

DEFENDING IN NUMBERS



Resistance in the Face of Repression

2017-2018



AHRD
Asian Human Rights Defenders



Defending In Numbers: Resistance in the Face of Repression

May 2019

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Preface

I am pleased to be able to write a preface for the Asian Forum for Human Rights and Development (FORUM-ASIA)'s publication, *Defending In Numbers*. Since my appointment as the Special Rapporteur on the Situation on human rights defenders (HRDs), I have strived to build strong relationships with organisations working to support and protect HRDs on the ground. FORUM-ASIA, with their focus and expertise in Asia, is one of the key partners I have closely engaged with while serving my mandate. I have long been grateful for the important work they have done, particularly in consolidating strong regional networks of defenders as international solidarity is our best protection.

During my time as a Special Rapporteur, I have travelled across Asia and consulted with many of the defenders in this region. I have also received communications of violations against HRDs in Asia. Between 1 December 2017 and 30 November 2018, I sent 253 communications to 79 States and 20 other actors – including 84 urgent appeals and 148 allegation letters – 68 (27%) of which were addressed to 16 countries in the Asia-Pacific.¹ Through all these consultations and communications, I have come to know the repressive environment many of the defenders work in. Across Asia, HRDs are threatened, harassed, persecuted, and at times killed for promoting and protecting human rights. Many of their rights inscribed in the UN Declaration on

Human Rights Defenders² are continuously violated, even as 2018 marked the 20th year anniversary of its adoption.

Concerned by the continued abuse against HRDs in Asia, I value FORUM-ASIA's efforts in documenting cases of violations against HRDs, and producing a publication that presents these trends in numbers. We need the voices from region to inform States on the need to look for better protection of HRDs. By systematically monitoring, documenting, and reporting on the violations against HRDs, we as a movement, are better equipped to educate others on the situation, call for appropriate actions to be taken, and hold perpetrators of abuse accountable.

With *Defending In Numbers* undertaking this crucial task, I am hopeful that this publication can be of value to others in their work.

– Michel Forst, United Nations Special Rapporteur on the Situation of human rights defenders

¹ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/79

² Formally known as 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'

Introduction

Defending In Numbers is a biennial report that reviews the situation of HRDs³ across Asia as documented by FORUM-ASIA. This particular edition of the report, *Resistance in the Face of Repression*, highlights key human rights violations against HRDs for the period of 2017-2018. Its central purpose is to identify regional patterns of violations and abuses against HRDs to illustrate the repressive environment many HRDs operate in within Asia. It also seeks to present case studies about HRDs that shed light on the important work they have done in advancing human rights, as well as their lived experiences of threats, harassment and intimidation. The information in this publication draws on the data collected by FORUM-ASIA, majority of which are published through the Asian HRDs Portal.

HRDs in Asia face numerous threats and challenges due to their role in defending

human rights, as individuals or as collectives. Through the various editions of *Defending in Numbers – Defending in Numbers: Mounting Echoes of Muffled Dissent* published in 2015 and *Defending in Numbers: Silencing the Voices of Asia* published in 2017 – FORUM-ASIA has shed light on the systematic, co-ordinated and increasingly widespread nature of these threats. Across Asia, HRDs are criminalised, vilified, harassed, and attacked for conducting their legitimate and peaceful human rights work.

Between 1 January 2017 and 31 December 2018, FORUM-ASIA witnessed the deteriorating situation of HRDs. Violations have become more extreme, and the safe spaces in which HRDs can work have increasingly shrunk. Throughout our discussions with defenders during the 8th Asian Regional Human Rights Defenders Forum⁴ in 2018, many reported the key challenges for HRDs to

Violations have become more extreme, and the safe spaces in which HRDs can work have increasingly shrunk.

About the Asian HRDs Portal

The Asian HRDs Portal is an online platform created by FORUM-ASIA in order to increase public awareness on Asian HRDs. The portal contains online campaign tools, resource materials and, most importantly, a database that documents the threats HRDs face in their daily lives. All cases are encoded by FORUM-ASIA, and most discussed in this report have been published there. To access this platform please go to: <https://asianhrds.forum-asia.org/>

³ Interpreted to include all person(s) working to defend human rights peacefully, irrespective of race, gender, sex, age, religious background or any other factor, in alignment with the UN Declaration on HRDs

⁴ For more information about AHRDF8 please consult: <https://www.forum-asia.org/?p=27874>

be: (i) the arbitrary and abusive use of existing laws; (ii) the passage of new legislation to criminalise activities of HRDs; (iii) the use of intimidation and threats; (iv) the imposition of travel bans, funding restrictions and other restrictive policies; and (v) the use of physical violence, which at times resulted in killings.

Increasingly, the deployment of negative narratives about HRDs as ‘traitors’, ‘foreign agents’, ‘anti-development’ and ‘terrorists’, has also gained traction. This form of abuse not only takes place in real life, but has increasingly occurred online, with various HRDs, particularly women human rights defenders (WHRDs), reporting to receive hate messages, (death) threats, and other forms of online attacks through social media.

Although States hold the primary duty for protecting the rights of HRDs, FORUM-ASIA’s documentation shows that States are still the main perpetrator of abuses against them. This is especially the case in the period under review, as across Asia and the world, 2017-2018 was marred by the rise of right-wing populism and fundamentalism characterised with open attacks against HRDs by state actors. All the while, the threats experienced by HRDs from non-state actors, such as business entities and extremist groups, continues to grow more common.

Furthermore, a culture of impunity for violations perpetrated against HRDs by state and non-state actors persists, and continues to foster a dangerous environment for HRDs. Judiciaries in many countries across Asia still lack the independence and nec-

essary resources to effectively protect HRDs, and provide with them access to justice.

The same applies to the National Human Rights Institutions (NHRIs) in the region. Even as 2018 commemorated the 25th anniversary of the Paris Principles⁵, many NHRIs in Asia continued to fall short in fulfilling their duties of protecting HRDs, due primarily to a lack of political will and/or resources. Some NHRIs have also faced harassment when providing protection to HRDs. Additionally, the situation of insecurity for HRDs is further exacerbated by the fact there is still no effective regional human rights mechanisms for the protection of human rights in Asia.

In this increasingly repressive landscape, there are small glimmers of hope. For one, HRDs remain resilient in the face of the repression and abuses. They tirelessly defend their rights and the rights of others in pursuit of justice and human dignity. With these defenders’ unfading and enduring resistance, the human rights movement continues to press forward.

Secondly, in recent years, as a result of years of struggle by defenders on the ground, there have been historic shifts in the political landscape that has opened up new opportunities for human rights to be upheld. Malaysia, for instance, had its first regime change since the country’s independence in 1957. While South Korea saw Moon Jae-In, a former human rights lawyer and leader of the Democratic Party of Korea, rise to presidency after the impeachment of former President Park Geun-Hye, who was accused of abusing

power. In the presence of new leaders, we hope that these countries are offered an opportunity to eradicate its repressive approaches to human rights, and usher in a new era where human rights are respected, promoted and protected.

Finally, it is also a great victory to see more States move towards the establishment of national HRD protection mechanisms. This is particularly the case for Mongolia and the Philippines where – thanks in large part to the prolonged struggle by HRDs – state institutions have finally begun to draft, and hold comprehensive discussions about, national legislation for the protection of HRDs, paving the way for the creation of safer environments for defenders. With 2018 marking the 20th anniversary of the UN Declaration on HRDs, FORUM-ASIA celebrates these achievements, while remaining committed to addressing the dire challenges that remain for HRDs.

FORUM-ASIA on the 20th Anniversary of the Declaration on HRDs

In commemoration of the 20th anniversary of the UN Declaration on HRDs, FORUM-ASIA launched a series of posters that visually displayed the contents of the Declaration. Its purpose was to raise awareness on the rights and responsibilities written in the Declaration, shed light on its importance, and emphasise the need for its implementation. The posters are available in five languages: English, Burmese, Mongolian, Tagalog, and Urdu.

See Annexe II for a sample.

