

Defending in Numbers

2019–2020

A Message of Strength
from the Ground



AHRD
Asian Human Rights Development Center



Defending in Numbers 2019–2020

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from the Ground

June 2021

Author

Valerio Loi

Editorial Team

Sejin Kim

Syme de Leon

Reviewers

Benny Agus Prima, Dominique Calañas,
Joy Anne Iccayan, Kawisara Limaksorn, Nir
Lama, Shamini Darshni Kaliemuthu, Tawan
Rattanaprapaporn

Copyeditor

Jacob Bogart

Layout and Design

Lara Gotis

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Bangkok Office (Secretariat)

S.P.D. Building 3rd Floor, 79/2 Krungthong-buri
Road, Khlong Ton Sai, Khlong San Bangkok,
10600 Thailand

Tel: +66 (0)2 1082643-45

Fax: +66 (0)2 1082646

E-mail: info@forum-asia.org

Jakarta Office

Jalan Kramat 2 No. 7, Senen, Jakarta Pusat
10420, Indonesia

Tel/Fax: +62 21 3919006

E-mail: ea-asean@forum-asia.org

Geneva Office

Rue de Varembe 1, 2nd Floor 1202 Geneva,
Switzerland

Tel: +41 (0)22 740 2947

E-mail: una@forum-asia.org

Kathmandu Office

c/o Informal Sector Service Centre (INSEC)
Syuchatar, Kalanki, Kathmandu P.O. Box 2726,
Nepal

Tel: +977 (0)1 5218770

Fax: +977 (0)1 5218251

E-mail: sasia@forum-asia.org

About FORUM-ASIA

The **Asian Forum for Human Rights and Development (FORUM-ASIA)** is a regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

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Preface

This new report by the Asian Forum for Human Rights and Development (FORUM-ASIA), *Defending In Numbers — A Message of Strength from the Ground*, follows previous editions of *Defending In Numbers*, and charts FORUM-ASIA's continuing efforts to document violations facing Human Rights Defenders (HRDs) in Asia, and highlights the risks and challenges that HRDs face.

FORUM-ASIA has long been a partner of this mandate. It has played a central role in connecting Asian defenders with the UN mechanisms, and has contributed to strengthening regional networks for the support and protection of HRDs.

A consistent monitoring and recording of the violations against HRDs is crucial for identifying the nature and patterns of the abuses perpetrated, and those responsible for them. *Defending In Numbers* shows in vivid detail the difficult, everyday realities for HRDs.

Since I took up this mandate as Special Rapporteur on 1 May 2020, I have engaged with many HRDs in Asia. Despite being unable to travel, I have met with hundreds online, in large and small groups, and heard directly from them the harassment, threats, and violence that they constantly face and the environment of widespread impunity that surrounds most of these violations.

As part of my mandate, between 1 May 2020 and 31 April 2021, I sent 226 communications — including urgent appeals and allegations letters — to 85 States and 21 other actors. 86 of them (or 38%) were addressed

to 27 countries in the Asia-Pacific region.¹ In March 2021, during the 43rd Human Rights Council Session, I presented a report on the killings of HRDs — and the death threats that often preceded them. In 2019, at least 281 HRDs were killed across the world and these murders are filled by a widespread climate of impunity.²

But I am constantly impressed by the resilience of defenders in Asia and elsewhere to carry on their work despite the risks. Working through political upheavals, including military coups,

and the COVID-19 pandemic — they play a vital role in protecting human rights.

This latest, fourth edition of *Defending in Numbers* serves the valuable purpose of highlighting the situation of HRDs in Asia, and also suggests what action can be taken to support them.

— **Mary Lawlor**, United Nations Special Rapporteur on the Situation of human rights defenders

1. The list of communications is available at: <https://spcommreports.ohchr.org/TmSearch/Results>

2. The report is available at: <https://undocs.org/en/A/HRC/46/35>

Executive Summary

In 2019 and 2020, those working in defence of human rights in Asia faced unprecedented challenges, where existing risks were exacerbated, and new threats emerged. Over two years, governments enacted repressive laws, online harassment became widespread, and the COVID-19 pandemic led to a significant increase in violations against human rights defenders (HRDs) who spoke out against governments.¹ The pandemic also created new challenges for HRDs to conduct their work safely.

These are some of the key findings of *Defending in Numbers — A Message of Strength from the Ground* (DiN), the fourth biennial report by FORUM-ASIA that reports on the situation of HRDs in Asia. Based on monitoring and documentation conducted by FORUM-ASIA via the Asian HRD Portal, DiN identifies regional patterns of violations against HRDs and provides analysis of these trends to illustrate the situation in which HRDs in Asia operate. It also offers case studies that demonstrate the important work HRDs do, as well as the immense risks that such work carries. The publication also incorporates data and information shared by HRDs from the Asia region that FORUM-ASIA has interviewed or worked with, including staff of member and partner organisations of FORUM-ASIA.

1. The definition of human rights defender adopted by FORUM-ASIA is consistent with the definition provided by the United Nation Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as 'The Declaration on human rights defenders.' Accordingly, any individuals, organisations and groups who work to defend human rights peacefully and embrace the principle of the universality of human rights are considered HRDs.

ABOUT THE ASIAN HRD PORTAL

The Asian HRD Portal is an online platform managed by FORUM-ASIA containing useful materials for Asian HRDs. It also features a database that collects all the violations against HRDs documented by FORUM-ASIA. The portal can be visited at: <https://asianhrds.forum-asia.org/>

For a detailed explanation on the methodology of DiN, please consult the dedicated section of this report.

In the past two years, HRDs across Asia endured hostility online and offline and have seen their families and loved ones increasingly subjected to harassment and threats. From 1 January 2019 to 31 December 2020, FORUM-ASIA recorded 1,073 cases of violations committed against HRDs in 21 countries in Asia. The violations included, but were not limited to, physical violence, intimidation and threats, online attacks, vilification, judicial harassment, arbitrary arrests and detentions, enforced disappearances, and killings.² At least 3,046 among HRDs, their family members, NGOs, and communities were affected as result. The countries with the highest number

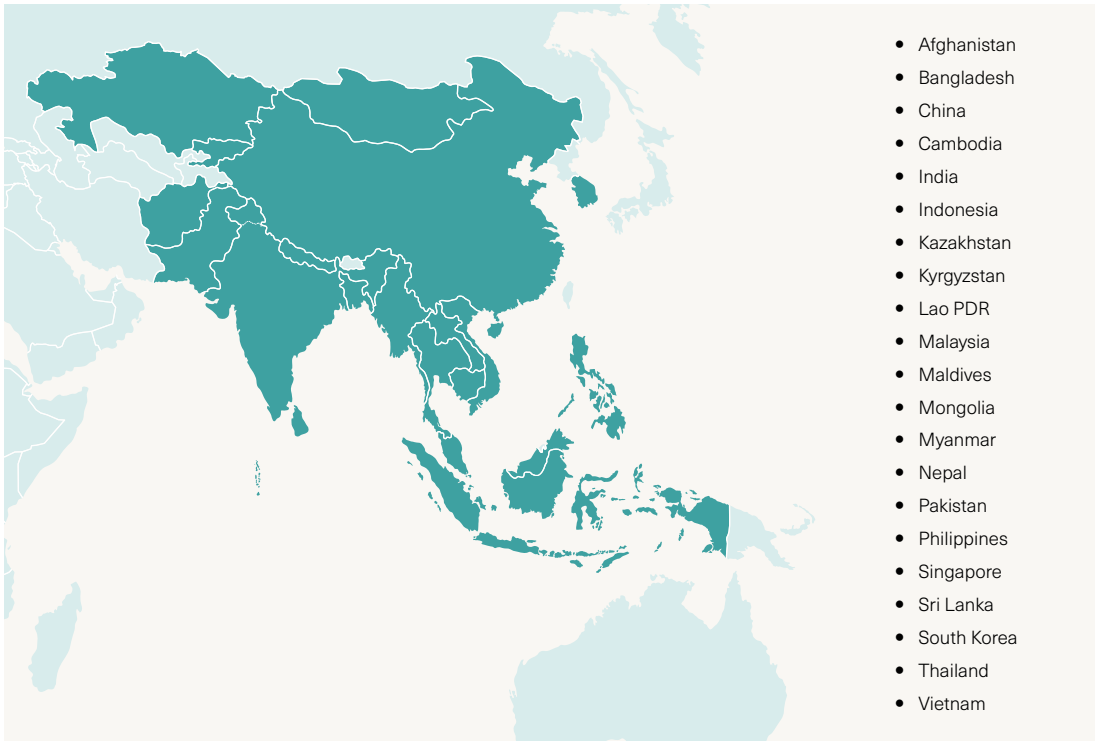
2. It may be noted that when a sum is made of all the cases recorded for each violation, the result is higher than the total number of cases mentioned to have been documented (1,073 cases). This is because many of the cases recorded involved more than one violation. For more information on how this data is compiled please see the section on methodology.

of violations recorded were India (177 cases), China (160 cases), and Vietnam (120 cases).³

From 2019 to 2020, **judicial harassment** was the most common violation committed with 535 cases, accounting for nearly half of the total violations documented.⁴ In many cases, HRDs faced multiple charges at the same time. Judicial harassment was followed by **arrest and detention**, with 422 cases, many of which were arbitrary.⁵ Governments often committed these two types of violations in order to silence and criminalise HRDs for expressing their dissent, or to prevent them from continuing their work by means of long trials and imprisonment.

Intimidation and threats remained prevalent with 306 cases recorded, including at least 29 cases of death threats. In several cases, the threat was made against family members of the HRD.

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3. In the case of China and India, one has to consider that the population of these two countries is much larger than other countries in the region, thus the number of cases documented is higher. However, it does not imply that the human rights situation in these two countries is worse than in the rest of the region.
 4. The third edition of *Defending in Numbers: Resistance in the Face of Repression*, May 2019, analyses the trends of violations against Asian HRDs from 2017 to 2018, and can be accessed at: <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE-1.pdf>.
 5. According to the UN Working Group on Arbitrary Detention, the notion of 'arbitrary' includes cases when the deprivation of liberty does not comply with the applicable law and procedure, as well as when it fails to meet the requirements of proportion, reasonability, or necessity. For more information, please visit: <https://www.ohchr.org/EN/Issues/Detention/Pages/AboutArbitraryDetention.aspx>



Countries covered by FORUM-ASIA monitoring in 2019–2020

Moreover, **physical violence** was documented in 268 cases, of which HRDs died as a result of the violence in an alarming 71 cases, claiming the lives of 82 individuals across 10 countries. FORUM-ASIA also recorded the deaths of four HRDs who were serving a jail term, or while in police custody.

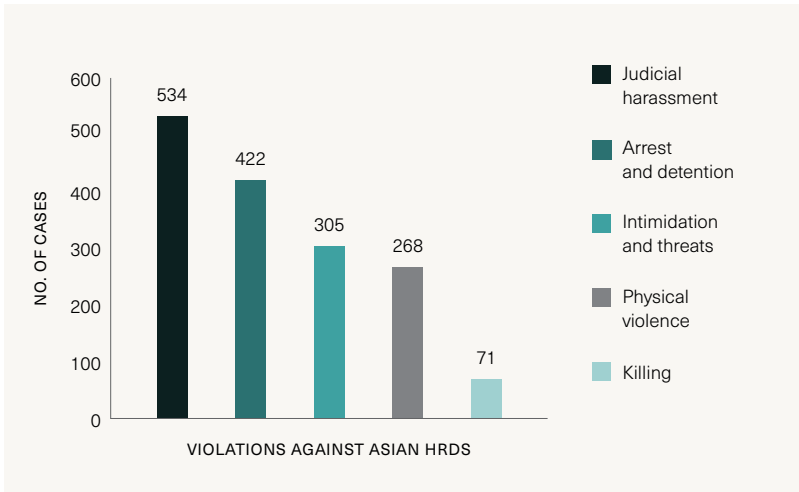
The denial of a fair trial (101 cases) followed as another violation closely related to judicial harassment. Other violations that were recorded frequently over the past two years include vilification (79 cases), administrative harassment (72 cases), and online attacks and harassment (48 cases). It was common for HRDs to experience multiple violations simultaneously.

FORUM-ASIA documented as many as 18 categories of HRDs being victims of violations. Nevertheless, in line with the documentation collected in previous years, there were

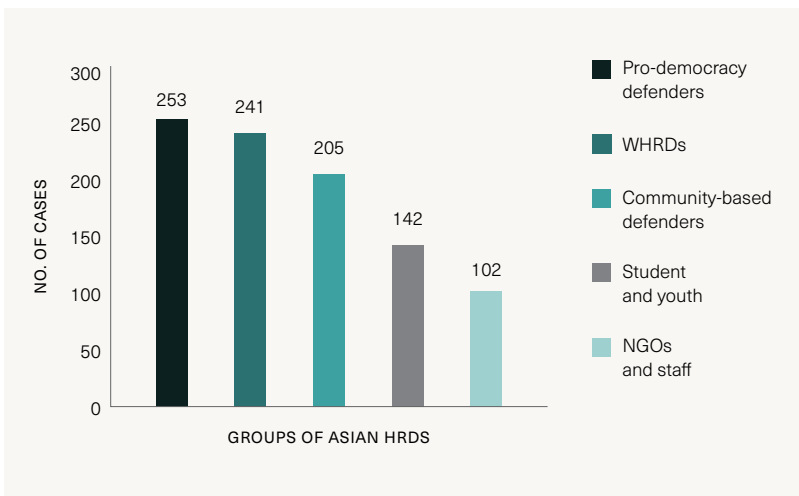
some groups disproportionately affected by harassment and threats.

