com/news/malaysia/2020/11/09/amid-covid-19-pandemic-federal-court-trials-hearings-by-video-to-ensure-justice/1920940>

Malaysian Bar. (2020). Guidelines for Handling of Cases Physically and via Remote Hearing Technology in the Federal Court, Court of Appeal, High Courts and Subordinate Courts Throughout Malaysia during the COVID-19 Pandemic Period - effective December 2020. <https://www.malaysianbar.org.my/document/members/circulars/2020---2024/2020&rid=40943>

Mey, S. and Rajandran, L. (2020). 'Malaysia: Remote Hearings In The Time Of Covid-19' In Mondaq. 22 June 2020. Available at: <https://www.mondaq.com/operational-impacts-and-strategy/955972/remote-hearings-in-the-time-of-covid-19>

Ministry of Communication and Information Technology: Republic of Indonesia. 2015. ICT Research and Development in Indonesia. Accessible at: http://www.nict.go.jp/en/asean_ivo/4otfsk00001ver81-att/a1436766621134.pdf

Ministry of Justice New Zealand. (2021). Covid-19 Information. Accessible on 19 Aug 21, at: <https://www.justice.govt.nz/covid-19-information/>

Mittal, S. and Singh, T. (2020). 'Gender-Based Violence During COVID-19 Pandemic: A Mini-Review.' in *Glob. Womens Health*, 08 September 2020 | <https://doi.org/10.3389/fgwh.2020.00004>

OHCHR. (2003). 'Chapter 9 THE USE OF NON-CUSTODIAL MEASURES IN THE ADMINISTRATION OF JUSTICE' in *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*. Published by: OHCHR, The Office of the United Nations High Commissioner for Human Rights/IBA, International Bar Association.

Open Development Mekong, 'COVID-19 in the Mekong', www.opendevelopmentmekong.net/topics/covid-19-in-the-mekong/, accessed on 22 April 2020.

Oxford Business Group. 2020. The Report: Indonesia 2020. Accessible at: <https://oxfordbusinessgroup.com/indonesia-2020/ict>

Paul and Pal (2020). A Brief history of Pandemic. Rudrajit Paul, Jyotirmoy Pal. in JOURNAL OF THE INDIAN MEDICAL ASSOCIATION, VOL 118, NO 05, MAY 2020

PCIJ. (2020). Access to PH Justice System Suffers Amid the Lockdown. <https://pcij.org/article/4090/covid-19-worsens-already-limited-access-to-justice>

Pearson, Ruth., and Caroline Sweetman, 'Gender and the Economic Crisis', www.oxfamlibrary.openrepository.com/bitstream/handle/10546/121671/bk-gender-economic-crisis-100211-en.pdf?sequence=1&isAllowed=y, 2011, accessed 2 May 2020.

Philippine National Police. (2020). Annual Accomplishment Report 2020. Available at: http://www.pnp.gov.ph/images/About_Us/2020_PNP_Annual_Report_12921.pdf

Plan International, 2020: New chatbot to tackle online harrasment faced by girls. Available at: <https://plan-international.org/news/2020-11-25-new-chatbot-tackle-online-harassment-faced-girls>

Pocock, Nicola & Li, FangFang & Garimella, Surekha & Staff, UNU. (2018). Violence against Women and Girls in Southeast Asia and Malaysia: Factsheet. 10.13140/RG.2.2.16186.08646.

Poon, Y.X. (2020). Malaysia moves to Virtual Court hearings during Covid-19. 30 Mar 2020. Available at: <https://govinsider.asia/digital-economy/malaysian-bar-malaysia-moves-to-virtual-court-hearings-covid-19/>

Pulta, B. (2020). Online child exploitation reports in PH surge amid Covid-19: DOJ in *Philippine News Agency*. 25 May 2021. Available at: <https://www.pna.gov.ph/articles/1103852>

Raks Thai Foundation, 'Gender power analysis report for the project, Stop TB and AIDS through RRTR' February 2020, (STAR 2).

Raks Thai, Rapid Gender Analysis for COVID-19. Gendered Impact of the COVID-19 Pandemic on Migrants in Thailand (June 2020)

www.careevaluations.org/wp-content/uploads/GiE_Learning_RGA_Migrants-in-Thailand_COVID-19_June2020.pdf

Reuters, 'Coronavirus Sends Asia's Social Media Censors Into Overdrive', www.reuters.com/article/us-china-health-fakenews/coronavirus-sends-asias-social-media-censors-into-overdrive-idUSKBN1ZY1AC, 4 February 2020, accessed 8 May 2020.