⁵ Formally known as ‘Principles relating to the Status of National Institutions’

General Overview

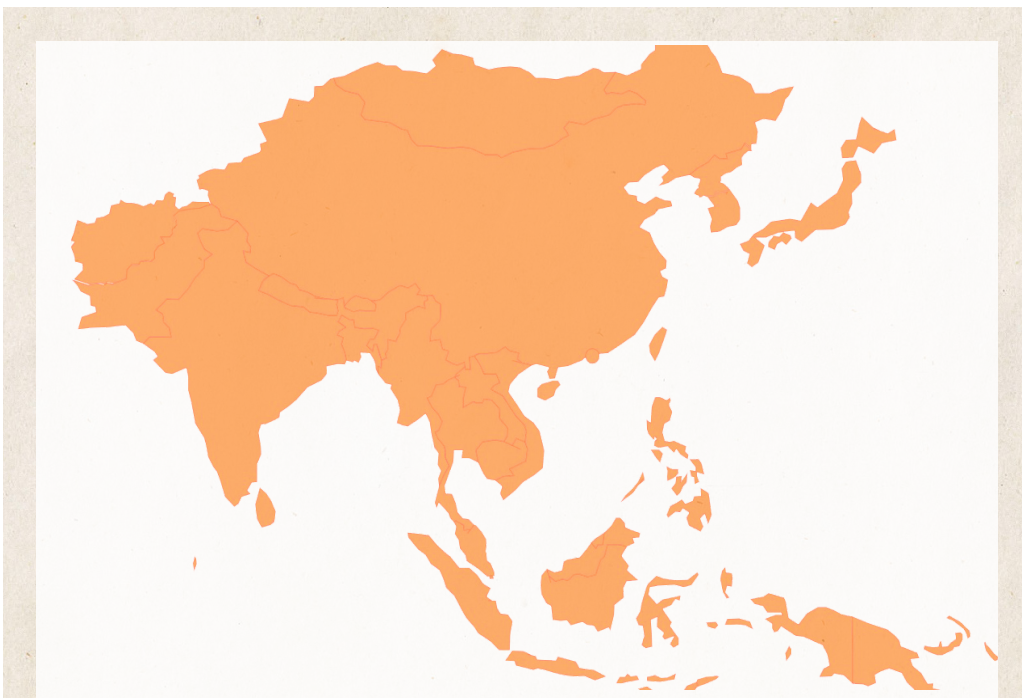
Common Violations

Between 2017 and 2018, FORUM-ASIA documented 688 cases of violations and abuses against HRDs and/or members of their family, spanning across 18 different countries.

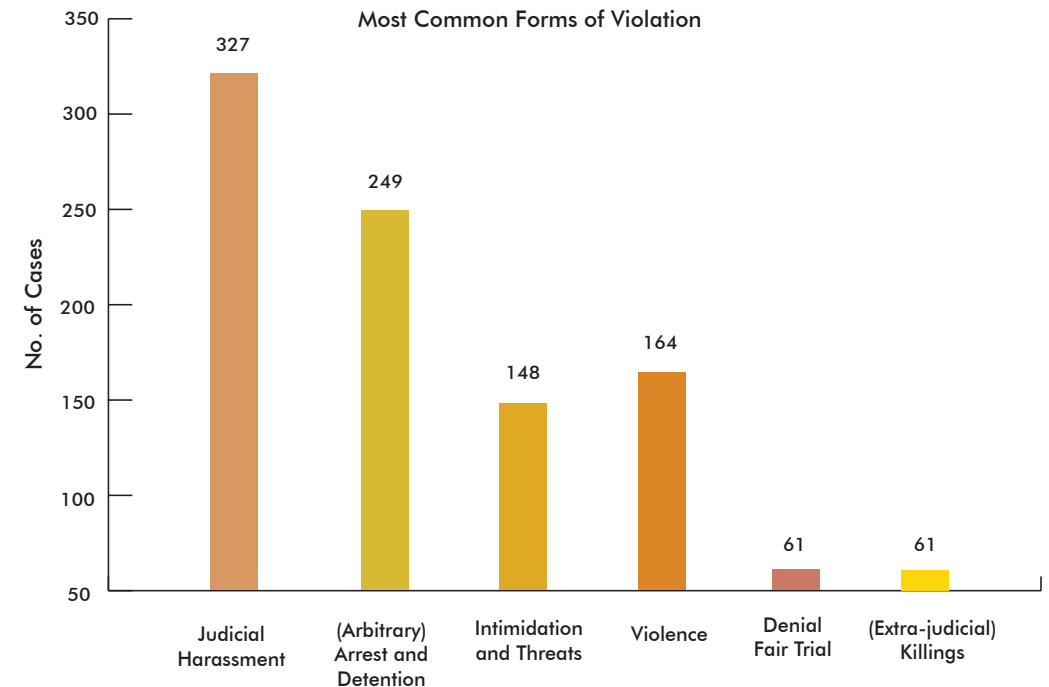
This total also includes instances when restrictive legislation and policies, which carry negative implications for HRDs in Asia, have been passed.

The documented violations and abuses range from: intimidation and threats; physical violence; arbitrary arrest and detention; judicial harassment; online attacks; and killings.

According to FORUM-ASIA's data, during this period, 4,854 were affected by violations, including human rights organisations, local communities and media outlets.



Country Coverage: Bangladesh, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, the Maldives, Myanmar, Nepal, Pakistan, the Philippines, Singapore, Sri Lanka, South Korea, Taiwan, Thailand, Vietnam



688 cases of violations were recorded between 2017–2018

4854 were affected by violations

As illustrated by the graph above, the most common violation FORUM-ASIA documented during this period was judicial harassment (327 cases), closely followed by the (arbitrary) arrest and detention (249 cases). Oftentimes the two went hand in hand, and reinforced each other to hinder HRDs from conducting their work by forcing them to divert time, energy and resources into legal battles, or in more dire cases, spend time in prison. Violence (164 cases); intimidation and threats (148 cases); and denial of a fair trial (61 cases) were also recurring violations.

Alarming, there were 61 cases recorded where a HRD was killed as a result of their human rights work. This occurred in 9 countries: Bangladesh, India, the Maldives, Myanmar, Nepal, Pakistan, the Philippines, Thailand, and Vietnam.

Other common violations that HRDs were subject to, which are worth noting, include: administrative harassment (39 cases); travel restrictions (36 cases); death threats (30 cases); and abduction (30 cases).⁶

⁶ It may be noted that when a sum is made of all the cases encoded in each category, the result is higher than the total number of cases mentioned to have been recorded (688 cases). This is because each case encoded can belong to multiple categories. For more information on how this data is compiled please see the methodology (p43).

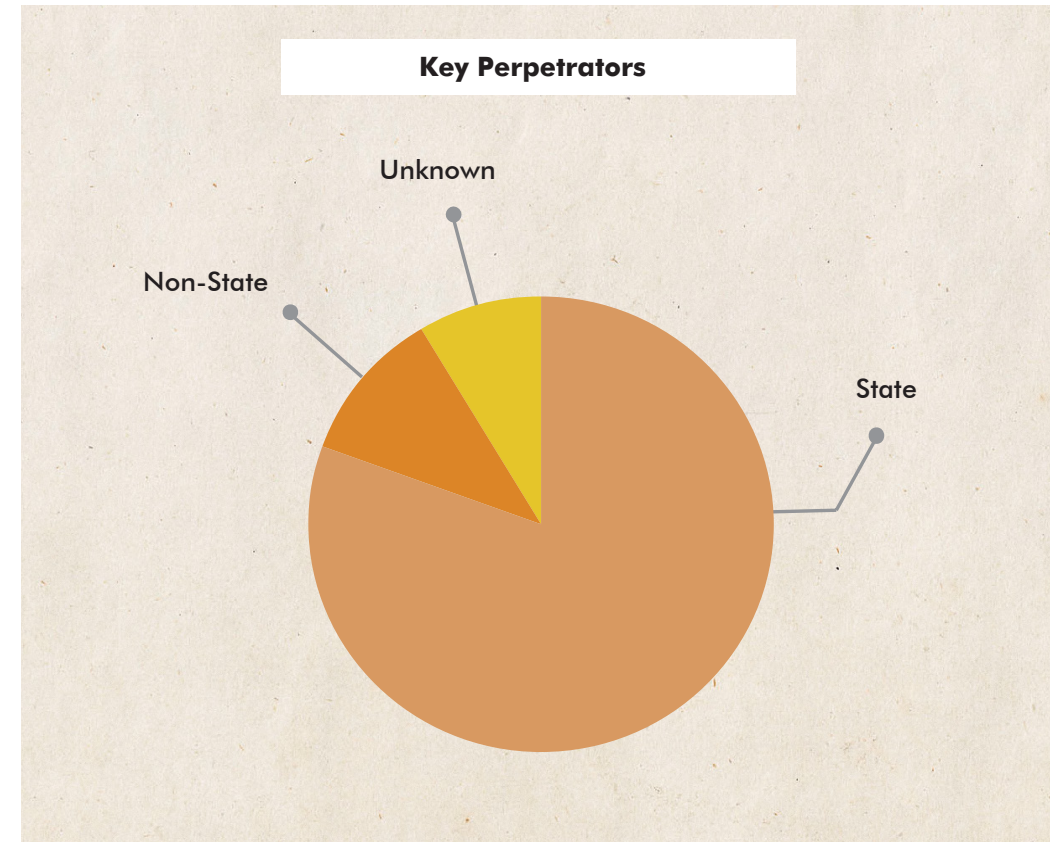
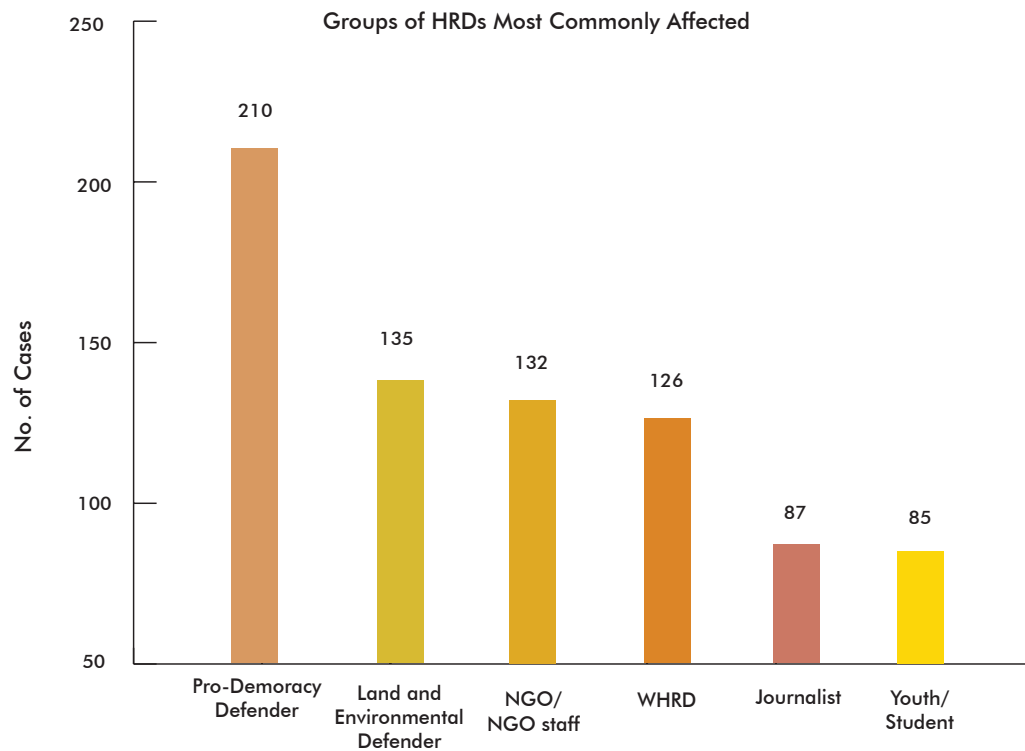
HRDs Targeted