Pro-democracy defenders were affected in 253 cases as they played a leading role in calling for democratic reforms, with youth and students being at the head of movements in many countries in the region. Women Human Rights Defenders (**WHRDs**), who were commonly targeted not only for their work but for their identity as women, followed closely with 242 cases recorded. As many as 205 cases were documented against **land, environmental, and indigenous peoples' rights defenders**. Corporations were the perpetrator of violations against this group of HRDs in an increasing number of cases, oftentimes in collusion with state actors. Other groups of HRDs highly targeted included students and youth (142), and NGOs and their staff (102 cases).

Top 5 violations against Asian HRDs in 2019–2020



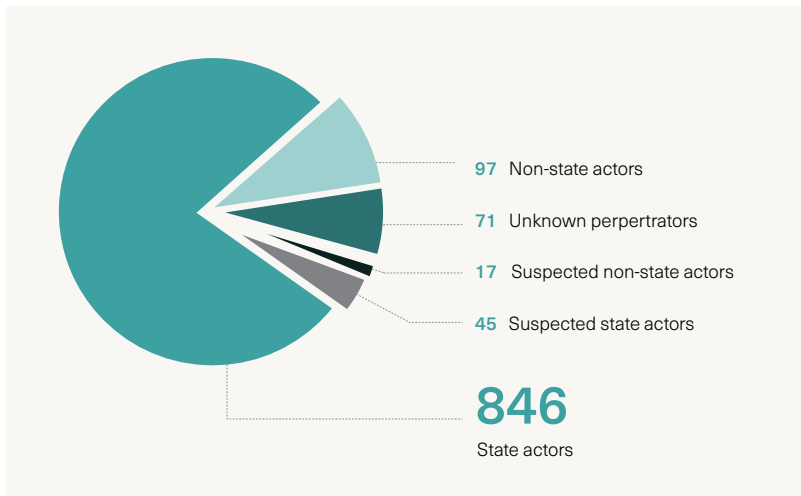
Top 5 affected groups of Asian HRDs in 2019–2020



Despite being the primary duty bearers in ensuring the protection of HRDs, **state actors** remained the main perpetrator of harassment and attacks against HRDs. State actors were responsible for 847 cases of violations, or almost 80% of the cases documented. The police alone accounted for 585 of them, equalling 55% of all the violations recorded. Further, non-state actors were the perpetrators in a rising number of cases documented, in particular business actors, including corporations from the agribusiness and extractive sectors, or those working in large-

scale development projects, and extremist groups. Concerningly, state and non-state actors oftentimes colluded in committing violations against HRDs, creating an environment where HRDs were constantly at risk, and their safety was further undermined by the denial of state protection each time defenders sought it.

Additionally, in at least 71 cases, the perpetrator remained **unknown**, frustrating efforts to ensure accountability for the violation and fostering a climate of impunity



for perpetrators. The failure to identify the perpetrators violated the rights to justice and effective remedy of the HRDs and their family members. To exacerbate matters further, the COVID-19 pandemic presented a new challenge for HRDs, causing a drastic increase in the violations committed against them.

Many HRDs who expressed criticism against government responses to COVID-19 faced threats and judicial harassment, and in several countries across Asia, emergency laws and policies ostensibly designed to address public health crises were weaponised to further silence the voices of dissent.

Despite these challenges, over the past two years some progress has been seen across the region. For example, the Mongolian Parliament enacted a national law to protect HRDs in April 2021. Despite some problematic provisions, the law is the first of its kind in Asia and marks a crucial step towards the protection of HRDs in the country. Laws that protect HRDs, recognise their legitimate contribution to human rights, and set out mechanisms to hold actors accountable for violations against them, are critical for creating a more enabling

environment for HRDs to conduct their work.⁶ This historic step was made possible by the work of civil society and HRDs on the ground and hopefully it will inspire other countries in the region.

There were also several good practices by some national human rights institutions in supporting defenders in the region. In 2019, in light of grave violations being committed against HRDs in the country, the Philippines' Commission on Human Rights (CHR) held an inquiry into the situation of HRDs, which culminated in a report released in 2020 that illustrated the hostile climate that HRDs operate in, along with the systematic attacks HRDs faced, especially at the hands of the government. The report highlights how the government in the past years has led a continuous campaign against HRDs, including by openly inciting their killing. The CHR also found it common for the authorities to spread false narratives about HRDs, fostering

6. '[Joint Statement] Mongolia: New law protecting human rights defenders welcomed but problematic clauses raise concerns,' FORUM-ASIA, 20 May 2021, <https://www.forum-asia.org/?p=34902>.

a 'dangerous environment where people are encouraged to target and treat HRDs as destabilizers and enemies of the government.'⁷

It is also hopeful to witness the strengthening of solidarity movement among HRDs, that spread in the region through cross-regional alliances challenging similar forms of repression and authoritarianism.

It is also worth highlighting the landmark decision of the Thai Court of Appeals to accept the first-ever trans-boundary class action lawsuit filed under Thai law.⁸ The case was lodged by the representatives of over 700 Cambodian farming families from Oddar Meanchey Province, Cambodia, who in 2008 and 2009 were violently displaced from their homes so that Mitr Phol, a Thai company and Asia's largest sugar producer, could plant a sugar cane farm on their land. The filing of the class action followed a decade of courageous actions taken by the Cambodian farmer community and its leaders and is a step towards justice for the hundreds of affected individuals. The brave land rights defenders were supported in their

struggle by Civil Society Organisations (CSOs) based in Thailand, Cambodia and beyond, who engaged in a cross-regional collaboration and contributed to this significant step. At publication time, the case is ongoing.

It is also hopeful to witness the strengthening of solidarity movements among HRDs through cross-regional alliances that challenge similar forms of repression and authoritarianism. In particular, youth and student-led movements demonstrated their resilience by adapting their work to the challenges brought by increasingly restricted spaces.

Innovative methods were adopted to prepare collective actions and protests, including by using online spaces and social media to mobilise larger crowds and effectively disseminate key information and messages, while further strengthening their digital security skills. This was the case notably with the Milk Tea Alliance, a democratic solidarity movement initially joined by youth activists from Hong Kong, Taiwan, and Thailand, and which later expanded to other Asian countries such as India and now includes countries beyond the Asia-Pacific Region.

7. 'Report on the Situation Of Human Rights Defenders in The Philippines,' Commission on Human Rights (July 2020) <http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf>, p. 20.

8. '[Joint Press Release] Thai Appeal Court decision paves the way for Asia's first transboundary class action on human rights abuses,' FORUM-ASIA, 13 July 2021, <https://www.forum-asia.org/?p=32339>.

Contextual Analysis

Between 2019 and 2020, a series of politically and socially significant events took place in Asia. Civil society and HRDs specifically were either directly involved in these events or affected by their consequences. What follows is a brief review of some of the main events that took place across the region so as to understand the HRDs involved, and the trends of violations documented against them.

A number of Southeast Asian countries experienced waves of mass protests, consisting of mostly peaceful gatherings of people from different sectors of society. Crowds took to the streets calling for reforms and voicing their opposition to restrictive regulations enacted, in some cases, in response to COVID-19.

In **Thailand**, since mid-2020, a pro-democracy movement led by youth and students demanded new elections, the end of state-sponsored harassment of citizens, and constitutional amendments hand-in-hand with democratic reforms of the monarchy. Youth and student groups held a series of peaceful protests, which, in the last months of 2020, were met with excessive force, including the use of chemical-laced water cannons and teargas canisters.¹ Demonstrators, especially protest leaders, also faced judicial harassment and arbitrary arrest and detention at an increasing rate. In particular, a large number of lèse-majesté (i.e., royal defamation) charges were filed against them — along with other criminal charges — by government representatives and individuals,

1. '[Joint Statement] Thailand: Respect free speech and right to peaceful assembly,' FORUM-ASIA, 13 August 2020, <https://www.forum-asia.org/?p=32503>.





16 October 2020: People are hit with water from water cannons during a protest in Bangkok, Thailand. Photo by SPhotograph/Shutterstock

despite not being used for over two years prior. Royal defamation, according to Section 112 of the Thai Criminal Code, is among the most severe of its kind worldwide, as it carries up to 15 years imprisonment in the case of conviction.² The trends of violence and judicial harassment intensified in 2021.

In **Indonesia**, the approval of the so-called Omnibus Law on Job Creation in October 2020 sparked mass protests across the country.³ Crowds of demonstrators consisting of students, labour activists, local communities, CSOs and other groups called for the repeal of the law, which was approved despite broad dissent from the public. While the government argued that the law would ease requirements on business, in fact, it is detrimental to the environment, workers, and indigenous communities. Authorities responded with widespread violence to disperse the protests and by interfering on social media to discourage users from taking to the streets.⁴

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2. As of 31 December 2020, as many as 39 pro-democracy HRDs were charged with *lèse-majesté*, including student leaders who faced multiple charges. The number of accused drastically increased in 2021. For the updated list of individuals charged, please visit: <https://tlhr2014.com/en/archives/24103>.
 3. '[Joint Statement] Indonesia: Repeal the Omnibus Law on Job Creation, abide to human rights obligations,' FORUM-ASIA, 6 October 2020, <https://www.forum-asia.org/?p=33092>.
 4. '[Joint Statement] Indonesia: End police violence, respect fundamental freedoms at the Omnibus Law protests,' FORUM-ASIA, 8 October 2020, <https://www.forum-asia.org/?p=33140>.



31 January 2021: Farmers protest at Tikri border, Delhi, India. Photo by rohitbhakarphotography@gmail.com/DepositPhotos

In the second half of 2020, **Cambodia** saw a massive wave of arrests targeting youth, environmental, and labour rights HRDs, as well as their family members.⁵ HRDs in the country experienced an intense crackdown in the form of judicial harassment, physical violence, and vilification, in response to peaceful rallies and events held to raise awareness of critical issues, including the protection of the environment and the arbitrary detention of government critics. Online surveillance by governments was also on the rise, with citizens and HRDs being criminalised for sharing their

opinion and dissent online, mostly on social media. It had a chilling effect and further reinforced a culture of self-censorship among youth, many of whom refrained from online engagement.

Online surveillance by governments was also on the rise, with citizens and HRDs being criminalised for sharing their opinion and dissent online, mostly on social media.

In South Asia, the **Indian government** marked an authoritarian and nationalist shift, which had an adverse impact on HRDs. From the end of 2019, peaceful protests against a new and discriminatory law on citizenship were met

5. 'Cambodia: The Government should end its systematic harassment of activists and human rights defenders,' FORUM-ASIA, 16 September 2020, <https://www.forum-asia.org/?p=32840>.

with violence,⁶ including mob attacks⁷ against students, and judicial harassment⁸ by means of repressive laws. Starting from November 2020, land and environmental defenders took part in mass rallies led by farmers across the country to demand the repeal of newly enacted farm laws. Authorities responded by violently dispersing the peaceful crowds and arresting their leaders. Large-scale demonstrations and violent repression continued in 2021.

Another crucial event was the revocation of the special status of Jammu and Kashmir in August 2019 by abrogation of Article 370 of the Indian Constitution. The Indian government increased the military presence in the region following the revocation and arbitrarily arrested thousands of government critics, including HRDs.⁹ Media workers were prevented from accessing the region and were often intimidated and harassed whenever they raised the issue.¹⁰ The government also shut down internet services in the region from 4 August 2019 to 4 March 2020, making it the

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6. 'India: Credible investigation must be ensured for police crackdown on protestors,' FORUM-ASIA, 17 December 2019, <https://www.forum-asia.org/?p=30640>.
 7. 'India: State must denounce and investigate the violence in the Jawaharlal Nehru University,' FORUM-ASIA, 7 January 2020, <https://www.forum-asia.org/?p=30727>.
 8. 'India: Stop the false accusations and arrests of human rights defenders in the Delhi riots case,' FORUM-ASIA, 24 September 2020, <https://www.forum-asia.org/?p=32956>.
 9. 'India: Democratic rights must be respected and protected in Jammu and Kashmir,' FORUM-ASIA, 6 August 2019, <https://www.forum-asia.org/?p=29491>.
 10. '[Joint Statement] India: End judicial harassment and intimidation of journalists and human rights defenders in Jammu and Kashmir,' FORUM-ASIA, 28 April 2020, <https://www.forum-asia.org/?p=31634>.



7 September 2019: Protesters hold a rally in Almaty for the release of political prisoners in Kazakhstan. Photo by Shipulin_photo/Shutterstock

longest internet shutdown ever recorded at 213 days.¹¹ In other South Asian countries, namely **Afghanistan, Pakistan, Bangladesh,** and **Nepal,** media workers remained high at risk and were affected in half of the violations documented. Intimidation, threats and physical violence remained rampant, but it was even more concerning that media workers were disproportionately affected by abduction and disappearances¹² and killings.¹³ Overall, this sub-region witnessed most of the killings recorded in DiN, with India (13 cases), Pakistan (12 cases), and Afghanistan (11 cases) ranking among the deadliest countries for HRDs in Asia.

