



COVID-19: Protection of human rights defenders must no longer be ignored

(Bangkok/London, 5 June 2020) – The COVID-19 pandemic must not serve as an excuse to vilify human rights defenders who champion rights-based approaches in business practices.

Asian civil society and defenders met yesterday warning that opportunistic governments in Asia are expanding their power under the guise of COVID-19 to protect businesses whose activities have led to environmental, human rights abuses and attacks on activists.

These were key discussion points at a webinar organised by the Asian Forum for Human Rights and Development (FORUM-ASIA) and the Business & Human Rights Resource Centre (BHRRC) and followed by almost 2,000 participants.

The webinar, titled ‘Business and human rights amid COVID-19 response’, brought together thought leaders from business, defenders, civil society, academia, and government.

‘In just three months, FORUM-ASIA has recorded over 50 cases of violations¹ involving nearly 150 human rights defenders and their families across 14 Asian countries,’ said Shamini Darshni Kaliemuthu, FORUM-ASIA Executive Director.

Nearly six months into the pandemic, human rights challenges across Asia which existed pre-pandemic, are more glaring.

‘Economic recovery has been centred in most Asian countries’ pandemic responses at the expense of fundamental rights in an already restricted civic space. COVID-19 restrictions, including restrictions on movement and public gatherings, have been used by governments to clamp down on civil society and human rights defenders, especially those working on labour, land and environmental rights,’ Shamini said.

Mary Lawlor, the United Nations Special Rapporteur on the situation of human rights defenders and a webinar panelist, stressed that the State was the primary duty bearer to protect human rights defenders and hold businesses accountable.

‘Business and human rights intersect with many priorities of my mandate; killings, rural and indigenous defenders, women and children, climate justice, LGBTI communities and those cut-off from the international system. There are many possibilities to be more active in business and human rights through these different entry points,’ she said.

¹ These numbers may only capture a fraction of cases of violations against human rights defenders in Asia between 1 February and 20 May 2020.

The current pandemic is a critical time to test the effectiveness of many policies, including Thailand's National Action Plan on Business and Human Rights.

'The action plan recognises human rights defenders and sets expectations for businesses to respect fundamental rights,' said Nareeluc Pairchaiyapoom, Director at the Thai Ministry of Justice.

From the Indonesia perspective, Dr Patricia R. Waagstein stressed for a national action plan on business and human rights to have any chance of success, all stakeholders must be brought on board.

'Human rights defenders, in particular, are part of the solution, not part of the problem. It is crucial for them to be included in settlement disputes, both during and post-pandemic,' said Dr Waagstein, legal expert and a member of the drafting team of Indonesia's national action plan.

Of late, there has been an uptake of corporations filing frivolous lawsuits known as Strategic Lawsuits Against Public Participation (SLAPPs).

'SLAPPs have been used by corporations as a retaliatory tool against human rights and environmental defenders. The main motive of SLAPP suits is to create a climate of fear and intimidation, and exhaust the resources of defenders with burdensome legal proceedings and costs,' said Ana Zbona, BHRRC's Civic Freedoms & Human Rights Defenders Project Manager.

She added that 'despite the worrying trend, inspiring collaborations between local businesses communities and civil society organisations have also emerged'.

William Anderson, Vice President for Global Social & Environmental Affairs of adidas emphasised the need for businesses, human rights defenders, and civil society to work together and support each other to overcome civic space challenges.

'Now more than ever, social dialogue matters and it is incumbent on all stakeholders – be it business, government or civil society – to seek out opportunities for deeper engagement, to consider and weigh all views and perspectives, and through these processes help shape our shared future,' he said.

The speakers concluded: 'We have an unprecedented opportunity to shape a more resilient, sustainable, and inclusive future for all. It is critical for governments and businesses to work alongside civil society and human rights defenders, who must be assured of a free space to undertake their human rights work during and in the wake of the pandemic.'

About the organisers:

- **The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a Bangkok-based 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
- **The Business & Human Rights Resource Centre (BHRRC)** is an international non-profit organisation that strives to put human rights at the centre of business. Founded in 2002, BHRRC has become the main global source of information on business and human rights, enabling it to play a vital role in shaping and propelling forward this important field of human rights work. BHRRC is the only non-profit drawing attention to the social and environmental impacts of over 9,000 companies worldwide, promoting corporate accountability and transparency. www.business-humanrights.org/en

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