

# 6<sup>th</sup> Asian Regional Human Rights Defenders Forum

## Manila Declaration II

(Adopted in Manila, the Philippines, on 5 December 2014)

We, more than 150 human rights defenders (HRDs) and women human rights defenders (WHRDs) from 22 countries across Asia, together with other regional and international partners, participating in the 6<sup>th</sup> Asian Regional Human Rights Defenders Forum held in Manila, the Philippines, on 3-5 December 2014, themed “*Consolidation of HRD Protection Platforms Towards Stronger and Vibrant HRD Networks in Asia*,” co-organised by the Asian Forum for Human Rights and Development (FORUM-ASIA), the Task Force Detainees of the Philippines (TFDP) and the Philippine Alliance of Human Rights Advocates (PAHRA);

**Asserting** our identity as HRDs and WHRDs and our indispensable role in the advancement, consolidation and sustaining of democracy that is built on the foundation of effective protection, promotion and respect of universal human rights;

**Standing in solidarity** with all HRDs and WHRDs who are at risk for asserting their own as well as others’ human rights;

**Recognising** the contribution of the mandate of the UN Special Rapporteur on the situation of human rights defenders, as well as other regional and international protection mechanisms, in legitimising and protecting the work of HRDs and WHRDs across the region;

**Appreciating** the presence of the UN Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, in this forum, his first visit to Asia since assuming his mandate in June 2014;

**Reaffirming** our commitment to work for the realisation of human rights for all peoples and to attain justice for victims of human rights violations; and

**Recalling** the 1998 UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), all recommendations from reports of previous mandate holders of the UN Special Rapporteur on the situation of human rights defenders, as well as resolutions made at previous Asian Human Rights Defenders Forums;

**Express concern:**

1. That HRDs and WHRDs in Asia continue to face numerous threats and challenges in their work both at the individual and organisational/collective levels, including extrajudicial killings and state-sponsored assassinations, murders and killings, torture and deaths in custody, death threats, abductions and enforced disappearances, arbitrary arrests, physical assaults, surveillance, trumped-up and false criminal charges, threats of deregistration and refusal to grant registration, funding restrictions, attacks on offices of HRDs and WHRDs, vilification, and reprisals;
2. That the space for HRDs and WHRDs to operate in is increasingly shrinking and constricting, and, in some contexts, closed; and that there is a general trend of retrogression in freedoms of speech, expression, peaceful assembly and association in Asia. This has been demonstrated by the continued arbitrary application and misuse of laws, use of existing

repressive laws and introduction of new legislation to criminalise activities of HRDs and WHRDs and to restrict freedoms of expression, assembly and association, as well as the rights of HRDs and WHRDs to solicit, receive and utilise resources for the purpose of protecting human rights (including the receipt of funds from abroad);

3. That the judiciary in many countries in Asia lack independence, pluralism in composition, and effectiveness in providing protection for HRDs and WHRDs, as seen in the numerous cases of judicial harassment of HRDs and WHRDs across the region;
4. That National Human Rights Institutions (NHRIs) in many countries in Asia lack independence, fall short of full compliance with the Paris Principles and the General Observations of the International Coordination Committee of NHRIs' Sub-Committee on Accreditation (ICC-SCA), and lack effectiveness in fulfilling their role in promoting and protecting human rights, especially that of HRDs and WHRDs;
5. That law enforcement agencies in many countries in Asia lack accountability and continue to violate human rights, especially against HRDs and WHRDs, oftentimes with impunity;
6. That there is an absence of a regional human rights protection mechanism in Asia;
7. That HRDs and WHRDs increasingly face threats and challenges from non-state actors, including groups who leverage on their influence on States to hamper the work of HRDs and WHRDs.

**Recognise:**

1. The importance of independence of the judiciary in the protection of HRDs and WHRDs;
2. The central role of NHRIs in the protection of HRDs and WHRDs, and the existence of regional and sub-regional networks of NHRIs in Asia;
3. The specific risks faced by particular groups of HRDs and WHRDs, including lesbian, gay, transgender, intersex (LGBTI)/sexual orientation and gender identity and expression (SOGIE) rights defenders, persons with disabilities, and defenders working on the rights of Dalits and minorities;
4. The need to strengthen protection measures and mechanisms for HRDs and WHRDs, including at the individual and organizational/collective levels;
5. That there remain gaps at various levels in the protection of HRDs and WHRDs in Asia;
6. That risks and challenges faced by HRDs and WHRDs are oftentimes heightened by the lack of internal protection measures and risk assessment mechanisms;

**Resolve to:**

1. Continue and strengthen advocacy for:
  - a. the repeal of all repressive laws and provisions in laws that criminalise, restrict or hamper the legitimate work of HRDs and WHRDs;
  - b. the end to extrajudicial killings, enforced disappearances, judicial harassment, and all other forms of threats and harassment of HRDs and WHRDs;
  - c. the independence of judiciary and NHRIs;

- d. the establishment of fully Paris Principles-compliant NHRIs in countries where such institutions do not yet exist;
2. Strengthen protection measures for HRDs and WHRDs, both at the individual and organisational/collective levels, including by:
    - a. establishing networks of HRDs and WHRDs;
    - b. carrying out risk assessments and establishing security protocols within organisations, networks and community groups;
    - c. using secure communications for sensitive documents, such as encrypted emails;
    - d. establishing a hotline and relocate HRDs and WHRDs at risk;
    - e. educating HRDs and WHRDs about their rights and steps to be taken in different risk situations, e.g. in cases of arrest;
    - f. engaging effectively with the media, including new alternative media to sensitise the media on issues relating to HRDs and WHRDs and to publicise cases of violations against HRDs and WHRDs;
    - g. providing legal assistance to HRDs and WHRDs at risk;
    - h. providing support in legal actions taken by HRDs and WHRDs against perpetrators of human rights violations that hamper their legitimate work;
  3. Establish and strengthen national-level network of HRDs and WHRDs to consolidate and enhance advocacy efforts as well as protection measures, including those mentioned above;
  4. Deepen solidarity actions at the local, regional and international levels to register individual complaints and mobilise direct interventions to governments. To this end, existing regional and international networks of HRDs and WHRDs should be utilised;
  5. Recognise and institutionalise integration of SOGIE rights within mainstream human rights work;
  6. Ensure that the work of HRDs and WHRDs under attack and at risk are continued. HRD protection programmes of organisations and networks should be adapted to the appropriate circumstances faced by HRDs and WHRDs at risk to ensure this;