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11. 'Longest Shutdowns,' Internet Shutdowns, last updated 15 March 2020, <https://internetshutdowns.in>.
 12. 'Bangladesh: Trace missing journalist Shafiqul Islam Kajol at the earliest,' FORUM-ASIA, 19 March 2020, <https://www.forum-asia.org/?p=31328>.
 13. 'Pakistan: Investigate Killings of Human Rights Defender Arif Wazir and Journalist Sajid Hussain,' FORUM-ASIA, 13 May 2020, <https://www.forum-asia.org/?p=31708>.

In the second half of 2020, Afghanistan saw an alarming surge in the killing of HRDs, including media workers, WHRDs, and NGO staff. It was common for victims to receive threats before their killings, usually from the Taliban, who warned them to stop conducting their work. This trend continues in 2021.

In Central Asia, HRDs and more broadly civil society were confronted with an increasing reduction of spaces to exercise their civic freedoms. In **Kazakhstan**, citizens' right to freedom of peaceful assembly was restricted

by a new law¹⁴ enacted in May 2020 during a national emergency caused by the pandemic, and with little space for consultation and debate. According to the law, gatherings can be held only in designated locations, and organisers — who can only be Kazakh nationals — need to seek approval from the authorities, who hold wide discretionary power to permit or deny the assembly.

Lastly, HRDs across the region have been greatly affected by the **COVID-19** pandemic, which brought a steep increase in the violations committed against them.

14. 'Report on Monitoring of the Right to Freedom of Peaceful Assembly in the Republic Of Kazakhstan in 2018 — 2020' (Kazakhstan International Bureau for Human Rights and the Rule of Law, 2020), https://bureau.kz/wp-content/uploads/2021/04/2021_report-pa.pdf.



Artwork by GoodStudio/Shutterstock

COVID-19 AND ASIAN DEFENDERS

Between February and December 2020, FORUM-ASIA documented 119 cases of violations — nearly 20% of the total cases recorded in 2020 — affecting 415 HRDs including family members, communities, and NGOs. These cases took place across 16 countries, with India (21 cases), and the Philippines (18 cases) being those with the highest number of violations documented.

Judicial harassment was the most common violation against HRDs, mostly used to silence defenders speaking out against governments' handling of the outbreak. In many cases, judicial harassment of HRDs was coupled with their arrest and detention. Secondly, incidents of intimidation and physical violence were recorded when HRDs exercised their rights to freedom of expression and peaceful assembly. Authorities abused emergency laws and other COVID-19 related measures to impose arbitrary quarantine periods and surveil HRDs, limiting their right to freedom of movement.

Media workers were the most targeted group of HRDs due to their reporting on COVID-19, in which they called out irregularities and corruption in aid distribution, shared unofficial

figures related to the outbreak and challenged the poor transparency of governments. With 34 cases documented, media workers were disproportionately targeted by COVID-19 related violations, making them the group of HRDs with the highest number of cases recorded by FORUM-ASIA in the period under review.

WHRDs followed as the second most effected group, as they faced the additional burden of gender-based harassment and abuse. Pro-democracy defenders were commonly targeted with vague charges for peacefully gathering or expressing their legitimate dissent, including online. Land and environmental defenders faced harassment for demanding state and non-state actors be held accountable for failing to uphold human rights. Lastly, labour rights defenders were exposed to heightened repression for organising as unions, while COVID-19 related restrictions obstructed their activities, including strikes.

State actors were responsible for the great majority of violations (105 cases, or nearly 90% of the total recorded), with the police alone accounting for 77 cases.





Most Common Violations Against Human Rights Defenders

| | |
|--------------------------|----|
| Judicial Harassment | 17 |
| Intimidation and Threats | 22 |
| Physical Violence | 27 |
| Other Violations | 32 |

MOST COMMON VIOLATIONS

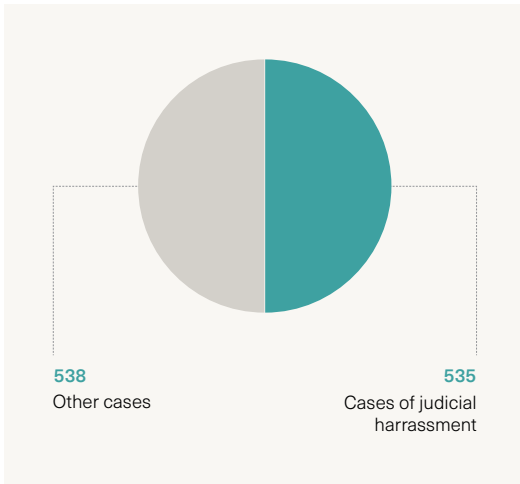
Judicial Harassment

Judicial harassment is the use of laws, regulations, and other legal tools against individuals or entities with the aim of delegitimising, criminalising, and silencing its target.¹ HRDs who face judicial harassment are often threatened and prosecuted with fabricated charges, or imprisoned in response to their human rights work. The court cases faced by HRDs normally extend for a long period of time and obstruct the HRDs from continuing their work.

With 535 cases documented, judicial harassment was the most common violation committed against HRDs in 2019 and 2020, affecting a total of 1,749 individuals and NGOs. It accounted for nearly half of the 1,073 violations documented in total. The most affected categories of HRDs were pro-democracy defenders (164 cases), WHRDs (138 cases), and media workers (94 cases).

This violation was used primarily to curb HRDs' dissenting voices in both offline and online spheres, leading to the infringement of their right to freedom of expression in 325 cases.

1. A comprehensive overview of how judicial harassment is used against HRDs is provided by the Special Representative of the Secretary-General on human rights defenders in her 2001 annual report on human rights defenders. See U.N. General Assembly, 'Human Rights Defenders,' U.N. Doc. A/56/341, 10 September 2001, Section II 'Issues of special concern in the protection of human rights defenders' and Section III 'Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,' <https://undocs.org/A/56/341>.



Cases of judicial harassment out of 1,073 total violations

Judicial harassment was also often committed in response to HRDs holding peaceful gatherings, including protests, leading to a violation of the right to freedom of peaceful assembly in 141 cases. India (96 cases), China (91 cases), and Vietnam (77 cases) were the countries where this violation was primarily recorded.

According to FORUM-ASIA's documentation, judicial harassment of HRDs frequently came hand in hand with other violations of similar rights, such as arrest and detention — often conducted arbitrarily — the enforcement of repressive laws, and the denial of fair trials. The arrest and detention of HRDs was recorded in at least 423 cases, meaning that each time they were judicially targeted, there was a high chance that their right to liberty and security would also be affected. Their imprisonment was common at pre-trial detention, while after their conviction, HRDs faced detention for unjustified lengths of imprisonment.

Across the region, FORUM-ASIA documented 123 cases in which governments used

vaguely formulated and repressive laws to punish legitimate activities. A clear example is the Indian Unlawful Activities Prevention Act (UAPA), which sets major restrictions on peaceful gatherings and legitimate associations in the name of the country's integrity.

The use of laws intended to counter alleged cybercrimes was also part of this trend. For example, the Vietnamese government relied on Article 331 of the Vietnamese Criminal Code, which punishes 'abusing democratic freedom' with up to seven years' imprisonment, to criminalise HRDs' online activities.

Lastly, there were 101 recorded cases of defendants being denied a fair trial through, for example, blatant violations of procedural norms or the repeated denial of bail at the pre-trial stage of the investigation, leading to prolonged pre-trial detention. During court hearings, both the procedures and rights of the HRDs were equally infringed, including the right to access legal representation.

Judicial harassment of HRDs frequently came hand in hand with other violations closely related to it, such as arrest and detention.

In 519 out of 535 cases of judicial harassment (97%), the perpetrator was a state actor, with the police responsible for 349 cases, governments at the central and local levels with 170 cases, and judicial actors with 166 cases.

Among non-state actors, corporations from the garment, agribusiness, and extractive sectors filed complaints against HRDs who spoke out against business operations that were detrimental to the environment or workers'

rights. Most of the court cases involved strategic lawsuits against public participation (SLAPPs), which aim to silence and intimidate HRDs, and ultimately to discourage them from continuing their work.

In other cases, SLAPPs are lodged by state actors, who prioritise business operations over the protection of the environment and people, and collude with corporations for profit.

Typically, SLAPPs are baseless lawsuits, where the plaintiff does not aim to win the court case, but rather intends to drain the energy and financial resources of the defendant — in this case the HRDs — with long court cases.

CASE STUDIES



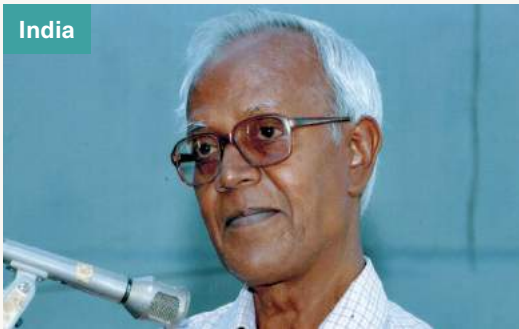
Hoang Thi Thu Vang is a WHRD and member of Hiến Pháp (Constitution), a Vietnamese pro-democracy group established in 2017. Photo courtesy of The 88 Project

On **31 July 2020**, eight members of the Hiến Pháp, including Hoang Thi Thu Vang and two other WHRDs, were sentenced to lengthy jail terms, ranging from three years and six months to eight years. The People's Court of Ho Chi Minh City found them guilty of 'disruption of security' under Article 118 of the country's Criminal Code. The HRDs were forcefully disappeared at the hands of authorities in September 2018, days before a planned rally, and have been held incommunicado since. The conviction stemmed from two peaceful gatherings that the HRDs organised in 2018 to protest two bills on special economic zones and cyber security. The latter has been widely used to criminalise the right to freedom of expression online since its entry into force in 2019. Hundreds of police officers were deployed around the court building to prevent relatives and friends of the accused from attending the hearing.



Hejaaz Hizbullah is a Sri Lankan human rights lawyer and advocate of Muslim minority rights in the country. Photo by Mahesh Shantaram

On **14 April 2020**, Hejaaz Hizbullah was informed by the Sri Lankan Ministry of Health that health officials would visit his house to test him for COVID-19. Instead, police officers came to his home and arrested him without a warrant. His office was inspected and his belongings confiscated, including legal documents of cases on which he was working. A 90-day detention order was issued under the draconian Prevention of Terrorism Act, which allows up to 18 additional months of pre-trial detention. To date, Hejaaz is still detained. He was allowed to meet his lawyer and family only a few times.



India
Father Stan Swamy was among the HRDs arrested in connection to Bhima Koregaon protests. Photo by user Khetfield59/Wikimedia Commons/[CC BY-SA 4.0](#)

On 3 January 2018, the yearly commemoration of the Battle of Bhima Koregaon triggered mass protests, which resulted in widespread violence. The Indian National Investigation Agency (NIA) arrested a dozen of HRDs and falsely linked them to the incident. On **12 June 2019**, Father Stan Swamy, a long-time advocate of the rights of tribal groups, was intimidated and harassed by the police, who raided his home. He was arrested on **8 October 2020** and has been detained ever since in harsh prison conditions. On **8 April 2020**, Anand Teltumbde, a renowned Dalit scholar, and Gautam Navlakha, a media worker, were ordered by the Supreme Court to surrender to the NIA. On **7 September 2020**, Sagar Tatyrao Gorkhe, Ramesh Murlidhar Gaichor, and Jyoti Jagtap, anti-caste activists, were interrogated and then arrested by the NIA, who later raided their houses.



Philippines
Demonstrators joining the Pride march in Manila, Philippines. Photo courtesy of Rappler

On **26 June 2020**, a peaceful rally was staged to celebrate Pride month and to oppose the Anti-Terrorism Law. Police arbitrarily arrested 18 persons joining the rally, including members of the SOGI rights group, Bahaghari, and other progressive groups. They were brought to a police station and later charged for allegedly violating quarantine rules, despite wearing masks and respecting physical distancing. They were also charged under the Public Assembly Act.

MOST COMMON VIOLATIONS

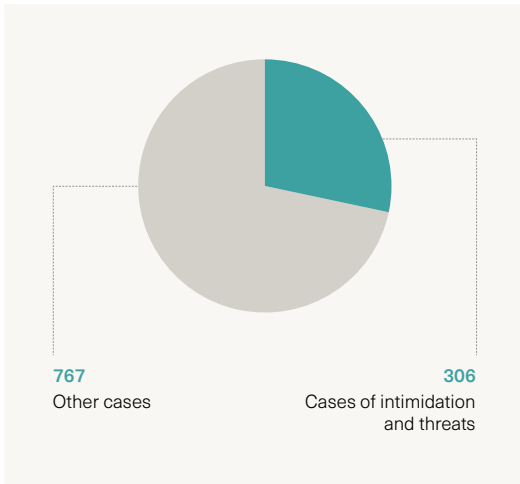
Intimidation and Threats

Intimidation and threats are intended to instil fear and insecurity in HRDs. These lead HRDs to stop carrying out their work in order to prevent any further harassment. In the period under review, intimidation and threats were the second most common violation against HRDs in Asia, where 306 cases were documented affecting 696 HRDs. India (66), Thailand (30), and Cambodia (29) were the countries with the highest number of cases recorded.

In 29 cases, intimidation and threats came in the form of death threats, which defined a rising trend across the region, where the killing of HRDs was preceded by such threats, as will be further illustrated in the section on physical violence. Intimidation and threats, including death threats, were often made in the form of phone calls or text messages, in-person encounters, or even physical assaults by mobs.

With 104 cases recorded, media workers were the group of HRDs most affected by intimidation and threats. In the period under review, this violation was the most common documented among them. The alarming number of cases demonstrates how the deterioration of civic space has heavily affected media workers who are committed to reporting events that involve human rights and subsequent violations.