There are certain groups of HRDs that are particularly targeted for harassment and attacks. In the period of 2017-2018, pro-democracy defenders were the number one most targeted group of HRDs. They were marked as victims in 210 out of the 688 cases recorded. This roughly translates to an alarming 30 per cent of the total cases, and is reflective of the increasingly repressive context in Asia.

Land and environmental defenders, a key target for both state and non-state actors competing to access natural resources and implement mega development projects, are ranked as the second most affected group of HRDs. According

to FORUM-ASIA's data, they are marked as victims in 135 out of 688 cases. This is almost 20 per cent of the total sum. These statistics are relatively consistent with findings in the previous years, where these two groups were also identified as the top most affected groups of defenders.

Evidently, as outlined in the graph below, non-governmental organisations (NGOs) and their staff (132 cases), and WHRDs (126 cases) were also heavily targeted. Beyond the groups outlined below, notable groups severely impacted by violations also included: lawyers (47 cases); minority rights defenders (38 cases); bloggers (36 cases); and labour rights defenders (33 cases).



Perpetrators

States

ranked as the number one perpetrator of harassment and abuse against HRDs

As in previous years, States ranked as the number one perpetrator of harassment and abuse of HRDs. Based on the documented cases in 2017 and 2018, FORUM-ASIA found that state actors, such as the Police, the Judiciary, and Armed Forces, were complicit in 520 of the 688 cases recorded. This is around 75 per cent of the total sum. In many countries, these state actors were not held accountable for the abuse perpetrated, and continue to

violate human rights with impunity. Non-state actors, which includes, but is not limited to, national and multinational companies, Development Finance Institutions, armed groups, and extremist groups, were recorded as perpetrators in 66 cases. It was common for these non-state actors to work in collusion with States in perpetrating abuses. In 55 of the cases, the perpetrator was unknown.



**KEY
VIOLATIONS
AGAINST
HUMAN RIGHT
DEFENDERS (HRDs)**

Judicial Harassment | Intimidation and Threats | Violence

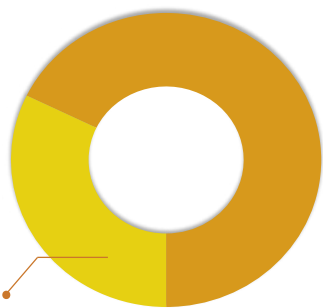
Judicial Harassment

Judicial harassment is the use of laws, administrative procedures, policies, regulations, and the judicial system to intimidate, harass, prosecute, and/or retaliate against a person, organisation or entity.

It is a tactic frequently used against HRDs to delegitimise and undermine their work. This is particularly the case in Asia, where out of 688 cases of violations between 2017 and 2018, 327 were marked as involving the use of judicial harassment. This affected around 2,307 HRDs.

Examples of judicial harassment include but are not limited to: the misuse of existing or the passage of new laws to arrest, detain, imprison, file charges or make allegations against HRDs; administrative harassment; denial of fair trial; and denial of access to legal assistance or communication. According to FORUM-ASIA's statistics, state actors perpetrated 319 out of 327 cases of judicial harassment.

Total Cases of Judicial Harassment



327 cases out of 688 involved judicial harassment

In the period under review, judicial harassment was commonly used to curtail HRDs' ability to speak out on human rights issues. FORUM-ASIA's data shows that out of the 327 cases of judicial harassment perpetrated, 198 involved violating a HRD's ability to exercise their right to freedom of expression.

Expressions of dissent in the form of public gatherings were also widely repressed. In many of the cases in which judicial harassment was applied, HRDs were engaged in protest, rallies and other forms of peaceful gatherings where HRDs exercised their right to freedom of assembly (79 cases).

This crackdown on dissent also extended in the online sphere, with States adopting legislation to silence HRDs online, such as the Digital Security Act in Bangladesh and the Cyber Security Law in Vietnam.

Pro-democracy defenders, being vocal dissidents of government repression, were the most targeted for this type of violation (123 cases). 'Endangering national security', 'defamation', and 'terrorism' were some of the common charges used to harass these defenders. Their criminalisation was aided in large part by the passage and/or revision of laws that defined terrorism and threats to public security broadly, allowing it to be interpreted in abusive ways.

Some of the other highly affected group of defenders include: NGO/NGO staff (64 cases), land and environmental defenders (59 cases), WHRDs (58 cases), and journalists (40 cases).

To further complicate matters, in the last two years, Governments have continued to apply arbitrary and complicated registration requirements for NGOs. It was also common to see States use restrictive legislation on funding to constrain NGOs' ability to access resources for operation, and threaten NGOs with closure, fines and charges for failing to comply. This has created a difficult environment for NGOs to operate.

The application of these repressive laws against HRDs are especially dire, particularly considering the pattern in which Governments in Asia have denied HRDs access to fair trials.

As mentioned previously, between 2017-2018, there were 61 cases where HRDs were denied the right to a fair trial. In many of these cases, HRDs were handed down sentences without, for example, the presence of an independent and impartial Judiciary or substantial evidence to support allegations.

2307

HRDs were affected by judicial harassment

198

cases of judicial harassment violated a HRD's right to freedom of expression

123

cases of judicial harassment implicated pro-democracy defenders, making them the most affected group of this form of violation

Case Studies



Kyaw Soe Oo and Wa Lone
are journalists and HRDs from Myanmar

[On 12 December 2017](#), the two were falsely arrested and charged with the possession of confidential documents regarded to be of value to 'enemies of the State and terrorists,' which had been handed to them by Policemen moments before their arrest. At the time, the journalists had been investigating a case of military abuse against the Rohingya, which involved the killing of ten people. Although several inconsistencies were found in the Police's recollection of the HRDs' arrest during the trials, and one police officer in fact testified to having framed the journalists, the defenders were eventually sentenced to seven years in prison, after 265 days of imprisonment and 39 court hearings. The Supreme Court upheld the convictions of the two HRDs on April 2019, after appeals were made about their case. The two were, however, eventually released under a presidential amnesty.



Budi Heriawan (Budi Pego)
is an Indonesian land and environmental defender

[On 4 September 2017](#), he was arrested after coordinating a peaceful protest against a gold mine that posed a threat to the surrounding environment, and the safety of nearby communities. The charges against him stem from allegations that a hammer and sickle sign, symbolizing communism, was displayed on one of the protest banners. This constitutes as a crime in Indonesia. Little evidence was found to support this allegation: community members who attended the protest denied these claims, and during Budi's trial, no physical evidence was presented to prove that there was a communist symbol on the banner. Despite this, Budi was sentenced to 10 months in prison. When his lawyers appealed the verdict, Budi's punishment was increased to four years by the Supreme Court.