Rosmilawati, Ila. 2020. Access to Online Education for Indonesian Incarcerated Students. Accessible at: <https://digitalpress.ugm.ac.id/article/372>

Saman, A. and Haider, A. (2013). 'E-Court: Information and Communication Technologies for Civil Court Management' in *Proceedings of PICMET '13: Technology Management for Emerging Technologies*. Available at: https://egov.ufsc.br/portal/sites/default/files/06641835_0.pdf

Thailand's Department of Corrections (2021). *COVID-19 Updates*. Available at: <http://en.correct.go.th/news/covid-19-updates/>

The Jakarta Post. Indonesian courts to go virtual during COVID-19, <https://www.thejakartapost.com/news/2020/04/20/indonesian-courts-to-go-virtual-during-covid-19.html> 21 April 2020, accessed 01 December 2021

The Diplomat, 'Thailand - The Coronavirus Suicides', www.thediplomat.com/2020/05/thailand-the-coronavirus-suicides/, 11 May 2020, accessed 20 May 2020.

Tokyo Rules. (1990). United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) Adopted by General Assembly resolution 45/110 of 14 December 1990.

UN in Myanmar. 'COVID-19 Lockdown in Myanmar exposes precarious position of LGBTIQI population'.

UNDP Indonesia. 2017. Ending violence against women today. Accessible at: <https://www.id.undp.org/content/indonesia/en/home/presscenter/articles/2017/12/08/ending-violence-against-women-today.html>

UNICEF (2020). Rapid Gender Analysis during COVID-19 Pandemic: <https://www.unicef.org/eap/media/6871/fileRapid%20Gender%20Analysis%20during%20COVID-19%20Pandemic.pdf>

UNODC. (2007). Handbook of basic principles and promising practices on Alternatives to Imprisonment. CRIMINAL JUSTICE HANDBOOK SERIES https://www.unodc.org/pdf/criminal_justice/Handbook_of_Basic_Principles_and_Promising_Practices_on_Alternatives_to_Impisonment.pdf

UNODC (2020a) IMPACT OF THE COVID-19 PANDEMIC ON TRAFFICKING IN PERSONS: Preliminary findings and messaging based on rapid stocktaking https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf

UNODC (2019). Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf

UNODC (2021a). Impact of COVID-19 'heavily felt' by prisoners globally: UN expert <https://news.un.org/en/story/2021/03/1086802>

UNODC (2021b). Report of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice. https://www.unodc.org/documents/commissions/Congress/documents/ACONF234_16_V2102028.pdf Kyoto, 7–12 March 2021

UNODC (2021c). The Impact of COVID-19 on Criminal Justice System Responses to Gender-based Violence Against Women: A Global Review of Emerging Evidence https://www.unodc.org/documents/justice-and-prison-reform/Assessment_COVID-19_and_CJS_responses_to_GBVAW_23_Mar2021.pdf

UNESCAP. (2020). The Covid-19 Pandemic and Violence Against Women in Asia and the Pacific. Available at: https://www.unescap.org/sites/default/files/20201123_SDD_Policy_Paper%20Covid-19-VAW.pdf

UNFPA. (2020a). As Pandemic Rages, Women and Girls Face Intensified Risks. 20 March 2020. Retrieved from: <https://www.unfpa.org/news/pandemic-rages-women-and-girlsface-intensified-risks>

UNFPA. 2020b. Committed to help: the stories of frontline GBV responders. Retrieved from: <https://indonesia.unfpa.org/en/news/committed-help-stories-frontline-gbv-responders>

UNODC. (2020). UNODC and UNDP issue guidance note on ensuring access to justice during the COVID-19 pandemic: <https://www.unodc.org/unodc/en/frontpage/2020/May/unodc-and-undp-issue-guidance-note-on-ensuring-access-to-justice-during-the-covid-19-pandemic.html>

UNODC. (2020). UNODC scales up its support to Southeast Asian prison systems in response to COVID-19: <https://www.unodc.org/southeastasiaandpacific/en/2020/06/prison-covid-19/story.html>

UNODC (2021). UNODC supports Thai prisons to respond to COVID-19 outbreak <https://www.unodc.org/southeastasiaandpacific/en/2021/06/thai-prison-covid-19/story.html>

UNODC. (n.d.). Why promote prison reform? <https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>

UNODC, (n.d.-a) Chuka, break the Silence. Available at: <https://www.unodc.org/e4j/en/primary/e4j-tools-and-materials/chuka.html>

United Nations. 2020. COVID-19 and Human Rights. Accessible at: https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf

United Nations, 'Policy Brief - The Impact of COVID-19 on Women', www2.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/policy-brief-the-impact-of-covid-19-on-women-en.pdf?la=en&vs=1406, 9 April 2020, accessed 7 May 2020.