In 31 cases, intimidation and threats targeted family members of HRDs, resulting in at least 101 persons being affected. The targeting of family members consisted of house visits, questioning by police officers or unknown individuals (in-person and via phone calls), and summons to police stations. Such tactics are often used to discourage HRDs from continuing their work.



Cases of intimidation and threats out of 1,073 total violations

A direct consequence of this violation is the creation of an unsafe and unhealthy environment for the affected HRDs. It also has negative effects on HRDs' psychosocial well-being due to the constant feeling that they or their families are being targeted and in danger. This fear for personal safety, as well as the safety of others, alongside factors such as witnessing violations, exposure to traumatic incidents, and a high workload are some of the key factors that affect HRDs' well-being.¹

Intimidation and threats were oftentimes coupled with similar forms of harassment, such as vilification, which was documented in 79 cases between 2019 and 2020. Vilification took place in both online and offline spheres and aimed to tarnish the reputation of the affected HRDs through the use of offensive and false narratives that portrayed HRDs as

1. For more information on the psychosocial well-being of HRDs, please see: 'Psychosocial Well-Being for Human Rights Defenders in the Philippines,' (FORUM-ASIA, 2020), <https://www.forum-asia.org/uploads/wp/2020/06/PH-Well-being-Booklet-v2-1.pdf>.

enemies of the state and anti-development. Women human rights defenders (WHRDs) (32 cases) were the group that was targeted with vilification the most, which was usually combined with gender-based harassment. This was followed by vilification of NGOs and NGO staff (20 cases), who were often subject to state-orchestrated smear campaigns aimed at discrediting them and their work.

With 26 cases documented, the Philippines was the country where vilification was the most common, usually taking the form of the red-tagging of HRDs. This practice consists of falsely alleging that HRDs have links with communist groups that are labelled as terrorists in their country, making them an easy target of a range of violations, from stigmatisation to killings, which usually go unpunished.

A direct consequence of this violation is the creation of an unsafe and unhealthy environment for the affected HRDs.

Another violation closely related to intimidation and threats was online attacks and harassment, which in the period under review was documented in 48 cases. This type of violation has risen in the past two years, as HRDs increasingly turned to online spaces to conduct their work, especially in light of the pandemic. They made greater use of online platforms for communicating and conducting virtual events, and many HRDs began working remotely.

Online attacks and harassment often targeted HRDs' social media accounts with undesired messages, while media outlets and NGO websites faced temporary shutdowns due to brute-force attacks. In particular, in different Asian countries, HRDs were the

target of so-called ‘troll factories,’ paid for by the government, who harassed HRDs with coordinated online attacks. Trolls typically use one or more fake profiles to conceal their identity. They mostly target HRDs on social media, where they threaten, offend, and disseminate false information about the HRD. Trolls also engage in doxing, which involves the online dissemination of an HRD’s private information, such as phone number, personal address, and other sensitive data.

These online attacks and harassment are particularly difficult to track because many cases are not recorded. Thus, the number of actual violations is expected to be significantly higher than the reported number. Furthermore, there are few mechanisms available to HRDs to effectively address this violation. When HRDs have sought protection from authorities related to online attacks and harassment, they typically did not receive improved security as a result.

Intimidation and threats affected HRDs’ right to freedom of expression in 183 cases, equal to 60% of the times this violation was recorded. Likewise, online attacks and harassment primarily affected HRDs’ freedom of expression online.

Online attack and harassment are particularly difficult to track because many cases are not recorded, thus the number of actual violations is expected to be significantly higher than the reported number.

In 204 cases — or 67% of the recorded intimidation and threats — the perpetrator was a state actor, including police (153 cases), government officers (96 cases), and military personnel (13 cases). In 24 cases, intimidation and threats were made by unknown perpetrators.



Lertsak Kumkongsak is a prominent Thai environmental rights defender. Photo copyright ©2020, The Isaan Record. Used with permission of The Isaan Record

Lertsak has been involved in the revocation of several mining licenses in different communities across Thailand. In **September 2020**, he received multiple threats, including death threats, as a result of his advocacy with the Khao Lao Yai Pha Jun Dai conservation group, which has opposed mining operations by Thor Silasitthi Company Limited in Nong Bua Lam Phu Province, north-eastern Thailand. Lertsak was warned he would be shot if he continued protesting the mining operations. At that time, he was under constant surveillance and was repeatedly approached by unknown men carrying weapons. In the past, members of Nong Bua Lam Phu community were killed for their advocacy against the company's mining operations.



Rana Ayyub is an Indian investigative journalist. Photo by user Zuhairali/Wikimedia Commons/[CC BY-SA 4.0](#)

Rana Ayyub has repeatedly faced online harassment and threats for expressing her views and opinions on political and social issues in India on social media. On **8 November 2019**, right after commenting on a religious dispute on Twitter, she received multiple messages with misogynist insults and threats, while an official police account warned her to delete her post or she would face legal action. On **2 July 2020**, Rana spoke out against the killing of a civilian in Kashmir, triggering a new wave of hate on social media, with multiple messages threatening death and rape. Previously in 2018, she was the victim of a similar hate campaign online, which began after a fabricated quote on Twitter was falsely attributed to her. In response, the UN Office of the High Commissioner for Human Rights called on the Indian government to ensure her protection.

Kazakhstan



The Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) is a leading NGO, working on the protection and promotion of civil and political rights and freedoms in Kazakhstan. Logo courtesy of KIBHR

In February 2020, Yevgeniy Zhovtis, Director of KIBHR, issued a critical analysis of the new draft law restricting the freedom of peaceful assembly in Kazakhstan, finding that it failed to comply with international standards. From **28 April to 2 May 2020**, Yevgeniy and KIBHR were targeted by an online smear campaign that accused them of working for the interests of foreign governments. The attack was led by influential public figures close to the Kazakh President, who allegedly controlled a so-called ‘troll factory,’ consisting of tens of social media accounts and online media outfits. The smear campaign took place after KIBHR shared the analysis of the draft law with the Special Rapporteur on the right to peaceful assembly and of association, who expressed their concern on this matter to the Kazakh government.

Maldives



Uthema is a prominent women’s rights organisation in the Maldives, and it regularly engages with the UN bodies. Logo courtesy of Uthema

In April 2020, Uthema published a report assessing the government’s adherence to its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Starting from **mid-June 2020**, the women’s rights organisation was the victim of an online smear campaign led by extremist groups, who accused the NGO of being anti-Islam and called for its dissolution. This kind of incident is not uncommon in the Maldives where, in the past few years, other HRDs reported being subject to online harassment and threats by fundamentalist groups as a reprisal for, among other things, their engagement with UN mechanisms.

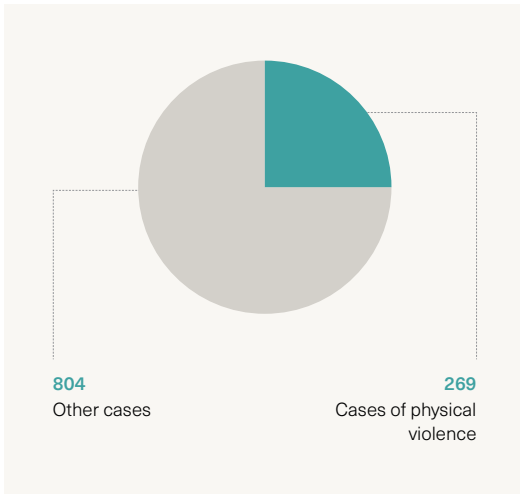
MOST COMMON VIOLATIONS

Physical Violence

This violation may consist of a physical attack, assault, or beating; in many reported cases the violence caused wounds or injuries to HRDs, leading in some instances to their hospitalisation. Between 2019 and 2020, this violation was the third most common perpetrated against HRDs, with 269 incidences documented across the region. As many as 972 individuals were affected, and the countries where it was most prevalent were India (60 cases), Indonesia (36 cases), and the Philippines (34 cases).

Media workers were the group most affected by physical violence (103 cases), which often resulted in their equipment being confiscated or damaged. It was also common for them to be the victim of violent police repression while covering protests. Land and environmental defenders followed media workers with 72 cases, including instances when they were attacked by business actors or their security personnel.

Physical violence can also occur in the form of attacks against property, such as the targeting of houses, offices, and personal belongings of HRDs. In the period under review, FORUM-ASIA recorded 60 cases of attacks on property and raids primarily targeting HRDs' private property. Oftentimes, the authorities committed this violation during investigations into HRDs that were marked by procedural irregularities, such as a lack of a search warrant. It was also common for the authorities to confiscate personal belongings of the HRDs and their families as result of the raid. In some cases, this violation was committed overnight, resulting in a raid that was even more invasive of the private space and life of the HRDs and their families. WHRDs were the most affected group by attacks on property and raids (22 cases), followed by family members of HRDs, affected in 17 cases.



Cases of physical violence out of 1,073 total violations

Unsurprisingly, HRDs' rights to freedom of expression (132 cases) and freedom of peaceful assembly (59 cases) were commonly violated when authorities used physical violence to disrupt peaceful protests. These cases demonstrate how frequently the authorities escalated their tactics to include violence when curbing peaceful and legitimate dissent. The HRDs who suffered physical violence were also affected by intimidation and threats in 81 cases, and with arbitrary arrest and detention totalling 63 cases.

State actors were the perpetrators in 142 cases of physical violence, or 52% of the cases recorded, with police personnel as the perpetrators in 131 cases while government officials were the perpetrators in 54 others. Non-state actors also committed acts of physical violence in 51 cases, or nearly 20% of the documented cases of physical violence. Non-state actors include corporations and extremist groups. In at least 51 cases, the perpetrator remains unknown.

In 2019 and 2020, physical violence resulted in the killing of HRDs in 71 cases, claiming the lives of 82 individuals in total. These deaths

included extra-judicial killings. The Philippines (27 cases), India (13 cases), and Pakistan (12 cases) are the countries where the most number of killings were recorded.

In particular, the alarmingly high rate of killings in the Philippines echoes FORUM-ASIA's documentation over the years — confirming that HRDs in the country are constantly exposed to this violation. In the majority of cases recorded, the victims of killings were peasant leaders, members of indigenous groups, or media workers. State actors, including the military and police, were the main perpetrators of this violation. It was common for HRDs to be red-tagged before their killing, with false accusations such as the committing of crimes or the possession of a gun.¹

In addition, FORUM-ASIA has documented four additional cases where HRDs died while in custody as a result of deteriorating health or unclear circumstances, with prison guards and government officers refusing to provide accurate information or the results of medical examinations.

The killing of HRDs constituted an isolated event in only a minority of the cases documented. Most of the time, it followed previous violations. FORUM-ASIA has recorded at least 34 cases, or 50% of the cases of killing recorded, where the killing of the HRD was preceded by threats, including death threats, and other forms of harassment, such as gender-based harassment, physical violence, judicial harassment, or surveillance. Especially in those countries where more

1. In 2020, the Philippines was recognised as the second deadliest country in the world for HRDs. See 'Global Analysis 2020' (Front Line Defenders, 2021), https://www.frontlinedefenders.org/sites/default/files/flid_global_analysis_2020.pdf.

cases were recorded, the killing of HRDs reflected a hostile environment where they lived and worked. In several of the documented cases, HRDs, fearing for their safety, have sought protection from the authorities who failed to act and prevent their death.

Alarmingly, the perpetrator was not identified in 49 killings, or 70% of the cases recorded. This demonstrates that many of the risks HRDs face are due, in large part, to authorities' lack of willingness to provide the requested protection when a threat is made or to conduct an investigation after a killing takes place. The resulting climate of impunity is detrimental also

to defenders' loved ones and communities, affected in terms of their security and well-being.

These findings are largely confirmed by the Special Rapporteur on the situation of human rights defenders in her latest thematic report shared during the 46th Session of the Human Rights Council Session. The report identifies a recurrent pattern of killings of HRDs around the world, including Asia, and highlights that killings commonly followed threats and other violations, while negative narratives constitute an additional risk factor for HRDs. Lastly, the report mentions that business actors were responsible in the violations committed against HRDs.²

2. U.N. General Assembly, 'Final warning: death threats and killings of human rights defenders,' U.N. Doc. A/HRC/46/35, 24 December 2020, <https://undocs.org/en/A/HRC/46/35>



Karenni youth protesting the erection of the statue of General Aung San in Loikaw, Kayah State, Myanmar. Photo by the Transnational Institute/[CC BY-NC-ND 3.0](#)

In early February 2019, a statue of General Aung San was erected in Loikaw, the capital city of Kayah State, which is mostly populated by the Karenni ethnic minority. A series of peaceful protests were conducted by the Karenni youth calling for the removal of the statue and to demand the government to instead put a greater focus on ensuring the equal rights of the Karenni minority. On **4 February**, police arrested at least 30 demonstrators and charged most of them under the repressive law on unlawful assemblies. On **12 February**, protesters were met with violence by the police, who used rubber bullets and water cannons to disperse them, leaving at least 21 injured.