***Call on:***

1. **The UN Special Rapporteur on the situation of human rights defenders to:**
  - a. urge governments to repeal existing repressive laws and provisions in laws that criminalise, restrict or hamper the legitimate work of HRDs and WHRDs and to cease all forms of threats and harassment against HRDs and WHRDs;
  - b. urge governments to uphold the principles of the 1998 UN Declaration on human rights defenders;
  - c. encourage governments to undertake measures to protect HRDs and WHRDs, and for those at risk or whose rights are violated, measures to provide redress;
  - d. encourage governments to fully implement recommendations from the UN Treaty Bodies, Universal Periodic Review (UPR) and Special Procedures mechanisms that relate to the work of HRDs and WHRDs;
  - e. encourage governments to implement the UN Human Rights Council resolution on human rights, sexual orientation and gender identity (A/HRC/27/L.27/Rev.1), in particular, to gather information and report on risks, threats and challenges faced by LGBTI HRDs and WHRDs;
  - f. engage with the ASEAN Intergovernmental Commission on Human Rights (AICHR) on issues related to HRDs and WHRDs;

- g. engage with the Asian NGO Network on National Human Rights Institutions (ANNI), the Asia Pacific Forum of National Human Rights Institutions (APF), and the Asian Human Rights Defenders Forum (AHRDF) to strengthen the role of NHRIs in the protection of HRDs and WHRDs;

**2. Governments in Asia to:**

- a. repeal all repressive laws and provisions in laws that criminalise, restrict or hamper the legitimate work of HRDs and WHRDs;
- b. ratify all international human rights treaties, and ensure their full implementation;
- c. legislate and implement laws for the protection of HRDs and WHRDs;
- d. release all detained HRDs and WHRDs;
- e. investigate all human rights violations against HRDs and WHRDs and hold all perpetrators accountable for their violations;
- f. ensure the independence of the Judiciary;
- g. ensure that NHRIs are fully independent and Paris Principles-compliant where they already exist; and establish fully-Paris Principles compliant NHRIs in countries without such institutions;
- h. issue standing invitations to the UN Special Rapporteur on the situation of human rights defenders for official country visits;
- i. ensure that corporations and business entities are held fully accountable for human rights violations they commit, including by working towards a legally binding international treaty for corporations and business entities with regard to human rights;

**3. NHRIs in Asia to:**

- a. strengthen their role in the protection of HRDs and WHRDs by creating focal points on HRDs and WHRDs, and fully implement all recommendations contained in the report of the previous UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, on the role of NHRIs as protectors of human rights defenders (A/HRC22/47);
- b. strengthen the work of sub-regional and regional networks of NHRIs, including the Southeast Asia NHRI Forum (SEANF) and the Asia Pacific Forum of NHRIs (APF), on the protection of HRDs and WHRDs;

**4. Parliamentarians in Asia to:**

- a. express concern and effectively address the situation of HRDs and WHRDs, especially in relation to those under attack or at risk, in their respective countries as well as in the region;

**5. Association of Southeast Asian Nations (ASEAN) to:**

- a. adopt a common position among its Member States, in full conformity with the 1998 UN Declaration on Human Rights Defenders, to promote and protect the rights of HRDs and WHRDs in the sub-region;
- b. strengthen the mandate of the ASEAN Intergovernmental Commission on Human Rights (AICHR) on the promotion and protection of human rights, especially that of HRDs and WHRDs, in the sub-region, including through the current review process of its Terms of Reference;

**6. AICHR to:**

- a. effectively address the situation of HRDs and WHRDs, especially in relation to those under attack or at risk, in ASEAN, including by receiving and investigating cases of violations against HRDs and WHRDs;

**7. South Asian Association for Regional Cooperation (SAARC) to:**

- a. adopt a common position among its Member States, in full conformity with the 1998 UN Declaration on Human Rights Defenders, to promote and protect the rights of HRDs and WHRDs in the sub-region;
- b. establish an independent, effective and robust sub-regional human rights mechanism in South Asia, with a mandate to promote and protect human rights, including that of HRDs and WHRDs, in the sub-region;

**8. Corporations and Non-State Actors to:**

- a. fully comply with the UN Guiding Principles on Business and Human Rights by, *inter alia*:
  - i. respecting international human rights norms and standards, and refraining from causing and committing human rights violations, including abuses against HRDs and WHRDs who oppose development projects and demand for corporate accountability;
  - ii. providing mechanisms through which remediation can be sought by victims of human rights violations, including HRDs and WHRDs;

**9. European Union (EU) to:**

- a. express concern and address the situation of HRDs and WHRDs, especially in relation to those under attack or at risk, including through the effective implementation of the EU Guidelines on Human Rights Defenders.

We reaffirm our commitment to continue to work towards the effective protection, promotion and respect of universal human rights for all and greater protection for and recognition of the work of HRDs and WHRDs in Asia. We undertake to vigorously advocate for and monitor the implementation of all the recommendations made above.