

Statement by Ahmed Adam, on behalf of Asian Forum for Human Rights and Development (FORUM-ASIA) at ExMoP3

24 June 2022

Good afternoon!

Thank you to the organisers for the opportunity to share some of our perspectives on this important topic.

I represent the Asian Forum for Human Rights and Development (FORUM-ASIA). FORUM-ASIA is a network of 85 member organisations across 23 countries, mainly in Asia. Protection of human rights defenders, including monitoring, documentation and reporting on violations and abuses against human rights defenders as well as advocacy for better national, regional and international regulations, policies and practices for their protection is a key focus of the organization.

Over the past one and half years, from 1 January 2021 to date, FORUM-ASIA documented a total of 1053 public reported cases of violations against human rights defenders in Asia. Out of these 108 cases of violations were committed against environmental human rights defenders (EHRDs) making them the fifth most targeted group of defenders in the region after pro-democracy defenders, women human rights defenders, media workers, and students and youth.

The most common form of violations committed against EHRDs is judicial harassment with 59 recorded cases, equal to half of the total cases documented against environmental human rights defenders. This involves use and abuse of laws, regulations and other legal tools against individuals or organisations with the aim of delegitimising, criminalising and/or silencing defenders and their organisations. In this period, we also recorded at least 53 cases of arrest and detention of environmental human rights defenders – many of these cases involve arbitrary detention without charge.

Cases of judicial harassment and arbitrary detention of environmental human rights defenders usually involve false allegations and fabricated charges, including by means of strategic lawsuits against public participation (SLAPPs), intended to silence, intimidate, and discourage them from continuing their work.

Most alarmingly, we documented at least 24 cases of physical violence with 8 deaths resulting from violence, which accounts for nearly 10% of total 86 cases of killings of human rights defenders reported in Asia. Normally, environmental human rights defenders are among the highest number of defenders killed in Asia. However, from 1 January 2021, the proportion of environmental defenders killed appears less compared to other groups of defenders primarily due to the high number of pro-democracy, women and youth human rights defenders killed in the aftermath of the coup in Myanmar. Physical violence against and killings of EHRDs are often perpetrated with impunity – with no credible investigations,

accountability or redress. The large number of cases of killings of EHRDs in Asia alone is a clear indication of the gravity of the threats they face. And together with the impunity with which these crimes are committed, they point to further escalation in such violence.

Most of these cases of violations we have documented are committed in Southeast Asia sub-region, where Cambodia, with 31 cases, and Indonesia, with 23 cases, alone accounted for half of the violations recorded. Nevertheless, the figures are likely to be much higher than the total number of incidents reported, as many cases are likely to go unreported or even undocumented.

Our documentation also shows that state actors including police, judiciary, government, and the military, were the perpetrator in almost 80 per cent of the total recorded cases of violations, while business actors were responsible for over 10% of the total number of cases.

We have also witnessed that, regardless of who the main perpetrator was, violations against EHRDs are often the result of collusion between business or corporate actors and state authorities at central and local levels. In many of these cases, businesses and corporate actors linked to violations committed by state authorities against EHRDs are usually multinational corporations from the global North, with their bases in Western Europe and North America.

This highlights the responsibilities of home states of multinational corporations investing in Asia and, in general, the global South to hold these businesses accountable for human rights violations and abuses committed at their behest or to facilitate their business activities, that rarely take into account same level of environmental and human rights safeguards they are required follow if they were doing business in their home countries.

I will also highlight few emblematic cases of violations against EHRDs in the region:

First, judicial harassment and arbitrary detention of Thun Ratha, Long Kunthea, and Phuong Keorasmey who are members of the environmental rights organisation Mother Nature Cambodia. They were convicted of incitement and sentenced to 18 to 20 months in prison for leading a grassroots level challenge to destructive development projects and natural resource exploitation. The three were arrested in [September 2020](#) for conducting a peaceful and symbolic demonstration to raise awareness about a development project to fill in and build over on the largest lake in Phnom Penh, Cambodian Capital. They face multiple additional charges including plotting against the government and insulting the king, and face up to 10 years in prison.

Second, in Koraput District, in southern Odisha State of India, community-based environmental human rights defenders, including farmers and members of Dalit and Adivasis groups, have long opposed the bauxite mining project by Hindalco Industries. In 2007, the locals' resistance to mining operations led to the mining licence expiration, but in 2021, this was extended following a flawed and disingenuous public hearing, where residents were prevented from meaningfully engaging. Dozens of community members were charged with criminal allegations for protesting the flawed procedure, and 16 of them - including the 16-year-old son of a HRD - were arrested, while EHRD Sharanya Nayak received death threats.

Finally, in Central Sulawesi, in Indonesia, residents and members of the Alliance of People's Farmers have been holding protest almost daily since January 2022, demanding the revocation of the mining licence of a company operating in the area. On 12 February, in response to locals blocking the main road with trucks, police used watercannon against citizens and, after turning off electricity in the area, fired teargas and live ammunition to disperse the crowd. The violent attack resulted in the death of 21-year-old Erfaldi Erwin Lahadado, hit by a gunfire. Following the incident, 59 individuals who took part in the protest were arrested.

While the overall situation of EHRDs in Asia is grim, there has been few positive developments, and signs of progress, both in the region and at the international level.

Mongolia became the first country in the region to enact a national law that recognises the legitimate role of human rights defenders, and to protect human rights defenders. While the law is not perfect, it represents a crucial first step.

In Thailand, the Court of Appeals delivered a landmark decision to accept the first transboundary class action lawsuit filed under Thai law by representatives of over 700 Cambodian farming families against a Thai sugar company operating in Cambodia.

In 2020, Mongolia through a parliamentary resolution recognised an additional 102,690 hectares as newly protected areas in 13 districts around the Onon Balj river, Gutain Humuul plains and forests after years of campaigning by local communities and EHRDs due the ecological damage caused by mining operations.

In March 2019 the UN Human Rights Council adopted by consensus a resolution recognising the contributions of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development, with concrete steps for states to ensure their protection. We call on states to take steps to immediately implement the resolution at the national level.

And finally in September 2021, the Human Rights Council adopted a resolution recognising the human right to clean, healthy and sustainable environment lending further legitimacy and recognition to the work of EHRDs.

We call on States to recognise the legitimate role of human rights defenders and in particular the environmental human rights defenders, and to create in law and in practice, an enabling environment for them to operate without fear of intimidation, harassment, or reprisals. End all forms of harassment and attacks against EHRDs, and to hold perpetrators to account through credible and transparent investigations and judicial processes.

We also urge states to pay particular attention to violations and abuses against EHRDs which is expected to increase as governments prioritise economic growth and development in the post-COVID19 pandemic world. Many Asian governments including India and Indonesia have introduced legislations or regulations that relax environmental regulations and requirements around environmental impact assessments in favour of business activities. This is expected increase activism by EHRDs and local communities potentially with increasing

crackdowns, criminalisation or violence on the grounds of national security or combatting terrorism which are often defined broadly to cover legitimate work of HRDs and EHRDs.

Thank you