Zara Alvarez was a dedicated WHRD from the Philippines, who engaged with several NGOs working on the ground. Photo courtesy of Zara Alvarez/[Facebook](#)

Over the years, Zara Alvarez was involved in campaigning, education, and research activities. On **17 August 2020**, Zara was killed by unknown assailants while on her way home. A man wearing a mask repeatedly shot at her and fled on a motorbike with an accomplice. No perpetrator was identified in her killing. Zara had been the target of harassment and intimidation for a long time. In 2004, she faced a defamatory campaign by the military, who reported her as a communist terrorist during public events and on military radio. She also received intimidating text messages and was subjected to surveillance. In 2012, Zara was arbitrarily arrested on false charges and detained for one and a half years. In 2018, the Department of Justice included her in a notorious list of over 600 people labelled as 'terrorists.'

India



The Association of Parents of Disappeared Persons (APDP) is a human rights organisation based in Srinagar, India, working on the issue of enforced disappearance in Kashmir. Logo courtesy of APDP

On **28 October 2020**, personnel of the Indian National Investigation Agency (NIA) conducted simultaneous raids in the offices of several NGOs, including APDP, the houses of their staff, and local media outlets. The NIA alleged that it had received information about foreign funds channelled through the targeted NGOs to finance terror and secessionist operations in Kashmir. The staff of APDP was questioned by NIA officers, and their houses searched for up to 12 hours. Personal belongings, including identification documents, phones, and laptops were confiscated, causing serious concerns for their privacy and security. A criminal case was registered against them under the Indian Penal Code and the draconian Unlawful Activities (Prevention) Act, commonly used to suppress government critics, including HRDs.

Afghanistan



Fatima Khalil was a young WHRD working as Donor Liaison Officer at the Afghanistan Independent Human Rights Commission (AIHRC). Logo courtesy of AIHRC/ Facebook

On **27 June 2020**, Fatima Khalil was killed in a bomb attack while traveling in an office vehicle to the AIHRC office in Kabul. The driver was also killed by the explosion. An improvised explosive device (IED) was reportedly planted under their car. There was no claim of responsibility for the killings. The second half of 2020 saw a drastic increase in the number HRDs and media workers being killed in Afghanistan, committed either by fundamentalist groups or unknown perpetrators. The environment for HRDs in the country remains extremely dangerous and volatile.

MOST COMMON VIOLATIONS

Other Violations

Apart from the main violations described above, which have been the most common over the past two years, FORUM-ASIA has documented an overall surge of several other forms of harassment and threats.

Administrative Harassment

In the period under review, FORUM-ASIA recorded 73 cases of administrative harassment. This violation commonly resulted in the unlawful denial or dispersal of peaceful gatherings, organised by land and environmental defenders (15 cases) and pro-democracy defenders (12 cases). When committed against NGOs, administrative harassment includes the enforcement of laws that set funding restrictions, especially coming from abroad, which often constitute their primary source of financing. Other measures typically include the suspension or revocation of the NGOs' registration or licence, preventing them from continuing to work.

Lawyers and academics were also affected, facing disciplinary sanctions and layoffs. China was the country with the most documented cases of administrative harassment, demonstrating the government's tight hold over the entire administrative apparatus.

On **14 November 2019**, the office of Ain o Salish Kendra (ASK) was visited by a court magistrate, who fined the NGO and ordered them to vacate the office building within two months. In explaining the rationale for the order, the magistrate mentioned alleged irregularities, such as the location of ASK's office in a residential area. In response, ASK

showed the rental agreement to the magistrate and explained that other organisations and commercial business were based in the same area. The harassment against ASK reflects the hostile environments that NGOs face in Bangladesh. Further, the Foreign Donations (Voluntary Activities) Regulation Bill, enacted in 2016, requires NGOs to register with a government agency and report the amount of foreign contributions received.



Ain O Salish Kendra (ASK) is a Bangladeshi NGO that provides legal aid and social support to vulnerable groups in the country. Logo courtesy of ASK

Abduction/Enforced Disappearance

During the period considered, HRDs were victims of abduction and enforced disappearance in 34 cases. In many of them, the violation was temporary and used as a tactic to intimidate the victim. After returning the abducted person, perpetrators would often arbitrarily arrest the HRD, whereas in other documented cases, the HRDs never returned home and their whereabouts are still unknown to date.

State actors were the perpetrator of this violation in 22 cases, or 65% of the violations recorded, while in 11 cases the perpetrator of abduction remained unknown or could not be confirmed. This is a further indication of the volatility of the context in which HRDs operate.

Pakistan is among the countries where this violation is most common, particularly against media workers and minority rights defenders.



Muhammad Ismail is a Pakistani HRD, and the father of Gulalai Ismail, prominent WHRD and minority rights defender. Photo by Anjum Naveed/AP

Muhammad Ismail is a former professor of Urdu literature, and a long-term human rights activist and NGO worker. On **24 October 2019**, Muhammad was abducted by the Federal Investigation Agency (FIA), after escaping a similar attempt a week earlier. Due to international pressure, the following day he was brought to a court and charged with fabricated accusations, for allegedly spreading online 'hate speech' and 'false information against the government.' He was granted bail on 25 November 2019, after spending a month in pre-trial detention in allegedly inhuman and degrading conditions. On **20 April 2020**, he was summoned by Peshawar High Court after the FIA requested to revoke his bail. Muhammad has faced further attacks, mainly for being a vocal critic of the human rights abuses against his daughter. The harassment of Muhammad continued in 2021.

An emblematic case of enforced disappearance occurred on **4 June 2020**, when unknown individuals forcefully abducted Wanchalearm Satsaksit from near his home in Phnom Penh, Cambodia, where he had been

Thailand



Wanchalearm Satsaksit is a Thai pro-democracy defender. Photo courtesy of Wanchalearm Satsaksit/Facebook

living in exile since 2014. When the abduction occurred, Wanchalearm was on a phone call with his sister, who could hear him shouting ‘I can’t breathe, I can’t breathe’ at the abductors. His whereabouts remain unknown. Because of his activism, Wanchalearm had to leave Thailand in 2014, shortly after the Thai coup. He was prompted to leave his home country after his residence was searched by around 30 police and military officers. In 2014, he was also issued an arrest warrant after being charged under the Computer Crime Act, a law commonly used to harass HRDs who express their dissent.



4 June 2021: Candles are lit on the first anniversary of activist Wanchalearm Satsaksit’s abduction. Photo by Teera Noisakran/Shutterstock

Surveillance

HRDs have been regularly subjected to surveillance, a violation that consists of monitoring movements, communications and other daily activities conducted by HRDs. Surveillance was used to inspect online activities, including private chats in messaging applications, and to gather evidence for charging and arresting HRDs. It was common for police officers to be stationed in front of the house of HRDs or their family members and friends, at times limiting their movements or even preventing them from leaving the building.

In several documented cases, surveillance escalated to physical violence against the HRDs when they tried, for instance, to evade the ongoing monitoring when trying to reach a protest or a diplomatic meeting. Nevertheless, surveillance is often difficult to track and document because it goes unnoticed by the HRDs. Despite FORUM-ASIA recording only 30 cases, HRDs might face this violation on a daily basis.

Indonesia



Ravio Patra is an Indonesian NGO worker and independent researcher. Photo courtesy of Ravio Patra/Facebook

On **22 April 2020**, Ravio Patra was arrested by a plainclothes agent who, despite not showing a warrant, confiscated Ravio's personal belongings. The arrest came shortly after his phone was put under surveillance and his WhatsApp hacked. Several messages were sent by Ravio's WhatsApp account, calling for a nationwide riot in the next week and instigating violence and unrest. He also received two international calls to his number from numbers owned by police officers. He was arrested for the messages that were sent by the hacker. Ravio's surveillance and arrest were likely a reprisal for his criticism of the Indonesian government's handling of the COVID-19 outbreak in the country.



Human Rights Defenders at the Highest Risk

| | |
|--|----|
| Pro-Democracy Defenders | 39 |
| Women Human Rights Defenders | 45 |
| Land and Environmental Defenders | 50 |
| Other Groups of Human Rights Defenders | 55 |

HRDS AT THE HIGHEST RISK

Pro-Democracy Defenders

Pro-democracy defenders are individuals and groups who, through peaceful means, advocate for democratic principles, institutions, and culture. Over the past two years, they have vocally demanded political pluralism and participation, which, in some Asian countries, included challenging irregular election processes or single-party systems.

From Thailand to Hong Kong, from Indonesia to Kazakhstan, in the period under review, pro-democracy defenders took to the streets and led mass protests to convey their message and demands. Many of the pro-democracy movements were led by youth and students, highlighting the key role played by the younger generation of Asian HRDs.

Many of the pro-democracy movements were led by youth and students, highlighting the key role played by the younger generations of Asian HRDs.

In the context of government authoritarianism and widespread repression of civic freedoms, pro-democracy defenders faced a particularly hostile environment. Such hostility was increasingly coupled with ultra-nationalism and militarisation, which not only undermined

the basis of democratic societies, but exposed HRDs to a broader range of threats and attacks. Personnel from military and security agencies were oftentimes involved in hindering pro-democracy defenders' activities, while among non-state actors, nationalist groups supportive of government opposed pro-democracy defenders in their claims for reforms and greater civic participation.

In the period under review, pro-democracy defenders were among the most affected groups in the region, with 253 cases of violations recorded against them, affecting 865 individuals and groups.



16 June 2019: Hong Kong's biggest anti-extradition protest. Photo by Tee Jz/Shutterstock

They have been the group most affected by judicial harassment as well as other related violations, namely arrest and detention, denial of a fair trial, and the subject of repressive laws. Judicial harassment was committed against pro-democracy defenders in 164 cases, or 30% of the total cases recorded for this violation. It was a common tool employed to target and silence HRDs and to stifle the dissent that pro-democracy defenders expressed in both online and offline spaces.

Judicial harassment was combined with the arrest and detention of this group of HRDs in 122 cases, many of which were arbitrary. Worryingly, during 2019 to 2020, FORUM-ASIA recorded three cases of pro-democracy defenders dying in custody. Moreover, the use of repressive laws against pro-democracy defenders was documented in 44 cases. The enforcement of criminal provisions, which punish activities vaguely defined as anti-State, or against the national interest and security,

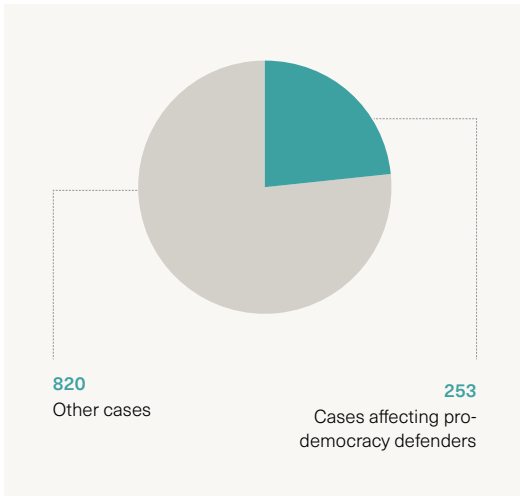


was a typical example of how the legitimate work carried out by pro-democracy defenders was repressed and criminalised.

In a similar fashion, pro-democracy defenders were denied the right to a fair trial in 34 cases, including the denial of bail and visit of the lawyers and family members of defendants. During the COVID-19 pandemic, several countries in the region held trials online, making it more challenging for HRDs to effectively exercise their right to defence and

communicate with their lawyers. The switch to online cases also made it more difficult for lawyers to prepare a processual strategy and to submit evidence. The denial of fair trial commonly translated into prolonged detention, including at the pre-trial stage.

State actors were responsible for 225 of the violations committed against pro-democracy defenders, or almost 90% of the cases recorded against them. These violations were often committed against pro-democracy HRDs



Cases affecting pro-democracy defenders out of 1,073 total violations

who expressed their dissent via social media, staged events to raise awareness on key cases of human rights violations, or called for government resignations.

The right to freedom of expression was the most commonly affected human right, with 142 cases documented. In 52 cases, the violation occurred in the online sphere, for instance when pro-democracy defenders expressed legitimate opinion, disseminated information contrary to governmental narratives, or showed solidarity with other HRDs.

The right to freedom of expression was the most commonly affected human right, with 142 cases documented.

The right to freedom of peaceful assembly followed with 96 violations recorded, many of which involved physical violence. They mostly occurred in the context of government dispersal of peaceful demonstrations, when authorities cracked down on participants by using unnecessary or disproportionate force.



Panupong Jadnok, Panusaya Sithijirawattanakul, Parit Chiwarak (top), Anon Nampa (bottom left), and Patsaravalee Tanakitvibulpon (bottom right), are among the leaders of the Thai pro-democracy movement. Photo of Jadnok, Sithijirawattanakul, and Chiwarak courtesy of Khaosod; photo of Nampa by SPhotograph/Shutterstock; photo of Tanakitvibulpon by Brickinfo Media/Shutterstock

Starting from August 2020, the leaders of the pro-democracy movement that spread across the country calling for new elections and constitutional reforms faced judicial harassment and other threats, such as **surveillance** and **house searches**. They were **charged and arrested** for a variety of charges, including sedition, organising peaceful protests and delivering public speeches. Their bail requests were **commonly denied**. Since November 2020, the pro-democracy leaders were repeatedly **accused of lèse-majesté**, or royal defamation, in connection with their role in leading the protests. At the end of 2020, some of them were facing multiple charges of this nature, including Parit (12 charges), Anon (eight charges), and Panusaya (six charges). The pro-democracy leaders continue to be affected by judicial harassment, lengthy pre-trial detention and repeated denials of bail in 2021.