Kiry Roy
is an Indian HRD serving as the Secretary of the NGO, Banglar Manabadhikar Suraksha Mancha (MASUM)

Kiry has also had several false charges filed against him in his years of human rights work. On 19 July 2018, authorities filed complaints against Kirity based on fabricated claims that he physically attacked authorities, when he participated in a demonstration against State atrocities. Kirity, his colleagues, and witnesses present during the demonstration have denied these allegations. This is just one of many attacks that Kirity and other members of MASUM have faced as a result of their human rights work. Since 2008, systematic attacks, threats, and criminal charges have been used to silence many of MASUM's defenders.



Shahidul Alam
is an internationally known Bangladeshi photojournalist and defender

[On 5 August 2018](#), he was arrested for allegedly making 'provocative' comments on Facebook and during an interview on Al Jazeera. In both platforms, Shahidul shared views that were critical of the Bangladeshi Government. During his arrest, 20 police officers stormed his home, and took Shahidul without informing his family or lawyer where he would be taken. Shahidul was detained for over 100 days, denied bail five times, and allegedly subject to torture while in custody, before finally being released on 20 November 2018. The charges against him, however, have not been dropped, and Shahidul remains at risk of up to 14 years imprisonment, if convicted.



Lee Young-Joo is a South Korean WHRD and former General Secretary of the Korean Confederation of Trade Unions (KCTU), an umbrella group for labour rights defenders

On 27 December 2017, Lee was arrested for her involvement in a mass protest against the Government's repressive labour policies. During this demonstration, authorities mobilised thousands of officers armed with water cannons and tear gas to oversee the event. When an altercation between Police and a few protesters ensued, the Police used these weapons against the demonstrators, causing an outbreak of violence that led to the injuring of both officers and protesters. Organisers of this protest have been held accountable for the clash. Lee is one of many members of KCTU who have been arrested in relation to this protest.



International NGOs work on human rights and development issues in Pakistan

On 2 October 2018, 18 International non-governmental organisations (INGOs) had their registration application rejected as the Pakistani Government launched a crackdown against INGOs operating in the country. These INGOs were given 60 days to close down operations after receiving the notice. The majority of the organisations, which were targeted despite their compliance with government regulations, worked on issues related to human rights, development and social justice. Some had previously been accused of promoting an 'anti-State' agenda as a result of their work. This harassment has not only had a negative impact on the INGOs that were targeted, but also the local communities they were working with.

Intimidation and Threats

Intimidation and threats refer to various forms of actions taken to cause fear and distress to HRDs in order to deter them from conducting their human rights work.

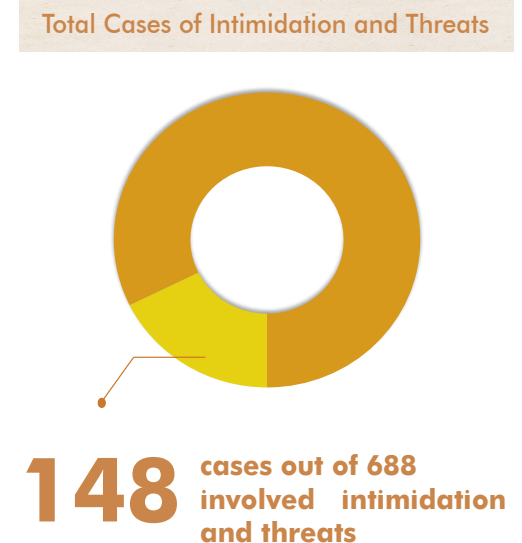
In the period under review, there were 148 cases recorded of intimidation and threats across Asia, affecting 596 HRDs. The most common groups of HRDs affected by this type of harassment include: NGO staff (51 cases); pro-democracy defenders (41 cases); and WHRDs (35 cases). Although intimidation and threats are often targeted towards HRDs, their family members, friends, and colleagues have also been targeted as a means of pressuring the defender (13 cases). This type of harassment carries serious implications for HRDs' physical and psycho-social well-being.

recorded, intimidation and threats took the form of death threats (20 cases), or were conducted through physical forms of action such as: the use of violence (31 cases); surveillance (11 cases); raids (13 cases); and abductions (8 cases), demonstrating the violent nature that this form of harassment can escalate to.

Most commonly, however, intimidation and threats took the form of, or was coupled with, judicial harassment (37 cases), and arbitrary arrest and detention (20 cases).

Intimidation and threats can take many forms. In a lot of the cases FORUM-ASIA

In these cases, HRDs were intimidated by, for example, being indiscriminately held and questioned by authorities, threatened with charges and lawsuits, having their families summoned by authorities, or having their organisation threatened with closure. In 11 cases, HRDs were threatened as a form of reprisal for engaging with international human rights bodies, as well as other relevant bodies inside and outside of their countries.



State actors are noted to be the number one perpetrators of this type of harassment. Throughout 2017-2018, state actors intimidated and threatened HRDs in 89 out of the 148 cases documented. It was a common pattern to see Governments openly threaten defenders. State officials

were complicit in: spreading inflammatory narratives about HRDs as being 'anti-state', 'terrorists' and 'foreign traitors'; inciting violence towards HRDs; and initiating smear campaigns.

Non-state actors have also increasingly intimidated and threatened HRDs.

Out of the 148 cases of intimidation and threats recorded, non-state actors were marked as perpetrators in 35 of them. Non-state actors have particularly overtaken States in intimidating HRDs online. According to our documentation, there were a total of 13 cases where intimidation and threats took the form of online attacks and harassment. Out of these 13, non-state and suspected non-state actors were behind 11 of them.

596

HRDs were affected by intimidation and threats

37

cases of intimidation and threats involved the use of judicial harassment

51

cases of intimidation and threats implicated NGO/NGO staff, making them the most affected group of this form of violation

Case Studies



Cambodian Centre for Human Rights (CCHR)

is a prominent NGO in Cambodia, working to defend and promote human rights



Sevan Dorasiamy

is the Executive Director of Suara Rakat Malaysia (SUARAM) – a renowned NGO in Malaysia that works on human rights

[On 26 November 2017](#), Cambodian Prime Minister Hun Sen ordered the Ministry of Interior to investigate CCHR for potential closure. During a public event, he openly claimed that the CCHR was created by 'foreigners and was supporting foreign influence' in Cambodia, and called on the Ministry of Interior to investigate them. This open vilification of, and threat against, CCHR occurred just 10 days after the dissolution of the main opposition party in Cambodia and amid a crackdown on independent media. It is telling of the shrinking civic space in the country. No visible investigation took place. Yet the Ministry of Interior eventually admitted having found no wrong doing on the part of CCHR, and the Prime Minister eventually announced that the CCHR would not be shut down. At present, the CCHR continues to remain in operation.

In his years of experience in the field, Sevan has been subject to intimidation and threats on multiple occasions. [On 24 May 2017](#), for example, Sevan and two of his colleagues were interrogated by Police for speaking out about the State's involvement in cases of enforced disappearances in the country. Sevan has also been questioned and investigated under Sedition Act and the Peaceful Public Assembly Act several times due to his human rights work.



Mukunda Raj Kattel

is a Nepalese human right advocate who served as a Director of FORUM-ASIA from 2014 to 2018



Sultana Kamal

is a lawyer and vocal WHRD from Bangladesh



Nimalka Fernando

is a Sri Lankan lawyer and WHRD



Sunanda Deshapriya

is a Sri Lankan journalist and an advocate for press freedom

In this role, he has overseen and participated in several human rights initiatives and projects. [On 19 December 2017](#), Mukunda was barred from entering India by the Immigration Department at Tiruchirappalli International Airport. He was held in the airport without reason for 18 hours. During this time, he was denied access to his lawyer, and was not given any means to communicate with his friends and family. Although Mukunda holds a Nepalese passport and does not require a visa to enter India, the following day the authorities deported Mukunda back to Thailand, where he was based.

[On 28 May 2017](#), Sultana received violent threats after appearing on a talk show. In the show, Sultana disagreed with a claim made by a member of the radical Islamic group, Hefazat-e-Islam, that the lady justice sculpture should be removed from the Supreme Court as it is a religious figure. Sultana argued that if no religious figures should be in the Supreme Court then the mosques inside the courts should also be prohibited. In response, members of Hefazat-e-Islam publically called for Sultana's arrest and further threatened to 'break every bone'⁷ in her body. She also received abusive messages on social media, some of which included photos of her being lynched.