United Nations (2020a). United Nations Comprehensive Response to COVID-19 Saving Lives, Protecting Societies, Recovering Better. September 2020

UNSDG (2020). Policy Brief: The Impact of COVID-19 on South-East Asia (July 2020) <https://unsdg.un.org/sites/default/files/2020-07/SG-Policy-brief-COVID-on-South-East-Asia.pdf>

UNHCR. (2017). UNITED NATIONS HUMAN RIGHTS COMMITTEE 119th Session of the UN Human Rights Committee, Geneva, 6 to 29 March 2017 JOINT SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS AND THAI LAWYERS FOR HUMAN RIGHTS IN ADVANCE OF THE EXAMINATION OF THE KINGDOM OF THAILAND'S SECOND PERIODIC REPORT UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_CSS_THA_26602_E.pdf

UN Women & UNFPA. 2021. COVID-19 and violence against women: The evidence behind the talk - Insights from big data analysis in Asian countries. https://reliefweb.int/sites/reliefweb.int/files/resources/covid-19_and_vaw_insights_from_big_data_analysis_final_0.pdf accessed 01 December 2021.

UN Women Regional Office for Asia and the Pacific, 'The First 100 Days of COVID-19 in Asia and the Pacific: A Gender Lens', www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2020/04/ap_first_100-days_covid-19-r02.pdf?la=en&vs=3400, accessed 26 April 2020.

Winzer, L., Krahé, B., & Guest, P. (2019). The Scale of Sexual Aggression in Southeast Asia: A Review. *Trauma, Violence, & Abuse*, 20(5), 595–612. <https://doi.org/10.1177/1524838017725312>

World Bank. 2020. What Factors Exacerbate and Mitigate the Risk of Gender-Based Violence During COVID-19? Insights From a Phone Survey in Indonesia. Available at: <https://documents1.worldbank.org/curated/en/991971610438425529/pdf/What-Factors-Exacerbate-and-Mitigate-the-Risk-of-Gender-Based-Violence-During-COVID-19-Insights-From-a-Phone-Survey-in-Indonesia.pdf>

World Prison Brief. 2021. Accessible at: <https://www.prisonstudies.org>

Zhang J., Lu H, Zeng H., Zhang S., Du Q., Jiang T., et al. (2020) 'The differential psychological distress of the populations affected by the COVID-19 pandemic.' in *Brain Behav Immunity*. 87:49–50. doi: 10.1016/j.bbi.2020.04.031



POLICY BRIEF

Impacts of the COVID-19 Pandemic on Criminal Justice Systems and Gender-based Violence in Southeast Asia

Evidence and Solutions from
Thailand, The Philippines, Indonesia and Malaysia

Authors

Karminn C.D.D. Yangot
Mareike Wiederhold
Christine Weber

Agency

United Nations Office on Drugs and Crime (UNODC)

Mentors

Marion Ehalt
Naoki Sugano
Dai Tanaka

Peer+

Alice Uhl

Summary

The global COVID-19 pandemic extensively impacted criminal justice systems, exposed existing gaps and highlighted new challenges, such as restricted access to justice, limitation on investigative measures, closure of courts and prosecutor offices or mass outbreaks in overcrowded prison settings. However, the ways criminal justice systems responded to the pandemic opened up new opportunities towards more resilient and innovative criminal justice systems.

Another heavily affected area is gender-based violence as measures to minimize virus transmissions, such as lockdown, work-from-home or curfews, along with economic hardship are amplifiers for the risk of domestic violence.

Therefore, four Southeast Asian countries that stand out in terms of their total prison population, their COVID-19 rate and gender-based violence incidence, namely Indonesia, Malaysia, The Philippines and Thailand, are studied to investigate how information and communications technologies (ICT) create new opportunities in times of COVID-19.