6 June 2020: A woman holds up the Kazakh flag and constitution in Almaty, Kazakhstan. Photo by Vladimir Tretyakov/Shutterstock

Nur Otan has been the ruling party in Kazakhstan since 1999, while opposition parties are either banned or prevented from registering. On **22 February 2020**, peaceful protesters took to the streets in Almaty, calling for the Democratic Party and other opposition parties to be registered, and demanding an end to the repression of government critics. Police responded with a crackdown on demonstrators, arresting at least 70. Dozens of pro-democracy HRDs in the country were subject to harassment for their link with unregistered opposition parties, and the trend continued in 2021.



Mina Mangal was a prominent Afghan journalist and parliamentary adviser. Photo courtesy of the Afghan Presidential Information Coordination Center/Twitter

Both as a journalist and in her recent political role, Mina Mangal had consistently advocated for women's rights to education and work. She had recently become advisor to the cultural commission of the Afghan parliament. On **12 May 2019**, Mina was shot dead by unknown assailants in Kabul. Prior to her killing, she had shared on her Facebook profile that she had received threats and feared for her safety. No perpetrator was found in relation to the killing. Mina's case was part of a pattern of WHRDs being killed in the country after receiving death threats.



Kirsten Han is an independent journalist and a well-known pro-democracy defender in Singapore. Photo courtesy of Kirsten Han/Kirsten Han's website

Kirsten Han had been the target of harassment in the past, such as in a defamation case involving the New Naratif, an independent media outlet where she used to work. On **25 September 2019**, the Singaporean Minister of Home Affairs and Law shared incorrect information on Kirsten Han, aimed at discrediting her work and tarnishing her reputation. She was wrongly quoted to have said that Singapore had failed compared to Hong Kong, because unlike Hong Kong, there were not 500,000 people taking to the streets to protest. She was also said to have the intention to change this through the New Naratif. The Minister added that this 'will seem ridiculous on so many levels.' In reality, the declarations that the Minister attributed to Kirsten were taken out of their context and were made in 2016, even before the New Naratif existed.

HRDS AT THE HIGHEST RISK

Women Human Rights Defenders

Women human rights defenders (WHRDs) refer to any women¹ defending human rights, as well as NGOs and persons of any gender supporting women's rights or gender-related issues. In 2019 and 2020, WHRDs represented one of the most affected groups of HRDs in Asia. According to FORUM-ASIA's documentation, WHRDs were affected in 242 out of 1,073 cases recorded, meaning that nearly 25% of the violations were committed against them. A total of 674 WHRDs were affected in the 19 countries monitored.

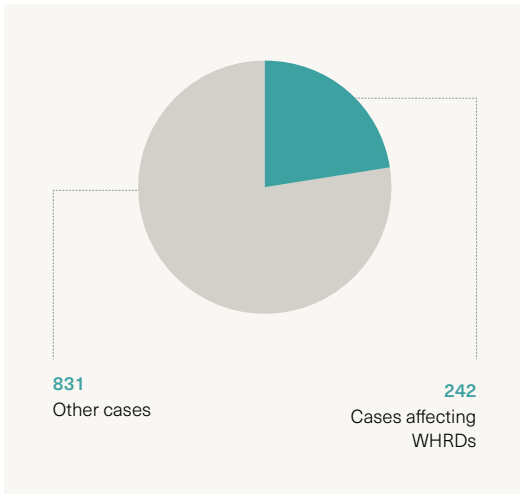
The most frequent violations perpetrated against them included judicial harassment (137 cases) — combined with arrest or detention in 77 cases — intimidation and threats (72 cases), and physical violence (51 cases), which led to nine incidences of killings. FORUM-ASIA data shows that in addition to the violations faced by other groups of defenders, WHRDs are exposed to a further set of challenges as

WHRDs are exposed to a further set of challenges as they are also targeted not only for their work, but for who they are.

they are also targeted not only for their work, but for who they are. In the period under review, there was an increased number of gender-based harassment documented against WHRDs, including through sexual harassment, threats of rape, and other attacks that use misogynist language.

Through their work, WHRDs aim to challenge patriarchal structures defined by social, cultural, and religious norms that continue to be

1. Which broadly includes heterosexual, lesbian, bisexual, transgender, intersex, and gender non-conforming persons.



Cases affecting women human rights defenders (WHRDs) out of 1,073 total violations

widely accepted. Consequently, WHRDs were highly vilified, affecting them in 32 out of the 79 cases in which this violation was recorded, equivalent to more than 40% of the total documented. Vilification against WHRDs further encouraged their stigmatisation, isolation and discrimination.

Most online attacks included misogynistic content, such as incitement to violence, sexist insults and other derogatory remarks, often accompanied by death and rape threats.

WHRDs were also heavily targeted by online attacks and harassment: particularly in social media, with mainly trolls and religious extremists spreading vicious messages against them. Most online attacks included misogynistic content, such as incitement to violence, sexist insults and other derogatory remarks, often accompanied by death and rape threats. These worrying violations oftentimes impacted WHRDs' right to freedom of expression, which in the period under review was the most commonly affected right,

with 145 cases of violations recorded. Of them, 55 cases — almost 40% — pertained to online spaces. Considering the significant role women played within households, oftentimes threats intended to hinder their work were directed towards their family and community members.

The actual number of violations is likely higher, since many often occurred in the home or within communities where violations are more difficult to document or oftentimes go underreported, considering the associated stigma.

State actors were responsible for 191 violations, or nearly 80% of the cases recorded against WHRDs, while in at least 36 cases the perpetrator was a non-state actor. The 191 cases included violations committed by business actors and extremist groups, as well as violations taking place within WHRDs' own communities and families.

Nevertheless, the actual number of violations is likely higher, since many often occurred in the home or within communities where violations are more difficult to document or oftentimes go underreported, considering the associated stigma. Additionally, some violations occur in communities of WHRDs which are more impacted by the underreporting of violations, such as those based in remote areas, due to reduced availability of resources and accessibility of protection mechanisms.

In 2019, FORUM-ASIA conducted a series of interviews with WHRDs who consistently shared that gender-based attacks were becoming more systemic, leading to a worsening situation. Apart from their safety, WHRDs stated that their well-being was affected as a result of the stress they bear

from challenging dominant ideas of gender structures and narratives that normalise violations against them. They also shared that their well-being was often further undermined considering the significant role they play

as primary caregivers in their home, often performing unpaid domestic work, and work within their communities, in addition to their activism.²

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2. Syme de Leon and Sejin Kim, 'Defending Rights, Demanding Justice: Reflections on the WHRD Movement in Asia,' *Women Human Rights Defenders—Insights from the Struggle 7* (November 2019,) pp. 1-11, <https://www.forum-asia.org/uploads/wp/2019/11/FA-WP-on-WHRDs-Online.pdf>.



Mungunkhun Dulmaa is a land and environmental WHRD, living in Mongolia's easternmost province of Dornod. Photo by FORUM-ASIA

Together with other herders from her community, Mungunkhun Dulmaa had steadily opposed the mining operations of Steppe Gold Limited, which conducted its operations in the area where the community and its livestock live. On **22 October 2019**, she was invited to the launch of a report in Ulaanbaatar by FORUM-ASIA and its Mongolian member, the Centre for Human Rights and Development (CHRD).¹ During the report launch, Mungunkhun received a life-threatening text message and phone call from a Steppe Gold employee, who warned her to stop opposing mining activities. The report by FORUM-ASIA and CHRD highlighted the adverse impact of Steppe Gold's activities on the environment and lives of local herders. It also featured a case of physical violence and sexual harassment committed in 2018 against Mungunkhun by security personnel of Steppe Gold.



Masked attacker rips down a protester's sign at the Women's Day march in Bishkek, Kyrgyzstan. Photo by Danil Usmanov

On **8 March 2020**, a mob of men with their faces covered by masks attacked women's rights advocates, including WHRDs and media workers, who were staging a peaceful rally. The event was held to raise awareness on the issue of violence against women in the country. The mob threw objects like eggs at the WHRDs, dragged them to the ground, and tore down their banners. When the police reached the location of the incident, they did not protect the demonstrators, but instead arrested around 70 WHRDs, without informing them the grounds of arrest. Lawyers and members of the national human rights institution were prevented from meeting with the detained WHRDs, who reported physical abuse from police officers. After their release, some WHRDs were charged with failing to notify the government of the rally in advance, and fined.

1. Benny Agus Prima, Lorenzo Urbinati, and Valerio Loi, 'Our Land: Fact-Finding Mission Report on the Impacts of Mining on Defenders and Environment in Khentii and Dornod Provinces, Mongolia' (FORUM-ASIA, 2019), <https://www.forum-asia.org/uploads/wp/2019/10/FFM-Mongolia-2019-Report.pdf>.



India
Soni Sori is a former Adivasi teacher and community-based defender from Chhattisgarh State, India. Photo courtesy of Soni Sori/Facebook

Soni Sori began campaigning against police violence in 2013, when she was acquitted for lack of evidence after spending two years in jail for alleged links to Maoist insurgents. During her detention, she was subject to torture and sexual assault by the police. On **24 September 2020**, Soni was summoned for questioning by the National Investigation Agency (NIA), in relation to a murder case. Even though she informed the NIA that she tested positive to COVID-19 and should not travel, the NIA insisted she still had to appear. Soni travelled 80 km to the police station by motorbike and, despite having high fever, was questioned for over seven hours. Days later, she was charged under different sections of the Indian Penal Code for violating quarantine rules and allegedly acting to spread infections and disease dangerous to life.



Vietnam
Cao Vinh Thinh is a Vietnamese environmental defender and entrepreneur. Photo by the 88 Project

In her shop, 'Zero Waste Hanoi,' Cao Vinh Thinh sells environmental-friendly items. She is also a member of the Green Trees group, which advocates against a city government plan to cut down thousands of trees in Hanoi. On **27 March 2019**, Cao was abducted by governmental security forces while on the way to her shop. She was interrogated about her activism and Green Trees' activities, while her phone and laptop were seized and inspected by an IT specialist. She was released late at night that day, without her belongings being returned to her. She faced further harassment on **13 June 2019**, when she was barred by police officers from travelling to Thailand at the Hanoi airport. She was once again interrogated until the evening, and her passport was confiscated due to alleged national security concerns.

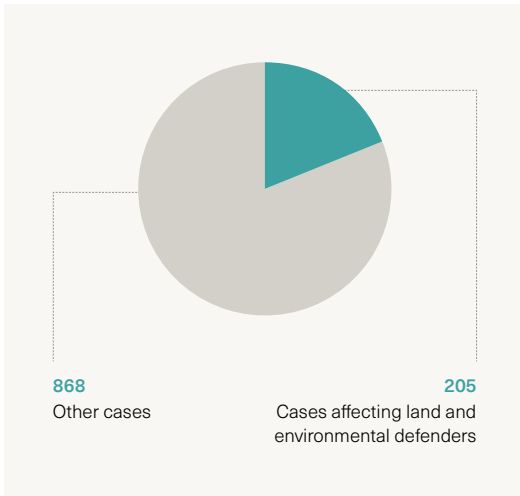
HRDS AT THE HIGHEST RISK

Land and Environmental Defenders

Land and environmental defenders' work focusses on the protection of, and access to land, environment, and nature, which often provide their livelihoods. This group of defenders includes, but is not limited to: peasant leaders, indigenous peoples' right defenders, and grassroots activists. In many cases, land and environmental defenders advocate for the land and natural resources that they have used for generations, and intend to preserve their traditional way of life.

In pursuing their goals, land and environmental defenders commonly challenge actors who are responsible for rampant resource grabbing through agribusiness, extractive industries, and other activities that affect their livelihoods, such as large-scale development projects. Business actors whose activities have an adverse impact on the environment are normally supported by states, who provide them the authorisation needed to operate and obtain benefits in turn, such as financial remuneration. In this scenario, States and actors allow, and at times encourage, violations against land and environmental defenders. This dynamic eventually results in non-state actors increasingly becoming the perpetrators of violations against land and environmental defenders, oftentimes in collusion with state actors.

In other cases, large-scale projects are led directly by States and funded through aid initiatives supported by development agencies, as is the case with official development assistance (ODA). In addition, land and environmental defenders also often work in conflict areas, where they face harassment and violations by military groups that control those territories.



Cases affecting land and environmental defenders out of 1,073 total violations

As a result, land and environmental defenders are also recorded to be among those most affected groups of HRDs. In the period under review, FORUM-ASIA documented 205 cases of violations against them, affecting a total of 842 including individuals, communities, and NGOs. Judicial harassment was the most common type of violation, with 86 cases, and it was coupled with arrest or detention in 55 cases. In particular, land and environmental defenders were a common target of SLAPPs, hampering their efforts to advocate for the preservation of the land and natural resources providing their livelihoods.

Land and environmental defenders were a common target of SLAPPs, hampering their efforts to advocate for the preservation of the land and natural resources providing their livelihoods

Physical violence was the second most common type of violation, with 71 cases, while intimidation and threats (61 cases) oftentimes occurred when land and environmental

defenders were monitoring or reporting illegal exploitation of natural resources.

Shockingly, physical violence resulted in the killing of land and environmental defenders in as many as 30 recorded cases, making them the group most affected by this grave violation. They were the victim of over 40% of the 71 cases of killing documented. This alarming figure is in line with the global trend of killings identified by rights groups, which sees this group of defenders as being disproportionately affected by killings, and accounting for nearly 70% of the total killings recorded in 2020.¹ In the past two years, FORUM-ASIA documented 18 out of 30 incidences of killings that took place in the Philippines alone, which is equal to 60% of the total, a number much higher than any other country in the region. India and Afghanistan followed with four and three cases, respectively.