⁷<http://www.dhakatribune.com/bangladesh/nation/2017/06/02/hefazat-arrest-sultana-kamal/>

[On 23 March 2017](#), these two HRDs faced reprisals after participating in a UN Human Rights Council Session. In this particular session, a resolution requesting the UN Office of the High Commissioner on Human Rights to continue assessing Sri Lanka's compliance with all processes related to accountability and human rights, was adopted.⁸

The HRDs were targeted for their role in supporting this allegedly 'anti-State' resolution. They were featured in a smear campaign on Facebook that labelled them as traitors and liars. A protest was also held near Nimalka's residence to condemn her for sharing 'false' information with the UN, and for profiting from 'selling out Sri Lanka'.

⁸ For more details on this resolution please see: <https://www.right-docs.org/doc/a-hrc-res-34-1/>

Violence

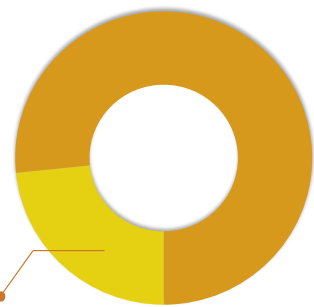
Violence in FORUM-ASIA's documentation refers specifically to physical attacks and assaults against HRDs.

In the last two years, there have been 164 cases of recorded instances of violence, affecting 1,305 HRDs. State actors perpetrated 66 out of the 164 total cases. This statistic speaks to the willingness of States to adopt extreme measures to silence HRDs and deter them from conducting their work. Concerningly, this form of violation was most prevalent in countries such as India (40 cases), the Philippines (31 cases), and Vietnam (31 cases).

Many HRDs were targeted with violence for exercising their basic right to freedom of expression (58 cases). Evidently, across Asia, speaking out on human rights issues, continued to be met with hostility and aggression.

A large number of HRDs were also target-

Total Cases of Violence



164 cases out of 688 involved the use of violence

ed with violence for exercising their right to freedom of assembly (35 cases). In many of the cases documented, HRDs were beaten and violently dispersed by authorities, who used excessive force against defenders gathering together in peaceful protest.

The groups most affected by violence included: land and environmental defenders (59 cases); WHRDs (34 cases); and journalists (30 cases).

Alarming, 61 out of the 164 cases of violence led to the killing of HRDs.

The majority of these killings took place in two countries: the Philippines (approx. 48 per cent), and India (approx. 25 per cent).

Both countries have been ranked as some of the deadliest countries in the world for HRDs.⁹ Many of these incidents where HRDs were killed followed a similar pattern: HRDs were followed and isolated before being attacked. Prior to some of the incidents, our records show that HRDs reported receiving threats to authorities and sought protection. Authorities tended to dismiss these reports, and as a result failed to provide effective protection to the defender. Other defenders, on the other hand, did not report the threats they faced due to a lack of trust in state institutions.

In 29 out 61 cases of killings, or 47 per cent

of the total cases of killings, the perpetrators were unknown. This shows the systemic failure of authorities to properly investigate some of the most serious violations, and provide defenders and their families with access to justice and effective remedy. This serves to perpetuate the culture of impunity in the region.

This overall unwillingness of Governments to provide HRDs with protection when they seek refuge; offer effective remedies when their rights have been violated; and their active participation in harming defenders is deeply troubling and is reflective of the immensely dangerous context HRDs operate in.

1305

HRDs were affected by violence

48

per cent or 29 cases of killings occurred in the Philippines, making it the country with the highest number of deaths

59

cases of violence implicated land and environmental defenders, making them the most affected group of this form of violation

⁹ https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf

Case Studies



Mid-June Protesters

refer to Vietnamese HRDs who participated in series of peaceful protests across Vietnam throughout June 2018 to campaign against the bills on Special Economic Zones, and Cyber Security

At the core of their demonstration was the concern that the passage of the proposed laws posed detrimental threats on their ability to exercise their rights. [In many of the protests](#), Police used tear gas, batons, and water cannons to disperse and silence the protesters. Hundreds were harmed and several sustained serious injuries. Additionally, many who were arrested and detained were allegedly tortured in custody.



Gauri Lankesh

was one of the most prolific journalists and WHRDs in India

She was well-known for her firm stance against corruption and religious extremism, as well as her work in promoting human rights. [On 5 September 2017](#), Gauri was shot and killed outside of her residence by assailants on a motorcycle. Investigations have revealed that her assassination was planned and executed by members of religious extremist groups. Her name was allegedly put on a 'hit-list' developed to target anyone opposing 'radical Hindutva and superstitious practices.'¹⁰

¹⁰ <https://thewire.in/communalism/gauri-lankesh-killing-hindutva-hitlist>



Indonesian Legal Aid Foundation (YLBHI)

is an umbrella organisation for 15 legal aid institutions in Indonesia

Their work primarily focuses on providing free legal aid for victims of human rights violations. On 17 September 2017, as Jakarta Legal Aid Institute, YLBHI and groups of victims of human rights violations held a seminar on the history of rights violations, their building was attacked by a mob of people who falsely claimed that YLBHI invited supporters of the Communist Party to their office. For hours, the crowd – which grew to up to 1,000 people – yelled and threw rocks at the building, in a violent attempt to force entry. Many people trapped in the building suffered panic attacks, and one sustained an injury from a rock thrown through a glass window. Much of YLBHI's property was also destroyed.



Yameen Rasheed

was a prominent Maldivian blogger who ran the site *The Daily Panic*

His blog had a large following because of his critical take on Maldivian politics, Islamic extremism, and human rights issues. [On 23 April 2017](#), Yameen was brutally murdered. He was found in the staircase of his apartment building with several stab wounds, and died shortly after being brought to hospital. Prior to his murder, Yameen regularly reported having received death threats to the authorities. No action was taken to address Yameen's concerns. Up to this date, the perpetrators for Yameen's death have not been brought to justice.



KEY DEFENDERS **AT RISK**

Pro-Democracy Defenders | Land and Environmental
Defenders | Women Human Rights Defenders

Pro–Democracy Defenders

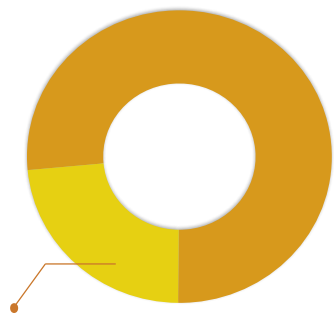
Pro-democracy defenders are individuals or groups that work to protect and promote democratic institutions, processes, and values in a peaceful manner.

Over the past years, this group of HRDs has consistently been ranked as one of the most targeted group of defenders in FORUM-ASIA’s documentation. In the two years under review in this report, this remains to be the case: pro-democracy defenders are represented as victims in 210 out of the 688 cases of violations recorded.

The targeting of pro–democracy defenders is largely linked to the nature of their work, which involves vocally challenging state repression.

Our data shows that almost all the violations against pro-democracy defenders were perpetrated by state actors (181

Total Cases of Pro-Democracy Defenders



210 cases out of 688 affected pro–democracy defenders

cases) and, in the majority of cases where pro-democracy defenders’ rights were violated, they were exercising their right to freedom of expression (120 cases). Some common examples of instances where pro-democracy defenders have been harassed are when they: challenged incidents of military abuses; held state actors accountable for human rights violations; and called for free and fair elections.

FORUM-ASIA has observed the nature of threats and abuses against pro-democracy defenders worsen during 2017-2018. During this period, across Asia and the world, there was a noticeable rise in right-wing populism and authoritarianism, which has largely attacked ideas of tolerance, openness, and freedom at the core of democracy. This has led to the increased vilification and discrediting of pro-democracy defenders, and has made them more vulnerable to a wide range of abuses. Between 2017 and 2018, pro-democracy defenders were harshly targeted with violations such as: judicial harassment (123 cases); arbitrary arrest and detention (81 cases); (41 cases); and violence (24 cases), six of which resulted in the death of the defender.

Generally, these violations occurred at a heightened level in the lead up to elections, during which States took increased measures to silence dissent.

Interestingly, a large percentage of pro-democracy defenders in Asia are from younger generations.

Out of the 210 cases where pro–democracy defenders have been targeted, 43 cases involved people(s) classified as ‘youth’ or ‘students’, showing young people’s increased involvement in civil society spaces and commitment to freedom and openness.

Other increasingly well represented groups working in defence of democracy are: WHRDs (34 cases); NGO/NGO staff (18 cases); and bloggers (16 cases), who are defending human rights in online spaces.