Finally, the United Nations Office on Drugs and Crime (UNODC) is advised to do further research into future effects of COVID-19 on criminal justice systems and GBV for each country to analyse and create new recommendations.

Specific measures taken with regards to criminal justice and GBV since COVID-19

Indonesia	Malaysia	The Philippines	Thailand
E-litigation application system launched by the Indonesian Supreme Court	mobile court system to manage trials in physically remote areas	e-Reklamo (online complaint desk) for peace and order issues (law enforcement level)	The Ministry of Information and Communication Technology (MICT) instrumental in implementation of Thailand's Information and Communication Technology (ICT) Policy Framework divided into five strategic areas: e-Government, e-Industry, e-Commerce, e-Education, and e-Society
<i>Memorandum of Understanding on the Implementation of Trials by Teleconference</i> regarding optimization, effectivity and safety in holding criminal trials by teleconference	integrated court system (ICS) for the monitoring, scheduling, and recording of cases	e-inquest, for cases at the prosecutorial level or investigation stage	integration of sport into young crime prevention and criminal justice methods
<i>National Long Term Development Plan 2005-2025</i> with the aim to strengthen the implementation of ICT	e-filing system for case management	e-dalaw (virtual visitation) system for prisons	vaccination campaigns have been launched
Pilot project in partnership with the Australian Government that delivered new mobile courtroom technology equipment to the criminal courts to improve the quality of online trials	online civil (limited) and criminal proceedings	e-filing of complaints and posting of bail at the court level	
		online video conferencing for high and moderate risk areas	

Policy Implications and Recommendations

Indonesia	Malaysia	The Philippines	Thailand
<p>The government must review policy and evaluate whether categorizing addiction to drugs as a medical condition is more appropriate. This may result in prison decongestion, as offenders can now be treated as patients in health facilities.</p>		<p>Law enforcement should evaluate the existing implementation of community quarantine protocols and study how electronic dispute resolutions can likewise be adopted for peace and order issues.</p>	<p>National and international human rights organizations have renewed their requests for the Ministry of Justice to take immediate action to address the country's continued prison overcrowding and the COVID-19 situation.</p>
<p>Ensure access to distance and blended learning programmes for prisoners as well as ICT equipment.</p>	<p>The Supreme Court should codify their electronic case management system protocols, in light of the pandemic.</p>	<p>The prosecution should adopt guidelines for the streamlining of electronic, non-physical contact procedures during pre-trial investigation.</p>	<p>The Ministry decided to reform narcotics legislation in a way that will allow people detained for minor drug offenses to be released.</p>
<p>Provide extra funding for organizations in the field of GBV so that they can effectively move their work online to ensure qualitative care work</p>	<p>The Ministry/Department of Justice should consider allocating more funds to its local prosecutorial arms for logistics and health facilities to ensure that complaints filed for investigation can be disposed of speedily.</p>		<p>Authorities should speed up the COVID-19 vaccination deployment across all jails because they are at such a high risk of infection.</p>
<p>Raise awareness on existing apps and open source tools in the area of GBV so that victims and survivors in remote areas are able to access help via them</p>	<p>The Supreme Court should strengthen its existing implementation of online video conferencing. It can do that by investing in more ICT facilities and in better internet connection providers. Moreover, Courts may similarly consider allowing online video conferencing even for civil cases (not just criminal proceedings). This can unburden the court and reduce the risk of exposure to the virus.</p>		<p>Inmates who test positive for the virus must get the same level of medical care and treatment as the broader public, without discrimination or excessive delay.</p>
<p>Corrections systems should look into the possibility of designating spaces or holding areas for people who are found to be in violation of lockdown orders and other health protocols. This can address the issue of further overcrowding of prisons, albeit temporarily.</p>			<p>the international community and the legal system needs to pay further attention to the gender-specific needs of female inmates and LGBTQI+</p>
<p>Ministries should look into alternatives to custody or consider early releases or parole for detainees who are near the end of their prison terms or who pose little security risk, such as those imprisoned for unpaid fines. Those with underlying health conditions and older people at high risk of suffering serious effects from the virus should be given priority.</p>	<p>Law enforcement should establish (1) online complaint desks for filing of gender-based violence cases; (2) one-stop electronic platforms for the reporting of emergency cases; and (3) electronic platforms for health consultations of women and/or children in need of immediate medical attention.</p>		<p>make digital gadgets and the internet accessible for everyone</p>