Based on FORUM-ASIA documentation, in 12 out of the 30 killings recorded involving land and environmental defenders, the perpetrator remained unknown, while in an additional eight cases there was only a suspected perpetrator. This means that in 20 cases, or 67% of those recorded, the perpetrator was not identified.


In a similar fashion to the other two groups of HRDs illustrated above, the right to freedom of expression of land and environmental defenders was the most violated, with 96 cases documented. A large majority of them occurred in demonstrations or other peaceful gatherings.

This group of HRDs, and in particular those who are members of indigenous groups and those based in rural areas, experienced

1. Front Line Defenders, 'Global Analysis 2020.'

amplified challenges that stem from their geographical location and, at times, social isolation. Indeed, being based oftentimes in remote areas, land and environmental defenders have lesser visibility and access to institutions and mechanisms able to provide them with support and protection. Additionally, they might not identify themselves as HRDs, due to lack of access to resources on HRDs' rights at the grassroots level. Language barriers may also contribute to a feeling of isolation and distance from the institutions and NGOs able to provide support to them.

In light of these considerations, it is likely that the figures on the violations perpetrated



Land and environmental defenders have lesser visibility and access to institutions and mechanisms able to provide them with support and protection

against them are higher than those documented, as many other incidents might be unreported. This ultimately contributes to a culture of impunity for the perpetrators, who in the period under review remained unknown in 38 out of the 205 violations, equal to almost 20%, that FORUM-ASIA recorded against this group of HRDs.



James Watt is a land rights activist and indigenous peoples' rights defender from Central Kalimantan Province, Indonesia. Photo by Leo Plunkett/The Gecko Project

James Watt, together with Dilik Bin Asap and Hermanus Bin Bison, protested against the encroachment of the palm oil company PT Hamparan Masawit Bangun Persada (HMBP) II on the indigenous land where they lived. On **17 February 2020**, Dilik and Hermanus were arrested for allegedly harvesting palm fruit on land cultivated illegally by HMBP. On **7 March**, James was arrested with the same charges, shortly after reporting Dilik and Hermanus' arrest to the Indonesian National Human Rights Institution. During pre-trial detention, Hermanus' health condition quickly deteriorated, and on **26 April**, he eventually passed away after not receiving adequate healthcare. On **15 June**, James and Dilik were sentenced to 10 and eight months of jail terms, respectively.



Naw Ohn Hla is a long-term environmental defender from Karen ethnic group. Photo courtesy of the Karen Human Rights Group (KHRG)

On **17 January 2020**, Naw Ohn Hla was sentenced to one month imprisonment, together with other three ethnic Karen HRDs: Maung U, U Nge (known as Hsan Hlaing), and Sandar Myint. The four were found guilty of protesting without authorisation under the draconian Peaceful Assembly and Peaceful Procession Law. The sentence stemmed from a peaceful gathering Maung, U, and Sandar organised in April 2019 to protest against the demolition of the houses of the Shwe Mya Sandi housing project in Kayin and Karen State due to alleged irregularities.



Bidya Shrestha Maharjan is a teacher and indigenous people's rights defender in Nepal. Photo courtesy of Bidya Shrestha Maharja/Facebook

Bidya Shrestha Maharjan belongs to an indigenous community herself, and serves as the President of the World Newa Guthi, an organisation that works to protect the rights of the Newar people. On **4 July 2020**, Bidya held a protest with other fellow activists and indigenous farmers against the acquisition of land owned by the Newa Guthi community. The police violently dispersed the protesters using batons, leaving dozens injured. Bidya was hospitalised as a result of the beatings. The land owned by the Newa Guthi community was acquired for the construction of an expressway by the government, despite objections from the community who stated that the project would lead to their displacement.



In late November 2020, tens of thousands of Indian farmers marched to Delhi to protest farm reform laws. Photo by Ayush Chopra Delhi/Shutterstock

Indian farmers travelled from different states to join a nationwide protest scheduled for 26 and 27 November 2020 to oppose three new laws that they claimed would expose them to exploitation from big corporations. On **25 November**, farmers marching from the northern states of Punjab and Haryana, many of them with their tractors, met barricades set up by the police, who used water cannons on them. On **26 November**, around 30 farmer leaders and land rights defenders were arrested by the police in a night raid and placed in 'preventive custody.' Violence continued in the outskirts of New Delhi on **27 November**, when farmers faced water cannons and teargas canisters fired by the police. As mass protests continued in 2021, farmers and land rights defenders were subject to further violence and arrest.

HRDS AT THE HIGHEST RISK

Other Groups of HRDs

In the past two years, the range of challenges and human rights issues across Asia, as well as the deterioration of civic spaces, motivated multiple actors from civil society to fight violations, injustice and authoritarianism. FORUM-ASIA documented diverse groups of HRDs coming together and fighting for the protection and advancement of human rights.

Students/Youth

With 648 individuals and organisations affected in 2019 and 2020, students and youth stood as the fourth most affected group of HRDs in Asia. The 142 violations recorded were largely related to the leading role taken by students and youth in the mass protests and rallies that spread across the region in both years. They boldly spearheaded movements and campaigns calling for democratic reforms, the abolition of laws detrimental to civil and social rights, and the protection of the environment.

The countries where the most violations were recorded included Thailand (41 cases), India (21 cases), Indonesia (19 cases), and Cambodia (18 cases). The right to freedom of expression of students and youth was violated in 117 cases, the majority of which took place during mass gatherings and rallies. Indeed, the right to freedom of peaceful assembly of this group of defenders was also commonly affected (89 cases).

Students and youth were met with a systematic repression by the authorities, in the form of judicial harassment and imprisonment in 79



CCTV footage of police raid in the Jamia Millia Islamia University library. Screenshot/video courtesy of Priyanka Gandhi Vadra/Twitter

cases, and physical violence in 32 cases. The unnecessary and disproportionate use of force was common in cracking down on peaceful demonstrations, including beatings and the use of teargas canisters, water cannons, and even rubber bullets.

On **15 December 2019**, hundreds of police officers forcefully entered the premises of Jamia Millia Islamia University campus in Delhi, and conducted a brutal raid targeting students residing in the campus. The attack was staged after the students joined a peaceful protest against the controversial Citizenship Amendment Act (CAA). The police officers who conducted the raid allegedly beat any student they found on their way, causing injuries to over 150 unarmed students who were later admitted to the hospital. The university library was also heavily damaged. An undefined number of students were arrested. The CAA led to mass demonstrations nationwide for the alleged discriminatory treatment of some minorities, especially Muslim groups, in obtaining Indian citizenship.

NGOs/NGO Workers

Non-governmental organisations (NGOs) and their staff were victims of 101 cases of violations, demonstrating that, in the period

under review, the deterioration of civic space also affected registered associations committed to the promotion of human rights. They were a recurring target of vilification (20 cases), in the form of false allegations ranging from supporting terrorist groups to conducting anti-State activities. The vilification was conducted both on social media by official accounts and online trolls and through institutional channels by government representatives and agencies. The purpose of vilification was to discredit and tarnish the reputation of NGOs and their staff and to delegitimise their work.

Online attacks and harassment (14 cases) were common against NGOs and their staff, including cases where their websites, social media pages as well as personal devices were hacked, leading to a breach of their privacy. Lastly, NGOs and their staff were also the group of HRDs most affected by administrative harassment (12 cases), consisting of bank account freezes, cancellation of peaceful events, and denial of registration, suspension, or even dissolution of the NGO.



Khmer Thavrak — or 'Khmer Strong' — is a Cambodian youth group that advocates and raises awareness on social injustice and environmental issues in the country. Logo courtesy of Khmer Thavrak

A key case occurred in Cambodia, where in August and September 2020, several members of Khmer Thavrak (KT) were



Fadiah Nadwa Fikri (middle) is a Malaysian human rights lawyer. She is also a member of the Center to Combat Corruption and Cronyism, an NGO fighting corruption in Malaysia. Photo by Ismunazif Fendy/Shutterstock

arrested by the police in the context of a broader crackdown on HRDs holding peaceful protests. On **13 August**, five members of KT were arrested in Phnom Penh for demanding the release of Rong Chhun, a prominent labour rights defender who was arrested two weeks earlier. One of the five was dragged by her hair by the police when they shoved her inside the police car. On **6 and 7 September**, three other KT members were arrested. Two of them were detained because they had planned to join a protest to call for the release of fellow detained HRDs. The third was followed by the police and arrested after leaving the UN Human Rights Office building, where she had raised awareness of the ongoing waves of arrests. On **10 September**, another member of KT was arrested and, like in the other cases, charged with incitement.

Human Rights Lawyers

Human rights lawyers were victims in 66 cases of violations in 2019 and 2020. They were commonly targeted for defending in court the rights of other rights advocates, ethnic and religious minorities, and communities, or for supporting pro-democracy movements. Judicial harassment was the most prevalent violation against them (40 cases), followed by arrest and detention (25 cases). Human rights lawyers were subject to prolonged jail terms as a result of trial irregularities, and to administrative harassment such as disciplinary sanctions, typically consisting of the revocation of their licence.

Fadiah Nadwa Fikri has been a target of judicial harassment as a result of her work and

participation in solidarity events. On **1 March 2020**, she was summoned for questioning by the police in Kuala Lumpur, in relation to a message she shared on her Twitter account, inviting Malaysian citizens to join a protest scheduled to oppose the appointment of the new Prime Minister. She was later forced to provide police access to her Twitter account, who investigated her for sedition and the improper use of network facilities. Days later, on **4 March 2020**, she was summoned by the police for co-organising the same protest, and investigated along with 20 others for sedition.

Academics

In 2019 and 2020, multiple violations were recorded against academics for being vocal about human rights issues or sharing critical views. Their right to freedom of expression was the most affected. After judicial harassment as well as intimidation and threats, academics were targeted with administrative harassment by contract termination.

On **10 June 2020**, Dr. Arfana Mallah was a victim of an online smear campaign after she expressed via Twitter her disappointment in the arrest of a colleague charged with blasphemy and sedition. Fundamentalist groups called for her arrest on blasphemy charges, and the hashtag #ArrestArfanaMallah was shared on Twitter for over a week. Other online messages compared her to the male version of a former local governor who was killed by his own bodyguards after having taken a stance in support of a Christian woman accused of blasphemy. Arfana eventually issued a written apology, saying that she did not intend to disrespect Islam with her social media post.



Dr. Arfana Mallah is a Pakistani academic and WHRD, leader of the NGO Women's Action Forum. Photo courtesy of Dr. Arfana Mallah/Twitter

Artists

FORUM-ASIA documented the participation of artists in the discourse around human rights, in which they supported HRDs and other affected groups or criticised governments. This group of defenders has used its creativity to actively challenge State repression and to highlight injustice, all while facing the risk of violations. Artists have also joined activities led by other HRDs, such as pro-democracy protests, performing their art.

In the period under review, several violations were recorded against cartoonists, poets, photographers and singers, whose right to freedom of expression was regularly affected. Judicial harassment as well as arrest and detention were the two most common violations they faced.

#FREEAHMED



Ahmed Kabir Kishore is a well-known cartoonist from Bangladesh. Cartoon by Antonio Rodriguez/Cartoon Movement

On **2 May 2020**, Ahmed Kabir Kishore was abducted and held incommunicado for three days by personnel from the Rapid Action Battalion, a special unit of the Bangladeshi police. On 5 May, he was formally arrested under the notorious Digital Security Act, commonly used to criminalise government critics. Ahmed later said he was tortured between 2 and 5 May 2020. He was charged under the Digital Security Act for publishing

satirical cartoons on Facebook criticising the Bangladeshi government's response to the pandemic. The Rapid Action Battalion also arrested and charged a writer and an NGO worker; the former died in custody, which FORUM-ASIA suspects was a result of torture. Ahmed Kabir Kishore was eventually released on bail in March 2021, after spending ten months in pre-trial detention, where he was tortured repeatedly by prison guards.



Rong Chhun is a Cambodian union leader, serving as the president of the Cambodian Confederation of Unions. He is also a former member of the country's National Election Committee. Photo courtesy of Rong Chhun/Facebook

Family Members of HRDs

Lastly, in 2019 and 2020, FORUM-ASIA documented 52 cases where violations committed against HRDs also affected their family members. Intimidation and threats, with 31 cases, was the most common violation. The targeting of family members was mostly used as a tactic by perpetrators to affect HRDs themselves, and discourage them from continuing their work.

Such intimidation and threats are further indicators of the volatile and dangerous environment in which HRDs operated, which posed risks to the personal safety of other individuals beyond HRDs themselves. FORUM-ASIA found cases where individuals close to HRDs, including their family members, decided to engage in human rights work, and became HRDs in turn.

An emblematic case occurred in Cambodia, affecting the family members of Rong Chhun. He was arrested in July 2020 on incitement charges after he criticised the government for allegedly allowing Vietnam to encroach on farmland across the shared border. In the weeks following his arrest, a series of protests were held in Phnom Penh calling for his release. Authorities responded by violently dispersing the demonstrators and arresting youth who took part in the protests. On **4 August 2020**, a group of around ten police officers visited Rong's home and insisted that they wanted to talk with his family members. Police officers asked about the identity of visitors to the house. Rong's family members perceived the presence of police officers as intimidating and a form of harassment in retaliation of his criticism.