181 cases of the violations against pro-democracy defenders were perpetrated by state actors

123 cases of the violations took the form of judicial harassment

43 cases involved people classified as youth or students

Case Studies



The People Who Want Elections Group refers to a group of defenders from Thailand that have gathered together in recent years to call for free and fair elections

[In the lead up to the four year anniversary of the military coup on 22 May 2018](#), this group was systematically subjected to judicial harassment for holding a series of protest demanding democratic elections. Over a hundred of their members, many of whom are students, were arbitrarily arrested, detained, and had charges filed against them, for participating in and organising protests. To silence protesters, authorities invoked repressive laws, such as Article 12 of the Head of the National Council of Peace and Order Order No. 3/2015, which forbids political gathering of more than five people; the Sedition offence under Article 116 of the Criminal Code; as well as the Public Assembly Act. A few of the cases against HRDs were brought to the Military Court to be addressed, demonstrating the severity of the situation.



Lee Ming-Che is a Taiwanese HRD who has worked in various organisations promoting human rights, such as Covenants Watch

Through Lee's activism he has advocated for democracy in Taiwan and has also supported families unjustly detained by Chinese authorities. [On 26 May 2017](#), Lee was arrested after visiting mainland China. He was held incommunicado for several months before he was eventually tried and sentenced to five years in prison on the trumped-up charge of 'subverting state power' for sharing 'misleading' information about China. Lee pleaded guilty to this charge, likely due to coercion of Chinese authorities. Lee's wife has repeatedly been denied access to visit and communicate with Lee as he serves sentence. He also reportedly suffers from health problems due to poor conditions in prison.



Jolovan Wham is a Singaporean HRD known for his work in defending freedom of expression and assembly

Jolovan has repeatedly been targeted for judicial harassment as a result of his human rights work. [On 29 November 2017](#), seven trumped-up charges were filed against Jolovan for his role in organising three peaceful gatherings. Out of these seven, three accused him of organising public assemblies without permits, another three of refusing to sign statement of the Police, and one for vandalism. Additionally, on 11 May 2018, Jolovan was charged for 'scandalising' the Court after he posted a comment on Facebook in which he claimed that 'Malaysia's judges are more independent than Singapore's for cases with political implications.' The Singapore High Court fined Jolovan 5,000 SGD for this latter case. Jolovan was also required to pay 5,000 SGD in legal costs to the Prosecutor and 2,997.82 SGD to the Attorney's General Chambers.



Shahindha Ismail is the Executive Director of the Maldivian Democracy Network – a NGO promoting democracy and human rights in Maldives

[On 28 December 2017](#), she was featured in articles and reports accusing her of blasphemy. These allegations were based on a tweet in which she posed questions about ideas of religious pluralism and democracy in the Maldives, where Islam is the state religion. The post read: 'Religions other than Islam exist in this world because Allah allowed for it. No other religion would exist otherwise, is it not?' The accusations against Shahindha exposed her to attacks on social media, where she received violent messages and death threats. [On 2 April 2018](#), Police summoned Shahindha for this tweet, accusing her of violating the law by speaking about religion with 'intention to cause religious discord within the society.'

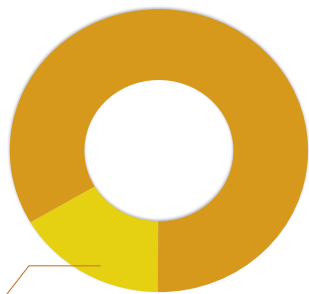
Land and Environmental Defenders

Land and environmental defenders encapsulates all those working to protect land, the environment, and all associated rights, including but not limited to the right to access natural resources, and the right to a clean and healthy environment.

Many of the defenders in this group include indigenous and tribal peoples; farming and peasant groups; and other local communities, whose land, life, and livelihoods are threatened by the exploitation of the environment, and the establishment of development projects that violate peoples rights.

Out of the 688 cases recorded by FORUM-ASIA, 135 marked land and environmental defenders as victims. The violations against land and environmental defenders disproportionately occur in the following countries: the Philippines (39 cases), Vietnam (23 cases) and India (17 cases). Although violations are more common

Total Cases of Land & Environmental Defenders



135

cases out of 688 affected land and environmental defenders

in these countries, the relentless attacks against land and environmental defenders have been a consistent pattern across Asia. In fact, in 2017, Asia was recorded as the second deadliest region for land and environmental HRDs in the world.¹¹

Despite these worrying statistics, it should be noted that these figures still under represent the extent of violations experienced by this group of HRDs. Many land and environmental defenders are socially and geographically isolated, and do not consider themselves to be HRDs. Rather, many see themselves as merely defending their land and livelihoods. This means a range of violations against them remain unreported. This suggests that, alarmingly, the situation of these defenders is likely worse than is conveyed through the already concerning statistics.

Similar to other groups of defenders, the most common forms of violations against land and environmental defenders are judicial harassment (73 cases), followed by arbitrary arrest and detention (48 cases). Land and environmental defenders are, however, disproportionately targeted with violence. Between 2017 and 2018, land and environmental defenders were the number one most affected group of defenders harmed by violence. According to our data, 59 out

of the 164 total cases of violence against HRD implicated land and environmental defenders. Additionally, they were also affected in 34 out of the 61 total cases of recorded killings.

Shockingly, this means that roughly 35 per cent of all cases of violence against HRDs, and 55 per cent of all killings recorded, were perpetrated against land and environmental defenders.

State actors perpetrated 94 out of 135 of the abuses land and environmental defenders suffered. Yet the role of non-state actors in harassing these defenders has become increasingly common. This primarily includes businesses and corporations in the mining and extractives industries, and agri-businesses, which are competing to access natural resources for profit or otherwise seeking to implement large-scale development projects with little regard for its impact on the surrounding communities or environment. Following the pattern of state actors, these violations often take the form of lawsuits, intimidation and threats, and at times, violence. It is also common for non-state actors to collude with state actors to repress HRDs. As development projects proliferate and the competition for natural resources increase, the situation of these HRDs is expected to worsen unless measures are established for their protection.

94

cases of violations against land and environmental defenders were perpetrated by state actors

59

cases involved the use of violence, and 34 resulted in the loss of life of the defender

39

cases occurred in the Philippines, making it the country with the highest levels of violations against land and environmental defenders

¹¹ https://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders_0.pdf

Case Studies



Agnes Kharshiing

is a WHRD based in India, who has been engaged in addressing various human rights issues in the country

In the recent years, she has been vocal against illegal coal mining in Meghalaya. [On 8 November 2018](#), Agnes was violently beaten by a mob of 30-40 people after she photographed trucks she suspected to be carrying coal illegally. The group of people stopped her car and then dragged her and her colleague, Amita Sangma, into the jungle to beat them with sticks and stones. This incident left Agnes with grievous head injuries. Several people have been arrested in relation to this incident. Some are known to be involved in the illegal mining trade, with ties to powerful local state actors.



Lumad Communities

refer to the largest indigenous group in the Philippines, many of whom are situated in Mindanao

Throughout 2017-2018, several Lumad HRDs or HRDs working to defend Lumad's rights were killed. [On 3 December 2017](#), for example, 8 members of the T'boli-Manobo S'daf Claimants Organization (TAMASCO), a group fighting against business developments' occupation of ancestral lands, were brutally killed when military personnel approached their home and opened fire. Moreover, [on 28 January 2018](#), Ricky Olado, a member of Tinanon Kulamanon Lumadnong Panaghiusa, a Lumad organisation that defends Lumad rights, was killed after being repeatedly shot by two unknown assailants on motorcycles.



The Thepa Anti-Coal Community

refers to a coalition of local communities – including fisher folks, local NGOs, and students – fighting against coal mining in the Thepa district of Thailand

[On 12 January 2018](#), around 16 people involved in this coalition were prosecuted on fabricated charges after participating in a march that aimed to call on Prime Minister Prayut Chan-o-Cha to stop the establishment of a coal-fired power plant in Songkhla province. Although the HRDs took every measure to ensure that their protest complied with the law, they were accused of a long list of violations, including: marching on a highway and blocking traffic; quarrelling with Police; and carrying weapons.



Doem Kundy and Hun Vannak

are members of the environmental organisation, Mother Nature Cambodia (MNC)

[On 13 September 2017](#), the two HRDs were charged for incitement and violating privacy after they were caught filming a boat they suspected to be illegally dredging sand and selling it for export. Their arrest occurred shortly after the MNC uploaded a video exposing illegal sand dredging in the region. The two HRDs were eventually convicted for one year in prison with a suspended seven-month sentence, and have now been released after serving their terms.



Younis Iqbal

serves as the founder and chairman of Anjuman Muzareen Punjab, a movement in Pakistan that aims to defend peasants and farmers’ rights to land and livelihood

On 12 April 2018, six Policemen forcibly took Younis as he entered the Court for a trial. Younis had previously been charged in 2016 for protesting the illegal detention of farmers. Younis was held at an undisclosed location for four days before being formally charged for fabricated criminal allegations such as ‘attempted murder, obstructing a public servant in carrying out their duties, and rioting while in possession of a deadly weapon.’¹²

¹² <https://www.frontlinedefenders.org/en/case/younis-iqbal-arrested>

Women Human Rights Defenders

WHRDs can include any women¹³ defending human rights; or any person(s) of any gender defending women’s rights or issues related to gender. However, in recognition of the specific and gendered experiences of women defenders, our data primarily focuses on cases related to WHRDs who are women.

