



32nd Regular Session of the UN Human Rights Council
Item 3: Interactive Dialogue with the Working Group on transnational corporations and human rights and the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye

Oral Statement Delivered by Ahmed Adam
On behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA)

Tuesday, 16 June 2016

Mr. President. FORUM-ASIA welcomes the report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.

We echo the UN Special Rapporteur's recommendation that the private sector should protect the right to freedom of expression. In the current digital age, online platforms have become a space for vibrant discussion and robust debate. They also play important roles as tools for civil society and the public in their struggles for human rights and democracy including in repressive environments. We therefore endorse the Special Rapporteur's recommendation that private entities should be evaluated on the steps they take to promote or to undermine human rights, including freedom of expression, particularly in repressive environments.

We are gravely concerned at increasing efforts by several Asian governments to encourage private entities through laws and policies to take steps that have serious negative implications on the right to freedom of expression. In Cambodia, for example, the draft Telecommunication law and a pending Cybercrime Law, if enacted, will drastically change digital landscape with severe restrictions on online expression and the operation of Internet infrastructure and services. In Thailand, the military government's attempts to amend the Computer Crime Act would further add a chilling effect on freedom of expression by holding intermediary or Internet Service Providers (ISPs) criminally liable for content produced by users. Similarly in Malaysia, the government has proposed amendments to the Communications and Multimedia Act (1998) which would further restrict freedom of expression online. The amendments will introduce harsher registration and licensing requirements for online news providers and bloggers and extra enforcement powers with regard to blocking of websites and widen the range of offences. We are also concerned by the secrecy around these new legislation and amendments that are being introduced in all three countries.

We further note with particular concern that in Asia digital surveillance of human rights defenders, often result in threats, harassment, intimidation and criminalisation. We thus call on the Special Rapporteur to work closely with the Special Rapporteur on the situation of human rights defenders in this regard.

Lastly, we emphasise on the importance of national human rights institutions (NHRIs) in addressing violations cited by the Special Rapporteur. We reiterate the Special Rapporteur's recommendation and call on NHRIs to ensure that both state-owned and private enterprises, comply with international human rights standards in their operations online.

Thank You