Recommendations

This report provides an overview of the challenges faced by HRDs in Asia and the recurring trends of violations against them. The HRDs were commonly subject to harassment, threats, and violence as result of their work, while other attacks were intended to discredit and delegitimise them. FORUM-ASIA calls on relevant stakeholders to take necessary actions to contribute to an environment where Asian HRDs can conduct their work safely and free from harassment.

To this aim, FORUM-ASIA makes the following recommendations:

We call on States to:

1. Respect their obligations under international human rights treaties and standards, particularly the UN Declaration on HRDs;
2. Ensure that all domestic laws comply with international human rights standards; that any repressive law criminalising HRDs is amended or repealed, and that judicial processes are just and transparent;
3. Undertake measures to: prevent HRDs from being harmed by creating a safe and conducive environment for them to carry out their work; protect HRDs from harm by creating a national legal framework for their protection; and provide HRDs with effective remedies when they are at risk or are victims of abuse;
4. Ensure timely investigations of human rights abuses and violations against HRDs and hold the perpetrators accountable for their actions;
5. Immediately release all arbitrarily and unlawfully detained HRDs and drop the charges filed against them;

6. Respect the independence of NHRIs and other national human rights bodies protecting human rights and HRDs, and ensure that they can operate in safety and have adequate resources to work independently;
7. Ensure that NHRIs work for the protection of HRDs through the establishment of early warning systems, a focal point or desk on HRDs, and temporary relocation mechanisms; the provision of psychosocial support to HRDs and their families; and collaboration with CSOs, among others;
8. Issue invitations to, respond to communications from, and adopt the recommendations of the UN Special Rapporteur on the situation of human rights defenders and other Special Procedures mandate holders working with HRDs;
9. Enact legislation and introduce policies in support of the protection of HRDs; and
10. Provide protection to HRDs who fled their home countries, including by ensuring their non-refoulement.

We call on the UN Special Rapporteur on the situation of human rights defenders and other UN agencies to:

1. Ensure that the current communications system consistently addresses the situation of HRDs and that appeals and press releases about them are disseminated in a timely manner;
2. Expand the space for civil society organisations (CSOs) within UN mechanisms and refrain from hampering CSOs when they engage with UN mechanisms;
3. Call on States to abide by their obligations to protect HRDs, and hold them

accountable for the violations they commit against HRDs;

4. Ensure that the UN Regional Office for Southeast Asia and the Pacific, the UN resident coordinators, and the other UN country offices mainstream the protection of HRDs in their work and promote it within UN mechanisms; and
5. Improve coordination among UN agencies to better support HRDs on the ground.

We call on national and transnational corporations to:

1. Ensure full compliance of operations with the United Nations Guiding Principles on Business and Human Rights by implementing the protect, respect and remedy framework;
2. Abide by other international human rights standards relevant to their operations;
3. Strictly refrain from directly or indirectly causing any form of harassment against HRDs, provide compensation to HRDs adversely impacted by their operations, and constructively engage with them in preventing further violations; and
4. Ensure HRDs' meaningful consultation and participation in the context of post-COVID-19 pandemic recovery.

Methodology

Database

The HRD Programme of FORUM-ASIA has been recording violations committed against Asian HRDs since 2010, as part of its monitoring and documentation work. The [Asian HRDs Portal](#), run by the HRD Programme contains a page titled 'Cases of HRDs' which features a publicly available [database](#) where all the recorded cases of violations are stored.

The main sources of information that inform the database include media outlets, communications and reports from United Nations bodies and other national and regional human rights institutions, as well as FORUM-ASIA members and partners. Additional cases of violations against HRDs are shared confidentially to the HRD Programme by HRDs or FORUM-ASIA members and partners. These cases are recorded internally, but are not made public.

The geographic scope of the monitoring primarily covers the countries where FORUM-ASIA works and its member organisations are based. Before encoding a case into the database, the HRD Programme aims to ensure that it meets the following criteria:

- The source of information is credible;
- The HRD or group is named, the type of violation is specified, and the exact date and precise location of the violation is reported;
- As much as possible, there is biographic information about the HRD or group, such as their status as a HRD, their gender, and,

where relevant, their ethnic or indigenous identity; and

- There is a clear, proximate and documented connection between the HRD's work or status, and the violation.

After ensuring that the criteria are met, FORUM-ASIA encodes the case in the Asian HRDs Portal and adds it to the database.

Once a case is encoded, it is tagged with the relevant terms and categories, such as the category of rights violated, the nature of the violation, the perpetrator and so on. Please see *Annexe* for the full list of tags used. Given the complex nature of violations, most cases have more than one tag for each category. For instance, it often occurs that a single case involves more than one method of violation. It is also commonplace to see more than one actor perpetrating a single violation. In such cases, a case is encoded with multiple tags. As a result, when the total of all the cases encoded in each category is counted, the sum is often greater than the total number of cases recorded overall.

Finally, after cases are encoded into the database with all the relevant tags, they become publicly accessible through the Asian HRDs Portal. This excludes some cases that are sensitive in nature, which are not published on the website but are included as part of the analysis.

It is worth noting that the HRD Programme regularly reviews the tags used to categorise cases, with the aim of continuously improving the documentation process and adapting it to the constantly evolving human rights landscape. For example, in 2019, the tag 'Artist' was added to the 'Groups of HRDs,'

with the intention of broadening the scope of HRDs that FORUM-ASIA monitors to include artists and cultural rights defenders — such as individuals and groups working to promote the respect of cultural rights — and to eliminate violations of these rights.

Data Analysis

To produce this year's *Defending in Numbers (DiN)*, the cases from the database were extracted, and their tags were analysed to identify key trends. This publication is based on the cases encoded in the Asian HRDs Portal that occurred between 1 January 2019 and 31 December 2020. There were many cases of HRDs being targeted by multiple violations, which were often related to one another, occurring in the two years under review.

In all the cases where a new violation followed a previous one, the new case was recorded as an update on the original violation. For instance, a HRD can be arrested and later tried and convicted with a sentence that includes jail time. While the arrest would be encoded as the first violation, the conviction and sentencing would be recorded as an update of the same case. Nevertheless, updates constitute violations per se, so they are counted as separate cases in our analyses, including for this publication.

Lastly, DiN integrates the quantitative data taken from the Asian HRDs Portal with qualitative data based on FORUM-ASIA's continuous work and engagement with HRDs from the region. In this way, the statistics based on cases encoded are enriched with additional analyses that reflect the direct experiences and accounts shared by HRDs. Where appropriate and possible, comparisons

between the results from 2017 to 2018 and the results from previous DiN reports were also made to identify changes and continuities.

Limitation of Data

Despite the HRD Programme monitoring the violations committed against Asian HRDs daily, the cases encoded and analysed in DiN do not represent the total violations happening in Asia. There are some key limitations in FORUM-ASIA's documentation that should be noted.

First, FORUM-ASIA's daily monitoring heavily relies on what is found in the media and other sources, or what is shared by FORUM-ASIA's network. This implies that when a violation is not reported by mainstream media sources, is reported in a language not spoken by FORUM-ASIA staff, or is not otherwise communicated to FORUM-ASIA, the HRD Programme is unable to encode the case.

Second, if the source consulted does not provide the specific information required, such as the exact date of the violation, or other details necessary to identify, for example, the status of the HRD — the HRD Programme is unable to encode that case.

With the above in mind, the purpose of DiN is to provide a snapshot of the situation of HRDs in Asia, rather than a comprehensive list of violations committed against them.

In a bid to address some of the gaps illustrated above, and to improve the quality of its documentation, FORUM-ASIA has recently started to collaborate with some of its members whose work includes monitoring violations against HRDs at the national level.

Since 2020, FORUM-ASIA has been partnering with its Indonesian member Commission for the Disappeared and Victims of Violence — **Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS)**, who has shared with the HRD Programme cases of violations recorded against Indonesian HRDs. In 2021, the same type of partnership was started with FORUM-ASIA's Nepal member **Informal Sector Service Centre (INSEC)**, who will share with FORUM-ASIA the recorded cases of violations committed against HRDs in Nepal.

FORUM-ASIA is planning to expand such collaboration with more members and partners in the future.

Selecting Case Studies

The case studies featured in DiN were chosen as a result of a preliminary analysis of: (1) the most common violations committed against HRDs; and (2) the groups of HRDs most affected by these violations. After the trends in these two areas were identified, all the cases recorded in the Asian HRDs Portal that occurred in the period under review were mapped out.

This mapping primarily included cases in which FORUM-ASIA has worked, including interventions such as submitting an urgent appeal to the United Nations special procedures, issuing a statement or press release, or providing assistance to a HRD. Nevertheless, cases recorded in the Asian HRDs Portal that FORUM-ASIA did not work on specifically were also considered.

Following the mapping, a list of potential cases was compiled. FORUM-ASIA selected case studies to be featured in the report based on

how well they reflected the trends identified in the preliminary analysis. A geographic and gender balance of the selected cases and HRDs was ensured.

Using Uwazi

As previously mentioned, the Asian HRDs Portal features a **database** of all the cases of violations against HRDs that FORUM-ASIA

documented in its monitoring. Users can conduct customisable research by selecting different tags under each category. The data of the cases shown in the search results can be extracted and downloaded.

Another function of the Asian HRDs Portal available for users is the **case submission page**.

Annexe

Rights Concerned

Academic freedom
Access to justice
Denial effective remedy
Freedom of assembly
Freedom of association
Freedom of expression
 Offline
 Online
Freedom of movement
Freedom of Religion and Belief
Internet freedom
Labour rights
Land rights
Media freedom
Minority Rights
Right to Protest
Right to access and communicate
 with international bodies
Right to access to funding
Right to education
Right to fair trial
Right to food
Right to health
Right to healthy and safe
 environment
Right to housing

Right to information
Right to liberty and security
Right to life
Right to political participation
Right to privacy
Right to property
Right to protect reputation
Right to self-determination
Right to work
SOGI rights
Women's rights

Violations

Abduction/kidnapping
Administrative harassment
(Arbitrary) arrest and detention
Censorship
Death
Death threat
Denial fair trial
Deportation
Enactment of repressive
 legislation and policies
Enforced disappearance
Extrajudicial killing
Gender based harassment
Intimidation and threats

Violations – continued

Judicial harassment
Killing
Online attack and harassment
Raid
Reprisal as result of communication
Restrictions on movement
Sexual violence
Surveillance
Torture
Travel restriction
Use of excessive force
Vilification
Violence (physical)
Wounds and injuries

Groups of HRDs

Academic
Artist
Blogger/social media activist
Community-based HRD
Corporate accountability activist
Environmental rights defender
Family of HRD
Freedom of religion/belief activist
Indigenous peoples' rights defender
Media worker
Labour rights defender
Land rights defender
Lawyer
Minority rights defender
NGO
NGO staff
NHRI/ NHRI staff
Pro-democracy defender
RTI activist
SOGI rights defender
Public servant
Student
Whistleblower
WHRD
Youth

Perpetrators

State actors

Armed forces/military
Government
Judiciary
Police
Suspected state
Unknown

Non-state actors

Corporation
Agricultural business
Extractive industries
Other corporations
Extremist group
Other non-state
Suspected non-state

List of Human Rights Defenders Killed in 2019 and 2020

Below are the names of the Asian HRDs who were killed in 2019 and 2020, as documented in FORUM-ASIA's Asian HRD Portal. FORUM-ASIA commemorates them and their work. The name of some of the killed HRDs could not be found.

Abdul Samad Amiri
Abhimanyu Panda
Abrar Fahad
Afzal Kohistani
Agudo Quillio
Ali Sher Rajpar
Allah Dad Tarin
Anwar Kethran
Archad Ayao
Arif Wazir
Arman Loni
Armando Buisan
Artillito Katipunan
Asmatullah Salaam
Aziz Memon
B. Mohan
Babar Qadri
Carlito Badion
Cornelio Pepino
Dani Batra

Datu Kaylo Bontolan
Datu Mario Agsab
Eduardo Dizon
Elias Mia
Eliseo Gayas Jr.
Elyas Dayee
Fatima Khalil
Felipe Dacal-Dacal
Freshta Kohistani
G. Moses
Galson Catamin
Golfrid Siregar
Hamidullah Rahmani
Jagdish Golia
Jay-ar Mercado
Jennifer Tonag
Jobert Bercasio
Joel Anino
John Farochilin
Jomar Vidal

| | | |
|------------------------|-------------------------|---------------------------|
| Jory Porquia | Nandy Malayao | Ronnie Villamor |
| K. Sathyanarayana | Nora Apique | Roy Giganto |
| Kasalong | Om Prakash Mahato | Saeed Karim Musawi |
| Leonides Sequeña | Phra Chonlathan Thavaro | Salvador Romano |
| Lorenzo Paña | Kanchanabut | Sergio Atay |
| Malala Maiwand | Phu Chana | Shabbar Zaidy |
| Malik Amanullah Khan | Putra | Shaheena Shaheen |
| Mario Aguirre | Rahmatullah Nikzad | Shubham Mani Tripathi |
| Marlon Maldos | Rakesh Singh Nirbhek | Sukhram Munda |
| Maurito Diaz | Randall Echanis | Sumarlin |
| Mina Mangal | Ranjan Kumar Das | Surachai Danwattananusorn |
| Mohammad Ibrahim Ebrat | Reynaldo Katipunan | Tuy Sros |
| Muhammad Bilal Khan | Reynaldo Malaborbor | Vinayak Shirsat |
| Muhammad Ijaz Khan | Rolando Diaz | Zara Alvarez |



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