WHRDs are ranked as one of most targeted group of defenders under FORUM-ASIA’s records. Out of the 688 total cases recorded between 2017 and 2018, 126 cases involved violations against WHRDs. 92 of these cases were perpetrated by state actors. Some examples of the violations perpetrated against WHRD include: judicial harassment (58 cases); arbitrary arrest and detention (40 cases); intimidation and threats (35 cases); and violence (35 cases).

Although, evidently, WHRDs face similar threats to other defenders, they also face certain challenges specific to their group. For example, WHRDs are often exposed to

harassment that specifically targets them for addressing issues related to gender and sexuality. This has been reiterated through our conversations with WHRDs across Asia, who have reported being attacked, vilified and threatened, simply for defending the rights of promoting reproductive and sexual rights or the rights of sex workers. WHRDs also tend to face certain abuses as a result of their gender as women. For example, while all defenders are subject to violence, WHRDs are additionally subjected to gender-based violence – violence perpetrated to a HRD by virtue of their gender. In the last two years, FORUM-ASIA documented 15 cases of gender-based violence, 12 of which targeted women specifically.

Another type of violation that shows a deeply gendered dimension is online attacks and harassment.

In the recent years, FORUM-ASIA has seen a noticeable trend of WHRDs being attacked for expressing themselves in online spaces.

This type of harassment can take the form of: sending abusive and threatening messages; inciting violence against WHRD on social media; and circulating false infor-

Total Cases of WHRDs



¹³ Interpreted to include lesbian, bisexual, transgender, intersex, and gender non-conforming persons.

mation to discredit WHRDs. The gendered nature of these attacks are often reflected in the way they employ explicitly sexual, sexist, and deeply misogynistic language and images. Revenge porn and threats of rape and sexual assault are some examples of this. The gravity of these forms of violations has largely been overlooked. WHRDs who have reported online attacks to authorities have often been dismissed, and virtually no legal mechanisms have been established to protect WHRDs from online harassment.

The systematic attacks against WHRDs — both for their gender and their work — stem from their role in challenging patriarchal ideas of gender roles, norms and structures that continue to be socially accepted.

Many perceive them to be threatening a social, cultural and religious 'order' as they subvert ideas of womanhood and/or actively fight against gender injustice.

Given the pervasiveness of the attacks against WHRDs, our statistics only provides a snapshot of the risks these defenders face. WHRDs suffer a range of other abuses that are not considered conventional, and occur mostly within communities, which are not often reported as violations. This includes, for example, discrimination, stigmatisation, and isolation. There are also many other gender-based violations perpetrated against WHRDs that occur in places considered 'private', such as the home, and for this reason are underreported. This includes domestic violence, sexual harassment and abuse, and violence against the children of WHRDs. With this in mind, the situation of WHRDs is an even greater cause for concern.

In an era where feminist movements are on the rise, the opportunities to address the issues women face widen. Yet important work remains to be done in demystifying and strengthening the solidarity of the feminist movement so that it can comprehensively address issues relevant to women generally, and WHRDs specifically.

92

cases of the violations against WHRDs were perpetrated by state actors

58

cases involved the use of judicial harassment, similar to previous years. Yet an emerging trend is online attack and harassment

35

cases involved the use of violence

Case Studies



Anchana Heemina

is one of the co-founders of Duay Jai Group, which provides support to victims of torture in Southern Thailand



Angkhana Neelapajit

is the Commissioner of the National Human Rights Commission of Thailand



Pornpen Khongkachonkiet

is the Director of Cross Cultural Foundation, which aims to promote and protect human rights in Thailand

Throughout 2017, the three WHRDs were subject to online attacks and harassment. Numerous blogs, Facebook pages, and sites published content that discredited the work of WHRDs by accusing them of fabricating information on human rights issues, protecting criminals, supporting insurgency, and betraying Thailand. Manipulated images that negatively portrayed the WHRDs and misogynistic expressions were also used to vilify the defenders.



Ranjeeta Sadokpam

is a Researcher at Human Rights Alert (HRA) India - a NGO based in Manipur that monitors, documents, and campaigns against human rights violations



Rani Yan Yan

is an indigenous WHRD from Bangladesh



Huỳnh Thục Vy

is a prominent online blogger covering human rights issues, and the founder and former President of Vietnamese Women for Human Rights

On 28 February 2018, several police and army personnel visited Ranjeeta's home claiming to be searching for someone named Somendro. During their visit, they demanded Ranjeeta to give detailed information about her family members, interrogated her brother, and then forced Ranjeeta and her family to sign an undisclosed document. This incident occurred after Central Bureau of Investigation (CBI), the Government's central investigating agency, began their investigation into a series of extra-judicial killings in Manipur – an case mandated to the CBI by the Supreme Court based on the writ petition co-filed by HRA India.

On 15 February 2018, Rani was physically attacked as she visited the hospital to see two girls who had been sexually abused. On that day, authorities came to place the two girls under the custody of their parents, as directed by the Court. The girls, however, refused to leave with their parents, in fear of their safety. As the parents and the Police began to resort to violence to take the girls away, Rani defied demands from authorities who ordered her to leave the premises, and instead stayed with the girls to ensure all parties respected their rights. That evening, 20 plainclothes officers switched off the lights in the room Rani was in, and severely beat up Rani and her colleague. They were kicked and punched, and were eventually dragged out of the hospital.

On 30 November 2018, she was sentenced to two years and nine months in prison after she splashed white paint onto Vietnamese flags to protest the State's repressive governance, and circulated an image of the flags on Facebook, with a caption demanding the Government to address human rights issues. According to her and her lawyers, during her trial, the judges simply 'took out their ready-made sentence and read it out'¹⁴ without conducting a proper hearing.

¹⁴ https://www.rfa.org/english/news/vietnam/flag_11302018141521.html

Recommendations

This report demonstrates the on-going struggles faced by HRDs, even twenty years after the adoption of the UN Declaration on HRDs. Across Asia, HRDs are unjustly targeted with threats and harassment, and are discredited, vilified, and silenced for conducting their work. FORUM-ASIA recognises the need for action to be taken by various stakeholders in order to create a safer and more enabling environment for these defenders. To this end, 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 laws comply with international human rights standards, that any repressive laws that criminalise HRDs are repealed, and that judicial processes remain just and transparent;
3. Undertake measures to: prevent HRDs from being harmed by creating an enabling 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;
4. Investigate human rights abuses against HRDs and hold all perpetrators accountable for their actions;
5. Immediately release all arbitrarily and unlawfully detained HRDs;
6. Respect the independence of NHRIs and other national human rights bodies

protecting human rights and HRDs, and ensure that they have adequate resources to work independently;

7. 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;

8. Ensure that NHRIs work on 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 psycho-social support to HRDs and their families; and collaboration with CSOs, among others;

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

1. Review the existing communications system so that appeals and press releases about HRDs are disseminated efficiently and in a timely manner;
2. Expand civil society organisations

(CSOs) space within UN mechanisms and refrain from hindering CSOs to engage with UN mechanisms;

3. Ensure that UN resident coordinators and other UN country offices mainstream the protection of HRDs in their work and promote it within UN mechanisms;

4. Improve coordination within UN agencies to better address the situation of HRDs on the ground.

We call on national and transnational corporations to:

1. Fully comply with the Guiding Principles for Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework and other international human rights standards; and

2. Strictly refrain from directly or indirectly engaging in any form of harassment against HRDs and instead constructively engage with them in preventing further violations.

Methodology

Database

Since 2010, the HRD Programme of FORUM-ASIA has been using an integrated database, called OpenEvSys¹⁵, to document human rights violations and abuses against HRDs, as well as restrictive legislation and policies passed in Asia. The HRD Programme's team members encode information into the database gathered from multiple sources such as: FORUM-ASIA members and partners; news sources and media outlets; communication reports of the UN Special Rapporteur on the situation of human rights defenders; and other relevant human rights publications.

Before encoding a case into the database, HRD Programme members aim 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 documented;
- As much as possible, there is biographical information about the HRDs or group, such as their status as HRD, 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.

When the case is encoded, it is tagged with relevant terms and categories, such as the type of right violated, the nature and abuse of the violation, the perpetrator and so on (see Annexe I 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 perpetrate a single violation. In such cases, a case is encoded with multiple tags. As a result, this means that when the total of all the cases encoded in each category is counted, the result 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 publically accessible through the Asian Human Rights Defenders Portal at www.asianhrds.forum-asia.org. This excludes some cases that are sensitive in nature which are not published in the website but are included as part of the analysis.

Data Analysis

To produce this report in hand, the cases from the database were extracted, and their tags were analysed to identify key trends. Cases in this publication included all those encoded to have occurred between 1 January 2017 and 31 December 2018. Violations that began before the time period in question but saw significant new developments in the indicated period were also included. Beyond the data encoded on the database, the patterns of violations pointed out by HRDs themselves – through FORUM-ASIA's consultations and other projects – were also taken in consideration.

Where appropriate and possible, comparisons between the results from 2017-2018 and the results from both 2015-2016 and 2013-2014 were also made to identify changes and continuities.

Limitations of Data

Although FORUM-ASIA records information as comprehensively as possible, it should be noted that this report has limitations. One of the key limitations of FORUM-ASIA's documentation is that it relies heavily on the information the organisation receive, or what staff find in the media and other relevant sources. This implies that when a violation occurs but it is not reported on through FORUM-ASIA's networks, through the mainstream media or otherwise; or is not recorded in a language accessible by FORUM-ASIA, the HRD Programme members are unable to encode these cases. Similarly, if the sources FORUM-ASIA receives does not or is unable to give information on the gender or any other details about the incident, members of the HRD Programme are unable to encode this information either. For all the reasons stated above, it should be noted that *Defending In Numbers* only seeks to provide a snapshot of the situation in Asia.

Selecting the Case Studies

The case studies featured in *Defending In Numbers* were chosen through the following procedure: First, an analysis of: (a) the key violations against HRDs; and (b) the type of HRDs affected by these violations, were conducted. Once the trends

were identified in these two areas, all of the cases that FORUM-ASIA has worked on in 2017-2018, which reflected the trends identified, were mapped out. This includes all cases that FORUM-ASIA has: submitted an urgent appeal on, provided assistance to, or otherwise released a press release, statement, or open letter about. Cases that were only encoded in the database, but which FORUM-ASIA did not work on specifically, were also considered. Based on the list of cases that came out of this mapping, featured cases were chosen based on how well they reflected the trends from our analysis, with consideration of geographical (nationally and regionally) and gender balance.

¹⁵ For more information on OpenEvSys please see: <https://openevsys.org/about-openevsys/>

Annexe

I. Index of terms and categories for encoding

Rights & Freedoms affected

Freedom of expression
Academic freedom
Internet freedom
Freedom of expression online
Media freedom
Civil society participation
Business and human rights
Cultural rights
Freedom of assembly
Freedom of association
Freedom of movement
Freedom of religion
Land rights
Minority rights
Protest
Right to access and communicate with international bodies
Right to access to funding
Right to effective remedy
Right to fair trial
Right to education
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
Transparency
Women's rights
SOGI RIGHTS
Labour rights

Nature of Abuses & Violations

Abduction
Arrest
Censorship
Criminalisation
Death
Death threat
Denial effective remedy
Denial fair trial
Deportation
Detention
Online attack and harassment
Enforced disappearance
Extrajudicial killing
Gender based violence
Arbitrary arrest and detention
Imprisonment
Inhuman treatment
Intimidation and Threats
Judicial harassment
Killing
Raid
Repressive legislation
Reprisal
Surveillance
Torture
Travel restrictions
Use of excessive force
Vilification
Violence
Administrative harassment
Illegal dismissal

Category of HRDs

Pro-democracy activist
Student
NGO/NGO staff
Lawyer
Journalist
Environmental human rights defender
WHRD
Protestor
Social activist
Land rights defender
Community-based HRD
Blogger
Labour rights defender
Minority rights defender
Academic
LGBTI activist
ESCR defender
Family of HRD
IP defenders
Corporate accountability defender
RTI activist
NHRI
Freedom of religion activist
Lawmaker


Perpetrator(s)

Police
Government
Judiciary
Armed force
Unknown
State
Suspected State
Non-state
Non-state corporation
Non-state religious
Extremist group
Non-state unknown
Suspected non-state


II. Sample Poster of the UN Declaration on HRDs

DECLARATION ON HUMAN RIGHTS DEFENDERS


ABOUT THE DECLARATION




The Declaration's **PURPOSE** is to provide **SUPPORT AND PROTECTION** to all actors defending human rights through peaceful means, which the Declaration defines as a **HUMAN RIGHTS DEFENDER (HRD)**



Each Article in the Declaration on HRDs comes from human rights instruments that states are **OBLIGED TO COMPLY**

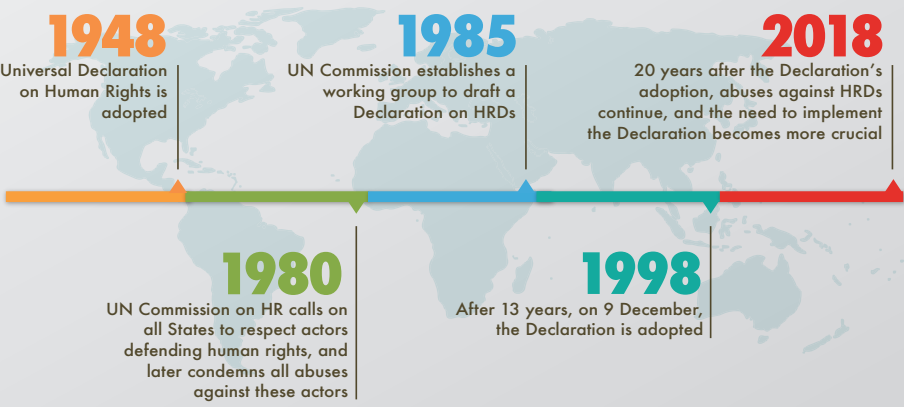


It outlines how existing **INTERNATIONAL HUMAN RIGHTS STANDARDS APPLY TO HRDs**, and highlights state and non-state actors' responsibilities in defending HRDs' rights



The Declaration was adopted in 1998 by **ALL UN MEMBER STATES**, reflecting states' strong commitment to recognising and supporting HRDs

HISTORY OF THE DECLARATION



1948 Universal Declaration on Human Rights is adopted


1985 UN Commission establishes a working group to draft a Declaration on HRDs

1980 UN Commission on HR calls on all States to respect actors defending human rights, and later condemns all abuses against these actors

1998 After 13 years, on 9 December, the Declaration is adopted

2018 20 years after the Declaration's adoption, abuses against HRDs continue, and the need to implement the Declaration becomes more crucial

FORUM-ASIA recognises the need to address the on-going violations against and criminalisation of HRDs, who play a key role in ensuring that everyone's human rights are protected and fulfilled. To this end, on the 20th year anniversary of the Declaration on HRDs, FORUM-ASIA is producing visual materials that emphasise the importance of HRDs and their contributions, the rights they have, and the responsibilities of others towards HRDs, under the Declaration.



To view more of these posters please go to: <https://www.forum-asia.org/?p=26786>

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Agnes Kharshiing
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 Angkhana Neelapajit during the AHRDF8
 Budi Pego
 Cambodian Centre for Human Rights Logo
 Doem Kundy and Hun Vannak
 Gauri Lankesh
 Hunyh Thuc Vy
 Indonesian Legal Aid Foundation (YLBHI)'s of-
 fice crowded with people as negotiations with
 police begin to secure the safety of people
 trapped in the building
 Jolovan Wham
 Kirity Roy
 Kyaw Soe Oo escorted by police
 Lee Ming-Che in court
 Lee Young-Joo after being released from
 prison
 Logos of some of the INGOs in Pakistan af-
 fected by the crackdown
 Members of the Lumad community in protest
 Mukunda Kattel
 Nimalka Fernando
 Protesters in Thailand gathering and holding
 signs calling for elections to be held without
 further delay
 Pornpen Khongkachonkiet
 Rani Yan Yan
 Ranjeeta Sadokpam
 Sevan Doraisamy
 Shahidul Alam at a riot in Motijheel, Dhaka
 Shahinda Ismail during the AHRDF8
 Sultana Kamal
 Sunanda Deshapriya
 Thepa Anti-Coal Community during their
 march
 Vietnamese protesters during the Mid-June
 protests
 Wa Lone escorted by police
 Yameen Rasheed
 Younis Iqbal

Photo Sources

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About FORUM–ASIA

The Asian Forum for Human Rights and Development (FORUM-ASIA) is the largest membership-based human rights and development organisation in Asia with a network of 67 members in 21 countries across the region. FORUM-ASIA works to promote and protect all human rights for all, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond. FORUM-ASIA seeks to strengthen international solidarity in partnership with organisations and networks in the global South.

FORUM-ASIA was founded in 1991, and established its Secretariat in Bangkok in 1992. Since then, other offices have been opened in Geneva, Jakarta, and Kathmandu. FORUM-ASIA has consultative status with the UN Economic and Social Council (ECOSOC Status) and a consultative relationship with the ASEAN Intergovernmental Commission on Human Rights (AICHR).

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